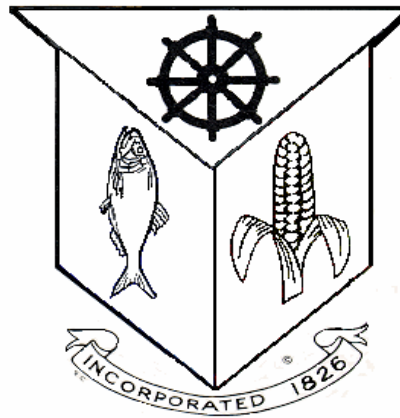


Town of Madison, Connecticut



ZONING REGULATIONS

SUBDIVISION REGULATIONS

ZONING MAP

Printed March 13, 2008

WITH REVISIONS THROUGH

May 17, 2010

TOWN OF MADISON, CONNECTICUT

ZONING REGULATIONS and SUBDIVISION REGULATIONS

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SECTION 1

DISTRICTS

DIVISION IN DISTRICTS

For the purpose of these regulations, the Town of Madison is divided into the following classes of districts:

Residence Districts	R-5 District (<i>District added effective 5/17/10</i>) R-4 District (<i>District added effective 5/17/10</i>) R-3 District (<i>District added effective 5/17/10</i>) R-2 District (<i>District modified 2/18/10, effective 5/17/10</i>) R-1 District
Rural Districts	RU-2 District RU-1 District ECRD (<i>Section deleted 3/25/99</i>)
Commercial Districts	DW District D District DC District RS District CA-1 District CA-2 District (<i>District incorporated into DW District 3/25/99</i>) CB-1 District CB-2 District
Light Industrial Districts	LI District

FLOOD PLAIN DISTRICT: The Flood Plain District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Flood Plain District and the requirements applicable therein are as specified. (*9/15/78*)

ZONING MAP

- 1.1.1** The boundaries of these districts are hereby established as shown on the Building Zone Map of the Town of Madison dated March 30, 1953, effective April 10, 1953, and amendments thereto, which map and amendments are hereby declared to be a part of these regulations.
- 1.1.2** The Flood Plain District is designated as areas of Special Flood Hazard or Coastal High Hazard as defined by the current Madison Flood Plain Management Ordinance. (*Amended 1/22/99; effective 2/15/99*).

MORE RESTRICTIVE DISTRICTS

In these regulations, a more restrictive district is the one appearing first on the above list.

ZONING OF STREETS

The boundary of a zoning district shall include the bed of a street. Where opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right of way.

SECTION 2

GENERAL REQUIREMENTS

2.1 COMPLIANCE WITH REGULATIONS

No land, building, or premises or part thereof, shall hereafter be used and no building or part thereof or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except as permitted or required by these zoning regulations or by the subdivision regulations. No lot shall have an area, width or front, side or rear yard less than and no building or buildings shall occupy in the aggregate a greater percentage of the lot area nor be greater in height than as set forth in the applicable paragraph hereof, except as otherwise permitted or required by these zoning regulations or by the subdivision regulations. No land, building, or premises or parts thereof shall be used in any manner which shall create any objectionable noise, smell, smoke, light or radio or television interference.

2.2 MORE THAN ONE DWELLING ON ONE LOT

No dwelling shall be constructed on a lot containing an existing dwelling unless that lot is capable of being divided in such a way that both the existing dwelling and the proposed dwelling would conform separately with these regulations.

2.3 REDUCTION OF LOT AREA OR DIMENSION

No lot shall be diminished nor shall any yard, court or other open space be reduced except in conformity with these regulations. A density-averaged lot may not be divided or reduced in size unless the total number of lots in the subdivision in which the density-averaged lot was approved would not exceed the total number of lots that could be created in the subdivision if each lot met the minimum lot-size requirements of the current zoning regulations. (*Amended 3/20/03; effective 4/11/03*)

2.4 REQUIRED FRONTAGE AND ACCESS

No building shall be built on any lot unless such lot has a frontage of at least 25 feet on a public street, or unless it has unobstructed, exclusive right-of-way at least 25 feet wide to a public street. The area of any such right-of-way shall not be included in the area of any lot.

2.5 OPEN SPACE REQUIRED FOR EACH BUILDING

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

2.6 LOT LYING IN MORE THAN ONE DISTRICT

In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over 30 feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

2.7 HEIGHT LIMITATION

The Building Height limit shall be applied separately for each Distinct Portion of the Building. Spires, cupolas, towers, chimneys, flagpoles, equipment enclosures, ventilators, tanks, solar collectors and similar features occupying in the aggregate no more than 10 percent of the Building footprint area and not used or intended for, or lawfully capable of use for, human occupancy shall not be constructed to a Total Height in excess of the following:

District	Height
R-1, R-2, R-3, R-4, R-5 RU-1, RU-2	50'
CA-1, CA-2, CB-1, CB-2	100'
LI	150'
D, DW, DC, and RS	By Permit Only

Any antenna or tower or combination thereof in any R-1, R-2, R-3, R-4, R-5, RU-1 or RU-2 District in excess of a Total Height of 50 feet shall be at least 100 feet from the nearest property line. At a Total Height of 50 feet or less or over 100 feet, the one to one rule as applied to Accessory Buildings in Sec. 11.2 of these regulations shall apply. *(Effective 12/6/79; amended 2/18/10, effective 5/17/10)*

2.7.1 Building Height Reductions – Narrow Lots

The maximum Average Building Height allowed shall be reduced for narrow lots as follows:

Actual Width of Lot	Maximum Average Building Height	Maximum Total Building Height
60 percent or more of minimum required Lot Width	30 ft.	37.5 ft.
50 to 59.99 percent of minimum required Lot Width	28 ft.	36 ft.
40 to 49.99 percent of minimum required Lot Width	26 ft.	34 ft.
30 to 39.99 percent of minimum required Lot Width	25 ft.	32 ft.
Less than 30 percent of minimum required Lot Width	24 ft.	30 ft.

Section amended 2/18/10, effective 5/17/10

2.7.2 Building Height Reductions: Properties located in a Flood Plain District

For Buildings located in a Flood Plain District, the maximum Total and Average Building Heights allowed (as per Section 3.9 as may be modified by Section 2.7.1) shall be measured from the original grade. *(Amended 1/22/99; effective 2/15/99; amended 2/18/10 effective 5/17/10)*

Section 2.8

See Section amendment dates at end of table

	Counts to Building Coverage	Counts to Floor Area	Minimum Yards Apply*
<i>Main Building(s)</i>			
<ul style="list-style-type: none"> the surface area covered by all Buildings on the lot (Buildings, Distinct Portions, garages, outbuildings, etc.) except those specifically excluded in this table, as measured to the outside surface of the exterior walls. For a garrison colonial or similar cantilevered Building, coverage will be measured to the outermost wall(s) 	Yes	Yes	Yes
<ul style="list-style-type: none"> the Floor Area of all floors of all Buildings on the lot, as measured to the outside surface of the exterior walls, except those areas specified below 	Included above	Yes, unless included above	Yes
<ul style="list-style-type: none"> the Floor Area of a Cellar 	Included above	No	Yes
<ul style="list-style-type: none"> the Floor Area of a Basement 	Included above	Yes, unless included above	Yes
<ul style="list-style-type: none"> the Floor Area of an Attic which is NOT a Half-Story or a Full Story 	Included above	No	Yes
<ul style="list-style-type: none"> the Floor Area of an Attic which is a Half-Story or a Full Story 	Included above	Yes, unless included above, measured as the area with a height of 5 feet or more between the top of the floor or the joists and the bottom of the rafters	Yes
<ul style="list-style-type: none"> the Floor Area of a garage 	Included above	Yes, unless included above	Yes
<i>Building Features</i>			
ROOF EAVES / OVERHANGS:			
<ul style="list-style-type: none"> if no portion projects more than 24 inches from the wall of the Building, and at least sixty percent (60%) of the Minimum Yard requirement is maintained 	No	No	No
<ul style="list-style-type: none"> if any of the above criteria are not met 	Yes except for the outer 24"	No	Yes
CHIMNEYS:			
<ul style="list-style-type: none"> if the chimney projects no more than 30 inches from the wall of the Building, at least eighty percent (80%) of the Minimum Yard requirement is maintained, and the chimney is no more than 7.5 feet wide 	No	No	No
<ul style="list-style-type: none"> if any of the above criteria are not met 	Yes except for the outer 30"	No	Yes
BOW OR BAY WINDOWS:			
<ul style="list-style-type: none"> if the bow or bay window portion, including any eave overhang of the window, projects no more than 24 inches from the wall of the Building, at least eighty percent (80%) of the Minimum Yard requirement is maintained, and the aggregate width of such windows on any façade of a Building shall not comprise more than 1/3rd of the width of that façade 	No	No	No
<ul style="list-style-type: none"> if any of the above criteria are not met 	Yes	Yes	Yes

Section 2.8

See Section amendment dates at end of table

	Counts to Building Coverage	Counts to Floor Area	Minimum Yards Apply*
OTHER BUILDING FEATURES:			
• gutters and leaders	No	No	No
• columns, brackets, and pilasters if: <ul style="list-style-type: none"> • such features are no more than 24 inches wide, • no portion projects more than 12 inches from the wall of the Building, and • at least eighty percent (80%) of the Minimum Yard requirement is maintained 	No	No	No
• columns, brackets, and pilasters if any of the above criteria are not met	Yes	Yes	Yes
• other minor architectural features if no portion: <ul style="list-style-type: none"> • projects more than 12 inches from the wall of the Building, and • at least ninety percent (90%) of the Minimum Yard requirement is maintained. 	No	No	No
• other architectural features if any of the above criteria are not met	Yes	Yes	Yes
<i>Exterior Features</i>			
DRIVES / WALKS:			
• driveways	No	No	No
• porte cocheres or covered driveways	Yes	No	Yes
• uncovered walkways	No	No	No
• covered walkways and Breezeways as measured to the outside surface of the exterior walls or columns	Yes	No	Yes
FENCES / WALLS:			
• fences (6 feet or less in height)	No	No	No
• fences (more than 6 feet high)	No	No	Yes
• freestanding walls (4 feet or less in height)	No	No	No
• freestanding walls (more than 4 feet high)	No	No	Yes
TRELLISES / PERGOLAS:			
• Trellises (24 square feet or less in area)	No	No	No
• Trellises (more than 24 square feet in area)	No	No	Yes
• Pergolas / Arbors (24 square feet or less in area)	No	No	No
• Pergolas / Arbors (more than 24 square feet in area)	No	No	Yes

Section 2.8

See Section amendment dates at end of table

	Counts to Building Coverage	Counts to Floor Area	Minimum Yards Apply*
BALCONIES / DECKS / PATIOS:			
<ul style="list-style-type: none"> • Balconies provided : <ul style="list-style-type: none"> • no portion projects more than 24 inches from the wall of the Building, • at least eighty percent (80%) of the Minimum Yard requirement is maintained , and • the balcony is not more than 7.5 feet wide 	No	No	No
<ul style="list-style-type: none"> • Balconies if any of the above criteria are not met 	Yes	No	Yes
<ul style="list-style-type: none"> • Decks if the Deck surface on that side is less than 18” in height above the adjacent grade measured at the edge of the Deck 	No	No	No
<ul style="list-style-type: none"> • Decks if the Deck surface on that side is 18” or more in height above the adjacent grade measured at the edge of the Deck 	No	No	Yes
<ul style="list-style-type: none"> • Open Patios if: <ul style="list-style-type: none"> • the Patio surface on that side is 18” or less in height above the adjacent grade, and • such adjacent grade is not created through use of a retaining wall located within 4 feet of the Patio 	No	No	No
<ul style="list-style-type: none"> • Open Patios if any of the above criteria are not met 	No	No	Yes
<ul style="list-style-type: none"> • Roofed Patios 	Yes	No	Yes
<ul style="list-style-type: none"> • Minor Awnings 	No	No	No
<ul style="list-style-type: none"> • Major Awnings 	Yes	No	Yes
<ul style="list-style-type: none"> • Landscaped Terrace if the wall is 4 feet or less in height, and set below a 1:1 incline from the property line 	No	No	No
<ul style="list-style-type: none"> • Landscaped Terrace if the wall is greater than 4 feet in height or set above a 1:1 incline from the property line 	No	No	Yes
<ul style="list-style-type: none"> • Finished Terrace if the Terrace surface on that side is less than 18” in height above the adjacent grade measured at the edge of the Terrace 	No	No	No
<ul style="list-style-type: none"> • Finished Terrace if the Terrace surface on that side is 18” or more in height above the adjacent grade measured at the edge of the Terrace 	No	No	Yes
PORCHES / GAZEBOS:			
<ul style="list-style-type: none"> • Open Porches (or roofed exterior landings) 24 square feet or less in area measured to edge of platform 	No	No	Yes
<ul style="list-style-type: none"> • Open Porches (or roofed exterior landings) more than 24 square feet in area measured to edge of platform with no enclosed floor space above 	Yes At 50% of the roofed area	No	Yes
<ul style="list-style-type: none"> • Open Porches (or roofed exterior landings) more than 24 square feet in area measured to edge of platform with enclosed floor space above 	Yes	No	Yes
<ul style="list-style-type: none"> • Closed Porches 	Yes	Yes	Yes
<ul style="list-style-type: none"> • Gazebos 	Yes	No	Yes

Section 2.8

See Section amendment dates at end of table

	Counts to Building Coverage	Counts to Floor Area	Minimum Yards Apply*
STEPS / STOOPS / ENTRIES:			
• unroofed exterior steps, stairs, and landings not exceeding 6 feet in length and 6 feet in width inclusive of an exempt Porch	No	No	No
• unroofed exterior steps, stairs, or landings exceeding 6 feet in length and 6 feet in width inclusive of an exempt Porch	No	No	Yes
• entryways for below grade access attached to the main Building (i.e. - basement hatchway doors) that are no greater than 3 feet above grade nor 6 feet in length	No	No	No
• entryways for below grade access attached to the main Building (i.e. - basement hatchway doors) more than 3 feet above grade or more than 6 feet in length	No	No	Yes
RECREATION FACILITIES:			
• swimming pools or hot tubs	No	No	Yes
• at grade tennis courts, basketball courts, sports courts, or similar recreation surfaces	No	No	Yes
• above grade recreation surfaces	Yes	No	Yes
ACCESSORY BUILDINGS / FEATURES:			
• one Accessory Building (such as a tool shed) of 100 SF or less in area as measured to the outside surface of the exterior walls	No	No	Yes
• Accessory Buildings greater than 100 SF in area as measured to the outside surface of the exterior walls	Yes	Yes	Yes
• one or more additional Accessory Buildings totaling more than 100 SF in area as measured to the outside surface of the exterior walls	Yes	Yes	Yes
• dog houses, playscapes, tree houses, and other minor structures which do not require a building permit	No	No	No
• small accessory or ornamental features such as a bird baths, well casings, etc.	No	No	No
• any dish antenna mounted off the ground on a base or riser on the ground	No	No	Yes
• above ground propane tanks (up to 125 gallons)	No	No	No
• above ground propane tanks (more than 125 gallons)	No	No	Yes
• emergency generators, exterior HVAC equipment, pool equipment	No	No	Yes
• concrete pads for emergency generators, exterior HVAC equipment, pool equipment	No	No	No

* Minimum Yard Requirements may be reduced for certain accessory buildings. See Section 11.

Sections 2.8, 2.8.1, 2.8.2, 2.8.3 amended 1/22/99; effective 2/15/99; amended 5/17/01; effective 6/15/01; amended 5/07/09, effective 7/01/09

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*)

MORATORIUM

2.20.1 The Madison Planning and Zoning Commission shall not accept or consider any application to permit assisted living, life care, congregate housing or similar type facilities for a period of six (6) months from the effective date of this section in order to allow the Commission to consider and evaluate the requirements for said use as may be consistent with the need to protect the public health, safety, convenience and property values, and then to enact specific regulations for said use. This prohibition shall specifically except age restricted housing where medical care and other supportive services for the elderly are not provided.

*Approved January 18, 2001
Effective February 1, 2001
Expired August 31, 2001*

2.20.2 The Madison Planning and Zoning Commission shall not accept or consider any applications to amend §4.1 of the Zoning Regulations to add new site specific special exception uses for a period of six (6) months from the effective date of this section in order to allow the Commission to consider and evaluate requirements for said site specific uses as may be consistent with the need to protect the public health, safety, convenience and property values, and then to enact specific regulations to govern said uses.

*Approved January 16, 2003; Effective January 23, 2003
Extended for 6 months, July 17, 2003
Jan. 15, 2004 – Extended for one year to January 23, 2005
December 16, 2004 - Extended for twelve (12) months to January 23, 2006*

2.21 Billboards. Anything in these regulations to the contrary, notwithstanding billboards, shall be prohibited throughout the Town of Madison. “Billboards” shall include, but not be limited to, any sign greater than twenty (20) square feet which is a free-standing structure, or is mounted upon the roof or wall of a building, and which is visible from any public street or highway. “Billboard” shall expressly include any sign which is visible from a street from which the property on which the sign is located does not have a direct vehicular access. “Billboard” shall not include any sign(s) approved pursuant to §10, or approved as part of a Site Plan Review, per §29, or Special Exception, per §4, of these Regulations.

*Approved August 16, 2001
Effective September 1, 2001*

SECTION 2A

FLOOD PLAIN DISTRICT

- 2A.1** The following requirements are applicable in the Flood Plain District and are in addition to requirements of these Regulations applicable in the underlying district.
- 2A.1.1** Within the Flood Plain District, no building or other structure shall be constructed, moved, or substantially improved unless a Flood Hazard Area Permit therefore is obtained from the Town Engineer in accordance with a certain ordinance entitled, "Flood Plan Management Ordinance, Town of Madison, Connecticut". For the purpose of this requirement, "substantial improvement" means any repair, reconstruction or improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building, either **a)** before improvement or repair is started, or **b)** if the building has been damaged as is being restored, before the damage occurred, whichever is higher. "Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimension of the building. The term does not, however, include either **a)** any project for improvement of a building to comply with existing State or Town health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or **b)** any alteration of a building listed on the National Register of Historic Places or the Connecticut State Inventory of Historic Places.
- 2A.1.3** The maps and plans, including plot plans and site plans, required under these Regulations pertaining to a lot, any portion of which is located in a Flood Plain District, shall show the following additional information:
- a)** the boundaries in the Flood Plain District;
 - b)** base flood elevations above mean sea level; and
 - c)** the lowest floor elevation, including basement, above mean sea level for any existing or proposed building.
- 2A.1.4** In Commercial and Industrial Districts, no outside storage areas for supplies, merchandise, equipment or refuse and no outside manufacturing, processing or assembling of goods shall be located in the Flood Plain District, unless adequate provision is made to prevent flotation of materials and equipment and to minimize flood damage within the Flood Plain District.

(Effective 9/15/78)

SECTION 3

RESIDENCE DISTRICTS

Sec. 3 Single Family Residence District (R-1, R-2, R-3, R-4, R-5)

3.1 PURPOSE

The purpose of this district is to set aside and protect areas to be used primarily for single family dwellings. It is intended that all uses permitted in this district be compatible with single family development and consistent with local street characteristics, the use and protection of private water and sewer facilities (where public facilities are unavailable) and the level of other public services. It is hereby found and declared, further, that these regulations are necessary for the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

Although the Commission finds that lot sizes of 40,000 square feet and larger would best serve the public interest in all of the Residence Districts, it recognizes that substantial residential development on smaller lot sizes has previously occurred in the R-3, R-4, and R-5 Districts. These regulations are designed to allow reasonable residential use of those existing smaller Lots without permitting further creation of such smaller Lots. *Amended 2/18/10, effective 5/17/10*

3.2 PERMITTED USES, AS OF RIGHT

Section reorganized and renumbered – passed 3/18/93; effective 4/15/93

In any Residence District a building or other structure may be erected, altered, designed or used and a lot may be used as-of-right for any of the following purposes and no other:

- (1) Single family detached dwellings.
- (2) The letting of rooms or the furnishing board by the resident of the premises to not more than two persons.
- (3) Commercial agriculture, forestry, truck or nursery gardening, including greenhouses incidental thereto, on lots of five acres or more.
- (4) On any lot of 80,000 square feet or more, sheep, goats, pigs, deer, members of the equine or bovine species, livestock, or other animals are permitted, provided any building or enclosure used to house them is located not less than 100 feet from any street or property line.
- (5) Accessory uses customary with and incidental to a permitted use, including buildings used for permitted home occupations, but subject to the following:
 - a) No accessory building shall be used for residence purposes except by domestic employees or non-paying guests of the premises or as an accessory apartment approved under the provisions of Sec. 24 of these regulations.
 - b) Private garages, where they are part of the main dwelling, shall not occupy more than one-half the ground floor area of such dwelling.
 - c) The storage of recreational vehicles (RVs), boats, boat trailers, camping and house trailers shall be permitted in a side or rear yard only. They shall not be used for residence purposes.
 - d) The storage of commercial vehicles of 12,000 pounds Gross Allowable Vehicle Weight Rating (GAVWR) or less shall be permitted.

- e) The storage of contractor's equipment, building supplies or similar material is permitted only when used primarily for agriculture or similar purposes on premises of five acres or more.
- f) On any approved lot, dogs, domestic cats and not more than ten chickens or other poultry or rabbits or similar small animals may be kept. Except for dogs and domestic cats, they shall be housed in a building or enclosure not less than 50 feet from any property line.

3.2.1 All animals shall be kept in such a manner so as not to create a public health hazard or have an adverse effect on the environmental quality of the surrounding area and community in general. Manure piles shall be located and maintained so as to prevent a runoff of polluting materials onto adjacent properties, roads, wells, or watercourses. Adequate fencing and structures shall be installed so as to confine all animals within the premises of the owner.

3.3 PERMITTED USES, ZONING PERMIT REQUIRED

The following uses are permitted only after a permit is obtained from the Zoning Enforcement Officer. The purpose of the permit is to ensure compliance with all applicable regulations, including parking regulations. (see Section 8).

- a) Customary home occupations, including business or professional offices, home industries and service occupations, carried on by a resident of the premises, with not more than two non-residents who work on the premises, provided that such use of the premises does not change the residential character thereof, is not detrimental to the neighborhood, and does not create noise, smell, smoke or radio or television interference off the premises. The uses permitted by this subsection shall be by permit only as provided in Sec. 14.6 of these regulations.
- b) Day care facilities for six or fewer persons as provided in Sec. 14.6 of these regulations.
- c) Operation of "Bed and Breakfast" facilities by the resident of the premises for not more than four transient persons at any one time, as provided in Sec. 14.6 of these regulations.
- d) Accessory apartments, see Sec. 24.

3.4 The following uses are permitted by **SPECIAL EXCEPTION only**, pursuant to Sec. 4.2 through 4.8:

- a) Clubs.
- b) Municipal buildings, fire houses, bus or railroad passenger stations, and other public utility buildings. The maximum height for municipal buildings may be increased to 55 feet on any lot of 30 acres or larger, provided the setbacks for such buildings are not less than 100 feet. (*Sentence added 2/17/2000; Effective 3/1/2000*)
- c) Philanthropic, educational, recreational or religious use by a duly incorporated, non-profit body, governmental unit or community association, excluding correctional institutions and institutions for the mentally ill. The uses permitted in this section may have a building coverage of 15%.
- d) Nursery school/day care center for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
- e) A cemetery established and operated by an ecclesiastic society, governmental unit or cemetery association.
- f) Temporary trailer. No permit shall be granted for the use of a trailer or mobile home as a permanent residence. However, in any Residence District, a temporary permit for a period not in excess of two years may be granted by vote of the Zoning Commission, provided that such trailer or mobile home is to be occupied by the owner of the lot on which it is to be placed during erection of a permanent residence thereon. The construction must start within six months of the issuance of the permit. No extension may be granted. No mobile home may be parked, stored or occupied in a Flood Plain District.

- g) Banks, professional and other offices within 300 feet of the centerline of Durham Road on the east side from the “D” District north to I-95 or within 250 feet of any Commercial District excepting:
 - i. The “D” area bounded on the west by Wall Street, on the south by the Boston Post Road, and on the east by Scotland Avenue.
 - ii. The CB-1 District bounded on the west by Scotland Avenue, on the south by the Boston Post Road and extending 160 feet east of Scotland Avenue.
 - iii. The CB-1 and CA-1 Districts extending east from the East River and on the north side of the Post Road.

(Transitional zone extended 9/18/03; effective 10/1/03)

- h) A building or other structure which is accessory to a farm for the sale and display of produce or other products of a farm, subject to the following:
 - i. The building or structure shall be open for use only between March 1 and December 31.
 - ii. Said building or structure shall be located not less than 125 feet from any side property line and not less than 40 feet from any street line.
 - iii. The area of the farm shall not be less than 15 acres.
 - iv. The floor area of said building shall not exceed 1500 square feet.
 - v. The person or persons conducting the farm operation shall reside on the farm premises and there shall be not more than two non-resident persons engaged in the sale and display of farm products. Not less than 75% of the gross sales shall be of farm products raised on the premises.- i) Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- j) In addition, refer to the Special Exception section (Section 4) outlining existing uses permitted on particular pieces of property by Special Exception.

3.5 LOT REQUIREMENTS *Amended 2/18/10, effective 5/17/10*

	R-1	R-2	R-3	R-4	R-5
a) Minimum Lot Area	40,000 SF	40,000 SF	20,000 SF	10,000 SF	7,000 SF
b) Minimum area of Buildable Land	32,000 SF	32,000 SF	16,000 SF	8,000 SF	5,000 SF
c) Minimum Lot Width	150 feet	120 feet	100 feet	80 feet	70 feet
d) Shape which shall fit within the Lot	150 foot square	120 foot square	100 foot square	80 foot square	70 foot square

3.6 YARD REQUIREMENTS *Amended 2/18/10, effective 5/17/10*

	R-1	R-2	R-3	R-4	R-5
a) Minimum Front Yard for Building	40 feet	40 feet	30 feet	30 feet	25 feet
b) Minimum Front Yard for an Open Porch	40 feet	30 feet	20 feet	20 feet	20 feet
c) Minimum Rear Yard	30 feet	30 feet	25 feet	20 feet	20 feet
d) Minimum Side Yard (see Section 3.7 for possible side yard exception)	30 feet each side	20 feet each side	15 feet each side	12 feet each side	12 feet each side

3.7 SIDE YARD EXCEPTION Section added 2/18/10, effective 5/17/10

In the R-3, R-4, and R-5 zoning districts, a one-story Distinct Portion not exceeding 15 feet in Average Building Height and not exceeding 18 feet in Total Building Height may be located within one of the Side Yards on the Lot provided the following Side Yard setback is maintained for such one-story Distinct Portion:

District	Side Yard Setback Allowed
R-3	12 feet
R-4	10 feet
R-5	10 feet

3.8 COVERAGE AND FLOOR AREA LIMITATIONS Section added 2/18/10, effective 5/17/10

- a) In the R-1 district, the maximum Building Coverage shall not exceed ten percent (10%) of the Lot area. The maximum Floor Area is not regulated directly.
- b) In the R-2, R-3, R-4, and R-5 districts, the maximum Building Coverage limitation and the maximum Floor Area limitation for Lots up to 40,000 SF in Lot area shall be as specified in the following table: (see following pages)
- c) In the R-2, R-3, R-4, and R-5 districts, Lots above 40,000 SF shall have:
 - a maximum Lot Coverage limitation of 5,000 SF plus 10% of every square foot of Lot area above 40,000 square feet, and
 - a maximum Floor Area limitation of 8,000 SF plus 15% of every square foot of Lot area above 40,000 square feet.

(Section continued on following pages)

Lot Area (Square Feet)		Maximum Coverage	Maximum Floor Area	Lot Area (Square Feet)		Maximum Coverage	Maximum Floor Area	
up to	199	-	-	10,000	to	10,199	1,600	3,000
200	to 399	40	80	10,200	to	10,399	1,624	3,040
400	to 599	80	160	10,400	to	10,599	1,648	3,080
600	to 799	120	240	10,600	to	10,799	1,672	3,120
800	to 999	160	320	10,800	to	10,999	1,696	3,160
1,000	to 1,199	200	400	11,000	to 11,199	1,720	3,200	
1,200	to 1,399	240	480	11,200	to 11,399	1,744	3,240	
1,400	to 1,599	280	560	11,400	to 11,599	1,768	3,280	
1,600	to 1,799	320	640	11,600	to 11,799	1,792	3,320	
1,800	to 1,999	360	720	11,800	to 11,999	1,816	3,360	
2,000	to 2,199	400	800	12,000	to 12,199	1,840	3,400	
2,200	to 2,399	440	880	12,200	to 12,399	1,864	3,440	
2,400	to 2,599	480	960	12,400	to 12,599	1,888	3,480	
2,600	to 2,799	520	1,040	12,600	to 12,799	1,912	3,520	
2,800	to 2,999	560	1,120	12,800	to 12,999	1,936	3,560	
3,000	to 3,199	600	1,200	13,000	to 13,199	1,960	3,600	
3,200	to 3,399	640	1,280	13,200	to 13,399	1,984	3,640	
3,400	to 3,599	680	1,360	13,400	to 13,599	2,008	3,680	
3,600	to 3,799	720	1,440	13,600	to 13,799	2,032	3,720	
3,800	to 3,999	760	1,520	13,800	to 13,999	2,056	3,760	
4,000	to 4,199	800	1,600	14,000	to 14,199	2,080	3,800	
4,200	to 4,399	840	1,680	14,200	to 14,399	2,104	3,840	
4,400	to 4,599	880	1,760	14,400	to 14,599	2,128	3,880	
4,600	to 4,799	920	1,840	14,600	to 14,799	2,152	3,920	
4,800	to 4,999	960	1,920	14,800	to 14,999	2,176	3,960	
5,000	to 5,199	1,000	2,000	15,000	to 15,199	2,200	4,000	
5,200	to 5,399	1,024	2,040	15,200	to 15,399	2,224	4,040	
5,400	to 5,599	1,048	2,080	15,400	to 15,599	2,248	4,080	
5,600	to 5,799	1,072	2,120	15,600	to 15,799	2,272	4,120	
5,800	to 5,999	1,096	2,160	15,800	to 15,999	2,296	4,160	
6,000	to 6,199	1,120	2,200	16,000	to 16,199	2,320	4,200	
6,200	to 6,399	1,144	2,240	16,200	to 16,399	2,344	4,240	
6,400	to 6,599	1,168	2,280	16,400	to 16,599	2,368	4,280	
6,600	to 6,799	1,192	2,320	16,600	to 16,799	2,392	4,320	
6,800	to 6,999	1,216	2,360	16,800	to 16,999	2,416	4,360	
7,000	to 7,199	1,240	2,400	17,000	to 17,199	2,440	4,400	
7,200	to 7,399	1,264	2,440	17,200	to 17,399	2,464	4,440	
7,400	to 7,599	1,288	2,480	17,400	to 17,599	2,488	4,480	
7,600	to 7,799	1,312	2,520	17,600	to 17,799	2,512	4,520	
7,800	to 7,999	1,336	2,560	17,800	to 17,999	2,536	4,560	
8,000	to 8,199	1,360	2,600	18,000	to 18,199	2,560	4,600	
8,200	to 8,399	1,384	2,640	18,200	to 18,399	2,584	4,640	
8,400	to 8,599	1,408	2,680	18,400	to 18,599	2,608	4,680	
8,600	to 8,799	1,432	2,720	18,600	to 18,799	2,632	4,720	
8,800	to 8,999	1,456	2,760	18,800	to 18,999	2,656	4,760	
9,000	to 9,199	1,480	2,800	19,000	to 19,199	2,680	4,800	
9,200	to 9,399	1,504	2,840	19,200	to 19,399	2,704	4,840	
9,400	to 9,599	1,528	2,880	19,400	to 19,599	2,728	4,880	
9,600	to 9,799	1,552	2,920	19,600	to 19,799	2,752	4,920	
9,800	to 9,999	1,576	2,960	19,800	to 19,999	2,776	4,960	

Lot Area (Square Feet)		Maximum Coverage	Maximum Floor Area	Lot Area (Square Feet)		Maximum Coverage	Maximum Floor Area		
20,000	to	20,199	2,800	5,000	30,000	to	30,199	3,900	6,500
20,200	to	20,399	2,822	5,030	30,200	to	30,399	3,922	6,530
20,400	to	20,599	2,844	5,060	30,400	to	30,599	3,944	6,560
20,600	to	20,799	2,866	5,090	30,600	to	30,799	3,966	6,590
20,800	to	20,999	2,888	5,120	30,800	to	30,999	3,988	6,620
21,000	to	21,199	2,910	5,150	31,000	to	31,199	4,010	6,650
21,200	to	21,399	2,932	5,180	31,200	to	31,399	4,032	6,680
21,400	to	21,599	2,954	5,210	31,400	to	31,599	4,054	6,710
21,600	to	21,799	2,976	5,240	31,600	to	31,799	4,076	6,740
21,800	to	21,999	2,998	5,270	31,800	to	31,999	4,098	6,770
22,000	to	22,199	3,020	5,300	32,000	to	32,199	4,120	6,800
22,200	to	22,399	3,042	5,330	32,200	to	32,399	4,142	6,830
22,400	to	22,599	3,064	5,360	32,400	to	32,599	4,164	6,860
22,600	to	22,799	3,086	5,390	32,600	to	32,799	4,186	6,890
22,800	to	22,999	3,108	5,420	32,800	to	32,999	4,208	6,920
23,000	to	23,199	3,130	5,450	33,000	to	33,199	4,230	6,950
23,200	to	23,399	3,152	5,480	33,200	to	33,399	4,252	6,980
23,400	to	23,599	3,174	5,510	33,400	to	33,599	4,274	7,010
23,600	to	23,799	3,196	5,540	33,600	to	33,799	4,296	7,040
23,800	to	23,999	3,218	5,570	33,800	to	33,999	4,318	7,070
24,000	to	24,199	3,240	5,600	34,000	to	34,199	4,340	7,100
24,200	to	24,399	3,262	5,630	34,200	to	34,399	4,362	7,130
24,400	to	24,599	3,284	5,660	34,400	to	34,599	4,384	7,160
24,600	to	24,799	3,306	5,690	34,600	to	34,799	4,406	7,190
24,800	to	24,999	3,328	5,720	34,800	to	34,999	4,428	7,220
25,000	to	25,199	3,350	5,750	35,000	to	35,199	4,450	7,250
25,200	to	25,399	3,372	5,780	35,200	to	35,399	4,472	7,280
25,400	to	25,599	3,394	5,810	35,400	to	35,599	4,494	7,310
25,600	to	25,799	3,416	5,840	35,600	to	35,799	4,516	7,340
25,800	to	25,999	3,438	5,870	35,800	to	35,999	4,538	7,370
26,000	to	26,199	3,460	5,900	36,000	to	36,199	4,560	7,400
26,200	to	26,399	3,482	5,930	36,200	to	36,399	4,582	7,430
26,400	to	26,599	3,504	5,960	36,400	to	36,599	4,604	7,460
26,600	to	26,799	3,526	5,990	36,600	to	36,799	4,626	7,490
26,800	to	26,999	3,548	6,020	36,800	to	36,999	4,648	7,520
27,000	to	27,199	3,570	6,050	37,000	to	37,199	4,670	7,550
27,200	to	27,399	3,592	6,080	37,200	to	37,399	4,692	7,580
27,400	to	27,599	3,614	6,110	37,400	to	37,599	4,714	7,610
27,600	to	27,799	3,636	6,140	37,600	to	37,799	4,736	7,640
27,800	to	27,999	3,658	6,170	37,800	to	37,999	4,758	7,670
28,000	to	28,199	3,680	6,200	38,000	to	38,199	4,780	7,700
28,200	to	28,399	3,702	6,230	38,200	to	38,399	4,802	7,730
28,400	to	28,599	3,724	6,260	38,400	to	38,599	4,824	7,760
28,600	to	28,799	3,746	6,290	38,600	to	38,799	4,846	7,790
28,800	to	28,999	3,768	6,320	38,800	to	38,999	4,868	7,820
29,000	to	29,199	3,790	6,350	39,000	to	39,199	4,890	7,850
29,200	to	29,399	3,812	6,380	39,200	to	39,399	4,912	7,880
29,400	to	29,599	3,834	6,410	39,400	to	39,599	4,934	7,910
29,600	to	29,799	3,856	6,440	39,600	to	39,799	4,956	7,940
29,800	to	29,999	3,878	6,470	39,800	to	39,999	4,978	7,970

3.9 BUILDING HEIGHT LIMITATIONS Section added 2/18/10, effective 5/17/10

	R-1	R-2	R-3	R-4	R-5
a) Maximum Average Building Height (feet)*	30 feet	30 feet	30 feet	30 feet	30 feet
b) Maximum Building Height (Stories)		2.5	2.5	2.5	2.5
c) Maximum Total Building Height*		37.5 feet	37.5 feet	37.5 feet	37.5 feet

* See Section 2.7.1 for possible additional height requirements for narrow lots and see Section 2.7.2 for possible additional height requirements in floodplain areas.

