

Article 2, 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 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.
6. Movie or live theater;
7. Indoor recreation and amusement;
8. Art galleries and museums;

9. Daycare Center (adult only);

10. Brewpub restaurants.

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;~~

13. Hotels and conference centers;

24. Multi-family residential developments Age restricted residential developments with a minimum 10 % affordable units that are restricted to a rent or sale price that is affordable to residents who earn 80% or less of the area median income (AMI) and -subject to the following:

a. ~~Age restricted residential shall be deemed to mean a housing development in which one hundred percent (100%) of the dwelling units will be held or conveyed by deeds containing covenants and restrictions which shall require that such dwelling units be owned and occupied exclusively as a single-family residence by at least one person who is fifty-five (55) years of age or older, provided however, that the surviving spouse of a person who is fifty (50) years of age or older may remain in occupancy of a dwelling.~~

ba. residential units with three (3) or more bedrooms are prohibited;

cb. ~~20 to 40 units per acre in areas identified for parcels for senior housing development as defined by Trumbull Mall Area Market Feasibility and Land Use Study or subsequent areas defined by the Planning and Zoning Commission;~~

~~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);~~

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

ed. each unit shall ~~have the be a~~ minimum square footage permitted by ~~law of 800 square feet~~ and a maximum of 1,400 square feet; and

fe. dens, office or similar separate rooms shall not be permitted; however, this does not prohibit separate living areas without dividing or fin walls.

gf. 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;

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

ih. 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

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

35. Private schools, occupational schools, and educational facilities;

46. 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;

57. New automobile showrooms excluding exterior storage of vehicle inventory;

~~8. Art galleries and museums;~~

69. Day care center;

~~10. Brewpub restaurants;~~

711. Regional medical centers, ambulatory surgery centers, hospitals, long or short term medical care facilities.

3.4.5 Site Plan approval

For the uses set forth in Section 3.4.2 shall be required only for the initial construction of that use, such that 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 Site 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.

For the avoidance of doubt, any multi- family residential use must receive Special Permit approval.

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. Any new structure should be compatible with the vision and goals of the Trumbull Mall Area Market Feasibility and Land Use Study as confirmed by the Town Planner.

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 and its proposed use within the MDD zone must have a minimum lot size of 2 (two) ~~7~~ acres and be consistent with the Trumbull Mall Area Market Feasibility and Land Use Plan. 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 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. 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 buffers shall 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. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town 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.

Site plans that demonstrate commitment to the goals established in the open space plan documented in the Trumbull Mall Area Market Feasibility and Land Use Plan, as confirmed by the Town Planner, shall receive consideration by the Planning and Zoning Commission and at the discretion of the Commission, receive relief from landscape provisions specifically related to the character and appearance of proposed landscape.

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. ~~To offset impact of surface parking On-site parking areas shall be planted with trees with~~ at least one (1) tree ~~or financial equivalent~~ for every twenty (20) off-street ~~surface~~ parking spaces ~~shall be provided in open space areas identified in the Trumbull Mall Area Market Feasibility and Land Use Plan as confirmed by the Town Planner. 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.~~

~~Designated parking spaces must be submitted with a site plan which may include parallel parking spaces on private internal drives.~~

~~Age restricted housing units shall be parked at a minimum ratio of 1.5 spaces per unit regardless of the number of bedrooms.~~

3.4.8 Signs

In the event of a conflict between the provisions of this and any other regulation, including but not limited Article XIII, this section shall govern. The purpose of this section is to enhance the visual aspect of retail developments, creating excitement through a variety of signage types while maintaining a high level of control over the quality of signage implemented.

- a. Individual signs for tenants whose leased premises include an exterior entrance ("Tenant Signs") must be located on the building surface. The size of Tenant Signs shall be the larger of (i) one (1) square foot per 1,000 square feet of leased space to the tenant, or (ii) thirty (30) square feet. Signs may be no more than three colors. Signs may be divided up into multiple signs up to one (1) sign for each 50,000 square feet of leased area. The Commission may permit a total of 140 square feet of signage in the case of a tenant whose leased premises include an exterior entrance and where all such signs are located more than 500 feet from any residence in a residential zone. Such signage may consist of wall or blade signs. Signs shall be illuminated only while the tenant is open for business.
- b. Signs identifying the property owner/landlord may be located at each exterior entrance into the common area of the retail building ("Entrance Signs"). Such

Entrance Signs may be located on the building surface or may be placed above or below a canopy that extends out from the building surface. In no case, however, shall an Entrance Sign extend above the height of the building. Such Entrance Signs may be internally or externally illuminated and shall not exceed 140 square feet.

c. In addition to Entrance Signs, two (2) additional visual graphics panels may be located adjacent to each exterior entrance into the common area of the retail building (“Visual Graphics Panels”). Such Visual Graphics Panels shall be located so as to be visible primarily to those utilizing a specific entrance. Visual Graphics Panels shall be located on the building surface and each shall not exceed a total of 140 square feet. Visual Graphics Panels may utilize LED, plasma, digital media, or other similar technologies and shall not be considered Flashing Signs or Moving Signs under these Regulations. Visual Graphics Panels shall not be accompanied by any audio.

d. Signs for tenants occupying the entirety of a free-standing building no less than 30,000 square feet shall be located on the building surface. The size of all such signage shall be no greater than one (1) square foot per one hundred thirty (130) square feet of leased space. No more than three (3) wall signs are permitted, no one sign may exceed 140 square feet, and the largest sign shall be located above the building entrance. Signs shall be illuminated only while the tenant is open for business. In the event of 24 hour operation, illumination for all signs shall be extinguished between the hours of 11:00 PM and 5:00 AM with the exception of the one sign located at the entrance which may remain illuminated.

e. Directional signage may be located on the property for way-finding purposes only. The text of such signage shall be limited to identifying the location of major tenants, site features, or exits, and no other messages are permitted. Such signs may not exceed eight (8) feet high and six (6) feet wide, and shall be set back from any front property line a minimum distance of one hundred (100) feet. The text of such signs may be internally illuminated.

f. Entrance ground signs identifying the property owner/landlord and anchor tenants are permitted along any front property line. No setback is required provided it is demonstrated that adequate sight lines are maintained for exiting traffic. The maximum height of such signs shall be twenty-one (21') feet and the maximum size of the sign area shall be one hundred (100) square feet, which may include a readerboard no greater than thirty-two (32) square feet. The maximum sign area may be doubled for two-sided entrance ground signs where the sides are back to

back. The base of the sign shall be landscaped consistent with the overall site plan for the parcel.

g. 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

The Trumbull Mall Area Market Feasibility and Land Use Plan, as adopted and amended from time to time, is the prevailing Master Plan for the MDD district and serves as the development framework for the entire zone. Demonstrated alignment with the Master Plan will be required as new development applications are presented for the zone which either (i) increase square footage greater than five (5) percent of the total Gross Floor Area within the zone as outlined in the Master Plan at full build; or (ii) create a separate parcel within the zone. Any future revisions to the Master Plan would require a public hearing and approval by the Commission.

~~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.~~