

ARTICLE II ZONING USES

Section 18 HISTORIC ZONE¹

18.01 Purpose

18.01.01 The purpose of this zone classification is to allow development which will protect, preserve, and enhance the unique historical and architectural qualities of historic places and provide a redevelopment potential for residential, office, commercial and industrial uses.

18.01.02 Within this zone, uses and development shall be in conformance with the town's Plan of Development and this section as applicable. The recommendations of the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District shall also be considered to the extent that the purpose of enhancing the historical characteristics of the district, providing an economically viable land use pattern within the district, and furthering the general preservation of the district's architectural heritage are achieved. The provisions of Article II, Sections 1 and 9, shall apply to uses within the historic zone as applicable.²

18.01.03 Such development shall promote the educational, cultural, economic, and general welfare of the citizens of Manchester through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Manchester and through the maintenance and improvement of sites for such buildings and places. Use and reuse of properties shall be developed to allow safe access and movement of pedestrians and vehicles; stabilize, improve, and protect property values; strengthen the local economy; and promote and protect the public health, safety, and welfare. Construction and development of new structures and buildings within the zone shall be permitted in a manner which will enhance and protect existing structures of historical significance to the district within the zone and which will ensure the preservation of the general characteristics of the historic zone.³

18.01.04 To ensure that the proper and desired character will evolve in an orderly manner and will achieve a balanced environment, the Commission may modify any requirement herein which cannot be complied with if the intent of the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District and the intent of this section are not impaired.

18.02 Permitted Uses⁴

The Preservation and Development Plan for the Cheney Brothers National Historic Landmark District identified the land area and specific structures which comprise the Silk Mill area and the Cheney Family Mansions (Mansion area). Certain land uses are permitted in the Silk Mill area, certain uses are permitted in the Mansion

¹ Rev. 06/02/2003, effective 06/25/2003

² Rev. 09/18/89

³ Rev. 09/18/89

⁴ Rev. 10/17/94, effective 11/8/94

area, and certain uses are permitted in both areas. In addition, certain uses are permitted as of right after a site development review, while other uses are permitted as special exceptions after a public hearing is held by the Commission and certain criteria are met.

Table 1 at the end of this section summarizes the uses permitted in the separate areas.

Detailed Site Development Plan (Detailed Plan) approval by the Commission shall be required for the following uses:⁵

18.02.01 Multi-family dwellings:

For the purposes of this section multi-family dwellings shall include any building containing more than one dwelling unit, and shall include live/work quarters in accordance with Article IV, Section 21.

Flexibility in the type of housing in a building or in a portion thereof shall be permitted. A building or a portion thereof having multi-family dwelling units as the primary use may be developed with secondary uses such as permitted office uses and/or special exception commercial uses.⁶

18.02.02 Office: Included are professional offices and major corporate users. Multi-family dwelling units shall be permitted as a secondary building use in conjunction with permitted office uses.

18.02.03 Educational facilities, public or private. Dormitories or other similar dwelling accommodations shall be permitted as accessory uses.

18.02.04 Elderly housing as permitted in the elderly housing development zone Article II Section 20 when that housing is proposed for an existing structure.⁷

18.02.05 Museum; theater; cultural and/or social community facility; art gallery; place of worship.^{8 9}

18.02.06 Visitor information center.

18.02.07 Clubs, lodges, fraternal organizations except those in which the chief activity is a service conducted as a business.

18.02.08 Municipal buildings, municipal parks, playgrounds and recreation buildings including customary accessory uses.

18.02.09 Public utility buildings, structures and uses.

⁵ Revised 05/16/11, effective 06/13/11

⁶ Rev. 09/18/89

⁷ Rev. 04/20/98, effective 05/12/98

⁸ Rev. 12/21/92

⁹ Adopted 01/17/01, effective 02/06/01

18.02.10 Accessory uses will be permitted including but not limited to:

Radio and television antennae; signs in accordance with Article II, Section 18.05.12 of these regulations; maintenance buildings; vehicle parking areas and parking structures for residents, customers, visitors and employees of the uses conducted and for which the parking use is appurtenant; recreational facilities such as tennis, badminton, racquet ball courts (indoor and outdoor club and spectator facilities) except at bed and breakfast inns¹⁰; health and recreation facilities including indoor and outdoor pools except at bed and breakfast inns; ~~and~~ solar energy systems in accordance with Article IV, Section 6.05;¹¹ and electric vehicle charging stations in accordance with Article IV, Section 24.

18.02.11 Single-family dwellings in the Silk Mill area¹² existing as of October 2, 1989 may continue to be utilized on lots conforming to the following minimum requirements:¹³

Maximum buildable area of lot	30%
Minimum lot area	18,000 sq. ft.
Minimum front area	40 ft.
Minimum rear yard	30 ft.
Minimum side yard	15 ft.

18.02.12 No principal or accessory use shall be detrimental to the public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

18.02.13 Family day care homes conducted in a dwelling unit.¹⁴

- 18.02.14¹⁵
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) Wireless telecommunication antennas located on multi-family buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the principal or accessory buildings.

