

A. Purpose - To allow for a mixture of uses which are compatible with the district's position as a primary area for commerce, while controlling future uses in order to avoid unacceptable burdens on the infrastructure and quality of life within the district and adjacent areas.

B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:

1. Use Group A

- a. Educational, religious or philanthropic use by a non-profit corporation or governmental unit, excluding correctional institutions.
- b. Boarding or rooming houses.
- c. Funeral homes.
- d. Self-service clothes cleaning establishments.
- e. Hotels and motels with not less than six (6) units.
- f. Museums or art galleries.
- g. Governmental buildings, facilities and uses.
- h. Public utility buildings and facilities.
- i. Dance studios.
- j. Veterinary hospitals for small animals, provided that the animals house overnight are kept in a building.
- k. Wholesale trade.
- l. Storage warehouses.
- m. Building material yards and contractor's equipment storage, provided that all material is kept in a building or within an enclosure of suitable height to screen the operation from the street and any nearby residence district.
- n. Business schools.
- o. Manufacturing, compounding, processing, packaging and assembling materials and products.
- p. Deleted 5/15/99

2. Use Group B

- a. Offices and financial institutions.
- b. Restaurants and other food service facilities with or without a liquor permit.
- c. Stores and shops where goods are sold and services are rendered primarily at retail.
- d. Clubs.
- e. Cafes and taverns subject to: 11/13/04
  - 1. Permanent outdoor patios shall be surrounded by a five (5)-foot tall white vinyl fence with the finished side facing out.
  - 2. Square footage within the patio shall be included as café/tavern square footage for parking purposes.
- f. Billiard and pool parlors, bowling alleys, skating rinks, health and/or sports clubs and other indoor places of public recreation operated as a business.
- g. Theaters for indoor picture projections or dramatic or musical productions.
- h. Outpatient medical treatment facility.

C. The following uses require approval of a Special Permit in accordance with §7.5:

1. Use Group A

- a. Temporary mobile office.
- b. Group A uses in this zoning district generation one-hundred (100) peak-hour vehicle trips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following 4/16/94; 10/18/03
  - 1. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak a.m. and Peak p.m.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
  - 2. A traffic impact analysis will be required: 5/17/88

- a. For an addition to an existing use, which use is now under the provisions of this section, and
- b. when an addition to an existing use brings that use under the provisions of this section.
- c. The traffic impact analysis shall cover the entire use, not merely the addition.
- 3. A traffic impact analysis will not be required for an addition to an existing Special Permit use if the addition generates twenty-five (25) peak-hour vehicle trips or less. This provision shall be permitted to be used one (1) time over the life of the use on a specific site.
- 4. In all cases in which the Commission feels that a peer review of the applicant's traffic analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.
- c. Excavation and filling of land as per §6.10.
- d. Golf driving ranges, miniature golf courses, archery ranges, and other places of outdoor recreation operated as a business.
- e. **Deleted** 11/17/07
- f. Motor vehicle repair garages, including welding and tire recapping, provided that all mechanical and repair operations are carried on in a building or within an enclosure of suitable height to screen the operation from the street and any nearby residence district. 9/17/05
- g. Automobile, truck, farm, motorcycle and related equipment dealerships. 9/17/05
- h. Vehicle fueling/charging and/or service stations, including auto detailing, car washes, oil change facilities, and similar facilities. Location of dispensing appliance shall be subject to the determination of the Commission per the Special Permit applications; however, under no circumstances shall any gasoline dispensing appliance be located within twenty-five (25) feet of any street or property line. 9/17/05; 7/29/19
- i. Adaptive re-use to multi-family as per §6.16. 3/15/97
- 2. **Use Group B**
  - a. Group B uses in this zoning district generating one-hundred (100) peak-hour vehicle trips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 4/16/94; 10/18/03
    - 1. Submission of a traffic impact analysis containing existing and projecting traffic volumes (ADT, Peak a.m. and Peak p.m.), existing and projected levels of services, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
    - 2. A traffic impact analysis will be required: 5/17/88
      - a. For an addition to an existing use, which use is now under the provisions of this section, and
      - b. when an addition to an existing use brings that use under the provisions of this section.
      - c. The traffic impact analysis shall cover the entire use, not merely the addition.
      - d. Gasoline service station, with or without automobile repair. 4/17/98; 2/9/04; 9/17/05
    - 3. A traffic impact analysis will not be required for an addition to an existing Special Permit use if the addition generates twenty-five (25) peak-hour vehicle trips or less. The provisions shall be permitted to be used one (1) time over the life of the use on a specific site.
    - 4. In all cases in which the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the applications.

