

## SECTION 435. MIXED USE INTERCHANGE DISTRICT

435.1 **Intent.** The intent of the Mixed Use Interchange District is to provide for the location of industrial and commercial development abutting I-395 highway interchanges, where the infrastructure is suited to more intensive mixed uses. This regulation is established to facilitate the development of a mix of land uses that can be accommodated on larger sites with state highway access; achieve greater design flexibility than conventional zoning might otherwise allow; and require groups of principal buildings, lots, and uses to be treated as a unified development for purposes of zoning review and approvals.

435.2 **General Requirements.** The following are the minimum requirements for land proposed to be designated as an MUI District:

- a. All uses shall be served by public water and sewer.
- b. Non-access lines along I-395 shall not be used to satisfy frontage requirements.
- c. Principal access shall be from State Roads or arterial or connector streets as identified in the Town's Plan of Development.
- d. The district boundary line shall abut I-395 for a distance for at least 800 feet.
- e. The minimum area of land in the MUI District shall be 35 acres.
- f. The minimum district frontage on a public street shall be 225 feet.
- g. Principal access to the development shall be within 1,000 feet of an I-395 interchange.

435.3 **Mix of Uses:** The uses in the MUI district may range from 100% Industrial/Business Uses as identified in Section 435.4.a, to 100% of Other Uses as identified in Section 435.4.b or may be any percentage or combination of a mix of uses as identified in Sections 435.a and b. (Effective 12:01AM, 7/11/04).

435.4. **Permitted Uses.** All uses in the MUI District are permitted after the securing of a Special Permit as specified in Article VII. The allowed special permit uses, grouped by category for purposes of compliance with Section 435.3, are:

a. Industrial/Business:

1. Storage, manufacturing, processing and assembly of goods not expressly prohibited by these regulations.
2. Wholesaling and related storage.
3. Research and development facilities, provided the following standards and nuisance avoidance criteria are met:

Such facilities must be on a minimum lot size of 50 acres, with structures located a minimum of 150' from all property lines.

In all cases the more stringent of the appropriate state regulations, federal regulations, and/or accepted industry standards shall apply.

1. In the establishment, operation and design of medical and biological research laboratories and facilities, the standards and procedures, as amended, of the National Institutes of Health, Bethesda, Maryland and Centers for Disease

Control will apply. No facility may contain or conduct research involving Biological Safety Level-3 (or the equivalent term Risk Group-3) classification or higher.

2. No noise that due to level, frequency (pitch), duration, periodicity and predictability, tonal nature and/or impulsive nature will in any way have an objectionable effect upon adjacent or nearby property, shall be permitted. All Connecticut Department of Environmental Protection regulations promulgated in accordance with Chapter 442 of the Connecticut General Statutes shall apply.
3. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
4. No activities involving bulk storage or manufacture of materials or products that could decompose by denotation shall be permitted. These materials include primary explosives such as lead azide, fulminates, lead styphnate, and tetracene; high explosives such as TNT. RDX. HMX. PETN and picric acid; propellants and their components such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamites and nitroglycerine; unstable organic compounds, such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium-235 and plutonium-239. Utilization of the materials included in this section shall be limited to the minimum quantities necessary for specific research and only after the procurement of all required local, state and federal permits. Material type, quantity, storage, handling procedures, and location in the facility shall also be registered with the respective fire district, ambulance corps, the Killingly Planning Department, and Fire Marshal.
5. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas as specified by the regulations of the United States Nuclear Regulatory Commission.
6. Any electrical radiation shall not adversely affect at any point any operations or any equipment, including not only professional research equipment but also equipment reserved for personal uses such as reception of public radio transmissions, use of cellular phones, etc., except equipment belonging to the creator of the electrical radiation.
7. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.
8. No operation shall cause or allow emission of any odorous air contaminant, smoke, particulate matter or any emission into the air which is a nuisance, hazard or exceeds appropriate federal or state regulations.

9. All applicable federal, state, and local statutes, rules, regulations and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Connecticut Department of Environmental Protection, the State Fire Marshal's Office, the National Institutes of Health, Centers for Disease Control, the Northeast District Department of Health, or the Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, solid wastes or fire hazards (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced or in effect. (Effective 08-07-00).
  10. The Commission may, at its discretion, hire a third party consultant, also acceptable to the applicant, to aid the commission in its review of any proposed facility design and/or program of research and development. The fees charged by the third party consultant shall be borne by the applicant.
4. General office space.
  5. Freight and material trucking business and terminals.
  6. Cluster Developments.
  7. Cannabis Establishment, see Section 567 (Approved: June 20, 2022; Effective: July 18, 2022)
- b. Other Uses:**
1. Retail factory stores.
  2. Stores exclusively for the conduct of retail trade, including those which store and display goods outside, provided outdoor display and storage areas are clearly segregated from other areas by fencing.
  3. Banking and loan establishments including those with drive through facilities.
  4. Restaurants, including those with drive through facilities.
  5. Repair shops, provided all work and storage is confined within the building itself.
  6. Theaters.
  7. Hotels and motels.
  8. Outdoor events as defined by Council Ordinances Regulating Outdoor Events provided that all such conditions as set by said Ordinances are met.
  9. Amusement arcades.
  10. Nursery schools and day care centers provided that such facilities meet the requirements of the other sections of the Zoning Regulations.
  11. Municipal land uses.