¹⁰ Rev. 10/17/94, effective 11/08/94

¹¹ Rev. 01/17/18, effective 02/02/18

¹² Rev. 10/17/94, effective 11/08/94

¹³ Rev. 09/18/89

¹⁴ Rev. 12/04/89

¹⁵ Rev. 10/20/97, effective 11/11/97

(d) All facilities described in (a), (b) and (c) above shall be in accordance with the requirements of Article IV, Section 19.¹⁶

18.02.15¹⁷ Alcoholic liquor sales subject to the provisions of Article IV, Section 8, of these regulations.

18.03 Special Exception Uses

Certain uses are deemed appropriate in this zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use. Such uses and their required development plans shall require approval by the Commission after a public hearing. Site development shall be in accordance with these regulations. The Commission in approving a special exception use may stipulate such conditions as appear to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety and welfare, zoning principles, proper land use, site planning and land development, and better overall neighborhood compatibility. Such conditions shall apply to the relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design and architectural treatment. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.¹⁸

18.03.01 Commercial uses:

Commercial uses are intended as convenient, limited shopping facilities that serve the needs of the residential neighborhood. In recognition of the attraction the area holds for tourists, a limited degree of commercial development may be provided to accommodate a greater market.

(a) Retail shop:

Shops where goods are sold at retail including shops where articles are made or repaired and sold at retail on the premises.

(b) Personal service shop:

Shop where a service is rendered to the ultimate customer, such as bank, barber, beauty parlor, etc.

(c) Restaurant, brewpub/restaurant¹⁹:

A restaurant shall not prepare, vend or dispense food or beverage for consumption on the premises except as approved by the Commission.

(d) Commercial uses, including a gasoline service station, legally developed or approved on or before May 4, 1981, shall be a legal and conforming use.

¹⁶ New 11/03/03, effective 11/28/03

¹⁷ Rev. 11/21/11, effective 12/07/11

¹⁸ Rev. 05/16/11, effective 06/13/11

¹⁹ Rev. 01/21/15, effective 02/13/15

18.03.02 Industrial establishments:

New industrial uses and expansion of all industrial uses shall be approved by the Commission. No such approval shall be given unless the Commission finds that the new use or the expansion of the use is compatible with other planned uses in the zone.

(a) Commercial and technical uses with a principal character:

1. light manufacturing
2. processing and assembly
3. wholesale trade and storage
4. warehousing
5. research
6. breweries and brewpubs²⁰

(b) No industrial use or process that is injurious, noxious, offensive or hazardous by reason of odor, dust, fumes, smoke or other pollutants, noise and vibration shall be approved for this zone.

(c) Industrial uses lawfully existing or approved on or before May 4, 1981, shall be legal and conforming.

18.03.03 Child day care centers and group day care home shall meet the requirements of Article IV, Section 10.²¹

18.03.04 Vehicle parking areas and parking structures when the use is not accessory to a principle use on the same lot.

18.03.05 Recreational facilities when the use is not accessory to a principle use on the same lot.

18.03.06 Adult day care centers subject to the provisions of Article IV, Section 18 and Article II, Section 18.05.01 (Schedule of Area, Height, Yards and Bulk of Buildings and Structures).²²

18.03.07²³ Bed and Breakfast Inns may be permitted subject to meeting the site development and building standards in these regulations and to the following additional standards:

- (a) The operator of the inn must be the owner of the property and reside in the principal dwelling where the inn will be.
- (b) The establishments shall not contain more than six guest rooms.

²⁰ Rev. 07/18/16, effective 07/29/16

²¹ Rev. 12/04/89

²² Rev. 12/04/89

²³ Rev. 10/17/94, effective 11/8/94

- (c) The only meal provided to guests shall be breakfast, and it shall only be served to guests of the establishment.
- (d) Individual rooms to be rented to guests shall not contain cooking facilities.
- (e) Guest stays shall not exceed 14 consecutive calendar days.
- (f) The architectural integrity and arrangement of the interior spaces must be maintained. Internal modifications shall not be injurious to this integrity or architectural details, such as woodwork, fireplaces, windows and doors, moldings or chair rails.

18.03.08²⁴ Inns may be permitted subject to meeting the site development and building standards in these regulations and to the following additional standards:

- (a) The establishments shall not contain more than ten guest rooms.
- (b) Individual rooms to be rented to guests shall not contain cooking facilities.
- (c) Guest stays shall not exceed 30 consecutive calendar days.
- (d) To the extent possible the architectural arrangement and integrity of the interior spaces and details, such as woodwork, fireplaces, windows and doors, moldings or chair rails will be maintained.

18.04 Building Construction/Rehabilitation Criteria²⁵

18.04.01 The exterior rehabilitation of all segments of the visible structure shall be subject to review and approval by the Commission. Furthermore, findings to the design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, commercial or other purposes and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas and produces degeneration of property with deterioration of conditions in the area affecting the health, general safety and welfare of the community. Designs for exterior building rehabilitation shall recommend appropriate material, colors, etc. intended to maintain or restore the integrity of the regional architectural character of a given structure. Property to be rehabilitated shall be required to meet the following recommended level of rehabilitation:

- (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment or to use a property for its originally intended purpose.