3.10 MAXIMUM DENSITY LIMITATIONS Section added 2/18/10, effective 5/17/10

For any land being divided, subdivided, or resubdivided in an R-2, R-3, R-4, or R-5 zoning district, the following maximum density limitations, whichever is the more restrictive, shall apply:

a) One(1.0) Lot per 40,000 square feet of Lot area
b) One (1.0) Lot per 32,000 square feet of Buildable Land

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 information per Section 29.2(a) through (p) shall be shown on a plan.
 - 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** 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 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 Certificate of Mailing.

- 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 4B

SPECIAL EXCEPTION

*****APPENDIX*****

In reorganization of the Regulations, effective August 1, 1992, site specific exceptions have been transferred from the body of Section 4 to this appendix. The original section numbers have been retained.

4.1.2.9 Private veterinary hospitals, professional office buildings, landscaping and earth care services, and retail establishments for the sale of hay and grain, landscaping and earth care materials and equipment not to exceed 20 horsepower, hardware and accessory items, provided they are located within 700 feet in a southerly direction from the RS District and subject to the following restrictions:

4.1.2.9.1 Required Lot Area, Width, Yards, Coverage and Height – Amended April 15, 1982

Minimum Lot Area	80,000 square feet.
Minimum Lot Width	150 feet
Front Yard	175 feet
Side Yards	60 feet
Rear Yards	60 feet
Building Coverage	10%
Maximum Height	30 feet
Distance from nearest existing building other than accessory building	150 ft.

4.1.2.9.2 Buffer Planting. An area not less than 30 feet wide on each side and rear lot line shall be suitably landscaped and permanently maintained to provide a buffer zone.

4.1.2.9.3 Special restrictions relating to veterinary hospitals:

4.1.2.9.3.1 There shall be no outdoor runs for animals.

4.1.2.9.3.2 Except in cases of extreme emergency, no animals over 50 pounds, except dogs, shall be accepted for treatment.

4.1.2.9.3.3 Adequate provisions for noise control and odor control shall be made to comply with Sec. 2.1 hereof.

4.1.2.9.3.4 No objectionable or injurious wastes or other materials shall be discharged or emitted into any river, stream, public or private disposal system, or body of water, or into the ground so as to endanger public health or safety or constitute an objectionable source of pollution.

4.1.2.9.3.5 Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal shall be so located as to allow an amount of space on the lot equal in size to the system to be installed, which space shall be held in reserve and used for the installation of a completely new system should such a system be required.

- 4.1.2.9.4 Off Street Parking:** Off-street parking shall be provided on the lot with one car space for each employee and in addition, there shall be not less than five nor more than ten car spaces for visitors, except that in multiple occupancy buildings there shall be one car space for each employee and in addition, there shall be three car spaces per professional occupant for visitors. Parking areas shall be permanently improved and shall be situated within the buffer planting area in Section 4.1.2.9.2.
- 4.1.2.9.5 Utilities:** All utilities which are proposed to service the building or buildings shall be brought from the property line to the building point of entry via underground trenches.

Section 4.1.3 moved to Section 3.4 effective August 1, 1992

4.1.4 In the area on the West side of Durham Road between the New York, New Haven and Hartford Railroad tracks and the Connecticut Turnpike for a depth of one thousand feet.

- 4.1.4.1** A private hospital, sanatorium or clinic, provided that the lot area shall be not less than 5,000 square feet for each patient accommodation, but excluding hospitals for the insane, or for drink or drug addicts; provided further that all buildings so used shall be not less than 100 feet from any property or street line.

Section 4.1.5 moved to Section 6.4 – effective August 1, 1992

4.1.6 In the area bounded on the west by Durham Road; on the north by Bradley Road and Railroad Avenue; on the east by Scotland Avenue; and on the south by the Boston Post Road, with the exception of the S-1 District on the north side of the Boston Post Road between Wall Street and Scotland Avenue.

4.1.6.1 Garden apartments subject to the following conditions:

- 4.1.6.1.1** Each lot shall have at least 100' frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50' wide on a public highway.
- 4.1.6.1.2** The area of each lot shall be at least three acres. (*Effective October 1, 1977*)
- 4.1.6.1.3** The average density per lot shall be not more than twelve bedrooms per acre, and the maximum density on any one acre shall be sixteen bedrooms.
- 4.1.6.1.4** Each building shall be at least 40 feet from any lot line and at least 30 feet from any other building, except that any detached garage shall be not less than ten feet from any other building. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.
- 4.1.6.1.5** Each building shall not exceed two stories used for human occupancy, and the maximum allowable building coverage, not including garages, shall be fifteen percent of the lot area.
- 4.1.6.1.6** Each building shall contain a minimum of four and a maximum of eight family units.
- 4.1.6.1.7** Each family unit shall be served by a public water supply.
- 4.1.6.1.8** Each family unit shall be deemed to contain at least one bedroom, and every room other than a kitchen, living room or bathroom, shall be deemed to be a bedroom.
- 4.1.6.1.9** Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on

adjacent sewage disposal systems. Said sewage disposal shall be so located as to allow an amount of space on the lot equal in size to the system to be installed, which space shall be held in reserve and used for the installation of a completely new system should such a system be required.

Section 4.1.7 moved to Section 6.2A.6 – effective August 1, 1992

4.1.8 In the area bounded on the West by Lover’s Lane; on the North by Scotland

Road; on the East by a portion of the easterly line of Hummers’ Pond for a distance of 770 feet, more or less; and by a line 250 feet, more or less, westerly of and parallel to the westerly line of Bishop’s Lane, a distance of 1,264 feet, more or less, to a point; on the southeast a distance of 92 feet, more or less; on the east a distance of 250 feet, more or less; on the southeast a distance of 856 feet more or less; on the south a distance of 26 feet, more or less; on the west a distance of 385 feet, more or less; and thence by a straight line extending in a southwesterly direction to a point in the northerly line of the Boston Post Road, 700 feet east of the intersection of Lover’s Lane, a distance of 860 feet, more or less; and on the south by the Boston Post Road 700 feet more or less.

And in the area bounded on the west by River Road, on the north by land of B. Gozzi and W. R. Wall, on the east by the Hammonasset river and on the south by the Boston Post Road, said area being approximately 45 acres more or less. *(Effective December 1, 1977)*

And in the area bounded on the southwest by River Road, extending in a northwesterly direction from land of Birnbaum Realty Company to the Hammonasset Cemetery a distance of 750 feet, more or less; northwesterly by land of the Hammonasset Cemetery, and in part by land now or formerly of Sarah Hough Meigs, extending in a northeasterly direction to the Hammonasset River, a distance of 650 feet, more or less, northerly by a line extending in a general easterly direction along the banks of the Hammonasset River, a distance of 1,600 feet, more or less; and easterly by a curving line following the line of the bank of the Hammonasset River, a distance of 300 feet, more or less, said line extending in a general southerly direction to land of Birnbaum Realty Company; and southeasterly by a straight line extending in a general southwesterly direction bounded southerly by land of Birnbaum Realty Company, a distance of 2,000 feet, more or less, to River Road. *(Effective October 20, 1978)*

4.1.8.1 Planned Residential Cluster Developments subject to the following conditions:

- 4.1.8.1.1** Each planned residential cluster development shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
- 4.1.8.1.2** The area of each planned residential cluster development shall be at least 20 acres.
- 4.1.8.1.3** The average density for each planned residential cluster development shall be not more than six bedrooms per acre, and the maximum density for any one cluster shall be eight bedrooms.
- 4.1.8.1.4** Each planned residential cluster shall be at least 40 feet from any adjoining property line or any other such cluster, except that any detached garage shall be not less than ten feet from any other cluster. Each detached dwelling unit shall be not less than ten feet nor more than 18 feet from any other such unit. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.

- 4.1.8.1.5 Each planned residential cluster shall not exceed two stories use for human occupancy, and the maximum allowable coverage, excluding garages, shall be 15% of the lot area.
- 4.1.8.1.6 Each planned residential cluster shall contain a minimum of two and a maximum of four family units, either attached or detached.
- 4.1.8.1.7 Each family unit shall contain not more than two bedrooms and shall be served by a public water supply.
- 4.1.8.1.8 Each family unit shall be deemed to contain at least one bedroom, and every room other than the kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
- 4.1.8.1.9 All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the system to be installed, which space shall be held in reserve and used for the installation of a completely new system should it be required in the future.
- 4.1.8.1.10 The Commission may permit the following exceptions to the Road Specifications of the Town of Madison dated April 18, 1963 with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the laws of the State of Connecticut, which has in its Charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
 - a) The paved portion of any road may be reduced to not less than 20 feet in width.
 - b) The road may have a grade of not more than 10%.
 - c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than four inches of bituminous macadam.

4.1.9 In the area bounded on the north by the Connecticut Turnpike; on the northeast and east by the eastbound exit ramp at the Interchange 62 of said Connecticut Turnpike; on the southeast by land n/f New York, New Haven and Hartford Railroad Co.; on the southwest by Fence Creek; and on the northwest by New Road:

4.1.9.1 Any use permitted in Sections 7.1.2 through 7.1.12 and Section 6.2.4, subject to the following design and performance standards:

4.1.9.1.1 The requirements of general application contained in Section 2.

4.1.9.1.2 Required Lot area, width, yards, coverage and height:

a) minimum lot area	30,000 square feet.
b) minimum lot width	100 feet
c) minimum front yard	50 feet
d) side yards – each	20 feet (except 10 feet when side yard boundary is a railroad right-of-way)
e) minimum rear yard	50 feet (except 10 feet when rear yard boundary is a railroad right-of-way)
f) maximum building coverage	40%
g) maximum building height	40 feet

4.1.9.1.3 A buffer zone, suitably landscaped, of not less than 30 feet in width on each side and rear yard, except where such side or rear yard is adjacent to a railroad right-of-way.

- 4.1.9.1.4 Noise, odors, dirt, smoke and light: other than time and emergency signals and noise necessarily incident to the construction or demolition of buildings on the lot, no unreasonable or objectionable noise shall be transmitted beyond the lot from which it originates, nor shall any offensive odors, noxious, toxic or corrosive fumes or gases, dust, dirt or smoke be emitted into the air so as to endanger public health or safety or constitute an objectionable source of air pollution; nor shall any lighting be so situated or be of such character as to create objectionable glare or nuisance.
- 4.1.9.1.5 **Dangerous Material:** No material which is dangerous due to the possibility of explosion, fire hazard or radio activity shall be used, stored or manufactured except in accordance with applicable law.
- 4.1.9.1.6 **Wastes:** No objectionable or injurious wastes or other materials shall be discharged or emitted into any river, stream, public or private disposal system, or body of water, or into the ground so as to endanger public health or safety or constitute an objectionable source of pollution.
- 4.1.9.1.7 **Proposed sewage disposal systems** shall meet all state and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal shall be so located as to allow an amount of space on the lot equal in size to the system to be installed, which space shall be held in reserve and used for the installation of a completely new system should such a system be required.
- 4.1.9.1.8 In addition to compliance with the standards, prerequisites and conditions specified in Section 4.4, no special permit shall be issued hereunder unless provisions are made for maintaining an uncluttered site so that supplies, merchandise, equipment or refuse shall not be stored, located or displayed on sidewalks, pedestrian ways, driveways or paved areas reserved for off-street parking and loading; nor shall any special permit be issued hereunder unless the streets serving the proposed use are adequate to carry prospective traffic and provision is made for entering and leaving the property in such a manner that no undue traffic hazard or congestion will be created.
- 4.1.9.2 Veterinary hospitals and indoor boarding kennels for dogs, cats, and similar small animals subject to the provisions of Section 4.1.14.1 (*Effective July 19, 1979*)

Section 4.1.10 deleted – effective September 1, 1990

- 4.1.11 **In the area bounded on the west in part by Scotland Avenue and in part by East Wharf Road, on the north and south by a line parallel to and 250 feet northerly and southerly from the center line of the Boston Post Road, and on the east by Fence Creek.**
 - 4.1.11.1 **Permitted Uses:** Fabric and yarn craft uses; an occupation, art or services requiring skillful use of the hands in the making of items which are not mass-produced; and sales of items produced on the premises, fabrics, yarns and accessory items, antiques, art and artists supplies, and books and manuscripts.
 - 4.1.11.2 **Accessory Uses:** Off-street parking facilities; signs as hereinafter provided and accessory uses customary with and incidental to any of the aforesaid permitted uses including but not limited to the following:
 - a) Facilities for the storage of a reasonable quantity of retail merchandise and supplies;

- b) An office within a main or accessory building and facilities for instruction and education incidental to the business of the principal use;
- c) Facilities for consultation and custom work and services.

4.1.11.3 Conditions:

- 4.1.11.3.1** The person conducting the use shall reside in the dwelling and there shall be no more than three non-resident employees engaged in the conduct of the occupation on the premises at any one period of time.
- 4.1.11.3.2** No evidence of use shall be visible outside the dwelling except that signs shall be permitted subject to the general requirements contained in Section 10 “Signs” and to the specific requirements that there shall be permitted not more than two exterior signs for each lot, neither of which shall have a display area in excess of 20 square feet and both of which shall, in the aggregate, have a display area not in excess of 32 square feet.
- 4.1.11.3.3** The total floor area for the conduct of the use shall not exceed 35% of the floor area of the dwelling.
- 4.1.11.3.4** The existing open space and historic interest of the site or area shall be retained and preserved.
- 4.1.11.3.5** Any addition to or extension or alteration of an existing building originally designed as a house shall preserve the character of the existing building as a house.
- 4.1.11.3.6** Any new building or other structure shall be of such character as to be consistent with the historic architecture prevalent in the neighborhood and to harmonize with existing buildings in the neighborhood as originally designated as houses.
- 4.1.11.3.7** The entire area of the lot required for set back from the street line or property line shall be landscaped, except for necessary access drives and parking areas, with lawns and shrubs and trees.
- 4.1.11.3.8** Parking shall be permitted within fifty feet of an existing residence located in a resident district. Parking is permitted in side and rear yards and may extend to within five feet of a lot boundary line. If a side or rear yard adjoins a public highway, no more than 50% of the set back area shall be used for parking and/or driveways. Parking areas shall be permanently improved and screened.

4.1.12 In the area bounded on the southwest by Old Route 79, 149.96 feet; southerly by land n/f New York, New Haven and Hartford Railroad Co., 155.14 feet; easterly by land n/f N.Y., N.H. & Hartford R.R., 6,125 feet; southerly again by land n/f N.Y., N.H. & Hartford R.R. 1,156 feet more or less; easterly by land of Robert T. Fox, 164.24 feet; northerly by land n/f Robert T. Fox, 18.92 feet; easterly again by land of Richard and Linda Emmons, 194.48 feet; northeasterly by land of Richard and Linda Emmons, 142.35 feet; northerly by Yankee Peddler Path by curved line, 756.10 feet; westerly by land n/f Ronald E. and Jacqueline Catania, 331.10 feet; northeasterly by land n/f Ronald E. and Jacqueline Catania by curved line 284.04 feet; northwesterly by Yankee Peddler Path, 19.56 feet; northwesterly by land n/f Cosmos and Barbara P. Marinatos, 224.70 feet; and westerly by land n/f Hughes Phelps, 284.10 feet.

4.1.12.1 Planned Residential Cluster Developments subject to the following conditions:

- 4.1.12.1.1** Each planned residential cluster development shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 500 feet wide on a public highway.
- 4.1.12.1.2** The area of each planned residential cluster development shall be at least 14 acres.

- 4.1.12.1.3 The average density for each planned residential cluster development shall be not more than four bedrooms per acre, and the maximum density for any one cluster shall be eight bedrooms.
- 4.1.12.1.4 Each planned residential cluster shall be at least 100 feet from any adjoining residential property lot line and at least 40 feet from any other such cluster, except that any detached garage shall be not less than 10 feet from any other cluster. Each detached dwelling unit shall be not less than 10 feet or more than 18 feet from any other such unit. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.
- 4.1.12.1.5 Each planned residential cluster shall not exceed two stories use for human occupancy, and the maximum allowable coverage, excluding garages, shall be 15% of the lot area.
- 4.1.12.1.6 Each planned residential cluster shall contain a minimum of two and a maximum of four family units, either attached or detached.
- 4.1.12.1.7 Each family unit shall contain not more than two bedrooms and shall be served by a public water supply.
- 4.1.12.1.8 Each family unit shall be deemed to contain at least one bedroom, and every room other than kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
- 4.1.12.1.9 All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should such a system be required in the future.
- 4.1.12.1.10 The Commission may permit the following exceptions to the Road specifications of the Town of Madison dated April 18, 1963 with amendments, in the case of any planned residential cluster development which established an association legally chartered or incorporated under the laws of the State of Connecticut, which has in its Charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
 - a) the paved portion of any road may be reduced to not less than 20 feet in width.
 - b) the road may have a grade of not more than 10%.

Section 4.1.13 effective January 5, 1990

4.1.13 And in all that area situated in the East River section of the Town of Madison, County of New Haven and State of Connecticut, being more particularly bounded and described as follows: Beginning at a concrete monument in the southerly street line of Old Post Road, said monument marking the northwest corner of the land now or formerly of Scranton and the northeast corner of the herein described parcel;
 Thence running southerly 986+/- feet along land now or formerly of said Scranton, land now or formerly of Paparella, land now or formerly of Hauman and land now or formerly of Scranton partly by each to a point in the northerly property line of land now or formerly of the New York, New Haven & Hartford Railroad Company;
 Thence running westerly 1,206+/- feet along said New York, New Haven & Hartford Railroad Company to a point in the easterly mean high water line of the East River;
 Thence running northerly 1,145+/- feet along said easterly mean high water line of the East River to a point;

Thence running easterly 1,176+/- feet along land now or formerly of Tracey, land now or formerly of Morris, land now or formerly of Morton, partly by each to a point;
Thence running northerly 260+/- feet along land now or formerly of Morton and land now or formerly of Chemacki to a point in the southerly street line of Old Post Road;
Thence running southeasterly and easterly 710+/- feet along said Old Post Road to the point and place of beginning. (*Metes and bounds changed to encompass additional acreage, effective April 13, 1990*)

4.1.13.1 Planned Residential Cluster Development subject to the following:

- 4.1.13.1.1** All requirements of the existing zone unless modified herein.
- 4.1.13.1.2** Each such development shall have 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway. The area of any such development shall be at least 10 acres.
- 4.1.13.1.3** Each such development shall have a maximum of one (1) dwelling unit per 40,000 square feet of land, excluding any lands classified as wetlands.
- 4.1.13.1.4** Each dwelling unit shall be served by public water.
- 4.1.13.1.5** Each cluster as defined in Sec. 4.1.13.1.10 shall be at least 50 feet from any adjoining residential property line, 40 feet from any non-residential property line, and 40 feet from any other cluster. Any detached garage shall not be less than 10 feet from any other cluster. Off-street parking shall be provided for a minimum of 2 parking spaces per dwelling unit.
- 4.1.13.1.6** Maximum allowable building coverage shall be 10% and maximum allowable coverage by all impervious materials shall be 20%. In each case, the allowable maximum shall be as a percent of land, excluding lands classified as wetlands.
- 4.1.13.1.7** Except in the case of upgrading or rehabilitation of pre-existing buildings or pre-existing vehicular access, there shall be a minimum setback of 50 feet to any building other than a pool or deck and a minimum setback of 25 feet in which no land disturbance shall take place from such noted watercourse and tidal wetlands. (*Effective January 5, 1990; amended, effective August 8, 1990*)
- 4.1.13.1.8** Sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.
- 4.1.13.1.9** The Commission may permit the following exceptions to the Road specifications of the Town of Madison dated April 18, 1963 with amendments, in the case of any planned residential development which establishes an association legally chartered or incorporated under the laws of the State of Connecticut, which has in its Charter or Articles of said Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries:
 - a) the paved portion of any road may be reduced to not less than 18 feet in width. (*Effective January 5, 1990; amended, effective August 8, 1990*)
 - b) the road may have a grade of not more than 10%.
 - c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than 4 inches of bituminous macadam.
- 4.1.13.1.10** For the purpose of Section 4.1.13 the word "cluster" shall mean the grouping of buildings closely together to allow for open space preservation, and the words "cluster development" shall mean the planning and construction of a project

comprised of one or more “clusters”, and the word “wetlands” shall mean any land as defined as wetlands under Section 3.1 of the Subdivision Regulations of the Town of Madison, or State designated tidal wetlands or other tidal wetlands of fact.

- 4.1.13.1.11** Notwithstanding any provisions of the subdivision regulations, parcels of land designated as “units” on the approved site plan of the cluster development zone may be conveyed and encumbered to the same extent as approved building lots. (*Effective January 5, 1990; amended, effective October 15, 1991*)

Section 4.1.14 moved to Section 7 – effective August 1, 1992

- 4.1.15 In the area bounded northerly by the Connecticut Turnpike; easterly by Durham Road; southeasterly and southerly by Woodland Road; Southwesterly by Cope Road, 4.15 feet; and northwesterly by the northwesterly boundary of the property now or formerly of Maxine A. Tubandt, 1,340 feet.**

- 4.1.15.1** Garden apartments subject to the following conditions:

- 4.1.15.1.1** Each lot shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
- 4.1.15.1.2** The area of each lot shall be at least ten (10) acres.
- 4.1.15.1.3** The average density per lot shall be not more than nine bedrooms per acre and the maximum density on any one acre shall be twelve bedrooms.
- 4.1.15.1.4** Each building shall be at least 40 feet from any adjoining property line or any other such cluster, except that any detached garage shall not be less than 10 feet from any other building. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit except that this minimum may be reduced to one parking space per dwelling unit with respect to one bedroom dwelling units only, provided there is sufficient, suitable land available to allow up to two parking spaces per dwelling unit if required at the time of application or at a future time by the Commission or its agent.
- 4.1.15.1.5** Each building shall not exceed two stories for human occupancy and the maximum allowable coverage, excluding garages, shall be 15% of the lot area.
- 4.1.15.1.6** Each building shall contain a minimum of four and a maximum of eight family units.
- 4.1.15.1.7** Each family unit shall be served by a public water supply.
- 4.1.15.1.8** Each family unit shall contain not more than two bedrooms. Every room other than kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
- 4.1.15.1.9** All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer, and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of completely new system should such a system be required in the future.
- 4.1.15.1.10** The Commission may permit the following exceptions to the Road Specifications of the Town of Madison, dated April 18, 1963 with amendments, in the case of any garden apartments development which assumes full responsibility for expenses of maintaining all roads within its boundaries.
- a) The paved portion of any road may be reduced to not less than 20 feet in width.

- b) The road may have a grade of not more than 10%.
- c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than four inches of bituminous macadam.

4.1.16 In the area bounded northerly by the Light Industrial District, on the west by land n/f of Town of Madison, on the south by Bradley Road, and on the east by Durham Road (Route 79).

4.1.16.1 Professional offices.

4.1.17 In the area bounded on the north by the Connecticut Turnpike, I-95, on the east by Route 79, on the south by land now or formerly of the New York, New Haven and Hartford Railroad Company and on the west by a line parallel and 480 feet westerly of Route 79.

4.1.17.1 Professional offices.

4.1.17.2 Retail Service Occupations. (*June 1, 1978*)

Section 4.1.17.3 effective July 31, 1987

4.1.17.3 For that portion of the special exception zone identified as Lot 1 of the Holdridge Subdivision which is bounded Northwesterly by Woodland Road 180 feet, northeasterly by a development known as Woodland II and Lot 2, Archie Holdridge Subdivision, 555.01 feet, each in part; southeasterly by Lot 2 Archie Holdridge Subdivision 200 feet, and southwesterly by Lot 3 Archie Holdridge Subdivision 474.98 feet; heretofore or after defined, a mixed use parcel of land and buildings in which professional offices, retail service occupations and residential apartments shall be created, subject to the provisions set forth in §4.1.17.3.1 through §4.1.17.3.15; and for that portion of the special exception zone identified as Lot 2 of the Holdridge Subdivision which is bounded northerly by Lot 1 of Archie Holdridge Subdivision and a development, known as Woodland II 426.5 feet, more or less, each in part; easterly by Route 79 458.00, more or less; southerly by land now or formerly of the New York, New Haven & Hartford Railroad Company 415.00 feet, more or less; and westerly by Lot 3 and Lot 1 of Archie Holdridge Subdivision 275.23 feet each in part; as heretofore or after defined, land in which professional offices, retail service occupation or residential apartments may be created subject to the provisions set forth in §4.1.17.3.1 through §4.1.17.3.15, which provisions follow:

4.1.17.3.1 Each such parcel shall have at least 150 feet frontage on a public highway.

4.1.17.3.2 Two or more building lots may be combined into a single parcel for development purposes.

4.1.17.3.3 The development of a single parcel may proceed in phases or sections.

4.1.17.3.4 The total building floor area shall not exceed 10,000 square feet per non-wetland acre.

4.1.17.3.5 Not less than 30% nor more than 60% of the total building floor area on Lot 1 may be used for non-residential purposes.

4.1.17.3.6 The average residential density shall not be more than 6 bedrooms per non-wetland acre.

4.1.17.3.7 No residential unit shall contain less than 600 sq. ft. of floor area nor more than 1,200 sq. ft. of floor area.

- 4.1.17.3.8** There shall be a maximum of three residential units in any single building.
- 4.1.17.3.9** Off-street parking shall be provided for a minimum of 1.5 parking spaces per residential dwelling unit.
- 4.1.17.3.10** No residential dwelling unit shall occupy more than two separate floors. No building shall have more than three floor levels in Lot 1 of the subdivision, and no building on Lot 2 of the subdivision shall have more than two floor levels. No unit shall have a basement or flat roof.
- 4.1.17.3.11** Each residential dwelling unit shall contain not more than one bedroom, and every room other than a stairway, hallway, closet, corridor, utility area, open air or screened porch, kitchen, living room or bathroom shall be deemed a bedroom.
- 4.1.17.3.12** Each such parcel shall contain a permanent buffer zone suitably landscaped and maintained adjacent to any totally residential abutting property.
- 4.1.17.3.13** Every parcel and all buildings and improvements thereon shall comply with the minimum width, front, side and rear lot setback, building coverage and maximum height requirements of the R-1 District; which requirements are: minimum lot area of 40,000 square feet, minimum lot width of 150 feet, minimum front yard of 40 feet, minimum side yards of 30 feet, minimum rear yard of 30 feet, building coverage of not more than 10%, maximum height of 30 feet.
- 4.1.17.3.14** Each building shall be served by a public water supply.
- 4.1.17.3.15** All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should such a system be required in the future.

Sections 4.1.17.4 and 4.1.17.5 approved January 17, 2008; effective February 1, 2008

- 4.1.17.4** Financial institutions, which may or may not include retail banking, subject to the following additional conditions:
 - 4.1.17.4.1** The maximum footprint area of all buildings on any lot used for a financial institution shall not exceed 3,500 S.F.
 - 4.1.17.4.2** Retail banking operations shall not occupy more than 50% of the available floor area of any building on the lot.
 - 4.1.17.4.3** “Drive-through” banking services may be permitted but shall be located on the lot so as to minimize the visibility of such lanes from adjoining streets.
 - 4.1.17.4.4** On corner lots, “drive-through” banking facilities shall be located such that the main structure is between the “drive-through” facilities and the more heavily traveled street.
 - 4.1.17.4.5** Parking, as required under Section 8 of these Regulations, shall be provided either on-site or on adjoining lots by deeded easement.
- 4.1.17.5** The following regulations shall apply to all permitted uses within the Special Exception area.

- 4.1.17.5.1** Landscaping

- 4.1.17.5.1.1** All proposed changes to existing landscaping shall provide appropriate screening from adjacent properties and street lines consistent with generally accepted safety considerations. In evaluating any proposed landscape plans, the Commission may rely on the provisions of Section 4 of the “Downtown Village District Design and Landscape Standards. The Commission may require landscaping for aesthetic purposes to the fullest extent practical when

considered in the light of relevant safety concerns such as traffic sight lines and crime deterrence and prevention.

4.1.17.5.2 Design Standards

4.1.17.5.2.1 All exterior changes that require a building permit shall be reviewed by the Advisory Committee on Community Appearance (ACCA). In reviewing an application filed hereunder, both ACCA and the Commission may rely on the provisions of Sections 3 and 5 of the “Downtown Village District Design and Landscape Standards”.

