

PROPOSED AMENDMENT TO
TOWN OF TRUMBULL ZONING
REGULATIONS

(REVISED - CLEAN - AUGUST 13, 2018. *Text presented by Applicant at 8/15/2018 public hearing.*)

REDLINED VERSION SHOWS TRUMBULL TOWN STAFF PROPOSED CHANGES FOR 9/27/2018 P&Z WORK SESSION.

ARTICLE II USE REGULATIONS

Section 3.4 MIXED-USE DESIGN DISTRICT (MDD)

3.4.1 Purpose

The purpose of the MDD zone is to:

1. Facilitate an appropriate mix of commercial, retail, residential, entertainment, and dining uses in a location close to a limited access highway or arterial road.
2. Create an environment that is comfortable and interesting to local residents and visitors as a place to live, play, shop, work, and socialize.
3. Insure the continued vitality and viability of large-scale retail spaces by the introduction of compatible and appropriate uses that also maintain the integrity of nearby neighborhoods.

3.4.2 Permitted Uses

Within the MDD Zone, no building or structure shall be erected, altered, occupied, or used, arranged or designed to be used for other than one or more of the following specified ~~purposes uses and only upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations:~~

1. Retail business or retail service provided that there shall be no manufacturing in connection therewith except such as is clearly incidental to the conduct of a retail business or service conducted on the premises, including but not limited to department stores, personal services, health clubs, and clothing, grocery, liquor, appliance, jewelry, and shoe stores.
2. Business or professional office, including medical and dental clinics;
3. Bank and financial service;
4. Restaurants, including outdoor dining;
5. Personal service establishments, including but not limited to, laundry or cleaning agency, shoe repair, photographer's studio and/or barber shop/beauty parlor.

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3.4.3 Permitted Accessory Uses

The following uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Article V of these Regulations:

1. Accessory Uses for Principal Uses, including drive-throughs, which are in compliance with the plans and conditions of approval for a Use which has received Site Plan approval or a Special Permit in accordance with these Regulations. Notwithstanding anything to the contrary herein, any drive-through window shall require Special Permit approval by the Commission and shall be located a minimum of 500' from Main Street or Madison Avenue.
2. Manufacturing or treatment only in connection with a permitted retail or service use, and when clearly incidental to the conduct of a permitted retail business or service conducted on the Premises.
3. Temporary Accessory Sale of Holiday Decorations and Retail Products. Sale of products, including but not limited to holiday or seasonal decorations or products, within any parking field provided that all such temporary sales shall not exceed a period of thirty (30) days, and no flood lights or loudspeakers are utilized.
4. Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety, and welfare.

3.4.4 Special Permit Uses

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

1. Movie or live theater;
2. Indoor recreation and amusement;
3. Hotels and conference centers;
4. Multi-family residential developments subject to the following:
 - a. residential units with three (3) or more bedrooms are prohibited;
 - b. a maximum of 260 units are permitted within the entire MDD zone (for the avoidance of doubt, the creation of additional parcels shall not result in the ability to add residential units in the MDD zone above 260 units);

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c. residential units shall be rented to one "family" as that term is defined in these Regulations;

d. each unit shall be a minimum of 800 square feet and a maximum of 1,400 square feet; and

e. no ~~dens, office or similar separate rooms shall be permitted~~; however, this does not prohibit separate living areas without dividing or fin walls. ~~more than 35% of two bed room units shall have a den or office and any such den or office shall not include a built in closet~~;

f. useable amenity area or active recreation areas shall be provided which may include, but shall not be limited to, swimming pools and recreational facilities and buildings;

g. outdoor playground equipment, swing sets, and similar items are specifically prohibited;

~~h. all new development shall be compatible or exceed the quality of the surrounding development in terms of material, building siting, architecture and landscaping. Staggered offset unit facades and/or varied unit facade materials should be utilized. The exterior building material, color, roof-line and building elevations shall be residential in character. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any outer façade of the building. Pitched roofs are preferred. All rooftop utilities or other equipment shall be concealed from view; and~~

~~i. a report analyzing the likely number of school-aged children and fiscal impacts to the Town shall be submitted simultaneously with any Special Permit application for any multi-family residential use.~~

5. Private schools, occupational schools, and educational facilities;
6. Gasoline filling stations with no vehicle repair, provided that any building, structure, or pump associated with such gas station shall be located a minimum of 500 feet from Main Street, Madison Avenue and any residential structure;
7. New automobile showrooms excluding exterior storage of vehicle inventory;
8. Art galleries and museums;
9. Day care center;
10. Brewpub restaurants;
11. ~~Regional medical centers, ambulatory surgery centers, hospitals, long or short term medical care facilities.~~

3.4.5 ~~Site Plan or Special Permit~~ approval for the uses set forth in Sections ~~3.4.2 and 3.4.4~~ shall be required only for the initial construction of that use, such that, ~~other than multi family residential~~, the conversion from any approved use to any other permitted use set forth in Section 3.4.2- within an existing building shall not require a new ~~Special Permit or Site~~

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Plan approval.

Special Permit approval for the uses set forth in Section 3.4.4 shall be required for the initial construction of that use, however, the conversion from any approved use to a new owner, operator or tenant with the same or similar use within an existing building shall not require a new Special Permit.