²⁴ New 5/2/16, effective 5/18/16

²⁵ Rev. 09/18/89

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- (b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - (c) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
 - (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

18.04.02 The construction of new buildings shall be subject to the review and approval of the Commission. Furthermore, findings as to the design, architectural treatment and aesthetic character of proposed buildings shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings could adversely affect the desirability of the immediate area and the neighboring areas and be detrimental to the preservation of the historic character of the area. Designs for buildings shall recommend

appropriate materials, colors, style, etc. intended to maintain the historical integrity of the architectural character of the area and of adjacent structures within the zone.²⁶

- (a) Exterior building materials used in new construction shall be similar to materials used on existing neighboring historical buildings within the zone or shall be materials which are normally associated with materials found in buildings of the architectural period of such neighboring buildings. Other materials may be used which provide for compliance with other regulatory requirements or which promote consideration such as energy efficiency.
- (b) The architectural design of new construction shall be compatible with and reminiscent of architectural styles exhibited by adjacent historical buildings within the zone, by other historical buildings within the Historic Zone, or by buildings found elsewhere of the same architectural period.

18.05 Site Development Criteria

18.05.01 Schedule of Area, Height, Yards and Bulk of Buildings and Structures:

Since prior building development has determined the character of the area, land development shall be consistent and shall be in harmony with the established physical relationship of existing buildings to land area. Such lot or site area as defined in Section 18.05.01 (a) may be developed and used for a permitted use or special exception use provided that the Commission finds that the Detailed Plan for the lot or site area has been formulated and integrated in a proper manner with the adjacent developed lots with respect to height, building coverages, building line and building placement on the site and takes into consideration the criteria set forth in these provisions.²⁷

(a) Required Lot/Site Area

- 1. Every lot to be used for a use or uses allowed in this zone shall have a minimum lot area no less than the lot of record in existence at the time of adoption of this regulation with the exception of subparagraph (2).
- 2. In the case of an existing principal building or a portion of an existing principal building on one lot of record, the minimum site area for the development of that building or that portion thereof sufficient in amount to satisfy the site development criteria of this section while still leaving adequate land area for the future site development of any remaining buildings or portions of buildings on that lot.

(b) Height

- 1. Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities including but not limited to

²⁶ Rev. 09/18/89

²⁷ Revised 05/16/11, effective 06/13/11

radio and television antennae, air conditioning, ventilation, solar heating and elevator systems.

2. New principal buildings shall not exceed the height of existing principal buildings adjacent to the new building but in no case higher than 40 feet.
3. New accessory building shall not exceed the 18 feet in height.

(c) Minimum Yards

1. The minimum front yard and side yard requirements abutting public streets for new buildings shall be the same as the greatest existing front or side yard dimension on adjacent properties. Additions to existing buildings shall not encroach into those existing yard dimensions. If the Commission determines that a lesser yard requirement would be more suitable for a particular site or building and would not impair the intent of these regulations, it may waive this requirement and establish a different yard requirement.
2. The minimum requirement for all other yards shall be:

Side yard	15 feet
Rear yard	30 feet

(d) Yard requirements when abutting residential zones:

With the exception of buildings developed prior to May 4, 1981, all lots, parcels, sites or tracts that abut residential zones shall be developed at the abutting line with side and/or rear yards equal to the side and rear yards of any abutting residential zone.

18.05.02 Sidewalks and curbs:

The developer shall construct sidewalk and curb to town standards along all sides of the developed site which abut a public road, unless such requirements are waived or deferred by the Commission.

18.05.03 Site drainage:

- (a) The site shall be adequately drained to carry off storm water. The storm water drainage system shall be approved by the town engineer.
- (b) Roof drainage pipes shall not discharge onto or across sidewalks, driveways, roadways or parking areas.

18.05.04 Roadways, driveways:

- (a) All private roadways, driveways and parking areas shall be:
 1. designed to facilitate traffic circulation and emergency vehicle movement including the provision of cul-de-sacs at all dead end drives;
 2. subject to modifications recommended by the cognizant fire chief and the

traffic authority and required by the Commission.

- (b) All roadways which are proposed to become town-owned streets shall be constructed in accordance with the Town of Manchester “Public Improvement Standards”.
- (c) Access to premises shall be from existing public streets which abut the premises or from private roadways which have been developed in accordance with the “Public Improvement Standards”.
- (d) All private roadways and driveways designed for vehicular traffic shall have the following minimum requirements:

Two-way traffic	24 foot width
One-way traffic	16 foot width
One-way traffic w/45° parking on one side	16 foot width
One-way traffic w/60° parking on one side	18 foot width
One-way traffic w/90° parking on one side	24 foot width
Inside turning radius	30 feet

No parking within these minimum required widths or radii shall be permitted

Fire lanes shall be provided by the fire marshal. The applicant shall indicate on the plan the location of such lanes and shall provide all fire lane signs as required.

18.05.05 Off-street vehicle parking and off-street loading:

The off-street parking and off-street loading requirements set forth in this section along with the provisions set forth in Article IV, Section 9, shall be required for all uses, buildings, or structures established, erected, changed or altered after May 4, 1981.