4.1.18 **And in the area bounded on the west by Island Avenue, a distance of 101 feet,** more or less; on the north by land now or formerly of Edward P. and Margaret W. Pease, 513 feet, more or less; on the west again by land now or formerly of said Pease, a distance of 285 feet more or less; and westerly again by Lot Nos. 2, 3 and 4 of Section D of “Oak Ledge Subdivision” a distance of 703 feet, more or less; on the north by land of David T. Daniel, et al, a distance of 270 feet, more or less; on the east by land now or formerly of Mary L. Stiegler, a distance of 340 feet, more or less; and on the east by land now or formerly of Gerald Birnbaum and by land now or formerly designated and known as Theis Hill Subdivision, by Madison Avenue and by land now or formerly of Ronald Zollshan, a distance of 2,231.25’, more or less; and on the south by land now or formerly of Clement O. and Ann B. Davidson, a distance of 253.02 feet, more or less and on the east again by land of said Davidson, and in part by land now or formerly of Dewitt D., Jr. and Mary Lee Barlow, a distance of 199.57 feet, more or less; and on the south by Park Avenue, and in part by land now or formerly of John S. and Dorothy P. Lesse, a distance of 186.39 feet, more or less; and westerly again by land now or formerly of Douglas M. and Marie E. Compton, a distance of 520.11 feet, more or less; and southerly again by land now or formerly of said Compton, a distance of 157.37 feet; and westerly again by land now or formerly of Susan D. Schumann, a distance of 440.09 feet; and southerly again by land of said Schumann, a distance of 100 feet; and westerly again by land now or formerly of Anne B. Kwass, a distance of 283 feet, more or less; and southerly again by land of said Kwass, a distance of 493 feet, more or less, all of said dimensions being more or less. Said area being approximately 29 acres, more or less. *(July 1, 1980)*

Planned Residential Cluster Developments subject to the conditions contained in paragraph 4.1.8.1, excepting however, 4.1.8.1.3, the average density of such Planned Residential Cluster Development on the property described in §4.1.18 shall not be more than two (2) bedrooms per acre, and the maximum density of any one cluster shall be eight (8) bedrooms. *(July 1, 1980)*

4.1.19 **In the area bounded on the north by the Boston Post Road and on the southeast,** south and southwest by the Old Boston Post Road in the East River Section.

4.1.19.1 Professional Offices.

4.1.19.2 Retail Service Occupations limited to Travel Agencies, Antique Sales and Repair, Real Estate Offices and Insurance Offices only. *(January 18, 1981)*

Section 4.1.20 approved March 19, 1981

4.1.20 And in the area bounded on the west by Mungertown Road, a distance of 623 feet, more or less; on the north by land now or formerly of Ida M. Howell, a distance of 289 feet, more or less; on the west by land now or formerly of Ida M. Howell, a distance of 190 feet, more or less; on the north by land now or formerly of Joseph S. Milano, a distance of 634 feet, more or less; and on the northeast by land now or formerly of Joseph S. Milano, a distance of 1,120 feet, more or less; and on the east by land now or formerly of Joseph S. Milano, a distance of 40 feet, more or less; and on the southeast by the Neck River, a distance of 155 feet, more or less; and on the southwest by land now or formerly of Hyman Birnbaum, a distance of 225 feet, more or less; and on the southwest again, westerly and southwesterly again by the northeasterly property lines of Lot Nos. 6, 5, and a portion of 4 of the “Stonewall Lot Layout”, dated July, 1960, by J.H.F. Clark, Civil Engineer, a distance of 727 feet, more or less; and on the southeast by the northwesterly lot lines of Lot Nos. 4, 3, 2 and 1 of said “Stonewall Lot Layout”, and the northwesterly line of land now or formerly of C.J. and S.F. Baumer, a distance of 1,762 feet, more or less.

4.1.20.1 Planned Residential Cluster Developments subject to the following conditions:

- 4.1.20.1.1** Each such development shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
- 4.1.20.1.2** The area of each such development shall be at least 14 acres.
- 4.1.20.1.3** The average density for each such development shall be not more than one bedroom per 10,000 square feet of land other than that classified as wetlands defined under §3.1.
- 4.1.20.1.4** Each planned residential cluster shall be at least 100 feet from any adjoining residential property line and 40 feet from any non-residential property line, and 40 feet away from any other such cluster. Any detached garage shall be not less than ten feet from any other cluster. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit except that this minimum may be reduced to one parking space per dwelling unit with respect to one bedroom dwelling units only, provided there is sufficient, suitable land available to allow up to two parking spaces per dwelling unit if required at the time of application or at a future time by the Commission or its agent.
- 4.1.20.1.5** Each planned residential cluster shall not exceed two stories use for human occupancy, and the maximum allowable coverage, excluding garages, shall be 15% of the lot area.
- 4.1.20.1.6** Each planned residential cluster shall contain a minimum of two and a maximum of five family units, either attached or detached.
- 4.1.20.1.7** Each family unit shall contain not more than two bedrooms and shall be served by a public water supply.
- 4.1.20.1.8** Each family unit shall be deemed to contain at least one bedroom and every room other than kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
- 4.1.20.1.9** All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.

- 4.1.20.1.10** The Commission may permit the following exceptions to the Road Specifications of the Town of Madison dated April 18, 1963 with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the Laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
- a) The paved portion of any road may be reduced to not less than 20 feet in width.
 - b) The road may have a grade of not more than 10%.
 - c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than four inches of bituminous macadam.
- 4.1.20.1.11** For the purpose of Sec. 4.1.20.1, the word “lot” shall refer to the tract of land described in Sec. 4.1.20 and the word “cluster” shall mean the grouping of buildings on the land described in Para. 4.1.20 closely together to allow for the preservation of open space.

Section 4.1.21 approved June 18, 1981

4.1.21 **And in the area shown and designated as Parcel A on a map entitled, “Property of Gallagher Estate, Madison, Connecticut Scale 1”=40’ Survey and Map by Eric G. Anderson, Jan. 28, 1976 Rev. Feb. 10, 1977”**, on file in the Madison Town Clerk’s Office, bounded and described as follows: Westerly by Cope Road, shown on said map, a total distance of 481.62 feet, being a bent line marked in part by a stone wall; northwesterly by land now or formerly of The Seashore Construction Co., as shown on said map, a total distance of 618.99 feet, being a bent line marked by a stone wall; northeasterly by land now or formerly of Penn Central R.R., as shown on said map, 347.44 feet; easterly in part by land now or formerly of Penn Central R.R., in part by land now or formerly of Fisk and in part by land now or formerly of Wm. H. Telford & Sons, Inc., all as shown on said map, a total distance of 649.20 feet; southerly in part by land now or formerly of Leddy, in part by land now or formerly of Barach, in part by land now or formerly of Gartner and in part by land now or formerly of Barach, all as shown on said map, a total distance of 299.83 feet; westerly again by Parcel B, as shown on said map, 126.45 feet; southerly again, by Parcel B, as shown on said map, 315.72 feet.

4.1.21.1 Planned Residential Cluster Development subject to the following conditions:

- 4.1.21.1.1** Each such development shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
- 4.1.21.1.2** The area of each such development shall be at least 11 acres.
- 4.1.21.1.3** The average density for each such development shall be not more than one bedroom per 10,000 square feet of land other than that classified as wetlands as defined under §3.1.
- 4.1.21.1.4** Each planned residential cluster shall be at least 40 feet from any adjoining property line, and 40 feet away from any other such cluster. Each detached dwelling unit shall be not less than ten nor more than eighteen feet from any other such unit. Any detached garage shall be not less than ten feet from any other cluster. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit except that this minimum may be reduced to one parking space per dwelling unit with respect to one-bedroom dwelling units only, provided there is sufficient suitable

- land available to allow up to two parking spaces per dwelling unit if required at the time of application or at a future time by the Commission or its agent.
- 4.1.21.1.5 Each planned residential cluster shall not exceed two stories use for human occupancy and the maximum allowable coverage, excluding garages, shall be 15% of the area of the entire tract.
 - 4.1.21.1.6 Each planned residential cluster shall contain a minimum of two and a maximum of five family units, either attached or detached.
 - 4.1.21.1.7 Each family unit shall contain not more than two bedrooms and shall be served by a public water supply.
 - 4.1.21.1.8 Each family unit shall be deemed to contain at least one bedroom and every room other than kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
 - 4.1.21.1.9 All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.
 - 4.1.21.1.10 The Commission may permit the following exceptions to the Road Specifications of the Town of Madison, dated April 18, 1963 with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the Laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
 - a) The paved portion of any road may be reduced to not less than 20 feet in width.
 - b) The road may have a grade of not more than 10%.
 - c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than four inches of bituminous macadam.
 - 4.1.21.1.11 For the purpose of §4.1.21, the word “cluster” shall mean the grouping of buildings on the land described in Paragraph 4.1.21 closely together to allow for the preservation for open space.

Section 4.1.22 November 19, 1981

4.1.22 And in the area bounded on the east by Durham Road; on the south by the Connecticut Turnpike; on the west by a line parallel to and 500 feet westerly of the west edge of the Durham Road highway line; and on the north by a line 150 feet southerly of the center line of Hunters Trail.

- 4.1.22.1 Professional and other offices. *(As amended December 20, 1984, effective January 15, 1985)*
 - 4.1.22.1.1 Access for this use shall be only from Durham Road.
 - 4.1.22.1.2 An area not less than six (6) feet wide on the north and west sides of the property shall be suitably landscaped and permanently maintained to provide a buffer zone.

Section 4.1.23 effective March 19, 1982

4.1.23 And in the area bounded on the west by Connecticut Route #79; north by Munger and “Beechwoods” Subdivision; east by New Haven Jewish Community Center Camp, Inc., south by the Town of Madison.

4.1.23.1 Planned residential Cluster Developments subject to the following conditions:

- 4.1.23.1.1** Each such development shall have at least 100 feet frontage on a public highway or unobstructed easement or access or exclusive right-of-way at least 50 feet wide on a public highway.
- 4.1.23.1.2** The area of such development shall be at least 85 acres.
- 4.1.23.1.3** The average density of each such development shall be not more than one bedroom per 20,000 square feet of land other than that classified as wetlands defined under §3.1.
- 4.1.23.1.4** Each planned residential cluster shall be at least 150 feet from the public highway, at least 250 ft. from any other adjoining property line, and 40 ft. from any other such cluster. Each detached dwelling unit shall be not less than ten nor more than eighteen feet from any other such unit in the same cluster. Any detached garage shall be not less than 20 feet away from any other cluster. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit, except that this minimum may be reduced to one parking space per dwelling unit with respect to one bedroom dwelling units only, provided there is sufficient suitable land available to allow up to two parking spaces per dwelling unit if required at the time of the application or at a future time by the Commission or its agent.
- 4.1.23.1.5** Each planned residential cluster shall not exceed two stories use for human occupancy and the maximum allowable coverage shall be 15% of the area of the entire tract.
- 4.1.23.1.6** Each planned residential cluster shall contain a minimum of two and a maximum of four family units either attached or detached.
- 4.1.23.1.7** Each family unit shall contain a maximum of two bedrooms and shall be served by a water company as defined in C.G.S. §25-32a.
- 4.1.23.1.8** Each family unit shall be deemed to contain at least one bedroom and every room other than kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
- 4.1.23.1.9** All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.
- 4.1.23.1.10** The Commission may permit the following exceptions to the Road Specifications of the Town of Madison, dated April 18, 1963 with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the Laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
 - a)** The paved portion of any road may be reduced to not less than 20 feet in width.
 - b)** The road may have a grade of not more than 10%.

- c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than four inches of bituminous macadam.
- 4.1.23.1.11 For the purpose of §4.1.23.1 the word “cluster” shall mean the grouping of buildings on the land described in Paragraph 4.1.23 closely together to allow for the preservation of Open Space. At least 25% of the open space shall be conveyed for preservation as open space to the Town of Madison or to an organization other than the association for this development.
- 4.1.23.1.12 All utilities shall be underground.
- 4.1.23.1.13 Responsibility for Maintenance – Before selling or leasing for more than five years any interest in a part of the parcel, the owner shall establish an incorporated association or a district pursuant to C.G.S. §7-324 through 329, which association or district shall have the power to compel contribution from all owners and shall be responsible for maintaining all areas and improvements shown on the plan.
- 4.1.23.1.14 Buffer Zone.
All roadways (except for access and emergency), driveways, parking areas or other paved areas shall be at least 150 feet from public highway, and at least 250 feet from all other adjoining property lines. This buffer zone shall be maintained with suitable trees, shrubs and bushes to provide reasonable screening and shall not be used for active recreation such as swimming pools, tennis courts and athletic fields.
- 4.1.23.1.15 Every reasonable effort shall be made in the location and orientation of buildings so as to give consideration to utilization of passive solar heating.

Section 4.1.24 approved December 15, 1983

- 4.1.24 In the area bounded southwesterly by Boston Post Road, 206 feet, more or less;** westerly by land now or formerly of Edgarman Associates, 500 feet, more or less; southwesterly again by land now or formerly of Marjorie Lee Chittenden, by a ditch, 250 feet, more or less; northwesterly by land now or formerly of Marjorie Lee Chittenden, 280 feet, more or less; northerly by Route I-95, 125 feet, more or less; easterly by Route I-95, 40 feet, more or less; northerly again by Route I-95, 320 feet, more or less; easterly again by land now or formerly of William R. Wall and William B. Gozzi, 68 feet, more or less; easterly again by Lot 3, “Chittenden Lots”, 47 feet, more or less; southeasterly in part by Lot 3 and in part by Lot 2, “Chittenden Lots”, 216 feet, more or less; southerly by Lot 2, “Chittenden Lots”, 105 feet more or less; southwesterly again by land now or formerly of George H. Chittenden and Katherine C. Botsford, 539 feet, more or less; said area containing 7.4 acres, more or less, and shown on a map entitled “Study Plan Property of George M. Hill, 59 Boston Post Rd., Madison, Connecticut, Scale 1” = 40’, June 3, 1981, rev. 6/8/83” survey by Eric G. Anderson, L.S.
- 4.1.24.1 Business offices limited to publishing establishments and book storage but excluding book printing and binding, subject to the following restrictions:
 - 4.1.24.1.1 Required lot area, width, yards, coverage and height shall be as provided in §3.2 for R-2 Districts.
 - 4.1.24.1.2 A 30 foot wide permanent buffer zone suitably landscaped shall be maintained adjacent to any side or rear lot line abutting a residential district.

Section 4.1.25 approved January 5, 1984, amended effective 3/15/10

4.1.25 And in the area bounded southwesterly by the highway known as Old Route 79; northerly by land now or formerly of Floyd H. Pattee, 289.80 feet; easterly by land now or formerly of Dorothy A. Scoville, 249 feet; northeasterly by land now or formerly of D. A. S., 100.62 feet; southeasterly by land now or formerly of Lewis B. Aaron, Trustee, 44.25 feet.

4.1.25.1 Congregate housing, meaning a form of residential environment consisting of independent living sustained by congregate meals, housekeeping and personal service, for elderly persons 62 years of age or older, and/or other persons with disabilities who have temporary or periodic need for assistance with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring, subject to the following conditions:

4.1.25.1.1 The number of residents in said premises, including staff, shall not exceed 16.

4.1.25.1.2 No accessory building shall be used as a residence.

4.1.25.1.3 Nothing herein shall allow or authorize any use of the premises in connection with correctional institutions and or institutions for the mentally ill.

4.1.25.2 Except as may otherwise be required by state or federal law, nothing herein shall allow or authorize the use of the premises (i) as a public or private hospital, retreat, institution, community residence, house or place where a mentally ill person, or a person who is alcohol-dependent or drug-dependent, is received or detained, as a patient or for treatment or rehabilitation, or (ii) as a community residence, halfway house, or other state or federally regulated facility to which persons are or may be transferred from correctional facilities or institutions.

4.1.25.3 All of the foregoing uses are conditioned upon the requirement that there be a full-time, on-site resident supervisor or manager providing supervision for residents.

Section 4.1.26 approved July 15, 1993; effective August 6, 1993

4.1.26 In the area bounded on the West by the Hammonasset Connector; on the North by land now or formerly of Theodore S. Cole, Jr. 853 feet; on the East by Lot 1 and 2, Saw Mill Heights Subdivision 300.13 feet; on the North again by Lot 2, Saw Mill Heights 275 feet; on the East again by River Road 25 feet; on the South by Lots 3 and 5, Saw Mill Heights 593.38 feet; on the East again by Lot 5 Saw Mill Heights 306.20 feet; on the North again by Lots 4 and 5 Saw Mill Heights; on the East again by River Road and Mill Road; and on the South again by land of the State of Connecticut. (*Area amended, March 19, 1986*)

4.1.26.1 Planned residential Cluster Developments subject to the following conditions:

4.1.26.1.1 Each such development shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.

4.1.26.1.2 The area of such development shall be at least 25 acres.

- 4.1.26.1.3 The average density for each such development shall be not more than one bedroom per 9,000 square feet of land other than that classified as wetlands defined under C.G.S. §22A-29 and 22A-38.
- 4.1.26.1.4 Each dwelling shall be at least 20 feet from any property line. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.
- 4.1.26.1.5 Each dwelling shall not exceed thirty (30) feet in height and the maximum allowable coverage, excluding garages, shall be 15% of the area of the entire tract.
- 4.1.26.1.6 Each lot shall contain a single family dwelling.
- 4.1.26.1.7 Each dwelling shall be situated on a separate lot served by a public water supply and underground utilities.
- 4.1.26.1.8 For the purpose of §4.1.26.1.3 a kitchen, living room, family room/den, bathroom or dining room shall not be deemed a bedroom. *(Added December 16, 1993; effective January 15, 1994)*
- 4.1.26.1.9 All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal systems shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.
- 4.1.26.1.10 The Commission may permit the following exceptions to the Road Specifications of the Town of Madison dated April 18, 1963 with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the Laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumed full responsibility for expenses of maintaining all roads within its boundaries.
 - a) The paved portion of any road may be reduced to not less than 20 feet in width.
 - b) The road may have a grade of not more than 10%.
- 4.1.26.1.11 For the purpose of §4.1.26.1 the word “cluster” shall mean the grouping of buildings on the land described in Paragraph 4.1.26 closely together for the preservation of open space.
- 4.1.26.1.12 An applicant seeking approval of a site plan pursuant to this Section, which includes a subdivision of land as defined in C.G.S. §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 & 8 of the Madison Subdivision Regulations.

Section 4.1.27 approved July 19, 1984

4.1.27 And in the area bounded on the Southwest and West by River Road; on the North by land now or formerly of Roberta Wolfe; on the East by the Hammonasset River; and on the Southeast by the present R-2 Residence District Zone line:

- 4.1.27.1 A Planned Single Family Cluster Development subject to the following conditions:
 - 4.1.27.1.1 Such development shall have at least 100 feet frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
 - 4.1.27.1.2 The area of such development shall be at least 25 acres.

- 4.1.27.1.3 The average density for such development shall be not more than one residential dwelling unit per 50,000 square feet of land and the maximum allowable building coverage shall be 10% of the area of the entire tract.
- 4.1.27.1.4 Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.
- 4.1.27.1.5 Each planned residential dwelling shall be detached, shall be located not less than 40 feet from any other residential dwelling and shall be served by a public water supply and underground utilities.
- 4.1.27.1.6 No building, accessory building, recreational facility, or like improvement other than roads and related structures, shall be erected within 330 feet of the street line of River Road, provided that any building, or portion thereof, located within 350 feet of the street line of River Road must be part of, and attached to, an existing primary residential structure and, provided further that no addition to any existing building shall increase the overall footprint of such building by more than 300 square feet and that any such addition shall be limited to a single story. (*Approved February 21, 2002; effective March 1, 2002*)
- 4.1.27.1.7 A minimum setback of 50 feet from a watercourse or tidal wetland is required for all buildings except accessory buildings, decks or patios. (*Approved October 18, 1984; effective November 14, 1984*)
- 4.1.27.1.8 All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.
- 4.1.27.1.9 The Commission may permit the following exceptions to the Road Specifications of the Town of Madison dated April 18, 1963, with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries:
 - a) The paved portion of any road may be reduced to not less than 20 feet in width.
 - b) The road may have a grade of not more than 10%.
- 4.1.27.1.10 For the purpose of §4.1.27.1 the word “cluster” shall mean the grouping of buildings on the land described in Paragraph 4.1.27 closely together to allow for the preservation of open space.

Section 4.1.28 moved to Sections 7 and 6.2A.8 – effective August 1, 1992

Section 4.1.29 approved October 15, 1985

- 4.1.29 **And in the area bounded on the west by Old Rt. 79; on the south by a line which is 43 feet more or less, northerly of, and concentric to, the centerline of the northerly most main track of railroad formerly of the Penn Central Transportation Company; on the east by land now or formerly of Robert T. Fox; on the north by a line concentric to, and 137 feet, more or less, northerly of the southerly bound:**

- 4.1.29.1** Garden apartments or planned residential cluster developments subject to the following conditions:
- 4.1.29.1.1** Each lot shall have at least 100' frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50' wide on a public highway.
 - 4.1.29.1.2** The area of each lot shall be at least three (3) acres.
 - 4.1.29.1.3** The average density per lot shall not be more than two bedrooms per 10,000 square feet of land other than that classified as wetlands defined under the Madison Inland Wetlands and Watercourses Regulations.
 - 4.1.29.1.4** Each building shall be at least 40 feet from any lot line (except 15 feet when boundary is a railroad right-of-way and 30 feet when boundary is existing planned residential cluster development) and at least 30 from any other building, except that any detached garage shall be not less than ten feet from any other building. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.
 - 4.1.29.1.5** Each building shall not exceed two stories used for human occupancy, and the maximum allowable building coverage, not including garages, shall be fifteen percent (15%) of the lot area.
 - 4.1.29.1.6** Each building shall contain a maximum of eight family units, and a maximum of eight bedrooms.
 - 4.1.29.1.7** Each family unit shall be served by a public water supply.
 - 4.1.29.1.8** Each family unit shall be deemed to contain at least one bedroom and every room other than a kitchen, living room, or bathroom shall be deemed to be a bedroom.
 - 4.1.29.1.9** Proposed sewage disposal systems shall meet State and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal shall be so located as to allow an amount of space on the lot equal in size to the system to be installed, which space shall be held in reserve and used for the installation of a completely new system should such a system be required.
 - 4.1.29.1.10** The Commission may permit the following exceptions to the Road Specifications of the Town of Madison dated April 18, 1963, with amendments, in the case of any planned residential cluster development which establishes an association legally chartered under the laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries:
 - a)** The paved portion of any road may be reduced to not less than 20 feet in width.
 - b)** The road may have a grade of not more than 10%.

Section 4.1.30 approved December 11, 1986; amended May 17, 1990; effective June 7, 1990

4.1.30 **And in the area bounded on the north by the Boston Post Road 320 feet; on the east by land now or formerly of the State of Connecticut 220 feet; on the south by land now or formerly of Floyd Perkins, 203 feet; and on the west by land now or formerly of Arthur Bosquet, 132 feet.**

- 4.1.30.1** Retail business or retail service occupations including the sale and dispensing of petroleum products and self-contained total reclamation car washing services, subject to the following conditions and restrictions:

4.1.30.1.1 Required area, width, yards, coverage and height:

Minimum Lot Area	40,000 square feet
Minimum Lot Width	200 feet
Minimum Front Yard	30 feet
Minimum Side Yards (each)	20 feet
Minimum Rear Yard	50 feet
Maximum Building Coverage	20%
Maximum Building Height	30 feet

- 4.1.30.1.2** An area of not less than six feet wide on each side and rear lot line shall be suitably landscaped and permanently maintained to provide a buffer zone.
- 4.1.30.1.3** No objectionable or injurious wastes or other materials shall be discharged or emitted into any river, stream, public or private disposal system, or body of water, or into the ground so as to endanger public health or safety or constitute an objectionable source of pollution. On-site disposal of wastewater from car washing facilities shall not exceed 100 gallons per day.
- 4.1.30.1.4** Storage of petroleum products incidental to a business on the premises shall not exceed 30,000 gallons. Storage of such petroleum products in excess of 275 gallons shall be in underground tanks of not more than 10,000 gallons each.
- 4.1.30.1.5** Driveways or other entrances or exits from said premises shall be designed to conform to the requirements of the State of Connecticut Department of Transportation in such manner that no undue traffic hazard or congestion will be created.
- 4.1.30.1.6** Off street parking shall be provided in accordance with Section 8.1 of these regulations.
- 4.1.30.1.7** Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on adjacent sewage disposal systems. Said sewage disposal system shall be so located as to allow an amount of space on the lot equal in size to the system to be installed which space shall be held in reserve and used for the installation of a completely new system should such a system be required.
- 4.1.30.1.8** The property shall be served by a public water supply.

Section 4.1.31 approved December 18, 1986

4.1.31 **And in the area bounded on the west by a special exception limit line starting at the northerly street line of Green Hill Road and running in the following two courses: N07-22' – 28"W, 272.63', and N27 – 14' – 44 W, 427.80' to a point in the southerly street line of Wildwood Avenue thence bounded on the north by Wildwood Avenue, bounded on the east by n/f Estate of Louis B. Lehman Parcels A & B and on the south by Green Hill Road. Said special exception limit line is shown on the map entitled: "Boundary Map, Proeprty of James P. and Diana A. Morris, Green Hill Road & Wildwood Avenue, Madison – Connecticut, Scale 1"=40', October 8, 1985, Sheets 1 & 2 of 2, Revised 12/31/85, 10/1/86" by Kenny & Stevens.**

- 4.1.31.1** Planned Residential Cluster Developments subject to the following conditions:

- 4.1.31.1.1** Each such development shall have at least 100 feet frontage on a public highway or unobstructed easement or access or exclusive right-of-way at least 50 feet wide on a public highway.
- 4.1.31.1.2** The area of such development shall be at least 18 acres.
- 4.1.31.1.3** The average density for such development shall not be more than one bedroom per 20,000 square feet of land other than that classified as wetlands for portions of the site within the RU-1 Zone and one bedroom per 15,000 square feet for portions within the RU-2 Zone.
- 4.1.31.1.4** Each planned residential cluster shall be at least 100 feet from the public highway, at least 40 feet from any other adjoining property line. Each detached dwelling unit including garages, shall be not less than 20 feet from any other such unit. There shall be a maximum of three units in each cluster and the minimum distance between each cluster shall be 40 feet. Off-street parking shall be provided for a minimum of two parking spaces per dwelling unit.
- 4.1.31.1.5** Each planned residential cluster shall not exceed a maximum building height of 30 feet. The maximum allowable coverage shall be 15% of the area of the entire tract.
- 4.1.31.1.6** Each family unit shall contain a minimum of two bedrooms and a maximum of three bedrooms and shall be served by a public water supply. There shall be a maximum of six 2-bedroom units.
- 4.1.31.1.7** Each family unit shall be deemed to contain at least two bedrooms. Every room other than kitchen, living room or bathroom shall be deemed to be a bedroom. Open air or screened porches shall not be considered a room.
- 4.1.31.1.8** All sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer and shall have no adverse effect on adjacent sewage disposal systems. They shall be located so as to allow an equivalent amount of suitable space on the lot equal in size to the systems to be installed, which space shall be held in reserve and used for the installation of a completely new system should a new system be required in the future.
- 4.1.31.1.9** The Commission may permit the following exceptions to the Road Specifications of the Town of Madison, dated April 18, 1963, with amendments, in the case of any planned residential cluster development which establishes an association legally chartered or incorporated under the Laws of the State of Connecticut, which has in its charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
- a) The paved portion of any road may be reduced to not less than 20 feet in width.
 - b) The road may have a grade of not more than 10%.
 - c) The wearing surface of the road may be two coats of liquid asphalt or road tar, rather than four inches of bituminous macadam.
- 4.1.31.1.10** All utilities shall be underground.
- 4.1.31.1.11** Buffer Zone.
All roadways (except for access and emergency) driveways, parking areas or other paved areas shall be at least 50 feet from public highways, and all other adjoining property lines. This buffer zone shall be maintained with suitable trees, shrubs and bushes to provide reasonable screening and shall not be used for active recreation such as swimming pools, tennis courts and athletic fields.
- 4.1.31.1.12** Every reasonable effort shall be made in the location and orientation of buildings so as to give consideration to utilization of passive solar heating.
- 4.1.31.1.13** A minimum setback of 50 feet from a watercourse is required for all buildings except accessory buildings, decks, or patios.

Section 4.1.32 approved March 19, 1987

4.1.32 In the area bounded southerly by the Boston Post Road 94.93 feet; westerly in part by land now or formerly of Kirtland H. Crump et al and in part by land now or formerly of Margaret Kellogg Nelson, in all 431.66 feet; northerly in part by land now or formerly of Margaret Kellogg Nelson and in part by land now or formerly of Charlene Denhardt Martin, in all 211.77 feet; easterly by land now or formerly of Charlene Denhardt Martin 353.96 feet.

4.1.32.1 Congregate housing, meaning a form of residential environment consisting of independent living sustained by congregate meals, housekeeping and personal service, for elderly persons, who have temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring, subject to the following conditions:

4.1.32.1.1 The number of residents in said premises, including staff, shall not exceed 16; *(Amended November 21, 1996; effective January 1, 1997);*

4.1.32.1.2 No accessory building shall be used as a residence;

4.1.32.1.3 That the premises be owner occupied;

4.1.32.1.4 That the premises shall not be converted to a nursing home or rest home as defined by the Connecticut General Statutes;

4.1.32.1.5 That the exterior of the building located thereon be maintained in its present colonial style so as to continue to be harmonious with neighboring architectural styles.

***Section 4.1.33 approved January 17, 1991; effective February 1, 1991
amended March 17, 1994; effective April 15, 1994
amended April 20, 1995; effective June 1, 1995
amended April 15, 1999; effective May 1, 1999***

4.1.33 In the area in the northwest corner of Hummer's Pond more fully described as commencing at a point marked by a drill hole in the southerly line of Scotland Road, at the northeast corner of land now or formerly of Robert A. and Carol A. Schmidt; thence running in a generally easterly direction along the southerly line of Scotland Road, a distance of 445 feet, more or less, to a point in Hummer's Pond at or near the center line of the stream bed; thence turning and running in a generally southwesterly to southerly direction in an irregular line following the center line of the stream bed in Hummer's Pond, a distance of 471 feet, more or less, to a point being located in the center line of the stream bed at the point of intersection with the northeasterly corner of land now or formerly of John Genardi; thence turning and running in a generally northwesterly direction 50 feet, more or less, to a monument located at the edge of the bank of Hummer's Pond; thence continuing in a generally northwesterly direction in the line last mentioned bounded southerly by land now or formerly of John Genardi through a monument set in said southerly line, a distance of 282 feet, more or less, to a point marking the intersection of land of said Genardi with the southeasterly corner of land now or formerly of Richard H. and Rozenna H. Dunlap, said point being marked by a twin 24" Hickory tree; thence turning and running in a generally northerly direction bounded westerly in part by land now or formerly of said Dunlap, and in part by land now or formerly of Robert A. and Carol A. Schmidt, through an iron pipe and a monument set in said westerly line, a total distance of 372 feet, more or less, to the drill hole first above mentioned, being the point of beginning.

4.1.33.1 Tennis, Racquet Sport, and Swimming Facilities.

- 4.1.33.1.1 Improvements related to such uses shall be bound by the provisions of the underlying R-1 and R-2 Zone Districts except that from October 1 through May 15 each year tennis courts may be covered by a temporary air structure with total lot coverage of no more than 40% at any one time.
- 4.1.33.1.2 Temporary air structure over the swimming pool, approximately 7,500 sq. ft. and a temporary enclosure over the walkway from the clubhouse to the pool shall be allowed. These temporary enclosures may be erected from September 1st to May 31st annually. A 30' front set back will be allowed for the temporary air structure.

Section 4.1.34 approved January 16, 1992; effective February 10, 1992

4.1.34 The approximately three acre area bounded as follows: Easterly by Connecticut Route 79 (Durham Road 265.81', Southerly by land now or formerly of Sneider 442.99', Westerly by land of Klein 265', and Northerly by land of Klein 443'.

4.1.34.1 A "Country and Farm Market" according to the following requirements:

4.1.34.1.1 Products available should be limited to the following:

- Fruit and Produce
- Dairy – Including frozen dairy
- Deli style meat, poultry, fish – not butcher shop
- Baked goods
- Beverages – non-alcoholic
- Specialty or seasonal items of a gourmet or "Country/Farm" nature

4.1.34.1.2 Where not herein modified, all general and Zone District RU-1 regulations shall apply.

4.1.34.1.3 Hours of operation shall not exceed 6:00 a.m. to 9:00 p.m. on any day.

4.1.34.1.4 No more than ten (10) employees shall work on the premises at any one time.

4.1.34.1.5 No one building shall have an area coverage of more than 6,000 square feet, but buildings may be connected by covered walkways. Total area coverage shall not exceed 10% of the net buildable land.

