

**ARTICLE I            GENERAL**  
Section 2                DEFINITIONS

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Words and phrases in these regulations are defined for the purpose hereof as follows:

2.01            Words used in the present tense include the future; the singular number includes the plural and the plural the singular. The word "lot" includes the word "plot"; the word "building" includes any structure other than a fence or boundary wall; and the words "occupied" or "used" include the words "designed, arranged, or intended to be occupied or used".

A<sup>1</sup> Accessory Use<sup>2</sup> - An accessory use shall be a use which is clearly incidental to and customarily found in connection with and clearly subordinate to the principal use including, but not limited to, parking and parking structures, signs, refuse containers, drainage and utility structures, landscaping, fences, maintenance buildings, solar energy systems, and radio or television antennae.

Accessory Structure – A subordinate structure located on the same lot as a principal building.<sup>3</sup>

Adult Bookstore:<sup>4</sup> an establishment having a substantial or significant portion (more than 25%) of its stock and trade in books, films, video cassettes, or magazines and other periodicals, alone or in combination, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas and in conjunction therewith have facilities for presentation of adult material as defined herein including adult-oriented films, movies, or live entertainment for observation by patrons therein.

Adult Cabaret:<sup>5</sup> an establishment such as but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of sexual anatomical areas or by sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or relating to sexual activities or sexual anatomical areas for observation by patrons therein.

Adult Entertainment:<sup>6</sup> any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of sexual anatomical areas,

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<sup>1</sup> Rev. 10/20/86

<sup>2</sup> Rev. 01/17/18, effective 02/02/18

<sup>3</sup> Rev. 01/07/13, effective 01/28/13

<sup>4</sup> Adopted 9/6/2006, effective 9/14/2006

<sup>5</sup> Adopted 9/6/2006, effective 9/14/2006

<sup>6</sup> Adopted 9/6/2006, effective 9/14/2006

removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Adult Material:<sup>7</sup> Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas as defined herein.

Adult Motion Picture Theater:<sup>8</sup> an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or sexual anatomical areas, as defined herein, for observation by patrons therein.

Adult Oriented Establishment:<sup>9</sup> shall include, without limitation, adult bookstores, adult cabarets, adult motion picture theaters, sex shops, and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Agriculture:<sup>10</sup> see Connecticut General Statutes Section 1-1(q), or as amended.

Agri-Tourism:<sup>11</sup> an activity conducted on a farm of 2 acres or greater intended to attract visitors to a farm that members of the general public or special interest groups are allowed to view or participate in, for recreational, entertainment, or educational purposes including, but not limited to, farming, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.

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<sup>7</sup> Adopted 9/6/2006, effective 9/14/2006

<sup>8</sup> Adopted 9/6/2006, effective 9/14/2006

<sup>9</sup> Adopted 9/6/2006, effective 9/14/2006

<sup>10</sup> Adopted 1/23/2019, effective 2/8/2019

<sup>11</sup> Adopted 1/23/2019, effective 2/8/2019

Low-Impact Agri-tourism:<sup>12</sup> Activities that attract visitors to a farm to engage in an agricultural activity or to participate in an activity that utilizes an agricultural commodity as an exhibit.

High-Impact Agri-tourism:<sup>13</sup> Activities that attract visitors to a farm for a function or service that is not in and of itself an agricultural activity but may be enhanced by the farm setting or agricultural commodity. Such activities are considered high-impact as they may require site improvements to accommodate large numbers of vehicle parking, structures not directly used for agricultural purposes or the use of a plant or animal for purposes other than the production of a commodity. High-impact Agri-tourism activities may include, but are not limited to, Health and Wellness, Farm to Table Dinners, Farm Brewery, Festivals, Farmers Markets, Weddings and similar events, Farm Winery and Farm Store or retail sales exceeding capacity of farm stand.

Apartments - A building containing more than two separate dwelling units designed and built in accordance with the apartments regulations in effect at the time of construction.

Apartment House - A house which has been converted to contain more than two separate dwelling units.

Aquaculture<sup>14</sup> – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics<sup>15</sup> – The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

Attached Individual Dwelling Units - A dwelling unit intended for occupancy by a single-family, attached to two or more such dwelling units by one or two common vertical walls. "Vertical wall" shall include "common dividing wall".<sup>16</sup>

Awning<sup>17</sup> – A protective, roof-like covering, as over a window or storefront.