- (a) Location of off-street parking spaces:

All off-street parking spaces required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Commission as part of an approved Detailed Plan.²⁸

1. All parking areas shall be located and designed to ensure a 15 foot distance between parked vehicles and principal buildings. The Commission may modify this requirement provided separation is provided through other means (plantings, etc.) and approved by the Commission.
2. Off-street loading space shall not be construed as supplying any required off-street parking space.

²⁸ Revised 05/16/11, effective 06/13/11

3. Off-street parking spaces shall not occupy any part of a minimum yard abutting a public right of way unless specifically permitted by the Commission and separated from the public right-of-way by a fully bermed landscaped border of not less than eight feet in width.

(b) Development and maintenance of off-street parking areas or facilities:

Every parcel used in whole or in part for off-street parking or loading purposes shall be developed and maintained by the owner of said premises in accordance with the following requirements:

1. Ingress and egress:

Adequate ingress and egress to an off-street parking area or facility shall be provided for all vehicles by means of clearly limited and defined drives.

2. Walkways:

Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Commission in appropriate instances because of the size, layout or location of the parking area or facility.

3. Screening and landscaping:

Landscaping may be required by the Commission in addition to any other landscaping provided or required for other portions of the site. Such additional landscaping may be required by the Commission because of the size, layout or location of the parking area or facility. All landscaping, whether required or not by these regulations, shall be properly installed and maintained on a year round basis.

4. Lighting:

The Commission may require that an off-street parking area, loading area, or parking facility be properly lighted because of its size, layout, location or the particular use served by it. Any lighting used to illuminate any off-street parking area, loading area, or parking facility shall be so arranged as to direct the light away from any adjoining premises, not shine into the eyes of any person external to the site, and not cause a nuisance from excessive glare.

(c) Collective provision:

Nothing in these Regulations shall be construed to prevent the collective use of off-street parking areas or facilities for two or more structures or uses, provided the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various structures or uses computed separately, except as may otherwise be permitted in Section 18.05.05 (e) of these regulations.

(d) Mixed occupancies and uses:

In the case of buildings containing a mix of uses the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses computed separately.

(e) Joint use of off-street parking spaces:

Specific and appropriate joint use of off-street parking spaces within the zone may be permitted by the Commission in response to a particular development situation, only after it has received a written agreement stipulating the terms of the joint use of the parking spaces, and that such spaces are available to the respective users on a non-conflicting basis. For Inns, the Commission may permit off-site event parking located either inside or outside of the Historic zone when the applicant can show the existing parking arrangement with an off-premise parking site and demonstrate to the Commission that shuttling patrons to and from the site will not add significant traffic to area streets and intersections.²⁹

(f) Change of parking spaces:

The number of off-street parking spaces required by these regulations may be reduced or shall be increased at the time that the use of a building or lot is changed to a new use which would require less or more off-street parking spaces.

(g) The minimum number of parking spaces required for uses are set forth in Article IV, Section 9.03, and in this section. The Commission may require additional off-street parking for a particular development based on the nature of the development, its location, access and relation to surrounding development, and any unique parking demand which may be associated with such a development.

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Multi-family units	1-1/2 spaces per unit
Library, museum, art gallery	1 space per 600 gross square feet
Adult and child day care center and group day care homes	Per Article IV, Section 9.03.20 ³⁰
Educational	10 per classroom
Cultural/social community facility	1 space per 250 gross square feet or 1 per each 3 seats whichever is greater
Visitor information	5 spaces minimum or 1 space per 250 gross square feet

²⁹ Rev. 5/2/16, effective 5/18/16

³⁰ Rev. 12/04/89

Recreation facility (except those uses in Article IV, Section 9)	1 space per two legal occupants as defined by the Conn. Basic Building Code.
Bed and breakfasts ³¹	Two spaces for the main residence and one space for each guest room. Stacked spaces in driveways may be counted towards the required parking if approved by the Commission.
Inn ³² Inn – one (1) parking space per	each room plus one (1) parking space for each employee on the largest shift. In addition, one parking space will be provided for each three (3) seats and one space for each two employees on the largest shift for meeting/conferences or event parking. Vehicle parking areas shall be constructed of bituminous concrete pavement, masonry concrete, pervious pavement, and pervious pavers or crushed stone. When requested by the applicant an alternative parking surface material may be approved if the Commission finds the proposed material is suitable.

(h) Off-street loading requirements:

1. On the same premises with every building or part thereof erected or occupied for a use involving the receipt or distribution of materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and without encroachment on any off-street parking area.
2. Such off-street loading space shall be provided as determined by the Commission based on building volume, location or particular use of the development.

18.05.06 Fire protection:

Fire hydrants shall be installed on the water lines either within the site or external to the site in accordance with recommendations of the cognizant fire chief as required by the Commission.

³¹ Rev. 10/17/94, effective 11/8/94

³² Rev. 5/2/16, effective 5/18/16

18.05.07 Noise abatement:

All machinery and devices such as ventilation fans, drying fans, air compressors, air conditioning units, etc. shall be shielded and insulated in a manner which shall deaden noise and deflect sound waves away from abutting premises.