- D. The following accessory uses shall be permitted:
1. Automatic amusement devices.
  2. Signs in accordance with §6.9.
  3. Off-street parking and loading in accordance with §6.11.
  4. Accessory buildings as per §6.2.B.
  5. Outside storage as per §6.12.
  6. Tents for the sale of merchandise subject to:
    - a. Shall be limited to twenty-one (21) consecutive days, two (2) times a year.
    - b. Shall be set back a minimum of fifty (50) feet from the streetline.
    - c. Shall be situated on the property so as not to reduce the amount of on-site parking below the amount required by these regulations for the existing use(s) and the tent(s).
- E. Special Requirements:
1. Landscaping - In addition to the landscaping requirements contained in §6.14, the following additional requirements shall apply in the RF-40 District.
    - a. Front landscaped area:
      1. There shall be a front landscaped area equal to the required front yard contained in §5.1.C abutting the front property line(s).
      2. The front landscaped area shall contain a minimum of six (6) inches of shade tree diameter per fifty (5) feet.
      3. There shall be a least one (1) shade tree in each fifty (50) linear feet of lot frontage.
    - b. Landscaped parking area:
      1. All uses required to provide thirty (30) or more off-street parking spaces shall provide at least twenty (20) square feet of interior landscaping within the paved portion of the parking area per parking space.
      2. Each separate landscaped area shall contain a minimum of four-hundred (400) square feet and one (1) shade tree.
    - c. Trees:
      1. All trees used to meet the requirements of §6.14 and this section must be able to reach a mature height of thirty-five (35) feet.
      2. All trees shall be a mix of hardy, native species which provide canopy.
  2. Sidewalks:
    - a. A concrete sidewalk at least four (4) feet in width and built to Town specifications shall be provided through the entire parking lot opposite the main entrance to each retail business with a size of at least forty-thousand (40,000) square feet.
    - b. A concrete sidewalk at least four (4) feet in width shall be provided along all street frontage.
    - c. Sidewalks shall be located within the street R.O.W. along all Town roads, and within the front landscaped area along Route 5.
  3. Access:
    - a. No additional access shall be permitted to North Main Street south of Route 68.
    - b. Not more than one (1) driveway to Route 5 shall be permitted.
  4. Internal Property Connection:
    - a. To improve traffic circulation and safety on Route 5 and adjacent roads, the Commission may require that access easements for present and/or future driveway connections of up to two (2) adjacent properties be provided on all sites.
    - b. Each access easement and driveway shall be twenty-four (24) feet wide and shall be located on each site so that when interconnection occurs, parking, loading and/or driveways will not be negatively impacted by the interconnection.
    - c. Driveways shall be built up to the property boundary when required by the Commission, and an access easement covering the area of the driveway shall be recorded as a covenant in the Wallingford Land Records and shall run with the land.
    - d. When an adjoining property is developed, the developer of said property shall be required to connect to up to two (2) adjoining internal access driveways and shall be required to file access easements on each.

- e. For each access easement required, the minimum landscaping contained in §5.1.C shall be reduced by three percent (3%). No more than two (2) three percent (3%) reductions shall be permitted per site.

5. Building Coverage:

For the purpose of ascertaining building coverage within the RF-40 Zone of structures containing uses as set out in §4.16.B.2, the roof area of walkway canopies in existence on August 10, 1996 shall not be included. 5/17/98

F. The following uses require a Special Exception from the ZBA: 5/18/97

- 1. Child day care centers.
- 2. Group day care homes.
- 3. Nursery schools.
- 4. Satellite receiving dishes or dish-type antennae in excess of two (2) feet in diameter subject to the following conditions:
  - a. Shall not be located between any street line and the building to which it is accessory.
  - b. If roof mounted, shall not exceed a height of fifteen (15) feet.
  - c. Shall be properly screened and/or landscaped.

G. The following uses are permitted and do not require any zoning approval:

- 1. Mobile Food Vendor, provided any of the following conditions are met:
  - a. Will not be located/parked on a property for more than twenty (20) days in any 365-day period; OR
  - b. is not located on the same property for more than four (4) hours in any twenty-four (24) hour period. 6/14/14

H. The following uses are permitted subject to a Zoning Permit:

- 1. Mobile Food Vendor, subject to the following: 6/14/14
  - a. Must be removed from the permitted location at least four (4) hours in any twenty-four (24) hour period.
  - b. Must be located on private property, and provide written permission from the owner of said property.
  - c. Must be located within permitted parking area, not within any required landscaped areas.
  - d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
  - e. Must also have available two (2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to utilize said spaces.
  - f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" and be required to comply with applicable regulations for buildings.
  - g. Must be self-contained; connections to external utilities shall not be permitted.
  - h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per §6.9.C shall not be permitted for a mobile food vendor.
  - i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.
  - j. shall obtain any necessary approvals under Health Code, Ordinance, or any other state or local requirements.