4.1.34.1.6 Buildings added after the effective date of this regulation (4.1.34) shall be in keeping with a "Country or Farm Market" character.

4.1.34.1.7 Signs shall be in accord with the Madison sign regulations for CA and CB Zone Districts, except that all signs shall be of a carved or painted wood nature. Internally lit signs shall not be permitted.

4.1.34.1.8 Parking shall be supplied at a rate of four spaces per 1000 square feet of usable building area plus one space per employee working on the premises. Provision shall be made for side or rear delivery.

4.1.34.1.9 Twenty feet shall be left along all limit lines of the area noted above except the Easterly limit line for the installation of a natural or new planting buffer at the discretion of the Commission during any site plan considerations.

Section 4.1.35 approved May 20, 1993; effective June 14, 1993

Amended April 12, 1995; effective May 1, 1995

Amended August 17, 1995; effective August 24, 1995

Amended April 13, 2000; effective May 1, 2000

4.1.35 In the area bounded as follows: Westerly by land now or formerly of Frank G. and Dorothy L. Johnson, 702.80' more or less; Southerly by land now or formerly of Schneider, 1023.27' more or less; Easterly by Connecticut Route 79, 648.58' more or less; and Northerly by Oil Mill Acres Open Space, 845.85', more or less.

4.1.35.1 A recreational and commercial facility that may include a golf driving range, a 3 to 5 hole par 3 golf course, a pro-shop, a snack bar, a children's play area, a swimming facility, a retail store, a non-franchised restaurant, business or professional offices, financial institutions, and retail service occupations, but not including any industrial or manufacturing operation, subject to the following:

4.1.35.1.1 Where not herein modified, all general and RU-1 Zone District regulations shall apply.

4.1.35.1.2 Hours of operation shall not exceed 6:00 a.m. to 10:00 p.m. on any day. Machinery for ball retrieval and mowing may, for no more than three (3) days per week from Monday through Friday inclusive, be operated between 8:00 a.m. and closing and, for all the days of the week, from 10:00 a.m. until closing. The driving range will be closed to the public while heavy equipment mowing (not hand mowing) occurs.

4.1.35.1.3 All lighting shall be in accord with the regulations of the Town of Madison in effect as of the effective date of this amendment and shall have no source directly visible off the premises and be at a minimum possible level consistent with the use and its safety. No object or area within 20' of the west or south property lines shall be directly illuminated. There will be no lighting on the golf course itself.

4.1.35.1.4 Parking shall be at the rate of 2 spaces per driving tee, 4 spaces per par 3 hole, 1 space per 250 square feet leased to a retail store, a non-franchised restaurant, business or professional office, financial institution, or retail service occupation, 1 space per every three legal occupants of any swimming facility and 1 space per every 2 employees normally on the premises.

4.1.35.1.5 Organic fertilizers of the least possible harmful affect upon the soils, surface and ground water shall be utilized at all times.

4.1.35.1.6 The buildings existing at the time of approval of this amendment shall be upgraded and fully utilized prior to the construction of any others. All buildings combined shall be limited to a total of 10,000 square feet plus pool.

4.1.35.1.7 Signs shall be in accordance with the Madison Sign Regulations for CA and CB Zone Districts.

4.1.35.1.8 The Layout of improvements shall be designed to provide the best possible creation and use of open space, visual vistas, and enhancements typical of the uses as well as providing maximum accommodation of pedestrian and vehicular traffic to, from, and within the property. Maximum possible protection shall be provided to the surrounding property owners.

4.1.35.1.9 Space leased for a retail store, a non-franchised restaurant, business or professional office, financial institution, or retail service occupation shall not exceed 2,500 square feet and shall be located within the footprint of the currently existing building on the premises.

Section 4.1.36 approved June 15, 1995; effective July 15, 1995

4.1.36 In the area on the north bounded by Tibbals Bridge Rd., on the west by Conn. Rt. 79, on the south by property n/f of John Sartori, Paul Sartori and Jennie Posoili and on the

east by property of Albert and Ruth Ann Naples, and further identified on Town of Madison Assessor's Map No. 163 as Lot No. 33.

- 4.1.36.1** There is herein established a mixed use property for both residential and low activity office uses.
 - 4.1.36.1.1** Where herein not modified, all general and RU-1 zone district regulations shall apply.
 - 4.1.36.1.2** The residential building(s) shall not be used for commercial purposes.
 - 4.1.36.1.3** The office use building shall be limited to a single story in height and no more than 1600 sq. ft. of total usable space (not including storage shed of 64 sq. ft. for lawnmower and other tools and supplies).
 - 4.1.36.1.4** The commercial uses permitted shall be limited to professional and business offices.
 - 4.1.36.1.5** There shall be a sign (two-sided) of no more than 16 sq. ft. and one sign (two-sided) for each tenant of no more than 4 sq. ft.
 - 4.1.36.1.6** Appropriate landscaping and parking shall be provided.

***Section 4.1.37 approved August 2, 2001; effective September 1, 2001
(Section 4.1.37 as approved July 17, 1997 is deleted)***

4.1.37 **Section 4.1.37 is amended by deleting all of the original provisions of said section** and substituting the following in lieu thereof: In the area known as the Griswold Airport, containing approximately 42.5 acres, bounded on the north, south and east by land now or formerly of the State of Connecticut; and on the west by land now or formerly of the State of Connecticut and Floyd Perkins and others.

- 4.1.37.1** A Planned Adult Community containing not more than 250 dwelling units in multiple and single family attached and detached residences, plus community and recreational facilities. A Planned Adult Community is defined as housing and associated facilities intended and operated for occupancy by persons 55 years of age or older provided that all permanent residents are over the age of 18, such age restrictions to be in accordance with federal and state law, as those laws may be amended from time to time. Any use inconsistent with the foregoing age restrictions shall be deemed to be a material violation of the Madison zoning regulations. Any applicant proposing a Planned Adult Community pursuant to this section shall be required to demonstrate to the Commission how the age restrictions shall be enforced. Any person or other entity that owns or is responsible for maintaining any common elements within any Planned Adult Community shall be legally responsible for assuring compliance with the age restrictions throughout the Community.
 - 4.1.37.1.1** An average of no less than two parking spaces shall be provided for each single family residence. An average of no less than one and one half parking spaces shall be provided for each dwelling unit in multiple family dwellings. All parking spaces shall be provided in garages or outdoor spaces accessory to residences. There shall be no off-street parking areas other than those which are accessory to buildings or facilities located within the Planned Adult Community.
 - 4.1.37.1.2** The maximum height of single family residences and community and recreational buildings shall be the lesser of (i) three stories or (ii) 35 feet, except that an additional five feet shall be allowed to accommodate flood plain requirements where applicable. In addition, spires, cupolas, towers, widows walks, chimneys, flagpoles and similar

features not larger than 14 feet by 14 feet and occupying not more than 15% of the individual building footprint, shall be permitted to a maximum of an additional 15 feet and may be used in part for human occupancy. Such features shall be built in conformity with the Design Code to be established in accordance with §4.1.37.1.5. Maximum multiple family building height shall be three and a half stories and 45 feet except that an additional 5 feet shall be allowed to accommodate flood plain requirements where applicable.

- 4.1.37.1.3** The Planned Adult Community shall have a minimum of 65 single family detached residences and a minimum of 35 single family attached residences.
- 4.1.37.1.4** The Planned Adult Community shall have a maximum of 135 dwelling units in multiple family buildings. Building coverage for multiple family buildings shall be limited to five percent of the total site. Separate Special Exception Permits shall be required for any multiple family building designed for more than six units and not approved as part of the original Special Exception Permit.
- 4.1.37.1.5** The Planned Adult Community shall be designed and maintained in harmony with the village character of historic Madison. All improvements shall be built in accordance with a Design Code to be incorporated into and made part of any Special Exception Permit granted pursuant to this amendment. The Design Code, in addition to providing criteria for building features, shall provide appropriate side, rear and front dimensions for yard areas dedicated to individual structures and shall also establish maximum square foot dimensions for single family and multiple family buildings.
- 4.1.37.1.6** Except as hereafter provided, the minimum front, side and rear setbacks around the perimeter of the Planned Adult Community shall be 50 feet irrespective of building size. However, the Commission may reduce the setback to 30 feet along any portion of the property line for which it determines that the greater setback is not necessary to protect the character of the area or the reasonable use of adjacent properties. Setbacks shall not apply to yard areas dedicated to individual buildings except as they may be provided in the Design Code.
- 4.1.37.1.7** Maximum building coverage shall be 25%.
- 4.1.37.1.8** All units shall be serviced by public water.
- 4.1.37.1.9** All roads, Open Space, recreation facilities and community facilities shall be maintained by the unit owners at their expense.
- 4.1.37.1.10** Development of the Planned Adult Community shall be designed and constructed to minimize risk to life and property from flood hazards and all buildings shall be constructed in accordance with applicable flood zone ordinances and regulations. Adequate storm water management shall be demonstrated as part of Special Exception Permit applications.
- 4.1.37.1.11** Public access shall be provided as a water dependent use. A proposed easement for public access shall be submitted as part of the Special Exception Permit application. The Planned Adult Community shall not be a “gated” community.
- 4.1.37.1.12** Open Space shall be designated within the Planned Adult Community in an amount not less than 19% of the non tidal wetland area of the parcel. This Open Space shall be in addition to the approximately 10 acres of tidal wetland which shall also be maintained and protected; private lawns shall not be included in the calculations. This Open Space shall remain native vegetation or be developed as landscaped greenspace as may be deemed appropriate by the Commission.
- 4.1.37.1.13** Other uses and facilities in harmony with the Planned Adult Community may be permitted as may be approved by the Commission in connection with Special Exception Permit applications.

Section 4.1.38 approved January 15, 1998; effective February 1, 1998

4.1.38 In the area bounded East by Mill Road; South by land of the State of Connecticut; West by the Hammonasset Connector; North by land now or formerly of Paul Stonehart; West again by land now or formerly of Paul Stonehart; and North by land of the State of Connecticut Department of Environmental Protection.

4.1.38.1 Business and professional offices and financial institutions subject to the following conditions and restrictions:

4.1.38.1.1 Required area, width, yards, coverage and height.

Minimum Lot Area	25,000 sq. ft.
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet
Maximum Building Coverage	15%
Maximum Building Height	3 stories; 40 feet

In addition, spires, cupolas, chimneys, mechanical, equipment, flagpoles, ventilators, tanks, solar connectors and similar features occupying no more than 20 percent of the building area and used in part for non-residential occupancy shall be permitted to a maximum height of 50 feet, and one elevator tower shall be permitted to a maximum height of 55 feet.

The provisions of Section 2.9 of these regulations shall be inapplicable to this site.

4.1.38.1.2 Parking shall be provided at a rate of four spaces per 1000 square feet of usable building area.

4.1.38.2 Accessory uses customary with or accessory to a permitted use.

Section 4.1.39 approved February 5, 1998; effective February 13, 1998

4.1.39 In the area including land or buildings now or formerly owned by Mary Lee Stiegler, containing approximately 5.91 acres, bounded on the north by land now or formerly of the Town of Madison, on the east by Samson Rock Drive and land now or formerly of Gerald Birnbaum, partly by each, on the south by land now or formerly of Gerald Birnbaum, and on the west by land now or formerly of the Berger Family Associates Partnership and land now or formerly of Meigswood Associates, partly by each.

4.1.39.1 Permitted uses. Any use permitted in the CA-1 Zone.

4.1.39.2 Coverage, height and setbacks.

4.1.39.2.1 Maximum building height 30 feet.

4.1.39.2.2 Minimum side yards 20 feet.

4.1.39.2.3 Minimum front yard 50 feet.

4.1.39.2.4 Maximum building coverage 32%, provided that no building shall exceed 69,000 square feet of building footprint and 14,000 square feet of second floor space for storage and administration purposes.

4.1.39.3 An area of not less than 50 feet in width shall be maintained on property abutting the southerly property line of the herein described parcel the use of which shall be restricted to drainage, roads, utilities and buffer planting. Paving shall be restricted to an area ten feet in width in the northerly part of said area.

4.1.39.4 Parking for retail stores, personal service shops, financial institutions, restaurants and similar business uses shall be provided at the rate of four spaces per one thousand square feet of net sales area; provided, however, that the commission may reduce or waive parking requirements contained in this section if it finds any one or more of the following:

- a) that such requirements are excessive for the actual proposed use;
- b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use; or
- c) that there are sufficient public parking facilities (including on street spaces) available for the use of customers, employees and other persons using the proposed building or buildings.

“Net sales area” shall include all floor area normally accessible to customers, or 70% of the gross floor area excluding storage, whichever is greater.

Section 4.1.40 approved May 21, 1998; effective June 15, 1998

4.1.40 In the area bounded North by Bradley Road; East by land now or formerly of DeBurra; North again by land now or formerly of DeBurra; West by land now or formerly of DeBurra; North again by Bradley Road; East again by land now or formerly of Nowatne; North again by land now or formerly of Nowatne; East again by land now or formerly of Van Leyan; Northerly again by land now or formerly of Van Leyen, Smith, Jelinier, Kahrimanis and Spignesi, each in part; Easterly again by Wall Street; Southerly by land now or formerly of Gulick and Maguire, each in part; Easterly again by land now or formerly of the Madison Land Conservation Trust, Inc.; Southerly and Westerly by land now or formerly of the Madison Land Conservation Trust, Inc.; Northerly again by land now or formerly of McIntyre, Teccero and Dickinson, each in part; and Westerly by land now or formerly of Dickinson, shown on Assessor’s Map 38, Parcels 78 and 76.

4.1.40.1 Any use permitted in a CA-1 Zone except commercial greenhouses and cold storage locker plants; subject to the following conditions and restrictions:

4.1.40.1.1 Required area, width, yards, coverage and height

Minimum Lot Area	20,000 sq. ft.
Minimum Front Yard	10 feet
Maximum Front Yard at Bradley Road	20 feet
Minimum Side Yards	10 feet; provided that the total sum of side yards shall equal not less than 30 feet.
Minimum Rear Yard	30 feet
Maximum Building Coverage	20%
Maximum Building Height	3 stories; 40 feet

4.1.40.1.2 Parking shall be provided at a rate of four spaces per 1,000 square feet of usable building area.

- 4.1.40.2** Accessory uses customary with or accessory to a permitted use.
- 4.1.40.3** Parking for retail stores, personal service shops, financial institutions, restaurants and similar business uses shall be provided at a rate of four spaces per one thousand square feet of net sales area; provided, however, that the commission may reduce or waive parking requirements contained in this section if it finds any one or more of the following:
- a) that such requirements are excessive for the actual proposed use;
 - b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use; or
 - c) that there are sufficient public parking facilities (including on-street spaces) available for the use of customers, employees and other persons using the proposed building or buildings.

“Net sales area” shall include all floor area normally accessible to customers, or 70% of the gross floor area excluding storage, whichever is greater.

Section 4.1.41 approved August 20, 1998; effective September 1, 1998

4.1.41 **In the area bounded on the northwest by the Boston Post Road a distance of 224.43 feet, on the southeast by land of Stephen Bermen & Lauren Watrous a distance of 339.97 feet, on the southwest by property of FCB Properties, Inc. a distance of 143.38 feet, on the northwest by land of Mark D. Kalfus, a distance of 225.88 feet, and again on the northwest by land of the Connecticut Light and Power Company a distance of 156.10 feet.**

- 4.1.41.1** A new and used car sales facility to be allowed within 350 feet from the property on which an automobile sales facility is presently maintained and any use permitted in a CB District.
- 4.1.41.2** Accessory uses customary with or accessory to a permitted use.

Section 4.1.42 approved May 20, 1999; effective June 15, 1999

4.1.42 **In all that certain piece comprised of three parcels of land particularly bounded as described as follows: Northwest by Bradley Road, 169.45 feet by a bent line; East by land formerly of LaCroix, more lately of Samuel DeBurra and Jane E. DeBurra, 250 feet; North in part by land n/f of Samuel DeBurra and Jane E. DeBurra, in part by land n/f of Elvira Perry and Stanley M. Perry, in part by land n/f of Nara Noewatne, and in part by land n/f of George Noewatne, in all 397 feet by a bent line. Southeast by land formerly of John J. Wakem and Loretta B. Wakem, more lately of one Van Leyen, 172.01 feet; Northeast by land n/f of one Van Leyen, George M. Smith, Pauline H. Stack, the First Congregational Church of Madison, Inc., and one Spignesi, each in part, in all 345.556 feet by a bent line; East by Wall Street, 40.36 feet; Southwest in part by land formerly of Florence Canady, more lately supposed to belong to one Gulick, and in part by land formerly of Carol L. Tavernier, more lately supposed to belong to one Bentley, in all, 400.63 feet by a bent line; Southeast again by land n/f of one Bentley, 70.00 feet; Southerly by land n/f of the Madison Land Conservation Trust, Inc., 395.48 feet; Southeast again by land n/f of the Madison Land Conservation Trust, Inc., 188.00 feet; Northwest again in part by land n/f of Robert McLean, Jr. and Phobe McLean, and in part by land n/f by Robert McLean, Sr. and Sophie McLean, in all 145.00 feet; Northwest again by land n/f of Sophie McLean and in part n/f of Kenneth Jansen, Trustee, in**

all 51.06 feet; and West by land n/f of Kenneth Jansen, Trustee, 165.11 feet; AND North by Bradley Road, formerly known as Grove Street, 75 feet, more or less; East by land formerly of the estate of George Noewatne, more lately of George D. Noewatne, 250 feet, more or less; South by land formerly of Vita Formulas, Inc. more lately of other land of the grantees, 75 feet, more or less; and West by land formerly of Ovide and Bertha LaCroix, more lately of Samuel DeBurra and Jane DeBurra, 250 feet, more or less; AND North by Bradley Road, formerly known as Grove Street, 75 feet, more or less; East by land n/f of Elvira and Stanley Perry, 250 feet, more or less; South by land formerly of Vita Formulas, Inc. more lately of other land of the Grantees, 75.49 feet; and West by land formerly of Vita Formulas, Inc. more lately of other land of the Grantees, 250 feet, more or less. Said premises are subject to such pole right and rights of way as may exist.

4.1.42.1 Construction and operation of an Assisted Living Facility. Assisted Living is defined as a program that provides and/or arranges for the provision of daily meals, personal and other supportive services, health care and 24-hour oversight to persons residing in a group residential facility who need assistance with activities of daily living. An Assisted Living Unit is defined as a dwelling unit for an individual or a couple. The unit will be either a studio apartment or a one-bedroom apartment. Each unit will have an ADA approved bathroom with a bathtub or a shower and will also have an emergency pull cord system in the bedroom and the bathroom.

4.1.42.1.1 Each lot shall have at least 100 feet of frontage on a public highway.

4.1.42.1.2 The density for the development is not to exceed 105 assisted living units. The units will be contained in one building.

4.1.42.1.3 Parking shall be provided for ½ of a parking space per assisted living unit.

4.1.42.1.4 The building shall not exceed 3 stories for Assisted Living.

4.1.42.1.5 Each unit will have its own bathroom including a shower or bathtub.

4.1.42.1.6 Each unit will have a kitchenette to include a refrigerator, sink and microwave oven. Those units for residents with dementia will not have a kitchenette.

4.1.42.1.7 The facility will be serviced by public water.

4.1.42.1.8 Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer and shall have no adverse effect on the adjacent property owners' sewage disposal system.

4.1.42.1.9 Landscaping shall be incorporated into the project to protect and enhance the character of Madison.

4.1.42.1.10 Architectural Design: Building and other physical improvements shall be designed in harmony with the character of Madison as to building materials, color, and placement on site.

4.1.42.1.11 The maximum footprint for any building within the subject area is 30,000 square feet. The maximum building length along the road is 165 feet. *Section added: approved December 16, 1999; effective December 23, 1999*

Section 4.1.43 approved January 20, 2000; effective February 15, 2000

4.1.43 In all that certain piece or parcel of land located in the Town of Madison, County of New Haven and State of Connecticut containing 39,283 square feet and shown on a map entitled "Map of Property to be conveyed to Nicholas Pastore, Madison, Conn., Scale 1"=20", October 18, 1983, surveyed by Robert C. Hart, P.E. & L.S., Madison, Conn." To be filed bounded and described as follows: Northerly: by land of Ruth C. Griffin, 161.08 feet;

Easterly: by land of Carl W. Griffin, 170.88 feet; Southerly: by the Boston Post Road, 280.00 feet; Westerly: by Dudley Lane, so-called, 218.02 feet.
Being known as #1315-1317 Boston Post Road, Madison, CT.

- 4.1.43.1 Conversion of the second floor of existing buildings for residential apartment use shall be permitted.
- 4.1.43.2 Each lot shall have an existing commercial building, with second floor space suitable for conversion to residential use as of the date of approval of this regulation.
- 4.1.43.3 The density for the conversion to residential apartment use shall be limited to 1 living unit for each 12,000 square feet of lot area. The maximum number of bedrooms for the property described in §4.1.43 shall be 6.
- 4.1.43.4 Parking shall be provided for 2 parking spaces per residential apartment unit.
- 4.1.43.5 The existing building shall not exceed 2 stories in height.
- 4.1.43.6 Each residential apartment use shall have its own bathroom (including shower or bathtub).
- 4.1.43.7 Each resident unit shall have a kitchen (to include a stove, refrigerator, and sink).
- 4.1.43.8 The apartment facility will be serviced by public water.
- 4.1.43.9 The sewage disposal system shall meet all State and local requirements and shall be specifically approved by the local Health Officer, and shall have no adverse effect on the adjacent property owners' sewage disposal system
- 4.1.43.10 Each apartment dwelling unit shall have not less than 900 square feet of living area. The "living area" under the provisions of this paragraph shall include the interior space of each apartment dwelling unit, including hallways and bathrooms. (It shall not include exterior stairways, entrances and hallways used in common with other dwelling units).

Section 4.1.44 deleted May 17, 2001; effective June 15, 2001

Section 4.1.45 approved March 21, 2002; effective April 15, 2002

- 4.1.45 All that certain piece or parcel of land, situated in the Town of Madison, County** of New Haven and State of Connecticut, bounded and described as follows: Southerly by the Boston Post Road, 230.96 feet; Westerly by land now or formerly of the Madison Historical Society, 249.90 feet; Southerly again, by land of the Madison Historical Society, 100.25 feet; Westerly again, in part by land now or formerly of Davis Realty, LLC, in part by land now or formerly of Timothy Clorite and in part by land now or formerly of Norman, Kathryn and Christine Dewmars, in all, 752.99 feet; Northwesterly by land now or formerly of the George C. Field Company, 770.16 feet; Easterly in part by land now or formerly of Richard L. Marcinak and Jane B. Kuby and in part by land now or formerly of Quentin and Dorothy Chittenden, in all, 534.27 feet; Southerly again, by land now or formerly of Marshall V. and Marion I. Wilcox, 235.41 feet; Easterly again, by land now or formerly of Marshall V. and Marion I. Wilcox, 622.14 feet; Northerly again, by land now or formerly of Marshall V. and Marion I. Wilcox, 257.75 feet; Easterly again, in part by land now or formerly of Helen B. Gauer, and in part by land now or formerly of Marshall V. and Marion I. Wilcox; Northerly again by land now or formerly of Marshall V. and Marion I. Wilcox, 237.43 feet, more or less. Easterly again by Scotland Avenue, so called, 150.87 feet, more or less; Southerly again, in part by land now or formerly of Morris A. Kirchoff and Ronald Zollshan, and by land now or formerly of Carolo DiGirolamo and John DiGirolamo, in all 137.53 feet, more or less; Easterly again, by land now or formerly of Carlo DiGirolamo and John DiGirolamo, in all 17.02 feet, more or less; Southerly again, by land now or formerly of 885 Boston Post

Road, LLC, 55.64 feet, more or less; Westerly again, by land now or formerly of John DiGirolamo, 43.68 feet, more or less; Southerly by land now or formerly of Paul C. L'Amoureux, Jr., 33.33 feet, more or less; Westerly, by land now or formerly of Paul C. L'Amoureux, Jr., 4 feet, more or less; Southerly again, by land now or formerly of Paul C. L'Amoureux, Jr., 88 feet, more or less; Easterly 56 feet, more or less; Southerly 8 feet, more or less; and Easterly again, by land now or formerly of Paul C. L'Amoureux, Jr., to the point and place of beginning.

Said parcel of land is shown on the Madison's Assessor's Map as Lots 16, 17, and 23 on Map 39. Said parcel of land is intended to be classified as a single "lot" under this Regulation.

- 4.1.45.1** Within the above described zone, the following use shall be permitted but only by Special Exception Permit: a mixed use (Residential/Commercial) condominium development.
- 4.1.45.2** Conditions applicable to commercial uses:
- a) Permitted uses shall include one or more of the following: retail sales and services, business and professional offices, and financial institutions.
 - b) No more than one building may have drive-up facilities and such facilities shall be located in the rear of such building.
 - c) Such drive-up facilities shall not be used for fast food service.
 - d) Total square footage of the floor area used for commercial purposes shall not exceed 9,000 square feet nor shall such square footage be less than 7,500 square feet.
 - e) One on-site parking space shall be provided for each 250 square feet of commercial space.
 - f) All vehicular access to buildings containing condominium units used for commercial purposes shall be from State highways.
 - g) Setbacks shall be as follows:
 - 1. All buildings containing condominium units shall be set back not less than 5 feet nor more than 20 feet from the state highway street line.
 - 2. All buildings containing condominium units shall be set back at least 10 feet from any property line that is not a street line.
- 4.1.45.3** Conditions applicable to residential uses:
- a) Permitted uses shall be Residential Condominium Units with a maximum of 3 bedrooms per unit.
 - b) All vehicular access (except for necessary emergency access) to residential use shall be from local streets and roadways.
 - c) There shall be no more than 31 residential dwelling units.
 - d) There shall be 2 parking spaces per residential dwelling unit with each unit having at least one of its parking spaces in an enclosed garage.
 - e) The average density of development for Residential Condominium Units shall not exceed 7 bedrooms per acre.
 - f) Setbacks shall be as follows: Except as provided herein, all buildings containing condominium units shall be set back at least 8 feet from any adjacent, commercially zoned property and at least 35 feet from any adjacent residentially zoned property. Notwithstanding anything herein contrary, a building containing condominium units may be located not closer than 15 feet from an adjacent residentially zoned property and existing on the date of adoption of these regulations.
- 4.1.45.4** The site shall be served by private drives. Two-way drives shall be not less than eighteen (18) feet wide. One-way drives shall be not less than ten (10) feet wide. All drives shall be maintained by the common interest community.

- 4.1.45.5** The maximum height of any building erected on the site shall be the lesser of *(i)* 3 stories or *(ii)* 30 feet, as defined in these Regulations.
- 4.1.45.6** On site sewage disposal systems shall meet all State and local requirements.
- 4.1.45.7** All accessory structures shall comply with the following:
 - 4.1.45.7.1** No accessory building shall be placed within a front yard.
 - 4.1.45.7.2** No accessory building shall be built higher than a line drawn from a side or rear lot line, at a slope of one to one, nor closer than six feet from the side or rear lot line.
- 4.1.45.8** The provisions of Section 2.9 of these Regulations shall not apply to this site.
- 4.1.45.9** Landscaping shall be incorporated throughout the site and shall be provided to visually screen adjacent properties.
- 4.1.45.10** Pedestrian walkways shall be provided from all buildings directly to state highways and/or local roads and streets.
- 4.1.45.11** All buildings and site improvements shall be subject to the provisions of Section 6.4, Appendix A of these Regulations.
- 4.1.45.12** Building coverage shall not exceed fifteen percent (15%).
- 4.1.45.13** Any significant and/or historical structures located within the zone may be renovated, expanded or demolished only in conformance with Section 6 of these Regulations.

SECTION 5

RURAL DISTRICTS

Sec. 5 RU-1, RU-2, SINGLE FAMILY RURAL RESIDENCE DISTRICTS

5.1 PURPOSE

The purpose of these districts is to set aside and protect areas which have been or may be developed predominately for single family dwellings on large lots in a rural setting. Certain other uses are also permitted as-of-right or by Special Exception, subject to adequate conditions and safeguards. It is intended that all uses permitted in these districts be compatible with single family development and consistent with local street characteristics, the use and protection of private water and sewer facilities (where public facilities are unavailable) and the level of other public services. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

5.2 PERMITTED USES AS-OF-RIGHT

In any RU-1 or RU-2 District a building or other structure may be erected, altered, designed or used and a lot may be used as-of-right for any of the following purposes and no other:

- a) Those same uses permitted as-of-right and in the same manner as in a Residence District.
- b) The display and sale of farm and garden produce raised on the premises and for such purposes; one stand not over 200 square feet in area which stand shall not be less than 15 feet from the edge of the pavement.
- c) A saw mill, excepting a permanent commercial saw mill, provided that it is located on a lot of not less than five acres, that all operations are carried on not less than 100 feet from any street or property line, and that all sawing operations are carried on at a distance of not less than 500 feet from any residence, except a residence on the same premises.

5.3 PERMITTED USES, ZONING PERMIT REQUIRED

The following uses are permitted only after a permit is obtained from the Zoning Enforcement Officer. The purpose of the permit is to insure compliance with all applicable regulations.

- a) The same uses and in the same manner as in a Residence District.

5.4 PERMITTED USES, SPECIAL EXCEPTION

The following uses are permitted by Special Exception, pursuant to Sec. 4.2 through 4.8:

- a) The same uses permitted and in the same manner as a Residence District.
- b) Town of Madison operated dumps, bulky waste site, landfill, recycling center, transfer station, or septage lagoons.
- c) Stables, livery or boarding.
- d) Banks, professional and other offices within 350 feet of the RS District, but only both north of Route 80 and east of Route 79. The requirements of 6.5.4 through 6.5.9 inclusive shall also apply to applications under this Section (d). (*Sentence added 9/18/03; effective 10/1/03*)
- e) An educational institution operated for profit, provided that no objectionable noise is audible off the premises.
- f) Commercial greenhouses, provided they are located not less than 100 feet from any lot line.

- g) A private hospital, sanitorium or clinic, provided that the lot area shall not be less than 5,000 square feet for each patient accommodation, but excluding hospitals for the mentally ill or for alcohol or drug addicts; provided further that all the buildings so used shall be not less than 100 feet from any property or street line.
- h) Public utility buildings, including storage yard or electric substation.

5.5 BUILDING REGULATIONS, RU-1 DISTRICT

- a) Minimum lot area: 80,000 square feet, designed to contain a 200 foot square.
- b) Each lot shall contain a building site of at least 48,000 square feet of buildable land.*
- c) Minimum lot width: 200 feet
- d) Maximum building coverage, all buildings: 10%
- e) Maximum building height: 30 feet
- f) Minimum yards:
 - Front: 40 feet
 - Rear: 30 feet
 - Side: 30 feet, each side

5.6 BUILDING REGULATIONS, RU-2 DISTRICT

- a) Minimum lot area: 60,00 square feet, designed to contain a 175 foot square.
- b) Each lot shall contain a building site of at least 40,000 square feet of buildable land.*
- c) Minimum lot width: 175 feet
- d) Maximum building coverage, all buildings: 10%
- e) Maximum building height: 30 feet
- f) Minimum yards:
 - Front: 40 feet
 - Rear: 30 feet
 - Side: 30 feet, each side

****"Buildable Land" shall mean all land that is not inland or tidal wetlands or watercourses, as defined in C.G.S. §22a-29 and 22a-38, or slopes with an incline of 25% or greater.***

Section revised 6/18/92; effective 8/1/92
Section again revised 7/16/98; effective 9/1/98
Section again revised 9/18/03; effective 10/1/03

SECTION 6

COMMERCIAL DISTRICTS

6.1 USES PERMITTED IN CA DISTRICTS

- 6.1.1 Any uses permitted in a Residence District.
- 6.1.2 Business or professional offices and financial institutions.
- 6.1.3 A retail business or retail service occupation, including the manufacture or processing of materials, only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created, which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- 6.1.4 Commercial greenhouses.
- 6.1.5 Restaurants and boarding houses.
- 6.1.6 Undertakers' establishments.
- 6.1.7 Cold storage locker plants.
- 6.1.8 Washing machine rental establishments and hand laundries not using steam.
- 6.1.9 Theaters for indoor motion picture projection or dramatic or musical productions.
- 6.1.10 Research laboratories, providing there is no manufacture or processing of material, except as incidental to research and experiment, and provided further that no operation is carried on which creates any objectionable noise, smoke or fumes noticeable off the premises.
- 6.1.11 Accessory uses customary with and incidental to a permitted use, including private garages for the storage of motor vehicles as accessories to a permitted use only.