18.05.08 Utilities:

- (a) All uses shall have public sanitary sewer and public water.
- (b) If improvements to the town water, sanitary or drainage system are necessary to accommodate increased sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the Detailed Plan.³³
- (c) All on-site utilities such as electric power and cable television shall be underground.
- (d) All engineering and construction shall be in accordance with the requirements of the Town of Manchester "Public Improvement Standards"³⁴ current at the time of application for site development approval unless specifically waived or deferred by the Commission for any good reason.

18.05.09 Proof of land interest/restrictions:

- (a) The applicant or applicants for approval of a Detailed Plan shall submit evidence of his interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.³⁵
- (b) The developer will be responsible to obtain any covenants, easements or other provisions necessary for the development of the site.
- (c) Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the Town of Manchester on said lands.
- (d) All easements which are granted to the Town of Manchester shall be not less than 20 feet wide.

18.05.10 Landscaping, screening and site preservation:

- (a) Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and site preservation is to enhance the visual quality of the area, to protect the integrity of the uses, and to preserve the historic environment. The

³³ Revised 05/16/11, effective 06/13/11

³⁴ Rev. 03/17/97, effective 04/01/97

³⁵ Revised 05/16/11, effective 06/13/11

development of a site shall be designed with adequate landscaping to complement the intended use of the site and to provide screening to adjacent existing and potential uses.

- (b) Landscape treatment shall consist of shrubs, ground cover, and trees. Existing trees shall be conserved and integrated into the landscape plan wherever possible. Small or inaccessible areas should be planted with a ground cover other than grass. On large sites the use of knolls, berms, etc. to visually break up large flat areas is encouraged. All new deciduous trees shall be a minimum of 2 to 2½ inch caliper measured one foot above the root crown when planted and all evergreen trees shall be not less than six feet in height when planted unless otherwise noted or required by the Commission. All plant materials shall be selected on the basis of hardiness and appropriateness to its intended use. The landscaping on each site shall be maintained in good order, repair and condition.
- (c) Landscaping shall be designed to complement site areas such as pedestrian access, off-street loading areas, parking areas, the building perimeter, etc. All accessory uses and structures shall be landscaped appropriately to integrate those elements into an attractive plan of development. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of a developed site not covered by buildings, structures or paving shall be landscaped with ground cover, shrubs and trees.
- (d) Special landscape treatment shall be required of those sites that abut or are included in areas that are designated in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District as proposed open spaces and green belt areas. Such site development shall have landscaping that is in conformance with the development objectives of said Preservation and Development Plan and is complementary to landscaping designs for the areas of the Elm Street Green, Hartford Road access area, Hop Brook areas, etc.
- (e) Multi-family housing sites³⁶:

Such dwelling sites shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, and soil stabilization in addition to the other pertinent landscaping requirements.

1. There shall be provided a landscaped border not less than eight feet in width adjacent and parallel to all sides of the site except points of entry. This requirement may be waived by the Commission for borders which abut public streets, which have existing adequate landscaping, or which are determined to be incompatible with good site planning.
2. There shall be provided landscaped areas suitable for the safe play of children or quiet relaxation of adults within the development.

³⁶ Rev. 04/20/98, effective 05/12/98

(f) Commercial and industrial sites:

In addition to the general required landscaped treatment of a site, a buffer shall be provided with evergreen trees, deciduous trees and shrubs in combination with grading and existing structures to create a landscaped screen which will provide reasonable visual and sound separation from adjoining properties and will aesthetically screen industrial and business uses from abutting sites, especially sites designated in the town's Plan of Development for potential residential use. Flexibility and individuality in design, rather than rigid adherence to a standard buffer design, shall be permitted provided the Commission finds that the intent of screening is adequately met. The Commission, based on the use of the site, may require a fixed width for said buffer, additional landscape screening and fencing.

(g) Screening for specific accessory uses and structures:

1. Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public. Fencing and/or landscaping shall be used as a method of screening.
2. Air conditioning and other mechanical equipment shall be screened from public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings. Screening for roof top equipment shall be designed as an integral part of the building.

(h) Residential zone screening:

Developed industrial and business premises shall screen adjoining zones by a fully bermed landscaped border of not less than eight feet in width. Such border shall be planted with evergreen trees not less than three feet in height when planted and not more than four feet apart or as required by the Commission. For a distance of 25 feet from the street property line, the trees shall be maintained at a height of three feet for visibility purposes. The berm containing the landscaped border shall be placed to prevent automobiles from damaging the trees. If an adjoining residential zoned lot contains a residence, a light proof fence shall be installed in addition to the trees to prevent automobile headlights from causing a nuisance to the adjoining residents unless waived by the Commission.³⁷

(i) Development of all sites shall be designed in such a manner as to minimize erosion from the site both during construction and after development and to prevent sedimentation of watercourses and storm drainage system both on and off the site. Disturbed areas shall be kept to a minimum and seeded as soon as is practicable. Reasonable erosion/sedimentation controls shall be used including, but not limited to, staked hay bales, drainage diversion, temporary seeding, sedimentation basins or chambers, watering, and application of

³⁷ Rev. 11/03/03, effective 11/28/03

chemical agents.