B Banquet Hall<sup>18</sup> – A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event

<sup>12</sup> Adopted 1/23/2019, effective 2/8/2019

<sup>13</sup> Adopted 1/23/2019, effective 2/8/2019

<sup>14</sup> Adopted 01/21/15, effective 02/13/15

<sup>15</sup> Adopted 01/21/15, effective 02/13/15

<sup>16</sup> Rev. 3/19/85

<sup>17</sup> Adopted 01/17/18, effective 02/02/18

<sup>18</sup> Adopted 05/01/17, effective 05/17/17

or function, that is not open to the general public, whether or not a fee is charged.

Bed and Breakfast Inn<sup>19</sup> - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

Brewery<sup>20</sup> – A facility where beer is manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on the premises tastings in accordance with Article IV Section 8.

Brewpub<sup>21</sup> – A facility where beer is manufactured, stored, bottled, sold at wholesale or at retail in sealed bottles or other sealed containers for consumption off premises or sold to be consumed on the premises in a room that is ancillary to the production of beer, with or without the sale of food, and in accordance with Article IV Section 8.

Brewpub/restaurant<sup>22</sup> – A restaurant where beer is manufactured, stored, bottled, sold to be consumed on the premises in accordance with Article IV Section 8.

Building - A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

Building Area - Synonymous with lot coverage and is that portion of a lot which may be occupied by buildings.

Building Line - An imaginary line across a lot over which no building shall encroach towards the street.

For the purpose of building permit issue a building line shall be:

- (1) A line across a lot parallel to the street at the minimum front yard depth, or
- (2) A line shown to be a building line on an approved plan of subdivision, which line may differ from (1), or
- (3) An imaginary line established for certain streets by the Planning and Zoning Commission by authority of the charter.

Building Line Dimension - The lineal distance of a building line across a lot from sideline to sideline.

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<sup>19</sup> Rev. 10/17/94, effective 11/8/94

<sup>20</sup> Adopted 01/21/15, effective 02/13/15

<sup>21</sup> Adopted 01/21/15, effective 02/13/15

<sup>22</sup> Adopted 01/21/15, effective 02/13/15

C Cannabis establishment – a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

Cultivator – a person or entity that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

Delivery service – a person or entity that is licensed to deliver cannabis from (A) micro-cultivators, retailers, and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects as defined in section 21a-408 of the general statutes, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the Department of Consumer Protection, or a combination thereof.

Dispensary facility – a place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the Department of Consumer Protection has issued a dispensary facility license.

Food and beverage manufacturer – a person or entity that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

Grow space – the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. Grow space does not include space used to cure, process, and store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

Hybrid retailer – a person or entity that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Micro-cultivator – a person or entity licenses to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection.

Producer – a person or entity that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder.

Product manufacturer – a person or entity that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

Product packager – a person or entity that is licensed to package and label cannabis.

Retailer – a person or entity, excluding a medical dispensary, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers.

Transporter – a person or entity licensed to transport cannabis between cannabis establishments, laboratories and research programs.

Cemetery<sup>23</sup> - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certification means a signed, written approval by the Planning and Zoning Commission (or its designated agent) that a soil erosion and sediment control plan complies with the application requirements of these regulations.

Clinic – An establishment licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions or chronic diseases or injuries where patients are not lodged overnight.<sup>24</sup>

Commission shall mean the Planning and Zoning Commission of the Town of Manchester.<sup>25</sup>

Community Garden or Urban Farm:<sup>26</sup> A garden or farm located in a municipal park or on land otherwise open to the public with individual plots or with crops cultivated to support the community or for educational purposes.

Conference Center<sup>27</sup> – A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations may include sleeping, eating, and recreation.

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<sup>23</sup> Rev. 8/15/94

<sup>24</sup> Rev. 7/9/03, effective 7/29/03

<sup>25</sup> Rev. 10/1/85

<sup>26</sup> Adopted 1/23/19, effective 2/8/19

Convenience Store - A retail store opened for business for extended hours with less than 3,000 square feet of floor area offering a limited selection of grocery items and other goods.<sup>28</sup>

Convenience Store / Gas Facility - A building / lot used for the retail sale of gasoline and other automotive fuels used in conjunction with the operation of a convenience store.<sup>29</sup>

Corner Lot - A lot situated at a corner of the intersection of two streets.