~~3.4.5~~ For the avoidance of doubt, any ~~new~~-multi-family residential use must receive Special Permit approval. ~~A report analyzing the likely number of School Aged Children and fiscal impacts to the Town shall be submitted simultaneously with any special permit application for a new multi-family residential use.~~

Notwithstanding anything to the contrary herein, whenever there is an increase or decrease in the square footage of an existing structure in the MDD Zone, then a new Special Permit and/or Site Plan approval, applicable, shall be required regardless of any prior approval for the existing use.

3.4.6 Bulk Restrictions and Design Requirements

1. The minimum size of the MDD zone shall be 80 contiguous acres. Separate parcels within the MDD zone are permitted to exist provided that any such parcel within the MDD zone must have a ~~The minimum lot size size of in the MDD zone shall be 7 acres.~~ The creation of a separate parcel within the MDD zone requires approval by the Commission.
2. Building Coverage in the MDD shall not exceed 50% of the total site. The Gross Floor Area of any buildings or other structures shall not exceed 100% of the total site. Any parking garage located beneath a building or as a separate structure shall not be included in calculating maximum Lot Coverage or

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maximum Gross Floor Area under these Regulations. The maximum impervious coverage in the MDD zone shall be 85%.

3. The maximum height of any building or structure in the MDD shall be 65 feet.

4. ~~Except for access driveways and sidewalks, there shall be a minimum 36-foot wide, six foot high landscaped berm located at the property line adjacent Main Street.~~ There shall be a minimum 25-foot wide landscaped buffer located at the property line abutting any single-family house in a Residential zone. Other than as set forth above, ~~landscaped such~~ buffers shall ~~not~~ be required at any property line abutting a public road or highway for aesthetic, safety and/or complete screening purposes -as determined by the Commission.

5. No building shall be located less than 50 feet from a state road or highway provided that any portion of a building setback between 50 feet and 100 feet from the state road or highway (the "Secondary Setback") shall be no greater than 95 feet wide. No more than two such buildings may be located within the Secondary Setback. No building shall be located less than 50 feet from any other public street, or less than 100 feet from a residential zone boundary.

6. In order to ensure the cohesive integration of any multi-family residential developments into the overall development within the zone, vehicular and pedestrian means of access shall be provided as follows. At least two means of vehicular access shall be provided to and from such residential development and the balance of the zone. Pedestrian connections between any multi-family residential development and the balance of the zone shall be provided in a meaningful manner that ensures the safety of pedestrians, including, but not limited to, traffic calming devices, crosswalks, pedestrian bridges, elevated greenways, and stamped pavement.

7. Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be approved by the Commission. ~~Tree Warden.~~ Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town ~~Tree Warden=staff~~ to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through

preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

3.4.7 Provisions for Vehicles

Any use or combination of uses within an MDD shall provide sufficient parking which reasonably accommodates the nature and purpose of the uses proposed. A shared parking approach shall be permitted and encouraged as a means to reduce the total parking supply that would otherwise be required. Shared parking takes advantage of variation in the periods of maximum usage among different land uses, allowing different land uses to share the same given parking spaces if they have different time-of-day or day-of-week usage patterns.

If a shared parking approach is followed, the applicant shall provide a shared parking study for review and approval by the Commission, documenting the rationale and calculations for the lower parking supply. The study shall include survey statistics and factors documenting the requested reductions in parking supply.

Any proposed parking structure shall be constructed in a style, manner, size and location on the lot which is in conformity with other buildings and structures on the lot and which does not detract from other improvements on the site. On-site parking areas shall be planted with trees with at least one (1) tree for every twenty (20) off-street parking spaces not located within a parking structure.

Parking garages may be located beneath buildings or as separate structures. On-street parking is prohibited.

Notwithstanding the above, multi-family residential units shall be parked at a ratio of 1.9 spaces per unit regardless of the number of bedrooms.

3.4.8 Signs

Signage shall be permitted in the same manner as set forth in Article II, Section

3.1.7. In no event shall any wall sign be permitted that is more than forty five (45') feet high from grade.

3.4.9 Master Plan Requirement

In order to fulfill the goals set forth above, in conjunction with any application to (i) increase square footage greater than five (5) percent of the existing Gross Floor Area within the zone as of the effective date of these MDD regulations; or (ii) create a separate parcel within the zone, a master plan governing the future development of the zone shall be submitted to the Commission (the "Master Plan"). Such Master Plan should address the development framework for the entire zone, including principal and accessory uses; street and open space layout; parking and loading areas; landscaping; and general illustrations for building layout, height, and bulk. The Commission must approve the proposed Master Plan prior to approving the proposed new development application. The Master Plan must require meaningful public engagement including a public hearing. Once a Master Plan has been approved, proposed revisions to the Master Plan will be required as new applications are presented which either (i) increase square footage greater than five (5) percent of the existing Gross Floor Area within the zone as of the effective date of these MDD regulations; or (ii) create a separate parcel within the zone. The Commission must approve the revisions to the Master Plan prior to approving any other proposed new development applications. Any revision to the Master Plan would require a public hearing.

Notwithstanding the foregoing, a Master Plan shall not be required for the initial residential application filed with the Commission.

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