18.05.11 Lighting:

All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.

18.05.12 Signs:

(a) Permitted signs:

1. No advertising signs shall be permitted other than those approved by the Commission. Unless otherwise specified elsewhere in this section, all signs shall pertain to the principal use, service rendered, or product sold on the premises on which the sign is located and shall not include advertisement, identification, publicity or notice of goods, services, establishment, enterprises, activities, persons, organizations and facilities which are not located on the premises. Signs offering the site for sale or lease and construction signs shall be the exception. One free-standing construction sign, not exceeding 32 square feet, to advertise a building project and one sign, not exceeding four square feet, for each subcontractor are permitted and shall be removed immediately after the project has been completed.

In no event shall a construction sign be displayed for a time period exceeding 18 months. One real estate sign as defined in Article IV, Section 13.02, not exceeding four square feet for each property offered for sale, and not to be displayed after the property has been sold, shall be permitted.

2. Directional signs, public warning signs, and traffic control signs on a site shall be permitted with approval of the zoning enforcement officer. Signs identifying on-premises traffic, parking or other functional activity, such as lavatory facilities, telephone, signs denoting entrances, office, etc., bearing no commercial advertising shall be permitted. There shall be no more than one sign for each activity and each sign shall not exceed two square feet if wall-mounted and four square feet if free-standing.
3. A parking facility shall have no signs of any kind other than those specifically designating entrance, exit and conditions of use. Such signs shall not exceed five square feet in area each and an overall height above grade of six feet.
4. Historical interest signs not exceeding four square feet shall be permitted.
5. Temporary signs no larger than 12 square feet advertising special events of charitable or public service groups shall be permitted with approval of the zoning enforcement officer provided that such signs shall not be in place for more than three weeks and shall not be mechanical.

6. Signs on awnings shall be permitted provided that any sign so located shall be affixed flat to the surface thereof. No such sign shall extend vertically or horizontally beyond the limits of said awning or have a total area in excess of one-half a square foot for each lineal foot of the front of the awning. Such signs shall not be mechanical and shall not be illuminated.
- (b) Signs and identifications on buildings or building sites shall be as approved by the Commission. The design and color of signs shall be encouraged to be architecturally and historically appropriate to the building and of uniform design where appropriate.
- (c) Sign lighting by means of floodlighting or illumination as defined in Article IV, Section 13.04, shall be approved by the Commission. Light sources which cast light on signs shall be shielded so as not to be visible from off the property where they are located. Light sources and shields which are an integral part of the sign shall be subject to all regulations for the sign itself.
- (d) Signs, unless otherwise noted in this section, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a Detailed Plan may, in harmony with the provisions of this Section, require more stringent limitations for the permitted size, location and height provisions for a particular sign or group of signs. Signs may not revolve, simulate motion, flash, etc. Roof signs are not permitted. All projecting signs may extend a maximum of four feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign which extends over a walkway shall be at least seven feet above said walkway. All free-standing signs shall not extend beyond the property line of the lot on which they are located.³⁸
- (e) Residential signs:
 1. There shall be no more than one residential sign per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).
 2. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not project above the cornice line of the building on which it is located.
 3. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of six feet above grade and shall have a maximum size of 24 square feet. In lieu of a freestanding residential sign, a development that has a mixture of residential, commercial, and/or office uses shall be permitted to have one freestanding sign for identification purposes

³⁸ Revised 05/16/11, effective 06/13/11

except, if the building fronts on two streets, two signs will be permitted (one sign per street). Such sign shall not exceed a height of six feet above grade and shall have a maximum size of 32 square feet.³⁹

4. A projecting residential sign shall have an area not exceeding 12 square feet.
 5. For bed and breakfast inns, one free standing sign identifying the establishment by name shall be permitted, not to exceed two square feet in area or three and one half feet in height.
- (f) Signs for all uses other than residential use:
1. There shall be no more than one freestanding sign or one wall sign per lot used to identify the property. Each individual use on a lot shall be permitted one only wall sign or projecting sign in addition to the above freestanding or wall sign. In the case of covered walks and/or arcades, one additional projecting sign per use is permitted in the walk or arcade with an area not to exceed two square feet per use and denoting only the name of the use and the entrance thereto. Signs shall be in conformance with the requirements for residential signs with regard to location.
 2. A wall-mounted sign used to identify the property shall have an area of one square foot per linear foot of building frontage to a maximum size of 50 square feet exclusive of signs under paragraph (f) 3 below.
 3. A wall-mounted or projecting sign for each use within a structure shall have a maximum area of 12 square feet.
 4. A freestanding sign shall not exceed a height of six feet above grade and shall have a maximum area of 32 square feet.
- (g) All signs and all parts thereof shall be kept in good state of repair and maintenance.

18.05.13 Special site development requirements for multi-family⁴⁰ housing:

- (a) Residential unit minimum floor area:

Units in a multi-family dwelling:

Efficiency (no separate bedroom)	400 sq. ft.
One bedroom unit	650 sq. ft.

And for each bedroom in excess of one, add an additional 150 sq. ft.