Correctional Facilities – publicly or privately operated facilities housing persons awaiting trial or person serving a sentence after being found guilty of a criminal offense. Correctional facilities shall include custodial care facilities, juvenile detention facilities, and alternative incarceration centers.<sup>30</sup>

County Soil and Water Conservation District means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22A-315 of the General Statutes.<sup>31</sup>

Court - A horizontal space, open to the sky, between exterior walls of a single building or structure, or between two or more buildings of structures on the same lot or parcel.

- D Day Care Center, Adult - A facility for disabled adults and the frail elderly which provides a structured program of health, social and rehabilitative services in a supportive group setting that is designed to serve adults outside their own homes on a regular basis for part of the twenty-four hours in one or more days in a week.<sup>32</sup>

Day Care Center, Child - A facility licensed by the State of Connecticut<sup>33</sup> in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis for part of the twenty-four hours in one or more days of the week.<sup>34</sup>

Day Care Home, Family - A private family home in which care is provided for not more than six (6) children including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. An additional three (3) school age children may be cared for before and after school hours only in the regular school year,

<sup>27</sup> Adopted 5/20/19, effective 6/7/19

<sup>28</sup> Adopted 5/3/99, effective 6/7/99

<sup>29</sup> Adopted 5/3/99, effective 6/7/99

<sup>30</sup> Adopted 7/9/03, effective 7/29/03

<sup>31</sup> Rev. 10/1/85

<sup>32</sup> Rev. 12/4/89

<sup>33</sup> Rev. 4/19/99, effective 5/7/99

<sup>34</sup> Rev. 10/2/89

including school vacations but excluding summer recess. The provider's own school age children are included in this count.<sup>35</sup>

Day Care Home, Group - A facility licensed by the State of Connecticut<sup>36</sup> (generally within a dwelling unit) in which care is provided for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four hours in one or more days in the week.<sup>37</sup>

Department Store - A retail sales establishment with departments for different merchandise.

Developer shall mean the legal or beneficial owner or owners of land included in a development, including the holder of an option or contract to purchase, or other enforceable proprietary interests in such land. Developer shall include agents, successors and assigns.<sup>38</sup>

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.<sup>39</sup>

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.<sup>40</sup>

Duplex Housing - Two story side-by-side dwelling with a common dividing wall, each dwelling having its own separate lot.

- E Electric Vehicle Charging Station - An electric vehicle supply equipment station in a private or public parking space which delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle.<sup>41</sup>

Electric Vehicle Charging Position shall mean one exclusive use, standard parking space adjacent and assigned to an Electric Vehicle Charging Station per number of vehicles said Station may simultaneously charge or otherwise transfer electric energy to.<sup>42</sup>

Operator shall mean the electric vehicle charging kiosk owner and/or designee, responsible for the installation, maintenance, management and operation of Electric Vehicle Charging Station(s).<sup>43</sup>

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<sup>35</sup> Rev. 12/4/89

<sup>36</sup> Rev. 4/19/99, effective 5/7/99

<sup>37</sup> Rev. 12/4/89

<sup>38</sup> Rev. 10/1/85

<sup>39</sup> Rev. 10/1/85

<sup>40</sup> Rev. 10/1/85

<sup>41</sup> Adopted 02/17/21, effective 03/10/21

<sup>42</sup> Adopted 02/17/21, effective 03/10/21

<sup>43</sup> Adopted 02/17/21, effective 03/10/21



Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.<sup>44</sup>

Established Grade - The elevation of the street grade as fixed by the town.

F<sup>45</sup> Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center<sup>46</sup> - A facility which provides training and skill development for families and children including parent education and family management classes, family literacy programs, child development training skills for parents and day care providers, and parent-child oriented training and recreational activities, and may provide referrals to other service agencies for specific needs.

Farm:<sup>47</sup> A tract of land used principally for agriculture, with or without an associated residential dwelling.

Farm Brewery:<sup>48</sup> any place or premises that is located on a farm in which beer is manufactured and sold in accordance with Public Act 17-160. A Farm Brewery may include the offering and tasting of beer manufactured by the farm brewery for consumption on the premises.