6.2 USES PERMITTED IN CB DISTRICTS

- 6.2.1 Any use permitted in CA Districts.
- 6.2.2 Automobile service stations, public garages, and automobile or machinery repair shops, including welding, provided that all operations are carried on in a building or within an enclosure not less than eight feet high. *Section repealed, 9/18/03*
- 6.2.3 Farm equipment salesrooms and public parking areas.
- 6.2.4 A newspaper plant or job printing establishment.
- 6.2.5 Public utility buildings, including storage yard or electric substation.
- 6.2.6 Plants for the processing and distribution of milk and edible dairy products and for the bottling of beverages.
- 6.2.7 Retail lumber, fuel and building material yards and contractors' equipment storage, provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- 6.2.8 Assembly halls, dance halls, billiard and pool parlors, bowling alleys and similar places of public recreation operated as a business.
- 6.2.9 Accessory uses customary with or accessory to a permitted use. Trailers shall not be kept on any property unless a Special Exception Permit application has been made to and approved by the Commission.

6.2A USES PERMITTED IN THE CA AND CB DISTRICTS BY SPECIAL EXCEPTION

6.2A.1 Clubs.

6.2A.2 In the CA District, municipal buildings, fire houses, telephone exchanges, transformer substations, sewer or water pumping stations, bus or railroad passenger stations.

6.2A.3 Philanthropic, educational, recreational or religious use by a duly incorporated, non-profit body or governmental unit, excluding correctional institutions and institutions for the mentally ill.

6.2A.4 Parks and Playgrounds operated by a governmental unit, non-profit corporation or community association.

6.2A.5 A day care center or nursery school for more than six persons at any one time, provided no objectionable noise is audible off the premises.

6.2A.6 Hotels and motels, subject to the following restrictions:

- a) Each lot shall have at least 100' of frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50' wide on a public highway.
- b) The area of each lot shall be at least two acres.
- c) The average density per lot shall be not more than 20 bedrooms per acre.
- d) Not more than 10% of the bedrooms or other individual rental units may have kitchen or cooking facilities.
- e) Each building shall be at least 40' from any lot line and at least 30 feet from any other building, except that any detached garage may be not less than ten feet from any other building.
- f) Off-street parking shall be provided for a minimum of one and one-half parking spaces per bedroom.
- g) The maximum building coverage shall not exceed 20% of the lot area.
- h) Such hotel or motel shall be served by a public water supply.
- i) Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer and shall have no adverse effects on adjacent sewage disposal systems.

6.2A.7 The letting of rooms or the furnishings of board by the resident of the premises to not more than eight persons, subject to the following:

- a) No accessory building shall be used for this purpose.
- b) One off-street parking space per bedroom shall be provided.
- c) Sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local health officer, and shall have no adverse effect on adjacent sewage disposal systems.

6.2A.8 The keeping of trailers for purposes accessory to the primary use of the lot, subject to the following conditions:

- a) No trailer is to be used for dwelling purposes.
- b) No trailer is to be permanently installed on the property.

6.2A.9 Automobile service stations, public garages, total reclamation car washing facilities, and automobile and machinery repair shops, including welding, provided that all operations are carried on in a building or, in the case of self service auto vacuum facilities, within an enclosure not less than eight feet high. (*Section added 9/18/03 – effective 10/1/03*)

6.2A.10 *Section added 12/18/03, effective 2/1/04*

Multiple family dwelling units above first floor commercial uses, subject to the following conditions:

- a) No dwelling unit shall contain more than two (2) bedrooms as defined in these regulations.
 1. No more than 25% of the units shall have two (2) bedrooms.
- b) The average number of bedrooms permitted per building shall be limited as follows:

1. For each building with a first floor of 5,000 gross square feet or less, a maximum of one bedroom for each 500 square feet of the first floor building area.
2. For each building with a first floor of greater than 5,000 gross square feet, a maximum of one bedroom for each 750 square feet of first floor building area.
- c) Notwithstanding the limitations of subsection b) above, the average number of bedrooms per acre for any such use shall not exceed twelve (12) bedrooms.
- d) The height of any building which contains dwelling units above the first floor commercial uses shall not exceed 30 feet, except that by Special Exception, the height may be increased to not more than 38 feet.
- e) The minimum lot area is 30,000 square feet.
- f) The maximum lot area is 80,000 square feet.
- g) The maximum building footprint shall be 10,500 square feet.
- h) The minimum dwelling unit size shall be 650 square feet.

6.3 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT

	Min. Lot Area (Sq. feet)	Min. Lot Width (feet)	Min. Front Yard (feet)	Side Yards Each (feet)	Min. Rear Yard (feet)	Max. Bldg. Cov. (%)	Max. Bldg. Height (feet)
District							
CA-1	20,000	100	50	20	50	20	30
CB-1	20,000	100	50	20	50	20	30
CB-2	10,000	100	50	12	30	33-1/3	30

6.3.1 In DW and CB-2 Districts, by agreement of the owners of two adjacent lots, duly recorded in the land records of the Town of Madison, one side yard of each lot may be omitted and buildings built on the common line.

6.4 D DISTRICT

The purpose of the Downtown District (“D”, “DW” & “DC”) is to maintain and enhance the historic character and charm of the downtown, while allowing the existing downtown area along Boston Post Road and Wall Street to expand into adjacent lands within the District. Development within this District shall be consistent with §6.4.10 (Appendix A).

6.4.1 No building permit shall be issued in the D, DW or DC District for any new construction, addition, exterior alteration, or use change until the applicant has obtained a **Site Plan Review** per § 29 or a **Special Exception Permit** per §4.

6.4.2 USES PERMITTED IN D, DW & DC DISTRICTS

Uses that require Site Plan Review:

- a) Any uses permitted in a Residence District.
- b) Residential apartments located above the first story of any building if 1st floor is a commercial use; no more than **4 bedrooms** per lot.
- c) Business or professional offices and financial institutions.
- d) A retail business (this does not include motor vehicle sale, motor vehicle fuel sale or motor vehicle repairs) or retail service occupation, including the manufacturing or processing of materials only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off

the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.

- e) Theaters for indoor motion picture projection or dramatic or musical productions.
- f) Restaurants (outside seating is allowed as long as it does not interfere with pedestrian traffic), excluding drive-up service.
- g) Undertakers' establishments.
- h) Accessory uses customary with and incidental to a permitted use, including parking areas and private garages for the storage of motor vehicles as accessories to a permitted use only. Any private garage shall be limited to no more than one space per living unit.

Uses that require Special Exception Permit Review.

- i) Any building or addition over 10,000 square feet.
- j) Public utility buildings, including storage yard or electric substation.
- k) Retail lumber, building material yards and contractors' equipment storage, provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- l) Washing machine rental establishment and laundries.
- m) Research laboratories, providing there is no manufacturing or processing of material, except as incidental to research and experiment and provided further that no operation is carried on which creates any objectionable noise, smoke or fumes noticeable off the premises.
- n) Municipal buildings, firehouses, telephone exchanges, transformer substations, sewer or water pumping stations, bus or railroad passenger station.
- o) Clubs. Philanthropic, educational, recreational, religious, or governmental use, excluding correctional institutions.
- p) Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- q) A day care center or a nursery school for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
- r) Hotels and motels subject to the following restrictions:
 - 1. Each lot shall have at least 100 feet of frontage on a public highway or unobstructed easement of access or exclusive right-of-way at least 50 feet wide on a public highway.
 - 2. The area of each lot shall be at least two acres.
 - 3. The average density per lot shall be not more than 20 bedrooms per acre.
 - 4. Not more than 10% of the bedrooms or other individual rental units may have kitchen or cooking facilities.
- s) The letting of rooms or the furnishing of board by the owner and resident of the premises to not more than eight persons, subject to the following conditions:
 - 1. No accessory building shall be used for this purpose.
 - 2. One off-street parking space per bedroom shall be provided.
- t) Existing auto repair may expand only on the property they presently occupy, subject to these regulations.

6.4.3 RESTRICTIONS ON DEMOLITION

In reviewing a Site Plan or Special Exception Permit for the demolition of a structure, the Planning and Zoning Commission shall consider the architectural quality and value of the structure and its contribution to the character of the Downtown District and the surrounding buildings. Where the Commission determines that the structure possesses architectural or historic character, it may deny a Site Plan or Special Exception Permit approval for demolition, unless it finds that:

6.4.3.1 The building proposed to replace the structure proposed for demolition will enhance the architectural and historic character of the neighborhood and will be consistent with this Section and any applicable design standards.

6.4.3.2 MINOR DEMOLITION:

Demolition of less than (a) 100 sq. ft., or (b) 3% of the building coverage up to 500 square feet may be considered minor site modifications subject to reduced site plan requirements. After review by the Town Engineer and the Health Director, the Planning and Zoning Administrator may approve the minor demolition or refer it to the Planning and Zoning Commission for its action under the Site Plan or Special Exception Permit requirements of §29 and 4, respectively.

6.4.4 DIMENSIONAL STANDARDS

6.4.4.1 The minimum lot area shall be 20,000 square feet. Minimum lot widths shall be 100 feet.

6.4.4.2 **“D” & “DC” District:** Minimum **side yards** shall be **10 feet**, but the total sum of the side yards must be a minimum of **30 feet**. Properties with frontage on Wall Street or Railroad Avenue may reduce the minimum side yards to 6 feet, but the total sum must be 20 feet. **“DW” District:** Minimum **side yards** shall be **6 feet**. The provisions of §6.3.1 shall apply in the “DW” District.

6.4.4.3 Minimum **rear yards** shall be **15 feet**.

6.4.4.4 **“D” & “DC” District:** Minimum **front yard** requirements for properties with frontage on Wall Street and Railroad Avenue 10 feet, maximum 20 feet; Boston Post Road east of Wall Street 5 feet, maximum 20 feet; Durham Road 0 feet, maximum 20 feet; south side of Bradley Road 10 feet, maximum 20 feet; north side of Bradley Road 20 feet, maximum N/A; Meigs Avenue, Samson Rock Drive and Scranton Parking area 0 feet, maximum N/A. **“DW” District** minimum **front yard** requirements 0 feet, maximum 5 feet.

6.4.4.5 **“D” District:** Maximum **building coverage** shall be **25%**. The Planning and Zoning Commission, by **Special Exception Permit** per §4, may approve a building coverage of **30%**.

6.4.4.6 **“DW” & “DC” District:** Maximum **building coverage** shall be **30%**. The Planning and Zoning Commission, by **Special Exception Permit** per §4, may approve a building coverage of **35%**.

6.4.4.7 **“D” & “DW” Districts:** All new buildings shall be a minimum of two stories.

6.4.4.8 Building height shall be a maximum of 30 feet. The Planning and Zoning Commission, by Special Exception Permit per §4, may approve a height of 40 feet (excluding properties with frontage on Wall Street). The building height reductions for narrow lots in §2.7.1 shall not apply in the “D” or “DW” District.

6.4.4.9 The maximum first floor interior building area of any structure on a lot fronting on Wall Street shall be 3,000 square feet. The maximum width (dimension of the building parallel to the street) of any building on such a lot shall be 50 feet.

6.4.4.10 The maximum first floor interior building area of any structure on a lot fronting on Boston Post Road, Durham Road, Railroad Avenue or Bradley Road shall be 20,000 square feet and the maximum width shall be 80 feet. This shall not preclude the construction of party walls built to separate lots on Boston Post Road.

6.4.4.11 Rear yard shall be 10 feet when rear yard boundary is railroad right of way.

6.4.4.12 A landscaped buffer of 40 feet on off or adjacent to the property shall be required between the commercial development and the residential uses on the south border of the DC district.

6.4.4.13 **Corner Lots:** Where dimensional standards conflict, front and side yard building width requirement shall be determined separately for each street as applicable; the less restrictive

height and the most restrictive coverage and first floor area requirements shall apply.
(Section added 1/18/01; effective 2/1/01)

6.4.4.14 Wall Street and Boston Post Road Corner Lots: The minimum front setback from the Boston Post Road shall be 40 feet. *(Section Added 1/18/01; effective 2/1/01)*

TABLE OF DIMENSIONAL STANDARDS – SEE SECTIONS ABOVE FOR SPECIFIC REQUIREMENT

	Front Min.	Front Max.	Side Min.	Rear Min.	Coverage Max.	Height Max.	Lot Min.	L.Wdth Min.
Wall Street	10'	20'	6'T=20'	15'	25%/30%/sep	30'	20,000s.ft.	100'
Railroad Ave.	10'	20'	6'T=20'	15'	25%/30%/sep	30'	20,000s.ft.	100'
Boston Post Rd. (RT#79 to Wall)	0'	5'	0'T=6'	15'	30%/35%/sep	30'/40'/sep	20,000s.ft.	100'
Boston Post Rd. (East of Wall)	5'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Durham Road	0'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Bradley Rd So.	10'	20'	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Bradley Rd No.	20'	n/a	10'T=30'	15'	25%/30%/sep	30'/40'/sep	20,000s.ft.	100'
Meigs & Samson	0'	n/a	10'T=30'	15'	30%/35%/sep	30'/40'/sep	20,000s.ft.	100'

6.4.5 OFF-STREET PARKING

6.4.5.1 The Commission may reduce or waive the off-street parking requirements contained in Section 8 of these regulations if it finds any one or more of the following:

- a) that such requirements are excessive for the actual proposed use;
- b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use; or
- c) that there are sufficient, existing public parking facilities (including on-street spaces) available for the use of customers, employees, and other persons using the proposed building or buildings.

New development or redevelopment should be encouraged to have parking connections to adjacent properties.

6.4.5.2 There shall be no parking in the front yard. The Commission may waive this requirement if it is in the best interest of the District.

6.4.6 WATER RESTRICTION OVERLAY DISTRICT (DW)

6.4.6.1 Within the area shown on the Zoning Map as the Water Restriction Overlay District, there are severe limitations on the capacity of the soil to absorb sewage effluent. Therefore, any applicant for a proposed new use or structure in this overlay district shall demonstrate to the satisfaction of the Commission that the proposed use will not consume in excess of 10

gallons of water per day per 100 square feet of gross floor area of all buildings or portions thereof involved in the use.

6.4.6.2 Any use approved in the Water Restriction Overlay District shall have a tamper-proof water meter measuring the water consumption of that use, available for periodic reading by the Zoning Enforcement Officer. Failure to comply with the water use restrictions in §6.4.6.1 for two months in any six-month period shall void the right to continue the use.

6.4.7 REFUSE CONTAINMENT AREA: The storage of trash and other refuse shall be appropriately screened from public view. The sharing of these areas is encouraged. The material and methods shall be compatible with the main building.

6.4.8 SIDEWALKS & CONNECTING PROPERTIES: Any new development or redevelopment should be encouraged to have sidewalk connections to adjacent properties.

6.4.9 COMPLETION OF LANDSCAPING AND LANDSCAPE PLAN

6.4.9.1 In new construction, all landscaping shown on the approved plan shall be completed before issuance of a Certificate of Occupancy, or a bond in a form and amount satisfactory to the Commission assuring completion within a specific time (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work shall not have been completed within such time limit. See Section 11 of the subdivision regulations for bonding types and procedures.

6.4.9.2 Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing planting shall be identified on the plan. If existing planting is to be utilized, then they must be identified by names, quantities, size.

6.4.10 APPENDIX A

6.5-A

The Madison Planning and Zoning Commission will not accept, consider or grant any application for a retail business which includes, but is not limited to, retail sales and retail services within the RS District for a period of nine months from the effective date of this Regulation in order to allow the Commission to evaluate the needs of the community, future land use and growth, and to pass suitable regulations to implement solution to these concerns in the RS District. *Approved May 15, 1997; effective May 22, 1997. Expired February 22, 1998.*

6.5-A

The Madison Planning and Zoning Commission will not accept, consider or grant any application for a retail business which includes, but is not limited to, retail sales and retail services within the RS District for a period of nine months from the effective date of this Regulation in order to allow the Commission to evaluate the needs of the community, future land use and growth, and to pass suitable regulations to implement solution to these concerns in the RS District. *Approved February 19, 1998; effective February 22, 1998. Expired November 22, 1998.*

Section 6.5 revised 9/17/98; Effective 10/15/98

6.5 RS DISTRICT

The purpose of the Rural Shopping (RS) District is to maintain and enhance the historic character and charm of the colonial tradition of Madison, while allowing for development using appropriate architecture and landscaping within the district. Development within this district shall be consistent with Section 6.5.9 (Appendix B).

6.5.1 No building permit shall be issued in the RS District for any new construction, addition, exterior alteration, or use change until the applicant has obtained a **Site Plan Review** per Section 29 or a **Special Exception Permit** per Section 4.

6.5.2 **PERMITTED USES**

Uses that require SITE PLAN REVIEW:

- a) Residential apartments located above the first story. No more than four (4) bedrooms per 40,000 sq. ft.
- b) Business or professional offices and financial institutions.
- c) A retail business (not including motor vehicle sale, motor vehicle fuel sale or motor vehicle repairs) or retail service occupation including the manufacturing or processing of materials, only as incidental to a permitted retail occupation and provided that no objectionable noise, smell or unsightly condition is created which is noticeable off the premises. All activities shall be carried on within a building, except for the display of merchandise within 20 feet of a building.
- d) Restaurants (outside seating is allowed as long as it does not interfere with pedestrian traffic) excluding drive-up service.
- e) Undertaker's establishments.
- f) Accessory uses customary with and incidental to a permitted use, including parking areas as accessory to a permitted use only. Any parking areas shall be limited to no more than one (1) space per living unit.

Uses that require SPECIAL EXCEPTION PERMIT REVIEW:

- g) Any building or addition over 10,000 sq. ft.
- h) Public utility buildings including storage yard or electric substation.
- i) Retail lumber or building material provided that all material is kept in a building or within an enclosure not less than eight feet high, but excluding the bulk storage of cement and concrete mixing.
- j) Washing machine rental establishments and laundries.
- k) Municipal buildings, fire house, telephone exchanges, transformer substations, sewer or water pumping stations, bus passenger station.
- l) Clubs, philanthropic, educational, recreational, religious, or governmental use, excluding correctional institutions.
- m) Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- n) A day care center or a nursery school for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
- o) Existing auto repair may expand only on the property they presently occupy, subject to these regulations.

6.5.3 **DIMENSIONAL STANDARDS**

6.5.3.1 The minimum lot area shall be 120,000 sq. ft. Minimum lot widths shall be 400 feet.

6.5.3.2 Minimum **side yards** shall be **20 feet**.

6.5.3.3 Minimum **rear yards** shall be **50 feet**.

6.5.3.4 Minimum **front yard** shall be **50 feet**.

6.5.3.5 Maximum **building coverage** shall be **20%**.

6.5.3.6 **Building height** shall be a maximum of **30 feet**.

6.5.3.7 The maximum first floor interior building area of any structure shall be 5,000 sq. ft. and the maximum width shall be 60 feet.

Table of Dimensional Standards – See Section above for specific requirement

Front Min	Side Min.	Rear Min.	Coverage Max.	Height Max.	Lot Area Min. Sq. Ft.	Lot Width Min.
50 ft.	20 ft.	50 ft.	20%	30 ft.	120,000	400 ft.

6.5.4 OFF-STREET PARKING

- 6.5.4.1 The Commission may reduce or waive the off-street parking requirements contained in Section 8 of these regulations if it finds any one or more of the following: (a) that such requirements are excessive for the actual proposed use, (b) that shared parking arrangements with adjacent parcels will provide adequate parking for the proposed use, or (c) that there are sufficient existing public parking facilities (including on-street spaces) available for the use of customers, employees, and other persons using the proposed buildings or buildings. New development or redevelopment should be encouraged to have park connections to adjacent properties.
- 6.5.4.2 Parking lots shall be connected to parking lots on adjoining properties. At least one shade tree per eight parking spaces shall be retained or planted to create a canopy over any new parking lots. Parking lots with more than 30 cars shall be broken into separate lots by tree lines or landscaped islands.
- 6.5.4.3 Access to the public highway shall be minimized or shared whenever possible.

6.5.5 REFUSE CONTAINMENT AREA

Central storage of trash areas shall be encouraged and shall be appropriately screened from public view. The sharing of these areas is encouraged. The material and methods shall be compatible with the main building.

6.5.6 SIDEWALKS AND CONNECTING PROPERTIES

Any new development or redevelopment shall be encouraged to have sidewalk connections to adjacent properties.

6.5.7 COMPLETION OF LANDSCAPING AND LANDSCAPE PLAN

- 6.5.7.1 In new construction, all landscaping shown on the approved plan shall be completed before issuance of a Certificate of Occupancy, or a bond in a form and amount satisfactory to the Commission assuring completion within a specific time (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work shall not have been completed within such time limit. See Section 11 of the Subdivision Regulations for bonding types and procedures.
- 6.5.7.2 Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing planting shall be identified on the plan. If existing planting is to be utilized, then they must be identified by names, quantities, size.
- 6.5.7.3 Buffer areas at least 25 feet wide shall be maintained or established between the road and the developed site to preserve the rural tree-lined character of Route 80, to preserve the natural rock formations, to provide screening and to mitigate visual, noise and other impacts. Street rights-of-way shall not obviate the need for a buffer.
- 6.5.7.4 The buffer shall be landscaped naturally or through plantings and permanently maintained. The minimum height of any plantings natural or planted shall be 10 feet. All buffer areas shall be designed by a qualified landscape professional and the buffer design shall be portrayed on the landscaping plan.

6.5.8 Trademark buildings, which identify the owner or occupant by a trademarked architectural style, are not allowed. Separated one-story buildings set back from the street and surrounded by parking are not allowed. Franchise business operations are allowed if they are designed to harmonize with the rural residential mixed-use areas.

6.5.9.0 APPENDIX B

- 6.6** No building permit shall be issued for any new construction, addition, or exterior alteration located in the Commercial Districts in Sec. 6.1 and 6.2 until the applicant shall have obtained a Site Plan Review pursuant to the provisions of Section 29.
- 6.7** No addition or alteration of parking areas, or major alterations or additions to landscaping and/or buffer zone(s) shall be permitted in any Commercial Districts under Section 6 until such change(s) shall have been reviewed by the Advisory Committee on Community Appearance and approved by the Planning and Zoning Commission.
- 6.7.1** Application for such review and approval shall be made in writing on forms provided by the Commission and shall be accompanied by a filing fee as specified in Section 23.
- 6.7.2** Such application shall include plans and documentation as required by the provisions of Section 29.
- 6.7.3** The Commission shall immediately refer the application to the Advisory Committee on Community Appearance for its comments and recommendations pursuant to the application procedures of Section 22 of these Regulations.
- 6.7.4** In approving or denying such application, the Commission shall consider whether or not the proposal shall enhance the well being or convenience of the community as a whole, and shall not be detrimental to nearby existing areas.
- 6.7.5** The Commission may, at its discretion, require a Public Hearing on any such application, notice of which shall be published in accordance with the provisions of C.G.S. §8-3(c).

INSERT APPENDIX A

AND

APPENDIX B

SECTION 7

LIGHT INDUSTRIAL DISTRICTS

7.1 Uses permitted in LI Districts by Special Exception only pursuant to §4.2 through §4.8.

- 7.1.1 Any use permitted in a CB District, excluding residential.
- 7.1.2 A laundry, cleaning and dyeing works, and carpet or rug cleaning.
- 7.1.3 The manufacturing, processing or packing of foods, non-alcoholic beverages, toilet supplies, pharmaceuticals, perfumes and similar products..
- 7.1.4 The manufacturing of pottery and ceramic products, provided the kilns are fired by gas or electricity only.
- 7.1.5 The finishing or assembling of articles made from woods, metals, plastics, textiles, paper, glass, leather, fiber and similar products.
- 7.1.6 A foundry casting non-ferrous metal.
- 7.1.7 A paint, woodworking, sheet metal, blacksmith or machine shop, but excluding drop hammers, provided that any such use creates no objectionable noise, dust, smell, smoke or gas which is noticeable outside the LI District in which it is located.
- 7.1.8 A storage warehouse.
- 7.1.9 The manufacturing of concrete products.
- 7.1.10 The storage of petroleum products, provided that tanks for such purpose do not exceed 20,000 gallons capacity.
- 7.1.11 Customary accessory uses. Trailers shall not be kept on any property unless a Special Exception Permit application has been made to and approved by the Commission.
- 7.1.12 Sign pertaining only to a business conducted on the premises and otherwise as provided in Section 10.
- 7.1.13 In the Light Industrial District on the Hammonasset River, marinas, provided that customary uses under §7.11 not include swimming pools.
- 7.1.14 Clubs.
- 7.1.15 Municipal buildings, fire houses, bus or railroad passenger stations, and other public utility buildings.
- 7.1.16 Philanthropic, educational, recreational or religious use by a duly incorporated, non-profit body or governmental unit, excluding correctional institutions and mental institutions.
- 7.1.17 Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- 7.1.18 A day care center or a nursery school for more than six persons at any one time, provided that no objectionable noise is audible off the premises.
- 7.1.19 Veterinary hospitals and indoor boarding kennels for dogs, cats and similar small animals.

a) Required lot area, width, yards, coverage and height:

Minimum lot area	40,000 sq. ft.
Minimum lot width	150 feet
Minimum front yard	125 feet
Minimum side yard	60 feet
Minimum rear yard	60 feet
Maximum building coverage	40%
Maximum height	30 feet
Minimum distance from nearest building other than an accessory building	125 feet

- b) Access. No building shall be built on any lot without unobstructed, exclusive right-of-way to a public street at least 25 feet wide. The area of such right-of-way shall not be included in the area of any lot.
- c) Except in extreme emergency, no animals over fifty pounds, except dogs, shall be accepted or housed. Except for veterinary hospitals, no medical treatment shall be provided other than incidental to the boarding function.
- d) Noise Control. Adequate provisions shall be made for noise control by construction of all buildings and other enclosures wherein animals may be housed to achieve Sound Transmission Class 45 or greater and further will be constructed so that no noise caused by the occupant is apparent at any lot line adjacent to a residential district.
- e) Odor Control. Adequate provisions shall be made for odor control as prescribed by the local Health Officer and the Town Engineer.
- f) No objectionable or injurious wastes or other materials shall be discharged or emitted into any river, stream, public or private disposal system, body of water, or into the ground so as to endanger public health or safety or constitute an objectionable source of pollution.
- g) Off-Street Parking. Off-street parking shall be provided on the lot with at least one car space for each employee and in addition, there shall be not less than five car spaces for visitors. Parking areas shall be permanently improved and shall be enclosed by a buffer planting area [§7.1.19(i)] .
- h) Proposed sewage disposal systems shall meet all State and local requirements, shall be specifically approved by the local Health Officer, and shall have no adverse effect on adjacent sewage disposal systems.
- i) Buffer Planting. A buffer zone, suitably landscaped with trees and shrubbery and permanently maintained shall be provided not less than 30 feet in width on each side and rear yard, except where such side or rear yard is adjacent to a railroad right-of-way.

7.1.20 The keeping of trailers for purposes accessory to the primary use of the lot, subject to the following:

- a. No trailer is to be used for dwelling purposes.
- b. No trailer is to be permanently installed on the property.

7.2 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE AND HEIGHT

<u>District</u>	Min. Lot Area	Min. Lot Width	Min. Front Yard	Side Yards Each	Min. Rear Yard	Max. Bldg. Coverage	Max. Bldg. Height
	<i>(sq. ft.)</i>	<i>(ft.)</i>	<i>(ft.)</i>	<i>(ft.)</i>	<i>(ft.)</i>	<i>(%)</i>	<i>(ft.)</i>
LI	30,000	100	50	20	50	40	40

Rear Yard 10' when rear yard boundary is railroad right-of-way.

7.2.1 A strip not less than 30 feet wide in all side and rear yards adjacent to a Residence or Rural district shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residence or Rural District.

SECTION 8

OFF STREET PARKING

8. On all premises developed for any purpose after the adoption of these Regulations, off-street parking facilities shall be provided sufficient to accommodate the vehicles of all occupants, employees, customers and other persons normally visiting the premises at any one time.
- 8.1 REQUIRED MINIMUM PARKING SPACES (PS)**
Unless parking facilities are otherwise specifically approved by the Commission, they shall contain not less than the following minimum amount. The Commission may allow parking facilities located within 1,000 feet from the building they serve.
- 8.1.1 For dwellings, two parking spaces (PS) for each family unit.
 - 8.1.2 For offices, financial institutions, retail stores, personal service shops and for permitted home occupations: one PS per 250 square feet for said use (two PS minimum).
 - 8.1.3 For medical office use: one PS per 200 square feet for said use.
 - 8.1.4 For restaurants: one PS per four seats plus one PS for every person normally employed on the premises.
 - 8.1.5 For theaters, assembly halls or public recreations: one PS per four seats.
 - 8.1.6 For industrial plants, wholesale establishments and similar buildings: one PS for every person normally employed.
 - 8.1.7 For hotels, boarding and lodging houses and tourist establishments: one PS for every two guests plus one PS for every person normally employed on the premises.
- 8.2 No addition or alteration of parking areas or major alteration, including removal of or addition to landscaping shall be permitted in any Commercial District or any commercial use until such change(s) shall have been reviewed by the Advisory Committee on Community Appearance and approved by the Planning and Zoning Commission as required under Sections 29 or 4 of these Regulations.
- 8.2.1 Minor changes to the parking: A minor change to the parking may be considered adding, changing or removing (a) two PS or less; (b) less than 10% of the parking area up to 500 sq. ft. These minor changes may be approved by the Planning and Zoning Administrator after the changes have been reviewed with the Town Engineer and the Health Director. The Planning and Zoning Administrator may request that the changes be referred to the ACCA and/or to the Planning and Zoning Commission for review or approval.
- 8.3 Truck Loading Space: Space for loading and unloading of trucks shall be provided at the rate of not less than one loading space for each 30,000 sq. ft. of retail, wholesale, or industrial use and one additional space for each additional 30,000 sq. ft. of retail, wholesale or industrial use.
- 8.4 Surfacing: Required minimum parking and truck loading facilities shall have an adequate all-weather surface capable of allowing free and safe movement of all vehicles customarily using the facility.
- 8.5 Existing Building Exempt: the provisions of this section shall not apply to uses existing at the time of the adoption of these regulations to the extent that insufficient land area is available on the lot on which such building is located or on an adjacent lot under the same ownership.

8.6 For each use, the area shall be calculated using inside dimensions of the building excluding storage. A parking space shall be a minimum size of 9 ft. x 18 ft.

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** 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 under the following conditions:
- 9.3.1** (*Effective 7/1/89*) Application shall be made on a form prescribed by the Commission, accompanied by a fee in the amount provided by Sec. 23.1 of these regulations, and shall include a plan certified by a licensed professional engineer showing:
 - 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.

*Effective 8/1/89; Amended 1/15/90; Amended 3/15/90;
Amended 4/21/94; effective 5/15/94
Amended 6/15/95; effective 7/15/95*

SECTION 10

SIGNS

The purpose of these regulations is to insure that signs, as defined in Sec. 19.24, and temporary signs, as defined in Sec. 19.24.1, placed in the Town of Madison shall not be overly intrusive, unnecessarily large, overly high, or inappropriately located.

10.1 All Districts

10.1.1 The following signs are allowed without a permit:

- a) A sign which does not exceed two square feet in size, is the only sign displayed on the structure or lot, and is in compliance with §10.4.
- b) Historical plaques not exceeding two square feet in size affixed to structures.
- c) Bulletin boards for religious and public buildings.
- d) Business hours, parking information, directional or safety signs or legal notices not to exceed 1 sq. ft. in size.
- e) One temporary real estate sign directly associated with the sale of a particular property for each distinct road frontage of the property, provided that each sign does not exceed six (6) square feet in size and is removed upon the sale of the property.

10.1.2 The following signs shall not be permitted:

- a) Any temporary sign other than as specifically allowed in Section 10.1.3(a).
- b) Any truck, van, wagon or sound vehicle used mainly for advertising and parked on or near the premises.
- c) Any sign which obstructs traffic view.
- d) Any sign which may in any way be confused with a traffic signal or create an unusual distraction to vehicular drivers.
- e) No flashing, intermittent, light reflecting, revolving or moving signs or continuous strip lighting will be permitted.
- f)
 - Billboards.
 - Advertising signs painted on building walls.
 - A-frame signs except as allowed under Sec. 10.1.3 (a) & (b).
 - Trailer signs.
 - String or festoon lights.
 - Sandwich boards.
 - Pennants, streamers or advertising flags.
- g) Any sign remaining on a building or property which such use shall have been discontinued for a period of six (6) months.
- h) Permanent subdivision signs.