For residential units with tenant storage outside of the units, but within the same building, the minimum floor areas for one bedroom and two bedroom units may be reduced by 5%. Such tenant storage shall be at least 25 square feet in area for each

³⁹ Rev. 09/17/90

⁴⁰ Rev. 04/20/98, effective 05/12/98

unit.

(b) Acoustic control shall be in accordance with Article II, Section 7.04.08.

(c) Laundry facilities:

On dwelling sites outdoor laundry facilities, including clotheslines, are prohibited.

18.06 Application Procedure

18.06.01 Approval of plans:

(a) A Detailed Plan shall be approved by the Commission for all uses before a building permit will be issued.⁴¹

(b) Minor changes in an approved Detailed Plan may, with the concurrence of the chairman of the Planning and Zoning Commission and the Director of Planning, be made, provided such changes shall in no way affect the overall layout, design or density, of the Detailed Plan. Such minor changes may include, but are not limited to, the location of sidewalks, driveways, and other structures due to unforeseen topographical or surface or subsurface geological features; siting and screening of trash disposal and mechanical facilities; slight alterations of finished contours; minor rearrangement of lighting fixtures, benches, and other incidental street furniture, minor landscaping changes, location or relocation of accessory structures when not visible from the street, and minor exterior building elevation changes.⁴² A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the chairman and director. Following approval of a minor revision, the applicant shall submit within ten days one Mylar copy and four paper copies of the amended plan. Any changes in an approved Detailed Plan which is not considered to be a minor change by the chairman or director shall be processed as an amendment to the approved Detailed Plan and shall require the preparation of amended plans and the approval of the Commission. Major amendments requiring Commission approval may include, but are not limited to, reduction of landscaping; expansion, demolition, or reconstruction of buildings; alteration of building materials or colors; addition of signs or lighting; reduction of parking; significant changes in grading or drainage; and so forth.⁴³

(c) Any change of use for which a Detailed Plan has been previously approved under these regulations will require a new Detailed Plan approval by the Commission.⁴⁴

18.06.02 Approval of special exception uses:

Special exception uses shall be subject to the provisions of the Special Exception

⁴¹ Revised 05/16/11, effective 06/13/11

⁴² Revised 10/03/12, effective 10/19/12

⁴³ Rev. 05/16/11, effective 06/13/11

⁴⁴ Revised 05/16/11, effective 06/13/11

Criteria and Application Requirements of Article IV, Section 20. In addition the Commission shall consider the following:⁴⁵

(a) Criteria for special exception application:

The Commission shall give particular attention to the following characteristics of the proposed use and the Detailed Plan:⁴⁶

1. The size and intensity of the proposed use or uses and their effect on and compatibility with the adopted town Plan of Development, the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, adjacent zones, and the neighborhood.
2. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood.
3. The capacity of streets to handle peak traffic loads and the creation of any traffic hazards created by the use.
4. The obstruction of light or air; the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities; and the distance between offensive processes and adjacent properties.
5. The overall effect on property values and utilization of neighborhood properties.
6. Unusual topography of the location; location and height of buildings, walls, stacks, fences and grades; and landscaping of the site.
7. The extent, nature and arrangement of parking facilities, entrances, and exits.
8. Problem of fire and police protection.
9. The preservation or enhancement of the character of the neighborhood.
10. The availability of adequate public sanitary sewer and water.
11. Conformity with the Zoning Regulations and where appropriate any other applicable laws, codes or ordinances.
12. The basic design of the proposed use, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings or structures; the overall physical appearances of the proposed use, building or development; and its subsequent compatibility with surrounding development and the neighborhood.

⁴⁵ Rev. 11/03/03, effective 11/28/03

⁴⁶ Revised 05/16/11, effective 06/13/11

(b) Change of special exception use:

Any change to the nature of an approved special exception use shall require a new special exception application for approval by the Commission.

18.06.03 Application review process:

(a) Preliminary consideration:

An applicant may review with the Commission and town staff in a preliminary and informal manner any proposal prior to submission of a formal application. In such a review, the applicant may submit and the Commission or staff may request such information as may lead to a rendering of a non-binding opinion by the Commission.

(b) After submission of a formal application under these regulations to the Commission, a copy of the application may be submitted by the Commission to town departments, boards and commissions (including the Cheney Commission) as appropriate, with a request for review of the proposal and for a report with any comments returned to the Commission seven calendar days prior to the public hearing or the meeting at which the application is to be considered.

18.06.04 Required application documentation:

An application for approval of a Detailed Plan for permitted uses and for special exception uses shall include plans and documents in accordance with Article I Section 4.04 and Section 4.05.03 of these regulations.⁴⁷

A traffic report regarding existing traffic conditions and projected traffic generation may be required.

18.06.05 Financial Guarantee Requirements⁴⁸

A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.⁴⁹

18.06.06 Control of issue of Certificates of Occupancy:

(a) The issue of Certificates of Occupancy involving residential buildings shall be limited to 80 per cent of the units contained in the project until:

1. All public improvements and landscaping covered by the bond have been completed to the satisfaction of the director of public works.
2. As-built plans of public utilities and improvements within the

⁴⁷Rev. 05/16/11, effective 06/13/11

⁴⁸ Rev. 06/03/13, effective 06/21/13

⁴⁹Rev. 06/03/13, effective 06/21/13

development or the stage of development, certified by a registered professional engineer, have been received and accepted by the director of public works.