Farm Stand:<sup>49</sup> as provided in Zoning Regulations Article II, Section 1.03(n): A temporary roadside stand for sale of agricultural produce grown on the premises.

Farm Winery:<sup>50</sup> any place or premises, located on a farm in which wine is manufactured and sold in accordance with Public Act No. 08-187, as amended. A Farm Winery may include the offering and tasting of wine manufactured by the farm winery for consumption on the premises.

Farmers' Market:<sup>51</sup> In accordance with Connecticut General Statutes Section 22-6r, as amended a "Farmers' Market" is "a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are

<sup>44</sup> Rev. 10/1/85

<sup>45</sup> Rev. 5/15/00 (deleted floor area definition)

<sup>46</sup> Rev. 9/3/97, effective 9/23/97

<sup>47</sup> Adopted 1/23/19, effective 2/8/19

<sup>48</sup> Adopted 1/23/19, effective 2/8/19

<sup>49</sup> Adopted 1/23/19, effective 2/8/19

<sup>50</sup> Adopted 1/23/19, effective 2/8/19

<sup>51</sup> Adopted 1/23/19, effective 2/8/19

produced by the participating farmers with the sole intent and purpose of generating a portion of household income.”

Front Yard - An open minimum space across the full width of a lot which shall be maintained between the street lot line and any building. Cornices, eaves, gutters, entrance steps, flagpoles, lamp posts, fences and driveways shall not be deemed as violating the open spaces.

On corner lots the minimum front yard space shall be maintained at the least lot frontage.

G Go-kart – A small, light, low-slung, four-wheeled vehicle, powered by a gasoline or an electric engine, used for racing or recreation.<sup>52</sup>

Go-kart Track – A closed, paved racetrack for go-karts.<sup>53</sup>

Grading means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.<sup>54</sup>

Gross Floor Area -gross area of floors within the exterior perimeter of the outside walls of the building without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. The term floor area, when found in these regulations, shall have the same definition as gross floor area.<sup>55</sup>

Gross Leasable Floor Area - The area of a building measured from the exterior perimeter of the outside walls exclusive of common areas of the building such as hallways, vestibules, restrooms, elevators, stairs, mechanical rooms, storage areas, and cafeterias primarily for use by employees.<sup>56</sup>

Group Dwelling - Buildings or building containing family dwelling units, each building containing not less than three and not more than eight dwelling units designed and built in accordance with the group dwelling regulations in effect at the time of construction. Group dwellings shall include garden apartments, town houses and row housing.<sup>57</sup>

H<sup>58</sup> Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.<sup>59</sup>

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<sup>52</sup> Adopted 3/6/17, effective 3/23/17

<sup>53</sup> Adopted 3/6/17, effective 3/23/17

<sup>54</sup> Rev. 10/1/85

<sup>55</sup> Rev. 5/15/00, effective 6/3/00

<sup>56</sup> Rev. 5/15/00, effective 6/3/00

<sup>57</sup> Rev. 5/15/00, effective 6/3/00

<sup>58</sup> Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)

<sup>59</sup> Adopted 7/9/03, effective 7/29/03

Heavy Industrial<sup>60</sup>: The manufacturing or processing of materials or products predominantly from extracted or raw materials, or the manufacturing or processing of materials or products which can reasonably be expected to pose significant risks to public safety, to the quality of life on neighboring properties, or to the clean air and waters of the State of Connecticut; including, but not limited to, the use or involvement of explosives, radioactive materials, poisons or pesticides or similar hazardous materials on the premises, or the emission of smoke, noise, or airborne particles.

Height of the Building - The vertical distance measured at the center line of its principal front from the established grade or from the average ground level of the portion of the lot adjoining and within 10 feet of the building, where it sets back from the street line 10 feet or more, to the level of the highest point of the roof beams in the case of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and the highest ridge in the case of other roofs. Where there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building including such structures wholly or partly above the roof.

Home-Conducted Occupation - Quasi-business uses of a type and magnitude which render them incidental to the primary residential use, carried on entirely within the confines of the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.<sup>61</sup>

Horticulture<sup>62</sup> - The cultivation of plants for commercial purposes.

Hotel - A commercial building or group of buildings originally designed and built for the purpose of providing sleeping accommodation for hire, primarily used by transients who are lodged with or without meals.