10.1.3 The following signs require registration:

- a) The following *temporary* signs must be registered with the Zoning Enforcement Officer. The registration must be on the form provided by the Town. This registration may be for multiple locations. All registrations expire on May 1st of every year. No temporary sign may have lighting.

- i) New Construction Signs – One sign not exceeding 16 sq. ft. for a commercial project and 6 sq. ft. for a residential building project, may be displayed in the applicable zone designating the owner, contractor, or other pertinent data relating to the construction project. Such sign shall be removed within 5 days after the issuance of a final Certificate of Occupancy.
 - ii) Renovation Signs – One 6 sq. ft. sign may be displayed on a residential lot designating the contractor and the service being provided. Such sign shall be removed within 5 days after the completion of the renovation work.
 - iii) Activity/Informational Signs – Any signs of a civic, charitable, religious, educational, patriotic, political or similar non-profit organization when erected on its own property or on property of another with consent of the owner, provided said sign(s) shall not exceed 9 sq. ft. in size or 4 ft. in height and shall not be displayed at the same location for more than 20 consecutive days and be no closer than 50 feet to any other similar sign. (*Amended 1/22/99; effective 2/15/99*)
 - iv) Open House Signs – Not more than four (4) signs per property or subdivision, each not to exceed four (4) sq. ft. posted not more than one hour before and removed not more than one hour after the event, not to exceed four (4) hours per day, two days per week.
 - v) Auction Signs & Special Events – Not more than two (2) signs per event, each not exceeding six (6) sq. ft., posted not more than two (2) days before and removed not more than one hour after the event. This sign may only be used two (2) times per year for the same location.
- b) The following *temporary signs* require a permit issued by the Zoning Enforcement Officer after review by ACCA and are valid only for a period of 12 months or less. This permit will expire May 1st of every year.
- i) In the D District and DW District fronting on Wall Street, one sign not exceeding 8 sq. ft. for each property or one sign per 100 linear ft. of building fronting on the road; maximum height – 4 ft. from the ground.
 - ii) In the D (excluding frontage on Wall St.), CB, LI and RS Districts, one sign not exceeding 15 sq. ft. for each property or one sign per 100 linear ft. of building fronting on the road; maximum height – 5 ft. from the ground.
- c) All other signs not specifically excluded by these regulations or allowed by right shall require a permit and must comply with all applicable sections of these regulations.

10.1.4 TEMPORARY SUBDIVISION SIGNS

10.1.4.1 Temporary subdivision signs require a permit issued by the Zoning Enforcement Officer after review by ACCA under the following conditions:

- a) Temporary subdivision signs shall be erected and properly maintained until 90% of the lots have been sold or for five years from original subdivision approval date, whichever occurs first, and then shall be removed.
- b) There may be a two-year extension if less than 70% of the lots have not obtained a building permit.
- c) Temporary subdivision signs shall not exceed 8 ft. in height or 16 sq. ft. in size.

10.1.5 The following signs may be approved by the Planning and Zoning Commission after review by ACCA:

- a) For a municipal building or a public school, one identification sign not to exceed 32 square feet.

- b) A directional/informational sign not exceeding 32 sq. ft. for pedestrian or vehicular information. This sign is for information about the Town, not specific business identification. As well as other considerations, the Commission may consider the visual impact on the adjacent areas. The Commission may hold a public hearing on this application. 10% of the area of the sign may be used for the sign sponsor. These signs may only be located as shown in Section 10.5 “Sign Location Sites”. As a condition of approval, the applicant agrees that if the sign is not maintained, it will be removed. If the applicant fails to remove the sign, the Planning and Zoning Commission may hold a public hearing to determine if said sign is not being maintained. If the Commission renders a decision that the sign has not been maintained, it may have the sign removed within 30 days after said public hearing (This sign does not require a Zoning fee).

10.2 GENERAL REQUIREMENTS

- 10.2.1 Sign lighting shall be shielded so that the light source is not visible, and shall not be kept illuminated during other than the business hours of the establishment.
- 10.2.2 Signs on marquees, canopies, or awnings are considered signs and require a sign permit.
- 10.2.3 No sign shall be displayed with any portion at a height greater than the highest roof level of the area of the building where the sign is displayed, or the dominant roof level of the building, whichever is lower.
- 10.2.4 All signs must be located totally on the property they serve.
- 10.2.5 Signs of multiple tenancy buildings shall be of the same general type, character and relative location as to provide a harmonious design in so far as practicable.
- 10.2.6 Existing, non-conforming or conforming signs may be replaced only after obtaining a new permit and review by ACCA (excluding signs pertaining to Section 10.1.2(g)). If the existing sign is to be replaced with the same dimensions, shape and location, no permit is required. However, notification to the Planning and Zoning Office of the sign information is required.
- 10.2.7 The maximum number of signs (excluding temporary signs) shall not exceed the number of tenants plus one in all Districts, except R, RU-1 and RU-2. There may be only one sign per tenant. The one extra sign must be applied for by the owner or owners, keeping all tenants in mind. If there is only one tenant, they may have two signs on the property; one free-standing and one on the building (per Section 10.4) in addition to temporary signs.
- 10.2.8 No temporary sign may have lighting.

10.3 APPLICATION PROCEDURE

- 10.3.1 Application to the Zoning Enforcement Officer for a sign permit must include the following:
 - a) Name of enterprise.
 - b) Owner or applicant.
 - c) Drawing of the proposed sign showing size, height, and location on the lot or building.
 - d) Location and size of existing signs presently on the property.
- 10.3.2 Application to the Zoning Enforcement Officer for a sign permit for a *temporary sign* shall include, in addition to the items noted in Section 10.3.1, the following:
 - a) Length of time the sign is proposed to be displayed.
 - b) Person responsible for removal of sign.
- 10.3.3 The Zoning Enforcement Officer shall receive all sign permit applications together with the fee specified in Sec. 23.1 for Permanent Signs. Sign applications will then be referred to the Advisory Committee on Community Appearance (ACCA) for its recommendations. Upon recommendation from ACCA, the permit may be issued by the ZEO, provided the application meets with all the requirements of these regulations.

10.3.4 The Zoning Enforcement Officer shall receive all temporary sign applications together with the fee specified in Sec. 23.1 for Temporary Signs, and may act immediately thereon provided the proper sections of these regulations are satisfied.

10.4 SIGN SIZES AND PLACEMENT BY ZONE DISTRICT:

	R, RU-1, RU-2	CA-1,CB-1, CB-2	D, DW* Districts	RS	LI
Maximum aggregate sign size	2 sq. ft.	(1) & (2)	(1) & (2)	(1) & (2)	(1) & (2)
Maximum height, freestanding	6 feet	12 feet	10 feet	12 feet	12 feet
Minimum setback from edge of pavement	10 feet	0 feet	0 feet	0 feet	10 feet
Minimum setback from property lines	10 feet	0 feet	0 feet	0 feet	10 feet

***DW District:** One 2 sq. ft. sign hanging from the building (this sign is in addition to all others).

Special Exception Permits & HCFD: (per Section 4) Maximum aggregate sign size: 18 sq. ft. (2-sided or 2 signs 1-sided); Maximum Height, Free Standing sign: 8 feet

- (1) *The Maximum Aggregate Sign Size for these zones, not including R, RU-1, and RU-2, shall be 5% of the gross front area of the building, including the horizontal projection of the roof area.*
- (2) *Freestanding signs shall not exceed 20 sq. ft. in size or 5% of the front area of the structure, whichever is smaller.*
- (3) *If the property is in the CA, CB, D, LI or RS Zone and has two front yards, it may have an additional sign of maximum aggregate size of 16 sq. ft. for the additional frontage. If the property with the additional frontage has multiple tenants, each tenant may have a sign of maximum aggregate size of 4 sq. ft. If there is an additional entrance for the public not in the front of the building, you may have an additional sign of 4 sq. ft. for that entrance.*

SECTION 11

ACCESSORY BUILDINGS

- 11.1** No accessory building shall be placed within a front yard. (*Amended 1/22/99; effective 2/15/99*)
- 11.2** An accessory building shall not be built higher than a line drawn from a side or rear lot line, at a slope of one to one, nor closer than six feet to the side or rear lot line. (*Effective 5/15/1976*)
- 11.2.1** If any part of an accessory building is within 15 feet of the principal building on a lot, it shall be considered a part of such principal building for the purpose of determining front, side and rear yard requirements. (*Effective 4/9/1976*)

SECTION 12

NON-CONFORMING BUILDINGS AND USES

- 12.** Any non-conforming use or building lawfully existing at the time of the adoption of these regulations or of any pertinent amendment thereto, may be continued and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed, subject to the following regulations:
- 12.1** No non-conforming use may be changed except to a conforming use or, with the approval of the Zoning Board of Appeals, to another non-conforming use no more objectionable in character.
 - 12.2** No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.
 - 12.3** No non-conforming use shall be extended or expanded.
 - 12.4** No non-conforming use which has been abandoned for a period of one year shall thereafter be resumed.
 - 12.5** Nothing in this section shall require any change in the plans, construction or designated use of a building for which the construction shall have been commenced prior to the adoption of these regulations or of any pertinent amendment thereto, and which shall be completed within one year of the adoption of same.
 - 12.6** No building which does not conform to the requirements of these regulations regarding the building height limit, area and width of lot, percentage of lot coverage, and required yards and parking facilities shall be enlarged unless such enlarged portion conforms to the regulations applying to the district in which it is located.
 - 12.7** Nothing in these regulations shall prevent the reconstruction within two years of a building damaged by fire, explosion, accident, the act of God, or of the public enemy to its condition prior to such damage or prevent the restoration of a wall or structural member.

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 (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

SECTION 14

APPLICATION AND PERMITS

- 14.1** It shall be the duty of a duly authorized agent to be appointed by the Planning and Zoning Commission to be known as the Zoning Enforcement Officer hereafter to receive applications and notification required by these regulations and by the Subdivision Regulations and to issue permits.
- 14.2** No sign for which a permit is required shall be erected or installed, no trailer to be used for sleeping or living quarters as permitted by Section 5.1.6 shall be parked, and no use authorized as a special exception shall be commenced until a permit therefor has been issued by the Zoning Enforcement Officer and no filling of land under the provisions of Section 9.2.2 shall be commenced without the prior written approval of the Town Engineer and the Zoning Enforcement Officer.
- 14.3** Such agent in cooperation with the building administrator shall require that the application for a building permit and the accompanying plot plan shall contain all information necessary to enable him to ascertain whether the proposed construction complies with the provisions of these regulations. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure until a building permit has been duly issued therefor.
- 14.4** Such agent shall upon notice and after inspection of the premises cause a Certificate of Occupancy to be issued. The Certificate shall show that the proposed use is in accordance with these regulations.
- 14.5** Such agent shall report all permits issued under the provisions of these regulations to the Commission at its regularly scheduled meetings.
- 14.6** No use permitted by Sections 3.3(a), 3.3(b) or 3.3(c) shall be established or continued unless a permit therefor has been issued by the Zoning Enforcement Officer. The permit fee shall be as provided by Sec. 23.1 of these regulations under fee for Customary Home Occupation.
- 14.7** Such agent shall, after approval, issue a change of use permit pursuant to Section 2.15.

SECTION 15

ENFORCEMENT AND PENALTIES

- 15.1** Whoever shall violate any provision of these regulations shall, for each offense, and for each and every day that such offense continues, be subject to a fine of not more than one hundred dollars (\$100.00) and to further penalties as provided by law.

The duly authorized agent of the Zoning Commission is hereby designated as the officer to enforce these rules.

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*)

SECTION 18

VALIDITY

- 18.1** Should any section of provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, not any other part thereof.

SECTION 19

DEFINITIONS

Intent and General Rules of Construction. Except as defined below, the words used in these Regulations shall have the meaning commonly attributed to them. In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine or neuter gender shall include any gender and words in the singular or plural shall include both singular and plural numbers. The word “person” includes a partnership, corporation or LLC.

ACCESSORY BUILDING: see BUILDING, ACCESSORY

ACCESSORY USE: see USE, ACCESSORY

AGRICULTURE OR FARMING: the cultivation of land for the growing of vegetables, grains, grasses, trees, herbs, fruits, horticulture or commercial floriculture; the raising of livestock, fish, birds, bees; the production of edible farm products; but not including kennels or livery stables.

ARBOR: Pergola

ATTIC: the space under a roof. (see “Non-Story”, “Story, Full” and “Story, Half”)

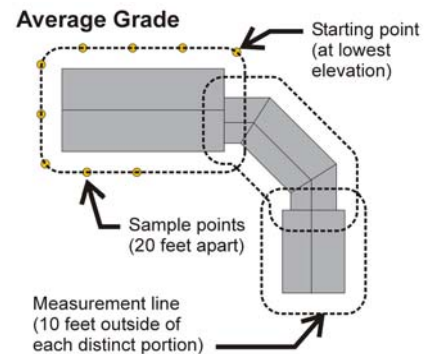
AUTOMOTIVE REPAIR SHOP: a facility for the repair and maintenance of mechanical parts of automobiles, motorcycles, light trucks or similar vehicles.

AUTOMOTIVE SERVICE STATION: a facility for the retail sale of automotive fuels, oils, and accessories, that may also offer automobile repair services and/or may also be a Connecticut licensed emission station. Such facility may include an outlet for the sale of food, non-alcoholic beverages, tobacco and dry goods for off-premises consumption as an Accessory Use.

AVERAGE BUILDING HEIGHT: see BUILDING HEIGHT, AVERAGE

AVERAGE GRADE: the Average Grade shall be an elevation determined by averaging the ground elevations at points situated every 20 feet along an imaginary line located ten (10) feet outside of the wall of the Building or Structure or Distinct Portion and the starting location for such measurement points shall be the lowest elevation along the measurement line.

- Where such elevation points would be on property of others, the ground elevations shall be taken at the property line.
- Where such elevation points would be inside another Distinct Portion of such Building, the elevation used shall be an average of the grades on the line on each side of such Distinct Portion.
- Such ground elevations shall be of finished grade except that in a flood zone, the original grade elevations shall be used.



AWNING: a roof-like cover made of canvas or plastic coated polyester or similar material which projects from a wall or roof of a Structure (typically over a window, walk or door).

AWNING, MINOR: Minor Awning; an Awning covering up to 24 square feet of horizontal area.

AWNING, MAJOR: Major Awning; an Awning covering 24 square feet or more of horizontal area.

BALCONY: an outdoor platform, not supported by posts or columns, projecting from the wall of a Building and accessible from the building by a door or window.

BASEMENT: that part of a Distinct Portion of a Building located partially or wholly below ground level and where:

- Within a Flood Zone, the difference in elevation between the average of finished ground elevations along the walls and the floor elevation above is more than five feet (5'), or
- Outside of a flood zone, the difference in elevation between Average Grade and the floor elevation above is more than five feet (5'). (see also "Cellar") (*Amended effective 5/17/10*)

BED AND BREAKFAST: a Building or group of Buildings, a portion of which is occupied by the owner thereof as a permanent residence, designed or used for the short term rental (up to thirty (30) consecutive days) of not more than twelve guestrooms to transients and is capable of including as an Accessory Use, the serving of breakfast exclusively to overnight guests of the facility.

BEDROOM: a room which provides: a) a habitable or potentially habitable space per the Connecticut Building Code, which has the potential to be utilized as a sleeping area on a consistent basis; and b) entry from a common area not through a room already deemed a bedroom.

BREEZEWAY: a roofed Structure, open to the air, built and/or used for the purpose of connecting a Building with other Buildings or Structures.

BUILDABLE LAND: all land that is not inland or tidal wetlands or watercourses as defined in Secs. 22a-29 and 22a-38 C.G.S., or slopes with an incline of 25% or greater. (*Amended effective 5/17/10*)

BUILDING: any Structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. The connection of two (2) or more Buildings by means of a Porch, Breezeway, passageway, carport, or other above-ground Structure, except a wall or Fence or at-grade Structure, shall be deemed to make them one Building. The placement of two (2) or more Buildings within fifteen (15) feet of each other shall be deemed to make them one Building.

BUILDING, ACCESSORY: Accessory Building; a Building, other than the Principal Building, and subordinate to the Principal Building on a Lot and used for purposes customarily incidental to those of the Principal Building.

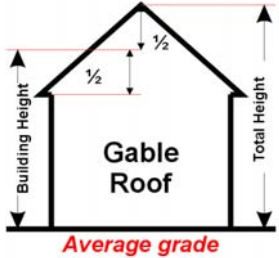
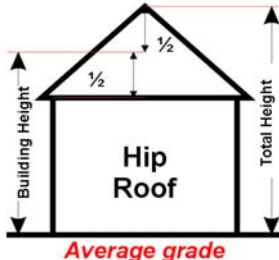
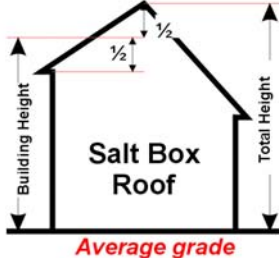
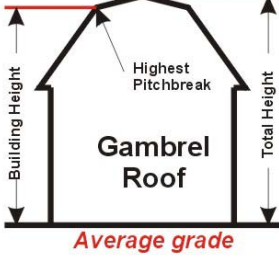
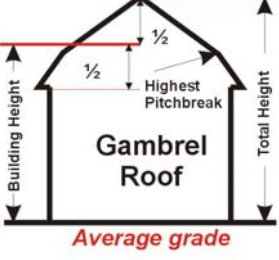
BUILDING, DISTINCT PORTION: a portion of a Building, defined by its footprint, walls or other feature(s), which is visually discrete from other portions of the same Building due to size, height, shape, form, bulk, or other measures of volume, dimension, spatial relationship, or location.

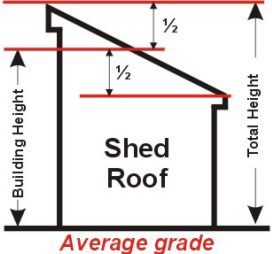
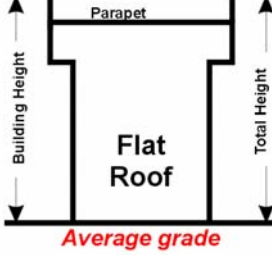
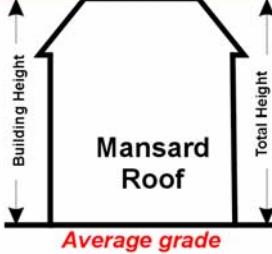
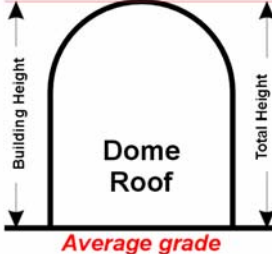
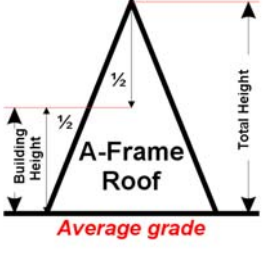
BUILDING, PRINCIPAL: Principal Building; the Building or Buildings in which the Principal Use on the Lot is carried on.

BUILDING AREA: Building Coverage.

BUILDING COVERAGE: see COVERAGE, BUILDING

BUILDING HEIGHT, AVERAGE: Average building Height; measured separately for each Distinct Portion of the Building or other Structure:
(*See illustrations next page.*)

Roof Type	Basic Rule	Rule When Dormer(s) or Distinct Portion(s) occupy more than 50% of the width of the façade below
 <p style="text-align: center;">Gable Roof</p>	<p>GABLE ROOF</p> <p>The vertical height from Average Grade to the highest midpoint elevation of a roof (from its highest ridge to its lowest corresponding eave).</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave) of any roof, Dormer, or Distinct Portion.</p>
 <p style="text-align: center;">Hip Roof</p>	<p>HIP ROOF</p> <p>The vertical height from Average Grade to the highest midpoint elevation of a roof (from its highest ridge to its lowest corresponding eave).</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave) of any roof, Dormer, or Distinct Portion.</p>
 <p style="text-align: center;">Salt Box Roof</p>	<p>SALT BOX ROOF</p> <p>The vertical height from Average Grade to the highest midpoint elevation of a roof (from its highest eave to its corresponding ridge).</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave) of any roof, Dormer, or Distinct Portion.</p>
 <p style="text-align: center;">Gambrel Roof</p>	<p>GAMBREL ROOF</p> <p>When the highest Pitchbreak is <u>above</u> the midpoint elevation (between the ridge and the lowest corresponding eave), the vertical height from Average Grade to the highest Pitchbreak.</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave or Pitchbreak) of any roof, Dormer, or Distinct Portion</p>
 <p style="text-align: center;">Gambrel Roof</p>	<p>GAMBREL ROOF</p> <p>When the highest Pitchbreak is <u>at or below</u> the midpoint elevation (between the ridge and the lowest corresponding eave), the vertical height from Average Grade to the highest midpoint elevation (between the ridge and</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave or Pitchbreak) of any roof, Dormer, or Distinct Portion</p>

 <p>The diagram shows a cross-section of a shed roof. A horizontal line at the bottom is labeled 'Average grade'. The vertical distance from this line to the highest point of the roof is labeled 'Building Height'. The vertical distance from the 'Average grade' line to the highest midpoint of the roof is labeled '1/2'. The total vertical distance from the 'Average grade' line to the highest point of the roof is labeled 'Total Height'.</p>	<p>SHED ROOF</p> <p>The vertical height from Average Grade to the highest midpoint elevation of a roof (from its highest ridge to its lowest corresponding eave).</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave) of any roof, Dormer, or Distinct Portion.</p>
 <p>The diagram shows a cross-section of a flat roof with a parapet. A horizontal line at the bottom is labeled 'Average grade'. The vertical distance from this line to the top of the parapet is labeled 'Building Height'. The vertical distance from the 'Average grade' line to the highest elevation of the parapet is labeled 'Total Height'.</p>	<p>FLAT ROOF</p> <p>The vertical height from Average Grade to the highest elevation of any such roof, including the top of any parapet.</p>	<p>n/a</p>
 <p>The diagram shows a cross-section of a mansard roof. A horizontal line at the bottom is labeled 'Average grade'. The vertical distance from this line to the highest elevation of the roof, including the top of the parapet, is labeled 'Building Height'. The vertical distance from the 'Average grade' line to the highest elevation of the roof, including the top of the parapet, is labeled 'Total Height'.</p>	<p>MANSARD ROOF</p> <p>The vertical height from Average Grade to the highest elevation of any such roof, including the top of any parapet.</p>	<p>n/a</p>
 <p>The diagram shows a cross-section of a dome roof. A horizontal line at the bottom is labeled 'Average grade'. The vertical distance from this line to the highest elevation of the dome is labeled 'Building Height'. The vertical distance from the 'Average grade' line to the highest elevation of the dome is labeled 'Total Height'.</p>	<p>DOME ROOF</p> <p>The vertical height from Average Grade to the highest elevation of any such roof, including the top of any parapet.</p>	<p>n/a</p>
 <p>The diagram shows a cross-section of an A-frame roof. A horizontal line at the bottom is labeled 'Average grade'. The vertical distance from this line to the highest midpoint of the roof is labeled 'Building Height'. The vertical distance from the 'Average grade' line to the highest midpoint of the roof is labeled '1/2'. The total vertical distance from the 'Average grade' line to the highest point of the roof is labeled 'Total Height'.</p>	<p>A-FRAME ROOF</p> <p>The vertical height from Average Grade to the highest midpoint elevation of a roof (from its highest ridge to its lowest corresponding eave).</p>	<p>The vertical height from Average Grade to the highest midpoint elevation (between a ridge and the corresponding eave) of any roof, Dormer, or Distinct Portion.</p>

BUILDING HEIGHT, TOTAL: Total Building Height; the vertical distance from the Average Grade for a Distinct Portion of a Building or other Structure to the highest point of the roof for that Distinct Portion of the Building or Structure, including the top of any parapet.

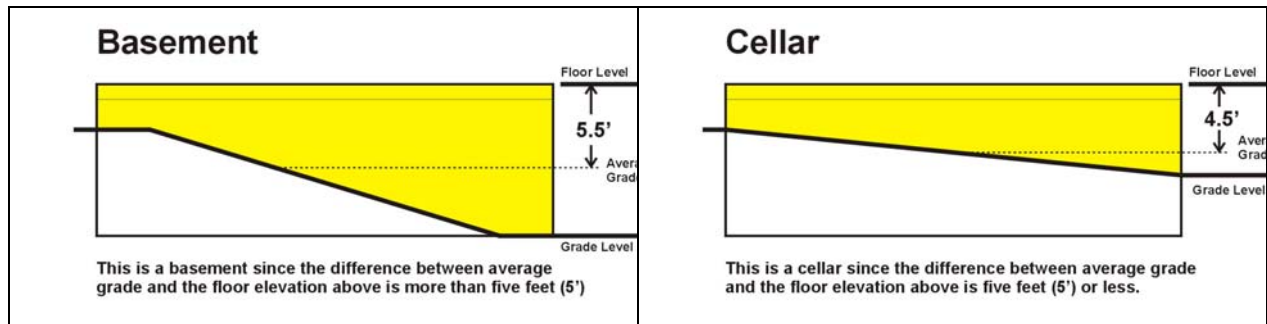
BUILDING LINE: a line parallel to a Street at a distance equal to the Minimum Front Yard or where required to achieve the minimum Lot Width when such Lot Width is not met at the Minimum Front Yard.

BULK: the size and shape of Buildings, Structures, and Uses of land and the physical relationships of their exterior walls or limits of Use to Lot Lines, the exterior wall of other Buildings, Structures or Uses, and the Open Spaces required by these Regulations. Bulk includes regulations dealing with Floor Area Ratio, Floor Area, Building Height, Lot area, Lot Coverage, Lot Lines, Minimum Dimension Square, or other similar regulations of volume, dimension, spatial relationship, or location.

CAR WASH: a facility for washing motor vehicles.

CELLAR: that part of a Distinct Portion of a Building wholly or partially below ground level and where:

- Within a Flood Zone, the difference in elevation between the average of finished ground elevations along the walls and the floor elevation above is five feet (5') or less, or
- Outside of a flood zone, the difference in elevation between Average Grade and the floor elevation above is five feet (5') or less. (see also "Basement", "Crawl Space") (*Amended effective 5/17/10*)



CLOSED PORCH: see PORCH, CLOSED

CLUB: land, buildings and facilities owned or operated by a non-profit entity for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, nor to render a service which is customarily carried on as a business. A Club shall cater only to its members or guests accompanying them. No permit shall be issued for the establishment of a club unless the applicant provides an affidavit specifying, to the satisfaction of the Commission, the manner in which the use of the club will be restricted to members and guests accompanying members.

COMMISSION: the Planning and Zoning Commission of the Town of Madison.

COMMUNITY ASSOCIATION: an incorporated or unincorporated group of individuals comprising a homeowners' association, a merchants' association, a neighborhood association, or other group of individuals having a shared interest in one or more parcels of land pursuant to, or as acknowledged by, a written agreement, deed, declaration, or other instrument recorded on the Land Records of the Town of Madison.

COVERAGE: Building Coverage.

COVERAGE, BUILDING: Building Coverage; the aggregate of all the areas identified in Section 2.8 as "counts to Building Coverage". When expressed as a percentage, the aggregate of all the areas identified in Section 2.8 as "counts to Building Coverage" divided by the area of the Lot.

COVERED PATIO: see PATIO, COVERED

CRAWLSPACE: Cellar. (See also "Basement".)

CRITICAL COASTAL RESOURCE AREAS: tidal wetlands (measured from the upland boundary of tidal wetland), coastal bluffs and escarpments (measures from the crest of the bluff), beaches and dunes (measured from the landward boundary of the frontal or primary dune), rocky shore fronts, and tidal or coastal waters (measured from the high tide line determined by locating a visible line of oil, scum, crushed shell, debris, vegetation or any combination of these indicating the highest point reached by

water. The high tide line should be calculated to include spring high tides and other unusually high tides exclusive of storm surges). See C.G.S. §22a-93 or successive statute for definitions of these resources.

CUSTOMARY HOME OCCUPATION: a Retail, Personal, Professional or Business Service when conducted as an Accessory Use to a dwelling, or the production of articles that require the skillful use of the hands and are not mass-produced, but not including the home or personal office of one whose principal place of business or employment for the same occupation is not in the home.

DAY OF RECEIPT: the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Land Use Office, or thirty-five days after such submission, whichever is sooner. This definition is intended to be consistent with the definition of "date of receipt" in Conn. Gen. Stat. § 8-7d(c), as it may be amended.

DAYCARE CENTER: a Use which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are: (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188; (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs; (3) informal arrangements among neighbors or relatives in their own homes. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section.

DECK: a raised outdoor platform without a roof, supported by posts or columns.

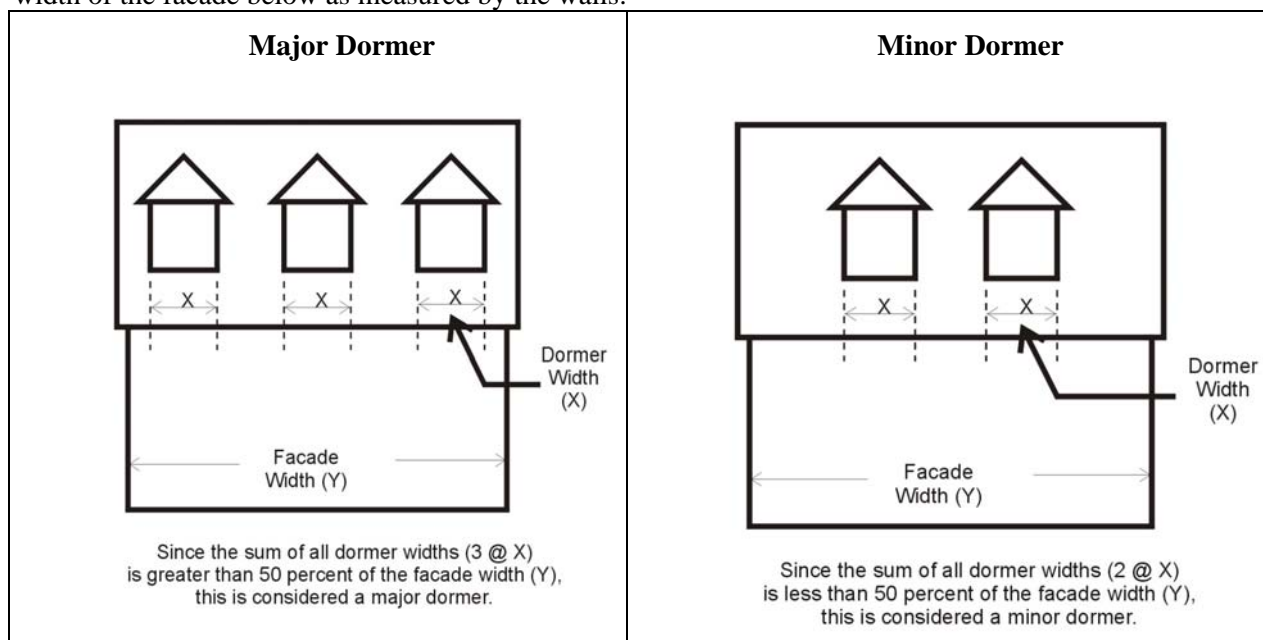
DENSITY-AVERAGED LOT: see LOT, DENSITY-AVERAGED

DISTINCT PORTION: see BUILDING, DISTINCT PORTION

DORMER: a projection from a sloping roof creating useable Floor Area below or containing a window or a ventilating louver.

DORMER, MAJOR: Major Dormer; one or more Dormers that occupy 50 percent or more of the width of the facade below as measured by the walls.

DORMER, MINOR: Minor Dormer; one or more Dormers that occupy less than 50 percent of the width of the facade below as measured by the walls.



DWELLING UNIT: a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.

EDUCATIONAL INSTITUTION: a facility for the provision of instruction of academic subjects to adults or children, not including a facility whose main function is the enjoyment of physical activities with or without instruction or whose primary function is as a recreational facility.

FAMILY: any number of individuals related by blood, marriage, or civil union living together as a single housekeeping unit; a group of not more than six persons, whether or not related by blood, adoption, marriage, or civil union may be considered a family for purposes of establishing a permitted use of a Dwelling Unit.

FAMILY UNIT: Dwelling Unit.

FENCE: a vertical Structure of any material or combination of materials, other than trees or other living plant material, erected to create a barrier or enclose, separate, screen or buffer areas of land.

FINISHED TERRACE: see TERRACE, FINISHED

FLOOR AREA: the area of a floor or story in a Building, measured to the outside of the exterior walls identified in Section 2.8 as “counts to Floor Area”.

