

ARTICLE IV

Section 4.27 MIXED USE DISTRICT (MU)

A. Purpose The purpose of this zone is to permit and facilitate the development of a comprehensively planned mixed use development which would provide a self-sustaining development, which can serve as the commercial and cultural center of the community. The development needs to have a strong pedestrian orientation, serve as a community gathering area, with specific design features which would make it an attractive place to live, work, shop and spend time. It would be a floating zone, to be applied only if the conditions of this article are met.

B. Applicability. The Mixed Use District shall be considered a floating zone. Properties in Wallingford may be considered for rezoning to this zone only if in conformance with the following conditions:

1. Minimum size of forty (40) acres. Once approved by the Planning and Zoning Commission, the proposed development may be subdivided into separate parcels, all to be developed in accordance with the Overall Conceptual Site Plan (OCSP).

2. The site must be served by public water and sanitary sewer.

3. Proposed uses to be in conformance with the Plan of Conservation and Development.

C. Permitted Uses. The following uses may be permitted as a component of the OCSP, subject to approval by the Planning and Zoning Commission:

1. Stores and shops for the purpose of retail business
2. Barber shops, beauty parlors and other similar personal services businesses.
3. Banks, credit unions and other financial institutions
4. Corporate, business, professional and medical offices
5. Indoor theaters
6. Restaurants
7. Multi-family residential uses
8. Outpatient medical facilities

9. Indoor recreation, including but not limited to, health/sports clubs, yoga studios, and other indoor places of public recreation or instructions in the arts operated as a business

10. Child and adult day care centers

11. Museums and art galleries.

12. Other similar uses, as determined by the Commission, that are consistent with the intent of these regulations.

13. Uses accessory to the principal use(s) as determined by the Commission, including drive-thru facilities for certain primary uses.

There shall be no overnight parking of vehicles which are not a part of one of the businesses on the site or are not owned by a resident of the dwelling units on the site.

D. Site Design

1. Pedestrian and Vehicular Circulation. The design of these sites should include a complete pedestrian and vehicular circulation system, which emphasizes internal pedestrian circulation. This should include, but not be limited to: a) direct pedestrian circulation connections between the various areas of the residential development, with multiple direct connections to the commercial areas; b) multiple and direct pedestrian connections between the residential areas, commercial areas and public areas; c) where appropriate, pedestrian circulation connections between the subject area and other areas of the Town, which connects to the internal pedestrian circulation network; d) vehicular circulation which both adequately serves all areas and components of the development while being supportive of the overall pedestrian orientation; e) a pedestrian circulation system which is linked to the central open space area, residential open space areas, and all residential areas; f) adequate facilities for bicycles, including bicycle racks; g) appropriate open space/public gathering spaces; h) a central open space area suitable for public sitting and gatherings which may include, but is not limited to, a public plaza or passive recreation areas, and which should be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles- water features and public art are encouraged to be included.

The Commission may require one or more secondary open space areas to serve residential components of the plan if the total residential component exceeds 200 dwelling units.

2. Building Design. Applicants should use decorative details on the exterior of the buildings appropriate to the architectural style that is being emulated throughout the MU

District. The use of quoins and lintels are encouraged. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units, unless the Commission determines that it is not feasible due to reasons such as topography and site layout. Mansard roofs or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.

3. Parking Plan. The overall parking plan to be approved as a component of the conceptual site plan shall be sufficient to accommodate the various uses proposed within the site plan, as to location, time of use, and other factors as determined by the Commission. The applicant shall submit a parking analysis at the time of the submission of the zoning map amendment, and conceptual site plan which analyzes the projected parking demand of each use by time, the proximity of the parking to each use, the need for all day parking for specific uses, and times of peak parking demand for each proposed use, and other issues raised by the Commission. The applicant shall submit a parking plan which addresses the issues identified in the analysis. Such parking plan shall include projected times of parking, designation of uses of each parking space, potential for shared parking, management of the parking areas, and interface with other modes of transportations, such as mass transit, bicycles, and the like. The Overall Conceptual Site Plan shall reflect the need determined by this analysis, subject to Commission approval.

4. Phasing. The OCSP may be proposed in phases, subject to approval of the Commission, but must be completed no later than five (5) years from the application of the Floating Zone to a particular property or properties.

5. Residential Requirements. All residential units within the Mixed Use District shall comply with the following: a) All residential units shall include studios, and one or two bedrooms. Bedrooms shall be defined in accordance with standards of the State building code; and b) the maximum height of all residential buildings shall be four (4) stories.

E. Procedural Requirements

1. Informal Consideration. It is recommended that, prior to the submission of a formal application for approval of the application of the floating zone of a Mixed Use District to a particular property or group of contiguous properties, the applicant review with the Commission and its staff its OCSP in a preliminary and informal manner in order to better ascertain any issues or designs that need additional scrutiny or improvement prior to a formal Application.

2. Zone Change Application. A petition for a change of zone for the establishment of a Mixed Use District shall be submitted to the Planning & Zoning Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, and shall be accompanied by the following: a) Statement – A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Mixed Use District; b) Conceptual Plan – a conceptual plan shall be presented to the Commission showing the general intent of the proposal, together with the following information in such detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent: 1) the location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area; 2) ability of existing fire suppression equipment and other sources to properly service the proposed development; 3) General building and parking layout; 4) Proposed area and square footage of the proposed buildings and their anticipated uses; 5) Concept plan for uses to be proposed which may not necessarily include specific tenants; 6) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety; 7) Proposed public areas such as parks, lawn areas and recreational facilities; 8) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used; 9) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes; 10) Tentative construction timeline and phasing plan; 11) Existing and proposed utility plan; 12) Traffic Impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system (the Commission may request that the traffic impact be analyzed as to individual components of the overall plan); and such other information which may be reasonably required by the Commission.

After the application submission has been deemed complete for the establishment of a Mixed Use District, the Commission shall hold a public hearing on the application. After the public hearing, the Commission may approve or disapprove the application or approve the application subject to modifications or conditions. Approval of the application for the Floating Zone to be applied to the Property or Properties identified in the application shall not constitute final approval of the OCSP but shall simply authorize the submission of Site Plans setting forth the in detail the specifics of the proposed development and showing any modifications specified by the Commission.

3. Site Plan Application. A site plan application shall be submitted to the Commission as required by Article VII of the Wallingford Zoning Regulations. The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the reviewed OCSP and any other applicable sections of the Wallingford Zoning Regulations.

F. Regulatory

1. The approved Original Concept Site Plan, along with approved conditions and requirements, shall be the governing tool for the zoning of the Mixed Use District.

2. Property owners may apply for changes to the approved OCSP. If the Commission determines that the proposed changes are minor, in that they do not have a significant impact upon the overall character, impact function or circulation of the development, the Commission may approve the minor changes through a site plan amendment. However, if the Commission determines that the proposed changes are significant for any reason, they shall require that an application for a change of the OCSP be submitted and considered in accordance with the procedures of this section of the Wallingford Zoning Regulations.

3. A site plan for at least one of the approved phases of this development shall be filed within two years of the date of the approval of the OCSP and zone map change. If no work has commenced within two years of the approval of the site plan, as evidenced by the issuance of a building permit for at least one of the principal structures on the site, the Commission shall have the discretion to revoke the approval of the zone map amendment and the OCSP, and rezone the property to its original zoning district.