- (b) Certificates of Occupancy for all other projects shall be issued after the requirements of Section 18.06.06 (a) 1 and Section 18.06.06 (a) 2 have been completed.

TABLE 1

SUMMARY OF USES

(Identifies the uses permitted either as of right
or a special exception in the mill area and mansion area)

<u>Use</u>	<u>Section</u>	<u>Silk Mill</u>	<u>Family Mansion</u>
Multi-family dwellings	18.02.01	P	
Office	18.02.02	P	
Educational facilities	18.02.03	P	
Elderly housing ⁵⁰	18.02.04	P	
Museum, theater, etc.	18.02.05	P	
Visitor information center	18.02.06	P	
Clubs, lodges, etc.	18.02.07	P	
Municipal buildings, etc.	18.02.08	P	
Public utility buildings	18.02.09	P	
Accessory uses	18.02.10	P	P
Single family dwellings	18.02.11	P	P
Family day care homes	18.02.13	P	P
Alcoholic Liquor Sales ⁵¹	18.02.15	P	
Commercial uses	18.03.01		
Retail	18.03.01 (a)	S	
Personal Service	18.03.01 (b)	S	
Restaurant	18.03.01 (c)	S	
Bed & Breakfast	18.03.07		S
Brewpub/restaurant ⁵²	18.03.01 (c)	S	
Industrial establishments	18.03.02	S	
Breweries and Brewpubs ⁵³	18.03.02 (a)	S	
Child day care centers	18.03.03	S	
Vehicle parking areas	18.03.04	S	
Recreational facilities	18.03.05	S	
Adult day care centers	18.03.06	S	
Inn ⁵⁴	18.03.08		S

P = Permitted: Detailed Plan approval required.⁵⁵

S = Special Exception: public hearing and Detailed Plan approval required.⁵⁶

⁵⁰ Rev. 04/20/98, effective 05/12/98

⁵¹ Rev. 11/21/11, effective 12/07/11

⁵² Rev. 1/21/15, effective 2/13/15

⁵³ Rev. 07/18/16, effective 07/29/16

⁵⁴ Rev. 5/2/16, effective 5/18/16

⁵⁵ Revised 05/16/11, effective 06/13/11

⁵⁶ Revised 05/16/11, effective 06/13/11

ARTICLE IV

GENERAL PROVISIONS

Section 24

ELECTRIC VEHICLE CHARGING STATION¹

24.01 Electric Vehicle Charging Stations shall be a permitted accessory use in all zones ~~with the exception of the Historic Zone~~, subject to the following conditions:

- (a) Electric Vehicle Charging Stations will be considered an accessory use.
- (b) Electric Vehicle Charging Positions shall be specifically designated for charging an electric vehicle with a sign referencing such use in accordance with the Town of Manchester “Public Improvement Standards.” The total number of Electric Vehicle Charging Positions shall equal the number of electric vehicles that may be simultaneously served by the total number of Electric Vehicle Charging Stations.
- (c) Charging Station equipment components shall at all times be maintained and operated in accordance with all applicable federal, state and local laws, rules and regulations.
- (d) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the Charging Station, and unique ID number shall be posted on each station as contact to report all issues relating to the particular station.

24.02 Electric Vehicle Charging Stations in the Historic Zone

To ensure that the unique historical and architectural qualities of the Historic Zone are preserved in accordance with Article II, Section 18, the Cheney Brothers National Historic District Commission will review the Detailed Plan and make a recommendation to the Planning and Zoning Commission. The Commission will then review and act upon the Detailed Plan prior to the issuance of a building permit.

24.02.01 Applicants shall demonstrate to the Commission’s satisfaction that any proposal for electric vehicle charging stations in the Cheney Family Mansion Area as outlined in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, dated April, 1980, shall not be visible from the public street.

24.~~02~~-03 Signage:

In addition to any signage allowed under Article IV, Section 13, the Operator shall be entitled, subject to approval of a Special Exception by the Planning and Zoning Commission, to erect and install the following additional signage in

¹ New 02/17/21, effective 03/10/21

connection with any Electric Vehicle Charging Station:

- (a) For each charging station, changeable copy signage limited to a maximum of ten (10) square feet per side per unit (maximum of two sides), advertising a commodity or service which may not be found or available on the premises hosting the charging station. No video or audio content shall be permitted.
- (b) Charging Station display screens may be internally back-lit and advertisements may cycle at a rate of no more than every 8 seconds. Display screens utilizing internal back-lighting or similar shall utilize a night or dimmer mode to automatically reduce the brightness.
- (c) Signage associated with electric vehicle charging stations in accordance with the provisions of [this section](#) shall be permitted by Special Exception from the Planning & Zoning Commission.
- (d) No more than 20 Electric Vehicle Charging Stations with changeable copy signage as described in this section shall be permitted per property.
- (e) The signage described in this section shall only be permitted in the CUD zone.