FLOOR AREA, GROSS: Gross Floor Area; the aggregate floor area of all the floors in a Building identified in Section 2.8 as “counts to Floor Area”.

FLOOR AREA RATIO (FAR): the Gross Floor Area of all Buildings on the Lot or Parcel divided by the total area of the Lot or Parcel.

FRONTAGE: a continuous property line that is also a dividing line between a Lot and a public or private roadway.

FRONT LOT: see LOT, FRONT

FRONT LOT LINE: see LOT LINE, FRONT

FRONT YARD: see YARD, FRONT

FIRE STATION: Premises which house fire fighting equipment and related facilities and emergency apparatus for serving the public.

FULL-SERVICE RESTAURANT: see RESTAURANT, FULL SERVICE

FULL STORY: see STORY, FULL

GAZEBO: A freestanding, roofed Structure, permanently attached to the ground, providing a shady resting place in a garden or lawn area.

GOVERNMENTAL BUILDING or GOVERNMENTAL USE: any facility owned or leased by the United States of America, the State of Connecticut or any agency of the foregoing, and utilized for governmental or quasi governmental purposes.

GROSS FLOOR AREA: see FLOOR AREA, GROSS

HALF STORY: see STORY, HALF

HOTEL: a Building, or part thereof, with a common entrance and no exterior room access, designed and used primarily for temporary accommodation for transients, and which may include, as Accessory Uses, the serving of food and drink and the provision of rooms for public assembly.

HUMAN OCCUPANCY: see OCCUPANCY, HUMAN

ILLUMINATED SIGN: see SIGN, ILLUMINATED

LANDSCAPED TERRACE: see TERRACE, LANDSCAPED

LIVING AREA: in a residential dwelling, that portion of the Gross Floor Area which has ceilings, walls, and floors finished in a manner which is intended to allow human occupancy and which conforms to the Building Code.

LOT: a plot or Parcel of land, identified as a separate tract in a deed recorded in the Madison Land Records or on a subdivision plan approved by the Commission.

LOT, DENSITY-AVERAGED: Density-Averaged Lot; a Lot that was created as part of a “density averaged subdivision”. A density-averaged subdivision is one in which the area of some Lots was permitted to be less than the minimum Lot area otherwise required in the relevant zoning district, but the average size of all of the Lots in the Subdivision did not exceed the minimum Lot area. For example, in a zone requiring a one-acre minimum Lot size, a ten-acre Parcel could not accommodate more than ten one-acre lots. In a Density-averaged Subdivision in the same zoning district, the maximum number of Lots on a ten-acre Parcel would still be ten, but some Lots could be smaller than one acre while others would have to be larger to satisfy the overall density requirement. Density-averaged Subdivisions were permitted under the Madison Zoning Regulations between April 24, 1965 and November 6, 1986.

LOT, FRONT: Front Lot; a Lot which has Frontage of at least 25 feet and where the Minimum Lot Width is obtained within 150 feet of the public or private roadway.

LOT, MINIMUM WIDTH OF: Minimum Width of Lot; the distance between Side Lot Lines on opposite sides of a Lot or, on corner Lots, the distance between a Side Lot Line and the Front Lot Line that is opposite or most nearly opposite to it. Lot width shall be measured in a direction parallel to the Front Lot Line. When the Front Lot Line is curved, the measurement of Lot width shall be parallel to a straight line passing through the two points at which the Front Lot Lines touch the Side Lot Lines.

LOT, REAR: Rear Lot; a Lot other than a Front Lot.

LOT LINE, FRONT: Front Lot Line; all dividing lines between a Street and the Lot that abut both the Street and the Lot.

LOT LINE, REAR: Rear Lot Line; any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, the Front Lot Line shall be considered a Rear Lot Line.

LOT LINE, SIDE: Side Lot Line; any Lot Line that is not a Front Lot Line or a Rear Lot Line.

MACHINERY REPAIR SHOP: a facility that provides repairs for household machines such as vacuum cleaners, sewing machines, lawn mowers, snow throwers, chain saws, and the like, or ordinary business machines such as computers, copy machines, fax machines, and the like and where the activity is contained within a building and does not produce noise, vibrations, illumination, odor, or particulate that would cause a nuisance to nearby property.

MAJOR AWNING: see AWNING, MAJOR

MAJOR DORMER: see DORMER, MAJOR

MEDICAL OFFICE: see OFFICE, MEDICAL

MEDICAL OUTPATIENT CLINIC: see OUTPATIENT CLINIC, MEDICAL

MINIMUM FRONT YARD: see YARD, MINIMUM FRONT

MINIMUM LOT WIDTH: see LOT, MINIMUM WIDTH OF

MINIMUM REAR YARD: see YARD, MINIMUM REAR

MINIMUM SIDE YARD: see YARD, MINIMUM SIDE

MINOR AWNING: see AWNING, MINOR

MINOR DORMER: see DORMER, MINOR

MOTEL: a Building, or Buildings, with separate outside entrances for each room or suite of rooms, designed and used primarily for temporary accommodation for transients, and which may include, as Accessory Uses, the serving of food and drink and the provision of rooms for public assembly.

MUNICIPAL BUILDING or MUNICIPAL USE: any facility owned or leased by the Town of Madison, or any agency thereof, and utilized for governmental or quasi governmental purposes.

NON-CONFORMING BUILDING: a Building which does not conform to all the applicable provisions of these Regulations.

NON-CONFORMING LOT: a Lot which does not conform to all the applicable provisions of these Regulations.

NON-CONFORMING USE: a Use of land, Building or Premises which is not a Use permitted by these Regulations for the district in which such land, Building or Premises is situated.

NON-PROFIT CORPORATION: a corporation, partnership, or other entity lawfully having tax-exempt status under state or federal law.

NON-STORY: see STORY, NON-STORY

NURSERY SCHOOL: see DAY CARE CENTER.

OCCUPANCY, HUMAN: Human Occupancy; Living Area.

OFFICE, BUSINESS OR PROFESSIONAL, OR FINANCIAL INSTITUTION: Business or Professional Office, or Financial Institution; a non-retail, facility which involves the transaction or provision of a financial, professional or business service, the operation of a service organization, or a combination thereof.

OFFICE, MEDICAL: Medical Office; the non-retail premises of one or more health-care providers for the treatment and/or examination of patients solely on an out-patient basis.

OPEN PATIO: see PATIO, OPEN

OPEN PORCH: see PORCH, OPEN

OUTPATIENT CLINIC, MEDICAL: Medical Outpatient Clinic: a facility which provides medical services to patients who present non-life-threatening problems but who need or want the convenience of immediate medical attention. An Outpatient Medical Clinic is characterized by having limited facilities and personnel. Such a facility may be open 24 hours a day.

OUTPATIENT CLINIC, VETERINARY: Veterinary Outpatient Clinic; a facility where small animals or pets are given medical or surgical treatment.

PARCEL: any tract of land, including a Lot.

PARK: a tract of land reserved for active or passive recreational purposes and open to the public.

PASSENGER STATION: facilities and/or waiting stations for passengers for trains, buses or other forms of public transportation, including accessory service therein, but not including switching, storage, freight yards, or sidings.

PATIO: an outdoor area surfaced with concrete, brick, or similar material placed directly on the ground.

PATIO, OPEN: Open Patio; a Patio with no roof or other covering.

PATIO, ROOFED: Roofed Patio; a Patio with a fixed roof.

PATIO, COVERED: Covered Patio; a Patio with a covering other than a fixed roof, such as an Awning.

PERGOLA: a vertical Structure without a solid roof or solid walls, more than 30” in depth, usually constructed of wood, typically used for decoration, to provide support for plants, create shade, or to frame a view; may be free-standing or attached.

PITCHBREAK: the intersection of two slopes of a gambrel roof, other than at the ridge.

PLAYGROUND: an outdoor area developed for children’s active play and recreation, and which includes equipment for children such as swings, slides, playscapes and the like, and/or sports courts and/or playing fields.

PORCH: an outdoor area adjacent to a Building or other Structure, typically with a raised platform and with a fixed roof or another platform above, includes a roofed exterior landing.

PORCH, CLOSED: Closed Porch; a Porch with screened-in or glassed-in openings.

PORCH, OPEN: Open Porch; a Porch that is open to the air without screened-in or glassed-in openings.

PREMISES: a Lot or Parcel and all Buildings, Structures, or Uses located thereon.

PRINCIPAL BUILDING: see BUILDING, PRINCIPAL

PRINCIPAL USE: see USE, PRINCIPAL

PUBLIC RECREATION FACILITY: Premises designed and equipped for the conduct of sports and leisure-time activities which are open to the general public, such as picnic grounds, or playing fields or courts.

PUBLIC UTILITY: a Building, Structure, or facility relating to the furnishing of utility services such as a communication, electricity, gas, water or sewer company that provides such service.

REAR LOT: see LOT, REAR

REAR LOT LINE: see LOT LINE, REAR

REAR YARD: see YARD, REAR

RESEARCH AND DEVELOPMENT FACILITY: a facility devoted to scientific research and development of manufactured products, processed products, compounded products and any investigative activities of a scientific nature. It may also include a combination of research activities and manufacturing activities provided that: (a) the manufacturing is the direct outcome of the research activity conducted therein; and (b) the manufacturing activity does not constitute more than twenty five percent (25%) of the total Use conducted on the premises, measured by floor space allocation, operating expenditures and personnel; and (c) the manufacturing activity is contained within a building and does not produce noise, vibrations, illumination or particulate that is materially perceptible to adjacent land users.

RESTAURANT, FULL SERVICE: Full Service Restaurant; an establishment for the retail sale of prepared food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters, and no more than 45% of the floor area is devoted to food preparation or other space not accessible to the public.

RESTAURANT, TAKE-OUT: Take-Out Restaurant; an establishment for the retail sale of prepared food to the general public where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or to be taken to a table to be consumed, and where customers pay for food before consuming it.

RETAIL SALES ESTABLISHMENT: a facility whose primary purpose is to offer commodities or goods directly to the consumer for purchase.

ROOFED PATIO: see PATIO, ROOFED

SCHOOL: Premises or part thereof that are designed, constructed, or used for education or instruction in any branch of knowledge, including, but not limited to, art, dance, martial arts, and the like, but excluding Educational Institution.

SERVICE - RETAIL, PERSONAL, PROFESSIONAL, OR BUSINESS: those facilities primarily involved with the provision of personal care or other service, as opposed to product, either on or off the Premises, directly to the ultimate consumer, which may be a person or a business, as walk-in trade or by appointment. Examples of such services include, but are not limited to, beauty salon or barber shop, tailor, laundry, photography studio, shoe repair shop, lawyer, engineer, accountant, landscaper, plumber, or the like.

SIDE LOT LINE: see LOT LINE, SIDE

SIDE YARD: see YARD, SIDE

SIGN: any Structure, or part thereof, or any device attached to a Building or Structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any Building feature, including roof or other special illumination, special colors or effects, or Building or roof lines which serve to identify the Use or occupancy of any Building or site through a recognized motif or symbol, when visible from any street or from any Lot other than the Lot on which the Sign is located and either (1) located out of doors or (2) located indoors and intended to be viewed from outside. The term Sign, however shall not include any flag, pennant or insignia of any governmental unit or non-profit organization, the Town of Madison, or the State of Connecticut.

SIGN, TEMPORARY: Temporary Sign; any Sign which is not permanently affixed to the Building or to the ground.

SIGN, ILLUMINATED: Illuminated Sign; any Sign lighted from within or without by artificial light.

STORY, FULL: Full Story; that part of a Distinct Portion of a Building below a floor or roof next above except that the following shall not be considered a story:

- an Attic which is a Non-Story,
- a Half-Story, or
- a Cellar provided the first floor elevation is no more than three (3) feet above the mean finished grade (measured at the wall) along any wall facing a street.

STORY, HALF: Half Story; that portion of a Distinct Portion of a Building below a roof next above where the area with a height of seven feet (7') or greater between the top of the floor or the joists and the bottom of the rafters is twenty-five percent (25%) or more of the Floor Area of the floor below but:

- such area under the roof is fifty percent (50%) or less of the Floor Area of the floor below, and
- such area under the roof and any and all Dormers is sixty percent (60%) or less of the Floor Area of the floor below.

STORY, NON-STORY: Non-Story; an Attic where the area with a height of seven feet (7') or greater between the top of the floor or the joists and the bottom of the rafters is less than twenty-five percent (25%) of the Floor Area of the floor below. (see "Story, Full" and "Story, Half")

STREET: a public or private roadway, or a right of way giving access to the Lot.

STRUCTURE: anything constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas. A combination of materials forming an edifice or a building of any kind, or any production or piece of work artificially built up or composed of parts and joined together in some definite manner, including, but not limited to, signs, fences or walls, a wharf or dock, above-ground tanks, pools, detached

solar panels or satellite dishes, vending machines, donation collection bins, and dumpsters. A Structure will not include the following: flagpoles; small accessory or ornamental features such as a bird bath, well casing, etc.; tents; wheeled vehicles which move from place to place; utility mains, lines, and underground facilities; doghouses, playscapes, tree houses, and other yard or play equipment provided no building permit is required.

SUBDIVISION: the definition of the term "Subdivision" as used in these Regulations shall be the same as that term is defined in the Madison Subdivision Regulations.

TAKE-OUT RESTAURANT: see RESTAURANT, TAKE-OUT

TEMPORARY SIGN: see SIGN, TEMPORARY

TERRACE: an exterior level area, typically defined by retaining walls or other features, which is a landscaping feature.

TERRACE, LANDSCAPED: Landscaped Terrace; a Terrace with a lawn, mulch or similar surface.

TERRACE, FINISHED: Finished Terrace; a Terrace with a concrete, brick, or similar surface.

TRADEMARK BUILDING: a Building which identifies the owner or occupant by its architectural style and/or color and/or materials.

THEATER: a facility for stage and/or motion picture performances (but excluding drive in theaters).

TOTAL BUILDING HEIGHT: see BUILDING HEIGHT, TOTAL

TRAILER: any vehicle which is, or can be, used for sleeping, living or working quarters and which is, has been, or can be mounted on wheels, including those units which can be, have been or are mounted on a pickup or truck chassis.

TRELLIS: a vertical Structure without a solid roof or solid walls, 30" or less in depth, typically used to support climbing plants, usually constructed of wood or metal lattice.

USE: any purpose for which a Building or Premises may be designed, arranged, intended, maintained, or occupied, or, any activity, occupation, business, or operation actually carried on in a Building or on a Lot or Parcel.

USE, ACCESSORY: Accessory Use; any Use which is clearly subordinate, and customarily incidental, to the Principal Use on the same Lot.

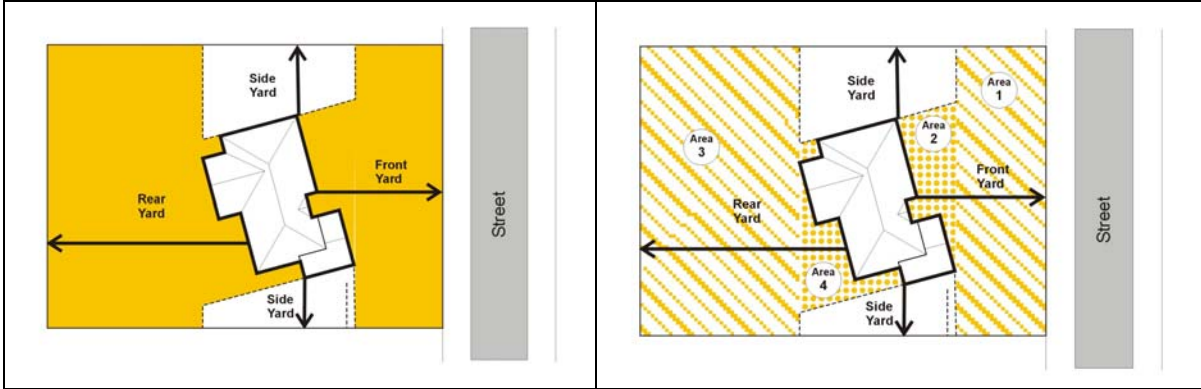
USE, PRINCIPAL: Principal Use; the primary purpose or function for which a Lot is Used.

USE, WATER DEPENDENT: Water Dependent Use; those uses and facilities that a) require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland or b) provide general public access to marine and tidal waters.

VETERINARY OUTPATIENT CLINIC: see OUTPATIENT CLINIC, VETERINARY

WATER DEPENDENT USE: see USE, WATER DEPENDENT

YARD: an area on the same Lot with a Principal Building which lies between the Principal Building and a Lot Line.



YARD, FRONT: Front Yard; a Yard between the Principal Building and a Front Lot Line (a Lot shall have one Front Yard for each street frontage) defined as follows:

- the area extending across the full width of the Lot between a Front Lot Line and a line parallel to that Front Lot Line which touches the most forward wall or corner of the Principal Building shown as the hatched “Area 1” above, and
- the area between the Principal Building and a Front Lot Line between the side walls extended of the Principal Building shown as the dotted “Area 2” above.

YARD, REAR: Rear Yard; a Yard between the Principal Building and the Rear Lot Line defined as follows:

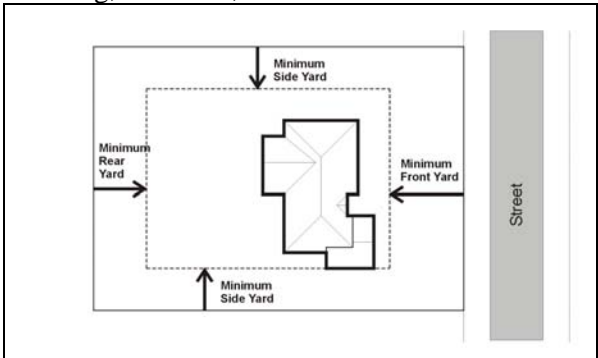
- the area extending across the full width of the Lot between the Rear Lot Line and a line parallel to the Rear Lot Line which touches the most rearward wall or corner of the Principal Building shown as the hatched “Area 3” above, and
- the area between the Principal Building and the Rear Lot Line between the side walls extended of the Principal Building shown as the dotted “Area 4” above.

YARD, SIDE: Side Yard; a Yard located between the Front Yard and the Rear Yard and also between the Principal Building and the Side Lot Line. Any Yard not a Front Yard or a Rear Yard shall be deemed a Side Yard.

YARD, MINIMUM FRONT: Minimum Front Yard; the minimum required distance from the Front Lot Line to a Building, Structure, or Use.

YARD, MINIMUM REAR: Minimum Rear Yard; the minimum required distance from the Rear Lot Line to a Building, Structure, or Use.

YARD, MINIMUM SIDE: Minimum Side Yard; the minimum required distance from the Side Lot Line to a Building, Structure, or Use.



SECTION 20

REPEAL OF PREVIOUS REGULATIONS

These Regulations shall supercede all previous Zoning Regulations of the Town of Madison, which are hereby repealed as to the effective date thereof.

SECTION 21

EFFECTIVE DATE

These Regulations and the accompanying Building Zone Map shall become effective April 10, 1953, at noon.

*Section effective October 14, 1986.
Further amended, effective 10/30/87
Further amended to allow nine members 11/20/97, effective 12/15/97
Amended effective 9/15/03*

SECTION 22

ADVISORY COMMITTEE ON COMMUNITY APPEARANCE

- 22.1** The Advisory Committee on Community Appearance (ACCA) shall consist of nine members and one alternate appointed by the Planning and Zoning Commission (PZC) to serve three-year terms, without compensation. Said terms shall be staggered such that three of said terms shall expire on December 31 on each of three consecutive years, except that each duly appointed member shall continue to serve until his or her successor is appointed. Members shall represent the following disciplines: architect, landscaper or landscape architect, planner with experience in design, land surveyor or civil engineer, artist or graphic designer, developer, member of the Chamber of Commerce, historic preservationist or member of the Madison Historical Society, member-at-large. There shall be at least two representatives each of the architect and landscaper or landscape architect disciplines and there shall be no more than one member-at-large.
- 22.2** The Advisory Committee on Community Appearance shall meet each month prior to the third Thursday to review all applications as required under these Regulations. Preliminary review prior to final design and submission of an application is recommended. The purpose of the consideration of a preliminary design is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and ACCA upon the future receipt, if any, of a formal application. Neither the applicant nor ACCA shall be in any way bound by any statement made during such preliminary consideration, nor shall the statement of any ACCA member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that ACCA's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action on any request for preliminary consideration.
- 22.3** Applications shall conform to the requirements of Sections 4.2, 29 and 30 and all other applicable sections of the Madison Zoning Regulations.
- 22.4** In reviewing an application, the Advisory Committee on Community Appearance shall consider how the proposal for which the application is made will harmonize with and enhance the appearance of the area in which it is situated. In cases where the applications fall within any district containing a design code enacted by the PZC or other regulatory body, ACCA shall follow the strictures of that code.
- 22.4.1** *(Subsection added 10/22/93, effective 12/1/93)* The following recommendations and requirements are provided to assist the applicant in determining specific items which ACCA may consider in addition to, or in the absence of, specific design guidelines or code in evaluating an application:

- a) **Building Materials**: Preferred building materials are brick, stone, narrow width siding or similar materials. Not preferred are metal, unfinished concrete block and asphalt shingle siding. Preferred roofing materials are, where visible, cedar shake, slate, copper or reasonable equivalent. All roof-mounted ventilation, heating and air-conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so they are not visible from any adjacent property at the height of the proposed building.
- b) **Lighting**: Building-mounted lighting should utilize shielded light sources and shall be of a style and character in harmony with the area in which the building is located. Building mounted Floodlights and ornamental building lighting is discouraged.
- c) **Walkways**: All site plans should provide for pedestrian walkways and circulation in commercial, industrial, and multi-family residential parking areas and around buildings. Walkways along public streets are required and should be constructed of slate, brick, or suitable paving blocks, but in no case shall they be gravel or earth.
- d) **Landscaping**: All building foundations should be landscaped with suitable trees and shrubs. All parking areas should be screened from adjoining properties and streets by landscaping, and landscaped islands should be incorporated into parking lots to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees should have a minimum caliper of 2-1/2 inches, all evergreen trees should have a minimum height of six feet, and all shrubs should be of a size at least one-third of their mature potential. All artificial trees, shrubs, or grass should not be used except for seasonal, festive, or other temporary decorations.

22.5 ACCA shall issue a written report on its findings which shall become part of the application file. Specifically, it shall supply a recommendation or recommendations as voted by the committee along with specific comments sufficient to clarify the recommendation(s). The PZC and/or other approving authority shall give due consideration to the recommendation(s) in acting on the application.

22.6 The Advisory Committee may review regulations changes or zoning amendments and submit a report as outlined in Section 22.5 above. (*Subsection added 1/22/99, effective 2/15/99*)

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.

Ordinance with amendments, approved by the Board of Selectmen on March 9, 1998; Effective March 10, 1998. Amended June 25, 2001; effective July 1, 2001. Amended April 28, 2003; effective May 1, 2003. Amended 9/19/03; effective 11/1/03.

FEE SCHEDULE

<u>ITEM</u>	<u>FEE</u>
ZONING	
REGULATION TEXT AMENDMENT/ZONE CHANGE	\$250
FLOATING ZONE/SITE SPECIFIC SPECIAL EXCEPTION	\$500
SPECIAL EXCEPTION PERMIT/SITE PLAN REVIEW WITH PUBLIC HEARING <i>(The maximum fee shall be \$3,000)</i>	\$150 plus (1) \$50 per dwelling unit and/or (2) \$10 per 100 sq. ft. of non-residential use plus (3) \$150 for DVD review
SITE PLAN REVIEW WITHOUT PUBLIC HEARING <i>(The maximum fee shall be \$3,000)</i>	\$ 75 plus (1) \$ 50 per dwelling unit and/or (2) \$ 10 per 100 sq. ft. of non-residential use plus (3) \$150 for DVD review
MODIFICATION OF SPECIAL EXCEPTION PERMIT/SITE PLAN/FLOATING ZONE PLAN Without Public Hearing With Public Hearing	\$ 75 \$150 plus \$ 75 for DVD review
DVD MINOR ALTERATION	\$ 50
ACCESSORY APARTMENT (a) Certificate of Zoning Compliance (b) Annual Residence Statement	\$ 75 \$ 15
CUSTOMARY HOME OCCUPATION, DAY CARE FACILITY FOR SIX OR FEWER PERSONS, BED and BREAKFAST	\$ 25
EARTH REMOVAL/FILLING PERMIT	\$200
TRAILER PERMIT IN C, D or LI DISTRICTS	\$100

SIGNAGE	
(a) Permanent Sign Application	\$100
(b) Temporary Sign Application	\$ 50
(c) Temporary Sign Annual Renewal	\$ 25
(d) Temporary Sign Registration	N/C
TRAILER PERMIT, HOME UNDER CONSTRUCTION	\$ 50
REVIEW LETTER – ZONING COMPLIANCE	\$ 25 plus \$50/hr. research
PLANNING	
SUBDIVISION REGULATION AMENDMENT	\$250
SUBDIVISION/RESUBDIVISION APPLICATION	\$250 or \$110 per lot (whichever is greater)
ROAD CONSTRUCTION/INSPECTION	\$ 1.00 per linear foot of proposed road
LOT LINE REVISION/SUBDIVISION MODIFICATION	\$ 75 per lot involved
ZONING BOARD OF APPEALS	
VARIANCE APPLICATION	\$100
APPEAL OF DECISION	\$100
PLANNING, ZONING and ZBA	
COASTAL SITE PLAN REVIEW	
Without other application	\$ 75
With other application	\$ 50
EXTENSION OF PREVIOUS APPROVAL	\$ 50
RESCHEDULED PUBLIC HEARING (requested by applicant after publication)	\$ 45
ADDITIONAL FEE IF CEPA INTERVENTION IS FILED	\$250

NOTE: State of Connecticut P.A. 03-06 provides that a \$30 fee shall be paid on all zoning and planning and zoning applications in addition to fees required by a municipality. Therefore, please **add \$30** to all application fees listed above. The Town pays these fees to the State quarterly.

SECTION 24

ACCESSORY APARTMENTS

24.1 PURPOSE

The need for affordable housing affects various segments of Madison's population. The purpose of this section is to promote the general welfare of the Town by allowing an additional dwelling unit accessory to a single family dwelling.

24.2 CONVERSION

A one-family dwelling, a one-family dwelling with an addition thereto, or a one-family dwelling with an accessory building, may be converted into a one-family dwelling with an accessory apartment.

24.3 STANDARDS

- 24.3.1 Either the single-family dwelling or the apartment unit shall be permanently occupied by the owner of the premises.
- 24.3.2 The floor area of the apartment unit in a single-family dwelling may not exceed 800 square feet or one-third of the floor area of the dwelling prior to creating the apartment, whichever is less. An apartment in an accessory building must not exceed 800 square feet. Any accessory apartment must have a minimum of 400 square feet.
- 24.3.3 Offstreet parking for a minimum of three (3) vehicles shall be provided in the driveway or garage to accommodate both the principal dwelling and the accessory apartment of the premises and shall otherwise conform with Section 8.
- 24.3.4 The accessory apartment shall not be occupied by more than three (3) people.
- 24.3.5 Any alterations or additions to the single family dwelling or accessory building shall be in harmony with the original character of the structures and the neighborhood and shall otherwise comply with all applicable zoning regulations.
- 24.3.6 The dwelling with the accessory apartment shall have only one outside door along the front façade elevation unless two such doors existed at the time of conversion.
- 24.3.7 Accessory apartments are not eligible to be used for professional office or home occupation in a dwelling unit nor for the renting of rooms.

24.4 PROCEDURES

- 24.4.1 The owner or his/her representative shall submit an application on a form prescribed by the Commission, accompanied by a fee in the amount provided by Sec. 23.1 of these regulations, with the following supporting documents to the ZEO:
 - a) An affidavit of ownership signed by the owner(s) of the premises and affirming intent of an owner(s) to occupy either the single-family dwelling or accessory apartment;
 - b) An affidavit stating that the accessory apartment is occupied by no more than three people; and
 - c) Competent floor plan drawings of the dwelling and apartment, and suitable sketches, architectural drawings and/or photographs sufficient to show the character and extent of exterior building and façade construction including any alterations.

24.4.2 If the proposed conversion is in conformity with the standards herein, and involves no exterior modifications, requires no Coastal Site Plan Review, and has been approved by the appropriate local authorities, the ZEO may approve the application and issue a Certificate of Zoning Compliance. If the proposal involves exterior modifications or Coastal Site Plan Review, the application shall be referred to ACCA and the Planning & Zoning Commission for a formal site plan review.

24.4.3 The owner shall file a residence statement annually as set forth below under Sec. 24.6.

24.5 **EXISTING ACCESSORY APARTMENTS**

In order to legalize accessory apartments built after April 10, 1953, and in existence as of the date of this Section, on or before 1/1/90, the owner of a single-family dwelling containing an accessory apartment dwelling unit, not otherwise authorized as a permitted use or lawful non-conforming use under these Regulations, may file with the ZEO an application for a Certificate of Approved Conversion for such apartment. Such application shall be accompanied by the occupancy affidavit specified in Section 24.4.1(a).

24.5(a) **CERTIFICATE OF APPROVED CONVERSION** applies only to those apartments existing prior to the adoption of this section and is subject to the same renewal requirements as the Certificate of Zoning Compliance. This certificate will be granted without fee.

24.6 **CERTIFICATE OF ZONING COMPLIANCE**

The renewed issuance of a *CERTIFICATE OF ZONING COMPLIANCE* for an apartment dwelling unit accessory to a single detached dwelling for one (1) family is conditioned upon the following:

- a) That by January 31 of each calendar year, the owner of the premises shall file with the Zoning Enforcement Officer a new affidavit, accompanied by a fee in the amount provided in Sec. 23.1 of these Regulations, certifying that either the accessory apartment or the principal dwelling unit is occupied by an owner of the premises as required for the original application, and that the accessory apartment is not occupied by more than three (3) people; and
- b) The *CERTIFICATE OF ZONING COMPLIANCE* automatically terminates when there is a change of ownership of the premises, provided however, that a new *CERTIFICATE OF ZONING COMPLIANCE* may be issued upon receipt of the above affidavit from the new owner of the premises.

*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.

SECTION 26

AFFORDABLE HOUSING DISTRICT

Adopted 8/23/90; Amended 11/15/90, effective 1/1/91; further amended 9/19/91, effective 10/15/91; further amended 11/19/92, effective 12/1/92; further amended 9/16/93, effective 10/15/93; further amended 11/18/93, effective 1/1/94; further amended 5/5/94, effective 6/1/94; further amended 6/16/94, effective 7/15/94; further amended 2/18/10, effective 5/17/10 (to include R-3, R-4, R-5).

26.1 PURPOSE

For the purpose of promoting the inclusion of below-market-rate housing units, hereafter referred to as affordable housing units, within private sector residential developments including Open Space Conservation Developments and multi-family developments so as to increase the diversity of the Town's housing stock, in accordance with the objectives of the December 1988 Madison Comprehensive Plan of Development, and pursuant to the provisions of C.G.S. §8-2g, the Commission may approve petitions for redesignation of property to the Affordable Housing District (AHD).

26.1.1 PROCEDURE

The AHD 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 AHD and an AHD Development Plan. After approval of the AHD 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.

26.2 DEFINITIONS

26.2.1 Affordable Housing. A dwelling unit for persons and families whose income does not exceed the median income for the area as determined by the United States Department of Housing and Urban Development (H.U.D.) and can be (a) rented at a mean monthly contract rent, excluding utilities, that does not exceed 30% of the income of a family whose income is no greater than 80% of the area median as determined by H.U.D. or (b) bought at a mean purchase price which does not exceed 2.5 *times** the area median income as determined by H.U.D. (*Amended 5/5/94, effective 6/1/94*)

**Amended 6/16/94, effective 7/15/94*

26.3 RESALE AND RENTAL RESTRICTIONS

In order to preserve affordable housing, the following restrictions shall apply:

- 1) Affordable housing units for sale shall be restricted by title to require that in the event of any resale by the owner or any successor: **a)** the resale price shall not exceed the maximum sale price for said unit as determined in accordance with Section 26.2.1 above or **b)** the original price plus annual Consumer Price Index (CPI) increments or **c)** the original purchase price plus the mortgagor's reasonable costs of sale and the reasonable cost of improvements made by the mortgagor, whichever is higher. (*Amended 5/5/94; effective 6/1/94*)

- 2) Affordable housing units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum as determined in accordance with Section 26.2.1.
- 3) These restrictions shall apply to **a)** the resale, **b)** the purchase and subsequent leasing, and **c)** the conversion to the common interest form of ownership and subsequent sale of any unit of affordable housing and shall remain in effect for the useful life of the property.
- 4) (*Amended 5/5/94, effective 6/1/94*) The title restrictions in Sections 26.3-1, 2, and 3 above will automatically terminate if:
 - A. The title to the mortgage is transferred to the Secretary of H.U.D., or Connecticut Housing Finance Authority or the Veterans Administration by foreclosure or deed-in-lieu of foreclosure or if the mortgage is assigned to the Secretary of H.U.D., or C.H.F.A. or the V.A., or
 - B. The title to the mortgage is transferred by foreclosure or deed-in-lieu of foreclosure to a National, Federal, or State chartered commercial bank, savings bank, savings and loan association or credit union whose deposits are federally insured.