**435.5 Site Design Standards.**

In addition to the dimensional requirements of Section 450 for the MUI District, the following standards shall apply:

#### 435.5.1. **Buffers.**

Where an MUI District property abuts a residentially zoned property, a buffer strip 75 feet wide is required, to be planted with year-round screening vegetation adequate to buffer the view from the residential zone of the proposed development. Preservation of existing trees and vegetation is preferred where they provide desired screening.

#### 435.5.2. **Interior Circulation.**

The MUI District uses shall be served by an internal roadway system. Such roads shall, at a minimum, comply with the Town standards for "local road." The Commission may, in its discretion, designate such roads as "access" or "through" streets as defined in the Town's Subdivision regulations if such standards are warranted by the volume of traffic and type of use proposed. Interior circulation shall provide for the safe movement of vehicles, delivery trucks and pedestrians. Truck delivery routes shall be indicated by signage, pavement marking or other method. Access to industrial uses or commercial delivery points shall be segregated from general public traffic. Provisions for the safe movement of pedestrians between buildings and from buildings to parking areas shall be provided. Non-motorized vehicle pathways are to be provided along the interior roadway system.

#### 435.5.3. **Landscaping and Screening.**

- a. Street trees at a minimum rate of one tree for every 50 feet or part thereof of street frontage shall be provided in all front yard areas to provide shade and visual interest. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three inch caliper measured at 12 inches above ground, and selected for hardiness and appropriateness of use and soil conditions.
- b. Landscaping shall provide transitions between buildings of different size, scale, architecture or use and to provide continuity of design. Landscaping shall provide shade and visual interest.
- c. All accessory uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- d. In order to meet the requirements of this section, landscaping elements may include a variety and combination of trees, shrubs, groundcover, planted earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture and lighting.
- e. If chain link fencing is proposed, it shall be black PVC material.

435.5.4. **Utilities.** All utilities shall be constructed underground.

#### 435.5.5. **Parking Lot Layout.**

- a. Parking lots shall provide well defined circulation routes for vehicles, delivery trucks and pedestrians.
- b. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking aisles, and the location

and pattern of primary internal driveways, and to provide pedestrian walkway where appropriate.

- c. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be submitted to reduce total required parking. A reserve area for future addition of the undeveloped parking shall be provided on the Site Plan and the reserve spaces noted on the tabular summary of zoning compliance.
- d. Where curbing is provided, it shall be concrete.

#### 435.5.6 **Unified Development Design Elements.**

Through narrative notes on the Concept Plan or Site Plan and illustrative elevation drawings, the applicant shall explain how treatment of the following design elements contribute to a unified appearance that is harmonious both internally and with the surrounding properties in terms of scale, materials and color:

- a. Landscaping
- b. Architecture
- c. Signage

#### 435.6. **Signs.**

435.6.1. Signs shall conform with Section 540 of these regulations for each use on the site. "Lot" as used in Section 540.1.4 shall mean the area leased or otherwise dedicated to a use, which area shall be indicated on the Site Plan.

435.6.2. Each MUI district shall be allowed a maximum of two freestanding signs for the overall site which identify only the project and contain no advertising of uses, products or services available within the site. Such signs shall be no more than 50 feet in height. Each sign shall not exceed 100 square feet on each face and a maximum of two faces are permitted. One sign shall be oriented toward the lot frontage, and one sign oriented towards I-395.

435.7. **Applications.** There are two application procedures for development in the MUI District:

- 1. a Concept Plan application for the entire MUI District without a Special Permit application for specific land uses and;
- 2. a Special Permit application for each proposed use within the MUI District.

435.7.1. Concept Plan Application.

435. 7. 1. a. Purpose. The Concept Plan is intended to illustrate the general development plan and expected land uses without requiring the detail and expense of the Site Plan required as a part of a Special Permit submittal.

435.7.1.b. Exemptions. The Concept Plan is not required when the Site Plan submitted with a Special Permit application includes all proposed uses and development in the entire MUI District.

435. 7.1.c. Procedure. The following procedure shall apply when an applicant seeks approval only of a Concept Plan.