26.4 ADMINISTRATION

- 1) Affordable housing units shall be offered for sale, resale or continuing rental to families as defined in Sec. 26.2.1 above, or to a non-profit agency, a municipal agency, or other organization, which shall offer the dwellings to qualified families as set forth herein.
- 2) At the time of Rezone and Development Plan approval for each housing development, the Commission shall advise the Board of Selectmen so that it may designate an administrative agency to monitor and administer guidelines for rent, sale or resale of affordable dwellings. Such administrative agency, which may buy the dwellings for the purpose of rental or resale to qualified families, may be a non-profit corporation, an agency of the Town of Madison, a Community Housing Development Corporation pursuant to C.G.S. §8-217, a privately-owned corporation, or other approved organization.
- 3) Families applying for affordable housing units shall be selected on the basis of the following categories of priority:
 - a) Town of Madison volunteer firemen
 - b) Full time Town of Madison municipal employees*
 - c) Full time Town of Madison Board of Education employees*
 - d) Other residents of Madison
 - e) Other persons employed full time in Madison
 - f) Children of Madison residents
 - g) All others

**Full time shall be according to the definition of the Madison Board of Selectmen*
- 4) A Commission-approved agency shall maintain a list of eligible families. Where the number of such families in the same priority classification exceeds the number of available units, the applicants shall be selected by lottery.
- 5) Declaration of restrictions is to be filed in the land records of the Town prior to the issuance of the Certificate of Occupancy. (*Section added 3/25/99, effective 4/1/99*)

26.5 AFFORDABLE vs. OTHER UNITS

Affordable units shall be reasonably dispersed throughout the development. They shall be constructed to the same standards as other units and shall be of comparable workmanship. Affordable housing units shall be developed simultaneously or prior to the development of the other units. In the event that the development is built in phases, each phase shall include its pro-rata share of affordable housing units.

(*Section 26.6 FINANCING deleted, remaining sections renumbered passed 11/18/93, effective 1/1/94*)

26.6 STANDARDS

In deciding a petition for zone change under these regulations, the Commission shall make a finding in regard to the effect of the proposed use on the following “substantial public interests” as used in C.G.S. §8-30g on the health, safety and welfare of the Town of Madison and its citizens.

- 26.6.1 Health and Crowding.** The degree of population concentration and building density and the availability of existing or potential provisions for fire and police protection, water, sewage, and other public requirements.
- 26.6.2 Property values.** The probable effect on the enjoyment, usefulness and value of the premises in the general neighborhood.
- 26.6.3 Traffic and Fire Safety.** The probable effect on the pattern, flow, intensity or character of traffic in the streets.

26.7 SINGLE FAMILY DETACHED HOUSING UNDER OPEN SPACE CONSERVATION DISTRICT (OSCD) REGULATIONS (CLUSTER)

Petition for a zone change under this subsection shall meet all requirements under Section 27 for a cluster development (Open Space Conservation District) and shall follow the procedures established therein for approval of Development and Site Plans except where such procedures differ from those set forth in this section.

- 1) **Minimum parcel size.** The minimum parcel size allowable under these regulations shall be five acres.
- 2) **Density.** The maximum number of units allowable under this section is set forth below. In determining whether to grant the maximum or some lesser number, the Commission shall make a finding as to the following:
 - a) The characteristics and location of the site and their relationship to existing uses in the area.
 - b) Suitability of the soils for waste disposal.
 - c) Adequacy of water supply.
 - d) Scale of the proposed development.
 - e) Compatibility of architectural design with surroundings.

UNITS PER BUILABLE ACRE (43,560 Sq. Ft.)*

Zoning District	# of Bedrooms	0% Affordable	20-30% Affordable	31-40% Affordable	41-60% Affordable	+60% Affordable
R-1, R-2,	1 BR	Same as OSCD Regulations	3.0	4.0	6.0	8.0
R-3, R-4,	2 BR		3.0	4.0	5.0	6.0
R-5	3 BR		2.0	2.66	3.3	4.0
RU-2	All		1.5	2.0	2.5	3.0
RU-1	All		1.0	1.3	1.6	2.0

**Buildable acre shall mean 43,560 sq. ft. of “buildable land” as defined in Sec. 26.8.2.*

Amended 2/18/10, effective 5/17/10

26.8 MULTI-FAMILY DEVELOPMENTS

This subsection refers to dwellings of two or more families and includes apartments, garden apartments, town houses, row houses, condominiums, cooperative apartment buildings, and single family attached houses. Such developments shall be permitted only in areas that can be served with public water.

- 1) **Density:** The maximum number of units allowable under this section is set forth below. In determining whether to grant the maximum or some lesser number, the Commission shall make a finding as to the following:
- a) The characteristics and location of the site and their relationship to existing uses in the area.
 - b) Suitability of the soils for waste disposal.
 - c) Scale of the proposed development.
 - d) Compatibility of architectural design with surroundings.

UNITS PER BUILDABLE ACRE (43,560 Sq. Ft.)*

Zoning District	# of Bedrooms	20-30% Affordable	31-40% Affordable	41-60% Affordable	+60% Affordable
R-1, R-2,	1 BR	3.0	4.0	6.0	8.0
R-3, R-4,	2 BR	3.0	4.0	5.0	6.0
R-5	3 BR	2.0	2.66	3.3	4.0
RU-2	1 BR	2.25	3.0	4.5	6.0
	2 BR	2.25	3.0	3.75	4.5
	3 BR	1.5	2.0	2.5	3.0
RU-1	1 BR	1.5	2.0	3.0	4.0
	2 BR	1.5	2.0	2.5	3.0
	3 BR	1.0	1.3	1.6	2.0

**Buildable acre shall mean 43,560 sq. ft. of “buildable land” as defined in Sec. 26.8.2.*

- 2) **Buildable Land.** Permitted density is to be calculated on “buildable land”. Buildable land shall mean all land that is not inland or tidal wetlands or watercourses as defined in C.G.S. §22a-29 and 22a-38, or slopes with an incline of 33% or greater.
- 3) **Minimum Parcel Area:** Minimum parcel area for Affordable Multi-Family Developments shall not be less than three acres. This area, however, may be less as approved by the Commission if the application involves land adjoining another Affordable Multi Family Development or Elderly Housing Project that meets the requirements of this section of these regulations.
- 4) **Bedrooms:** Each unit in an Affordable Multi-Family Development shall contain not more than three bedrooms. A bedroom is every room other than a kitchen, living room or bathroom but not including open air or screened porches and unheated, uninsulated spaces.
- 5) **Maximum Number of Units Per Structure:** The maximum number of dwelling units per structure shall not be more than four.
- 6) **Building Standards:** The following building standards shall govern the design of Affordable Housing Multi-Family Developments:

a) Minimum lot frontage	75 feet
b) Minimum setback from street line	*
c) Minimum setback from side property line	*
d) Minimum setback from rear property line	*
e) Maximum number of stories	2 ½
f) Maximum height (to mid-point of pitched roof)	30 feet as defined in Sec. 19 of these regulations
g) Maximum building coverage as percent of parcel area	20%
h) Maximum impervious surface coverage	30%

**that of the underlying district for development on existing roads.*

- 7) **Wastewater Disposal:** Plans for storm water and wastewater disposal shall be prepared by a professional engineer. Sanitary waste disposal systems shall comply with design requirements of the Connecticut Department of Health and Connecticut Department of Environmental Protection, shall be approved by said agencies and shall be submitted to and approved by the Town Sanitarian. If community septic systems are required and approved, an agreement shall be entered into between the developer and the Madison Water Pollution Control Authority for the on-going maintenance of the septic system.
- 8) **Parking:** Off-street parking (including garages and outside spaces) shall be provided in accordance with the following schedule:
 - a) At least 1.5 parking spaces per 1 bedroom unit;
 - b) At least two parking spaces for each 2 or 3 bedroom unit; and
 - c) Fifty percent of the resident parking spaces provided shall be covered spaces or garage spaces.
- 9) **Utilities:** All electric, telephone and cable television utility wires shall be installed underground.
- 10) **Open Space:** Open spaces shall be provided and reserved in each Affordable Housing Multi-Family Development in the amount and location deemed necessary by the Commission in relation to the following: 1) Size and location of parcel; 2) Number of units proposed; 3) Topography and natural features of the site. Open space shall be located so as to preserve significant natural site features and maximize utility of the open space to the residents.
- 11) **Buffer Areas:** Landscaped buffer areas at least 25' wide shall be established to mitigate visual, noise and other impacts where the site abuts another parcel, improved or unimproved. Street rights-of-way and railroad rights-of-way shall not obviate the need for a buffer. All buffer areas shall be designed by a qualified landscape professional and the buffer design shall be portrayed on the landscaping plan.
- 12) **Landscaping:** The AHD project shall be suitably landscaped with particular emphasis on buffer areas. A general landscaping plan shall be included as part of the Development Plan.

Amended 2/18/10, effective 5/17/10

26.9 APPLICATION PROCEDURES

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

26.10 DEVELOPMENT PLAN REQUIREMENTS

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

- a) All maps shall be at a minimum scale of 1"=100'.
- b) A location map at a suitable scale, showing the location of the AHD in relation to the surrounding streets and through-fares, existing zoning of the surrounding areas, existing land use of the site and surrounding areas within 500 feet.
- c) Name and address of the applicant; name and address of the land owner; signature of the land owner; name and address of the applicant's engineer, architect, land planner and landscape architect.
- 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, F.E.M.A., 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 type.
- i) Tidal and inland wetlands and watercourse 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 disposal of sewage effluent and storm water drainage.
- l) A written report addressing: (a) provisions for fire protection and (b) 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 pilot soil test programs which shall include a written report from a professional engineer that addresses the quality 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.
- o) Scale elevations, sections, preliminary site plans, renderings, or other illustrations representative of the proposed visual character and architectural style of the development.

26.11 SITE PLAN REVIEW

Prior to the issuance of a building permit, a Site Plan shall be approved by the Commission as provided in Sec. 26.1.1. 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. Any significant changes to the approved Development Plan shall be approved by the Commission prior to Site Plan Approval.

26.11.1 Site Plan Approval. An applicant who seeks approval of a Site Plan for an AHD 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 listed in Sec. 26.11 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) Basic architectural plans or proposed buildings and structures at a scale of 18"=1' minimum, including exterior elevations and generalized floor plans, specifying colors, materials, window treatment and rooftop mechanical equipment. Plans shall be referred to the Advisory Committee on Community Appearance for review and recommendations.
- h) Landscaping (including the number and species of trees and/or shrubs and lawn, other landscape features and natural terrain not to be disturbed).

- i) A tabulation of the appropriate area, location and bulk standards.

26.11.2 Revision of AHD Development or Site Plan.

- a) **Development Plan.** Any major change in an approved AHD Development Plan affecting the intent and 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 AHD Development Plan shall be supported by a written statement demonstrating the reasons such revisions are necessary or desirable. Submission of a new zone change petition is not required.

If the Commission determines the changes may have a substantial effect on adjacent property owners, resident of the AHD, the general public, or if it involves increased density, the Commission may cause a public hearing to be held prior to taking action on said changes.

Minor revisions to an AHD 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 AHD and amend the site plans as necessary.

- b) **Site Plan.** Any major change to an approved AHD 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 a part of the Site Plan and shall be continuously maintained in general conformance with the approved plan.

26.12 PERFORMANCE AND MAINTENANCE BOND FOR PUBLIC IMPROVEMENTS

As a condition of approval of an AHD Development or Site Plan, 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 the AHD Development or Site Plan. 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.

- 26.12.1** Performance and maintenance bonds established by the Commission as a condition of AHD Development and/or Site Plan approval shall be posted in accordance with the provisions of Section 11 of the Madison Subdivision Regulations.

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 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

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 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.

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

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.

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 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 set, it is up to the applicant to follow Section 4.2.5 for notification.

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.
- 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.

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, certified by one or more of the following: A registered architect, engineer or surveyor. Up to six (6) additional copies may be required.

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 Town Engineer and the Health Director, 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.

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, and building ground coverage.
- e) A location map showing the nearest existing roads in all directions.
- f) A certified boundary survey conforming to the Standards of Class A-2.
- 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.
- j) Location, type, size, and illumination of all signs.
- k) Soil erosion and sediment control plans.

ADDITIONAL INFORMATION THAT MAY BE REQUIRED

- l) Two sets of basic architectural plans of proposed building 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.
- m) 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.
- n) 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 "n" upon the recommendation of the Town Engineer or Health Director.
- o) 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 "o" upon the recommendation of the Town Engineer.
- p) 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.

29.3 WAIVER CONDITIONS

Upon written request, all or part of the Site Plan requirements may be waived by the Planning and Zoning Commission.

29.4 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 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.

29.5 **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.

29.6 **EXPIRATION**

Site Plan approval shall have a one-year time limit for commencement and a two-year time limit for completion from the date of Site Plan approval. The completion date may be extended at the discretion of the Commission.

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.

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.

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;

- I) 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

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 *Section deleted June 17, 1993; effective July 15, 1993*

SECTION 3.4 ACCESS AND REAR LOTS

Effective April 15, 1980

- 3.4** The Commission may permit rear lots subject to the following conditions:
- 3.4.1** Each rear lot shall have an access way as part of the lot which shall be limited to the use of no more than two lots.
- a) Each access way shall be at least 25 feet in width and any driveway thereupon shall be developed as stipulated in §2.16 of the Zoning Regulations.
 - b) The maximum number of adjoining access ways shall not exceed two. Each set of adjoining access ways shall be separated from any other access way by a front lot.
 - c) The area of such access way shall not be included in the minimum required area of the rear lot.
 - d) Such access way shall extend to an accepted Town Road or to a road in an approved subdivision.
- 3.4.2** The maximum number of rear lots shall not exceed 1/3 of the total number of lots in any subdivision.
- 3.5** The Commission, prior to giving approval for any subdivision or portion thereof, may require the applicant to furnish a study of the impact of the proposed subdivision on adjacent, surrounding and/or proximate land or watercourses or land affected by such watercourses, said study to be certified by an expert acceptable to the Commission. The Commission, prior to giving approval for any subdivision, may refer the application for investigation to one or more expert consultants selected by it for advice.
- 3.6** All side lines of lots shall be at right angles to straight road lines and radial to curved road lines unless, in the opinion of the Commission, a variation from this rule will give a better road or lot plan. Lots with long appendages or lots with extremely irregular shapes shall be prohibited.
Sentence added, approved December 17, 1992, effective April 1, 1993
- 3.7** An adequate system of storm water drainage shall be provided. No natural water course shall be altered or obstructed in such a way as to reduce the natural run-off capacity unless substitute means of run-off are provided. The Commission may require culverts and other storm water drainage installations where it deems them necessary to connect with one or more natural watercourses. All necessary easements for drainage shall be provided.
- 3.8** In the case of subdivision served by public water supply, all necessary mains, branch offsets, fire hydrants and other necessary appurtenances shall be approved by the Town.
- 3.8.1** In subdivisions with 10 or more lots located outside a public water supply service area, there shall be a minimum of 30,000 gallons of accessible fire fighting water within 2,200 feet of each lot. Any construction required by this section may be bonded as a public improvement per Section 11 of the Subdivision Regulations. It is the responsibility of the applicant to notify the appropriate Fire Chief of any application made under this Section. Notification shall be by Certified Mail within seven (7) days of the application being delivered to the Land Use Office.
Section added: Approved November 21, 1996, effective January 1, 1997; modified January 22, 1999, effective February 15, 1999
- 3.8.1.1** Any impounded water supply, i.e. cistern, tank, or other approved storage facility shall contain a minimum of 30,000 usable gallons. The supply shall allow the fire department to withdraw water at a rate not less than 1,000 gallons per minute at a maximum of a 15 foot

lift using standard fire fighting equipment. The facility should be designed to have adequate year round access from a public street. **Section added: Approved January 22, 1999; effective February 15, 1999**

- 3.8.1.2** Any water supply using a flowing stream shall be capable of supplying a flow of 1,000 gallons per minute. The required flow shall be available during a drought with an average frequency of 50 years as determined by a qualified registered professional engineer. Access, lift, and equipment shall be as in Section 3.8.1.1. **Section added: Approved January 22, 1999; effective February 15, 1999**

3.9 *Section deleted December 17, 1992; effective April 1, 1993.*

- 3.10** No privately owned reserved strip shall be permitted which controls access to any part of the subdivision from any road or other open space dedicated to public use, or which may be so dedicated.

3.11 *Section 3.11 and subsections revised October 15, 1992; effective November 15, 1992*

Not less than ten percent of the total area of a subdivision shall be provided and reserved as open space for recreation or conservation purposes as defined in C.G.S. §7-131. The land reserved shall be of such size, location, shape, topography and general character as to be useful to satisfy the above purposes.

Proper pedestrian and vehicular access shall be provided for each such reservation.

The required open space shall be no more than 50% wetland type soils as defined in C.G.S. §22a-38(15) and (16).

Open space shall be left in its natural state unless approved by the Commission for park, playground, or similar recreational uses. There shall be no clearing, grading or use as a repository for stumps, brush, earth, building materials or debris. Minor grading or clearing for trails or vehicular access may be permitted by the Zoning Enforcement Officer. **Paragraph added. Approved June 17, 1993; effective July 15, 1993.**

- 3.11.1** The subdivision shall make provisions, subject to the approval of the Commission, for the permanent maintenance of such open space areas, either by conveyance to the Town, by the establishment of a duly organized improvement association or neighborhood association or by other means acceptable to the Commission.
- 3.11.2** Recognizing that the dedication of open space may not be desirable or appropriate in all situations, the Commission may instead accept a fee or any combination of land and fee, provided that the fee does not exceed ten percent of the fair market value of the land prior to subdivision.
- 3.11.3** The applicant will advise the Planning and Zoning Commission of the fair market value of the land prior to subdivision. The Commission staff will review the proposed fair market value for accuracy and report its findings to the Commission. If the applicant and the Commission cannot agree on a fair market value, it shall be determined by an appraiser chosen jointly by the applicant and the Commission (or its designee) at the applicant's expense.
- 3.11.4** The subdivider shall indicate on the application and subdivision plans whether land, a fee in lieu thereof or a combination of land and fee is being proposed. The Commission may accept or alter the proposal.
- 3.11.5** Any fees in lieu of open space may be paid in full prior to filing final plans with the Town Clerk or may be paid at the time of the first sale or transfer of each individual lot, on a

proportional basis as described in C.G.S. §8-25(a). The proportional fees due the Town of Madison shall constitute a lien on each individual lot and shall be reflected on the land records of the Town. Such liens shall be released upon receipt of payment to the Town of Madison. The applicant shall be responsible for any filing fees due the office of the Town Clerk.

- 3.11.6** Said fees shall be deposited and maintained by the Town of Madison in a separate fund to be used for the purpose of preserving open space or acquiring additional land for recreational, passive, or agricultural open space.
- 3.11.7** This fund shall be disbursed according to all applicable State and Municipal requirements. However, the Commission may make recommendations to the Board of Selectmen regarding the use of such funds, taking into consideration recommendations made by the Madison Land Conservation Trust, the Madison Land Use and Acquisition Committee, and other similar organizations, Town committees or commissions.
- 3.11.8** The open space requirement of this section shall not apply to the following:
- (1) Subdivisions of less than five parcels, where all land therein is transferred to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle, or first cousin without compensation.
 - (2) Subdivisions which contain affordable housing, as defined in C.G.S. §8-39a, equal to a 20 percent of more of the total housing units to be constructed therein, except that the subdivision of land authorized under Sections 26 and 27 of these regulations shall be subject to all open space provisions of Section 27.
- 3.12** In cases where a proposed subdivision includes wetlands and watercourses defined in §C.G.S. 22a-38(15) and (16), these natural features shall not be altered by filling, dredging or removal, or rendered unclean, impure or polluted, without approval of the Commission and such other agencies as may be required by other regulations, ordinances or statutes. The Commission may require that these natural features be included in the open space requirement. It is the intent of these regulations to preserve in their natural state all streams, ponds and marshes as they now exist.
- 3.13** Upon satisfactory completion, proposed subdivision roads shall be offered to the Town for acceptance as public highways except as specifically approved in Section 10 of these regulations.
March 1, 1978
- 3.14** In accordance with the provisions of C.G.S. §8-25(b), the applicant shall show the Commission that he has considered, in developing the plan, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer, after tax credits, subsidies and exemptions. "Passive solar energy techniques" means site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development. *Adopted June 17, 1993; effective July 15, 1993*

SECTION 4

PROCEDURE AND APPLICATION

- 4.1** Application for approval of a plan of subdivision shall be made by the owner of record or by his authorized agent in writing on a form furnished by the Commission. The application must be filed

together with the fee required by C.G.S. §8-26 or by ordinance pursuant to §8-1c of said Statutes, and will be considered within sixty-five days of the day of receipt.

The Commission shall within sixty-five days after consideration give its approval, disapproval or approval with modification of any final plan.

4.2 ECRD or OSCD Subdivision Application

If an application for an ECRD or OSCD floating zone includes the subdivision or resubdivision of land (as defined by C.G.S. §8-18), the "Development Plan" shall act as a preliminary subdivision plan for Commission review. Final subdivision plan approval shall adhere to standards and procedures established in Sections 6, 7, and 8 of these regulations. Standards of these regulations which are inconsistent with ECRD or OSCD Floating Zone criteria shall be waived in accordance with ECRD or OSCD and Final Subdivision Plan approval. *January 3, 1991, amended effective January 1, 1992*

SECTION 5

REQUIREMENTS FOR PRELIMINARY PLAN

Section deleted June 7, 1993; effective July 15, 1993.

SECTION 6

REQUIREMENTS FOR FINAL PLAN

- 6.1** The applicant shall file with the Commission a properly executed application form, three paper copies of the final plan, along with two copies of all reports and data sheets.
- 6.2** A digitized copy of the final subdivision plan showing all property lines shall be submitted in data exchange format suitable to the Commission. (This information will be used to update the Town maps and Geographical Information Systems.)
- 6.3** The plan shall show:
- a)** Name and location of subdivision; name of record owner, subdivider and designer; north point, date and scale.
 - b)** Names of all abutting owners.
 - c)** Proposals for water supply and general drainage, including all proposed changes in the natural drainage.
 - d)** Proposals for utilities including electric, telephone, gas, and television lines, all underground where possible.
 - e)** Proposals for dedication of all open space and other public areas and conditions of such dedications.
 - f)** Names of roads.
 - g)** Contour lines at an interval of not more than ten feet except, where proposed subdivision improvements will alter the existing grade, not more than two foot contours are required.
 - h)** A location map showing the nearest existing roads in all directions.

- i) A report of the general character of the soil based on appropriate soil tests conducted by a professional engineer. There shall be at least two deep test pits at least 50 feet apart on each lot with test results indicated on the plan, however the location and number of all test holes required shall be determined by the Madison Health Department. In addition, the Madison Health Department shall be notified prior to the digging of all test holes. The Commission may require further tests and may require submission of plans prepared by a licensed sanitary engineer for an adequate sewage disposal system on any lot.
- j) Important features such as existing structures, edge of pavement on both sides of existing roads, railroads, sewage disposal systems, water supply wells, large wooded areas and fields, large ledge outcroppings, lakes, ponds, streams, brooks, and swamps that are located on the property under consideration or that have a direct relation to it.
- k) Boundaries of all inland wetlands and watercourses as defined by C.G.S. §22a-38(15 and (16).
- l) Boundaries of the Flood Plain District as delineated on the Flood Insurance Rate Map, Town of Madison.
- m) Locations of all permanent monuments including at least two on diagonal corners of each lot.
- n) Dimensions and areas of all lots and parcels, including those to be reserved or dedicated as public parks, playgrounds or recreation centers, width of roads and easements in feet and decimals of a foot; except that the distance of a line extending to a varying boundary such as a brook or water line may be approximate.
- o) Direction of all lines, either by bearings or angles.
- p) Building lines.
- q) Radii of all curves and lengths of arcs.
- r) For all applications with proposed new roads: Elevation of all roads at the center of each intersection and at each change of grade. Points must be located by distance from the nearest road intersection. All elevations must be referred to some permanent benchmark which must be described on the plan.
- s) Outline of paved road surface within the right-of-way.
- t) A statement signed and sealed by a licensed land surveyor that the plan conforms to the Standard of Class A-2 of the standards recommended by the Connecticut Association of Land Surveyors, Inc. Horizontal control for subdivisions of ten lots or more shall be based on the Connecticut coordinate systems; vertical control shall be based on NGGVD 1929.

SECTION 7

PUBLIC HEARING, ACTION OF THE COMMISSION

- 7.1 Pursuant to C.G.S §8-25, the Commission may hold a public hearing regarding any subdivision proposal, if in its judgment the specific circumstances require such action. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town of Madison and shall be sent to the applicant by registered or certified mail not less than seven days before the hearing. A copy of the plan which is to be the subject of the hearing shall be on file at the Office of the Town Clerk not less than seven days prior thereto.
- 7.2 No plan of resubdivision shall be approved by the Commission without a public hearing.
- 7.3 Pursuant to C.G.S. §8-26, the Commission may recommend modifications in the plan of subdivision or may approve or disapprove the same.

- 7.4** Pursuant to C.G.S. §8-25, the Commission may grant conditional approval in lieu of requiring the posting of a surety bond as required in Section 11 of the regulations. A conditional approval shall become final approval when:
- a) The actual construction, maintenance, and installation of any improvements or utilities prescribed by the Commission for the subdivision are completed and accepted by the Town; or
 - b) A surety bond to guarantee the completion of the prescribed improvements is filed with the Town pursuant to Section 11 of these Regulations.

- 7.4.1** Upon granting of such approval conditioned upon (a) and (b) above, the Commission may authorize the filing of a plan with conditional approval endorsed thereon; however, upon the occurrence of either of the events set forth in (a) or (b) above, the Commission shall cause a final approval to be endorsed upon a final subdivision plan in the manner provided by C.G.S. §8-25.

Any such conditional approval shall lapse five years from the date it is granted provided the applicant may apply for and the Commission may, in its discretion, grant a renewal of such conditional approval for an additional period of five years at the end of any five-year period. Any person, firm, or corporation who, prior to final approval, sells or offers for sale any lot subdivided pursuant to a conditional approval shall be subject to a fine of not more than five-hundred dollars for each lot sold or offered for sale as per C.G.S. §8-25.

Nothing in this section shall relieve the developer of the requirements of Section 11 relating to the maintenance of the prescribed improvements including the requirement for posting a surety bond upon final approval to ensure maintenance of the improvements.

Subsection 7.4.1 added, approved June 17, 1993; effective July 15, 1993

SECTION 8

FILING IN THE OFFICE OF THE TOWN CLERK

- 8.1** In accordance with the provisions of C.G.S. §8-25, as amended, any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the Commission to act, be filed or recorded by the applicant in the office of the Town Clerk within ninety days of the expiration of the appeal period, and any plan not so filed or recorded within the prescribed time shall become null and void except that:
- 8.1.1** The Commission may extend the time for such filing for two additional periods of ninety days and the plan shall remain valid until the expiration of such extended time.
 - 8.1.2** Delivery to the applicant for filing or recording of the plans in Section 8.1 will be accomplished by the Zoning Enforcement Officer promptly after the time for taking an appeal from the action of the Commission has elapsed and in the event of an appeal promptly upon the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant.

SECTION 9

DESIGN REQUIREMENTS FOR ROADS

- 9.1** The Road Specifications for the Town of Madison, dated April 18, 1963, with current amendments, are hereby made a part of these Subdivision Regulations and shall govern the construction of all new subdivision roads as well as improvement of existing roads except as noted below.
- 9.2** Roads shall be so laid out as to obtain as many of the building sites as possible at or above the grade of the road. Roads shall follow natural contours where practicable. Curvilinear roads shall be used generally in preference to gridiron systems.
- 9.3** Subdivision roads shall be laid out so as to provide connections with existing roads on adjoining properties. When a subdivision adjoins undeveloped land, its roads shall be laid out so as to provide suitable future connections with the adjoining land where it appears probable that the latter will be subdivided.
- 9.4** All roads in any proposed subdivision shall have free access to or shall be a continuation of one or more paved Madison Town roads or State roads within the Town of Madison.
- 9.5** The application for any subdivision which has as a means of access an unpaved road, shall include a plan for rebuilding the unpaved road in full width. The developer shall be responsible for paving to current road specifications the full width of that portion of the unpaved road which adjoins the land of said subdivision.
- 9.6** The Commission may at its discretion refuse to approve any subdivision which has access only over an unpaved Town road extending beyond the limits of said subdivision prior to joining a paved road.
- 9.7** If the developer presents a statement signed by the First Selectman of the Town of Madison to the effect that said unpaved access road is scheduled for paving by the Town within a time limit deemed reasonable by the Commission, the Commission may waive the requirements of paragraphs 9.5 and 9.6.
- 9.8** The application for any proposed subdivision which includes in its proposed road net an unpaved road shall include plans for rebuilding said road to meet current road specifications.
- 9.9** The developer of any proposed subdivision which has as its means of access a paved road may be required to construct improvements to bring said road up to current road specifications if, in the opinion of the Commission, this road in its present condition is hazardous and unsafe for the additional travel to be placed upon it.

SECTION 10

*Section substantially revised
Approved May 21, 1992; effective July 1, 1992
Section further revised March 21, 1996; effective April 15, 1996*

EXCEPTIONS TO DESIGN REQUIREMENTS FOR PRIVATE ROADS

- 10.1** The Commission may permit exceptions to the road specifications in an ECRD, OSCD, and AHD or in the case of any association having lots of at least 80,000 square feet in area, legally chartered and incorporated under the laws of the State of Connecticut, which has in its Charter or Articles of Association statements clearly setting forth the fact that said Association assumes full responsibility for expenses of maintaining all roads within its boundaries.
- 10.2** Exceptions which may be permitted pursuant to Section 10.1 are:
- 10.2.1** The paved portion of any road may be reduced to not less than 18 feet in width.
- 10.2.2** The road may have a grade of not more than 12%.

SECTION 11

PERFORMANCE AND MAINTENANCE BOND

- 11.1** The developer shall file with the Commission a Performance Bond in an amount approved by the Commission as sufficient to secure to the Town the actual installation cost of the proposed improvements within two years after the approval date of the subdivision. The Commission may extend the completion date for improvements for additional periods as requested in writing by the developer. As a condition of such extension, the Commission may require an increase in the amount of the bond.
- 11.2** For purposes of this Section, a bond shall mean one of the following:
- (1) A surety bond issued by a company licensed to do business in the State of Connecticut, accompanied by the power of attorney of the person executing the bond for the company;
 - (2) A bond secured by an assigned passbook savings account or certificate of deposit representing funds deposited in a financial institution which is on the list of those approved for deposit of Town funds. The name of the developer and the Town of Madison must be on the account and must be accompanied by a signed withdrawal slip.
 - (3) Cash or certified check in the required amount deposited with the Treasurer of the Town of Madison.
 - (4) An irrevocable letter of credit (original document).
 - i. The Town will require the contractors who provide irrevocable letters of credit to give financial information about themselves and the bank issuing the letter of credit.
 - ii. The Town should determine the financial stability of the issuing bank. Final acceptance or rejection is at the sole discretion of the Town of Madison.

- 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.

BOOK III

SOIL EROSION and SEDIMENT CONTROL

SECTION 1: 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 II: EROSION CONTROL CERTIFICATE

- 2.1 No development shall be begun until an Erosion Control Certificate has been issued by the Zoning Enforcement Officer.

SECTION III: APPLICATION

- 3.1 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.

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

SECTION IV: APPROVAL

- 4.1** The Zoning Enforcement Officer shall issue an Erosion Control Certificate 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 may utilize *The Connecticut Guidelines for Soil Erosion and Sediment Control* (1985), as amended, to the extent they are reasonable and applicable.

SECTION V: INSPECTION

- 5.1** The Zoning Enforcement Officer shall inspect the development as necessary to insure compliance with the terms and provisions of the Erosion Control Certificate.