1. Application. The applicant shall file with the Commission an application for Concept Plan approval on such form as provided by the Commission and such application shall be governed by the requirements of the Connecticut General Statutes for a site plan.
2. Fee. A fee of \$100 is required unless the Concept Plan is submitted with a Special Permit application.
3. Minimum Area. The minimum area covered by the Concept Plan shall be all land within the MUI District.
4. Elements of Concept Plan. The Concept Plan shall be prepared by an engineer, architect, or landscape architect, and shall include:
  - a. Drawings at a scale of 1" = 100'.
  - b. Existing topography with contours of sufficient spacing to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or outcroppings), inland wetlands, watercourses and flood plain.
  - c. The land uses and zoning within 300 feet of the site.
  - d. Boundary description of the district and parcels within it.
  - e. Names of all abutting property owners.
  - f. The location of all proposed roadways, parking areas, setbacks, rail lines, easements, land use areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
  - g. The site shall be divided into general land use areas, identified as one or more of the specially permitted uses (e.g. retail, restaurant, office, research lab, etc.).
  - h. Proposed building footprints and location of parking areas.
  - i. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
  - j. A preliminary traffic analysis prepared by a professional traffic engineer which shall include traffic to be generated by the proposed development and traffic impacts on receiving streets.
  - k. Narrative and illustrative elevations of design elements that contribute to a unified development appearance, per Section 435.5.6.
  - l. A table indicating the following:
    - i. areas of the site for each proposed land use;
    - ii. the amount of building floor area proposed for each land use;

- iii. number of parking and loading spaces for each land use.
- iv. wetland areas, flood plain areas, area of ledge or outcroppings;
- v. overall lot coverage; and,
- vi. building height.

m. Limits of phases where development is proposed in phases.

n. Such other relevant information the applicant may wish to submit, or the Commission may request.

435.7.1.d Required Findings. In approving a Concept Plan, the Commission shall find:

1. the application and Concept Plan are complete and meet the requirements of Section 435.7.l.c.
2. that the proposed location of the land use areas on the site avoids placement of incompatible uses adjacent to one another;
3. that the transition between the different proposed uses is suitable and that adequate buffering is provided;
4. that the proposed land uses and development pattern satisfy the purpose and intent of the regulation as set forth in Section 435.1 and the standards and requirements of Sections 435.2 through 435.5.

435.7.1.e. **Changes to Concept Plan.** Changes to an approved Concept Plan are required to be approved by the Commission unless the criteria 1 - 5 of Section 470.1 (Waiver of Site Plan review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

435.7.2. **MUI District Special Permit Application.** A Special Permit application in conformance with Article VII, which includes submission of a Site Plan as outlined in Section 470.7, is required. for each proposed use. The Special Permit application is also subject to the following requirements.

435.7.2.a. **Concept Plan.** If no Concept Plan has been approved for an MUI district, and the Site Plan does not include proposed development for the entire MUI District, a Concept Plan must be submitted with the Special Permit application(s) for a proposed use or uses. The Commission shall act on the Concept Plan prior to acting on the Special Permit application(s).

435.7.2.b. **Traffic Report.** When a Concept Plan has previously been approved, a Traffic Report prepared by a professional traffic engineer stating that traffic conditions as described in the approved Concept Plan traffic report have not changed or, if they have, in what way.

435.7.2.c. A tabular statement of zoning conformance with respect to each land use type contained on the Concept Plan.

435.7.2.d In addition to the criteria for special permit approval the requirements and findings of this section must be met.

435.7.2.e. **Changes to Special Permit Site Plan.** Changes to an approved Special Permit Site Plan are to be approved by the Commission unless criteria 1 - 5 of Section 470.1 (Waiver of Site Plan Review) are met. Changes meeting the waiver criteria shall be reviewed and approved by the Director of Planning and Development.

Effective date of the Mixed Use Interchange district: 5/12/99

435.8 **Divisions of Land**

435.8.1 A development approved under this Section 435 may be divided into two or more lots, including a subdivision or re-subdivision, provided the overall development complies with these regulations. Any and all lots resulting from such division shall be deemed to meet the requirements of these regulations and the Killingly Subdivision Regulations.

435.8.2 Easements. The applicant for such division shall provide to the Commission copies of all proposed utility and access easements to be recorded on the Killingly Land Records sufficient to demonstrate to the Commission's satisfaction that the development will operate as a single entity, including compliance with Section 435.5.2.

435.8.3 Procedure. In the event that the proposed division meets the definition of a subdivision or re-subdivision, as defined in in the Connecticut General Statutes, the applicant shall submit an application for the same, and no other application is required. In the event that the proposed division does not meet the definition of a subdivision or re-subdivision, the approval of the Commission shall be required pursuant to Section 435.7.2.e.