Hydroponics<sup>63</sup> – A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool.

- I Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.<sup>64</sup>

Inn<sup>65</sup> – A building in which guest rooms are used to provide overnight accommodations to guests for compensation, which may include accessory uses such as serving of meals, conference facilities and indoor and /or outdoor event facilities for guests and patrons.

<sup>60</sup> Adopted 3/1/04, effective 3/20/04

<sup>61</sup> Rev. 07/18/16, effective 08/10/16

<sup>62</sup> Adopted 3/16/15, effective 4/1/15

<sup>63</sup> Adopted 01/21/15, effective 02/13/15

<sup>64</sup> Rev. 10/1/85

<sup>65</sup> Adopted 5/2/16, effective 5/18/16

Irregular Shaped Lot - A lot having difficult configuration to an extent that minimum requirements cannot be met, but approved for development if alternative dimensions are met - see Article III, Section 3.

J Job Printing - Printing operations occupying 20,000 square feet or more of gross floor area.<sup>66</sup>

L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.<sup>67</sup>

Light Industrial<sup>68</sup> - Uses to include research and development, assembling, testing, and similar processes predominately from previously processed materials or finished products or parts providing all activity of the industry shall be totally contained within a structure or structures, excluding loading facilities.<sup>69</sup>

Living Area - The total private floor space contained within the walls of a residence but not including basement space.

Lot - A parcel of land to be occupied by one principal building or by a group of principal buildings and the accessory buildings or uses incident thereto, including such open spaces as are required by these regulations and such open spaces as are used in connection with the buildings. A lot may or may not be the land shown as a lot on a duly recorded plan. A parcel of land conveyed as part of a "Unit" under the Common Interest Ownership Act, Chapter 828 of the General Statutes of the State of Connecticut, as defined in Section 47-202 (31) thereof, shall not constitute a lot within the meaning of these regulations.<sup>70</sup>

Lot Frontage shall mean:

- (1) The length of a lot line which abuts a street, or
- (2) the length of a line drawn across a lot parallel to the street lot line at the required front yard depth when such method of determination is approved by the Commission for the specific lot.<sup>71</sup>

M Major Automobile Repair<sup>72</sup> – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

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<sup>66</sup> Adopted 5/3/99, effective 6/7/99

<sup>67</sup> Adopted 3/2/15, effective 3/20/15

<sup>68</sup> Revised 3/1/04, effective 3/20/04

<sup>69</sup> Adopted 5/3/99, effective 6/7/99

<sup>70</sup> Rev. 10/20/86

<sup>71</sup> Rev. 8/7/78

Memorial Garden<sup>73</sup> - Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features which may be incorporated into that use (walls, fountains, mounds, columbaria, etc.).

Minor Automobile Repair<sup>74</sup> – Incidental body and fender work, battery replacement, small part change, tire repair, brake servicing, touch-up painting, oil changing, lubrication, engine tune-up, radio replacement, detailing, and similar services to passenger automobiles and trucks not exceeding one ton capacity.

Motel - A hotel designed to accommodate the traveling public, usually with large areas for the parking of automobiles.

- N Nonconforming Use - A use legally existing at the time of the adoption of these regulations or their amendment, which does not comply with the requirements of the zone in which such use is located.

Nursery School - As used in these regulations, the term "nursery school" shall be included within the definitions of child care center, group day care home and family day care home depending upon the number of children to be enrolled in the nursery school.<sup>75</sup>

- O Outdoor Entertainment - Provision of entertainment for the pleasure of patrons outdoors or in partially enclosed or screened facilities in conjunction with a permitted principal use on the property. Such entertainment includes but is not limited to vocal and/or instrumental music, dancing, karaoke, motion pictures, theater, comedy and acting. Outdoor entertainment shall exclude the provision of adult entertainment, adult motion pictures and any display of adult material.<sup>76</sup>
- P Pawn Shop: - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, or loans or advances money on personal property deposited as security thereon, and takes and receives such personal property. This definition shall not apply if such properties deposited with a lender and shall not apply to loans made upon stock, bonds, notes or other written or printed evidence of ownership of property or indebtedness to the holder or owner of such securities.<sup>77</sup>

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<sup>72</sup> Rev. 3/3/08, effective 3/22/08

<sup>73</sup> Rev. 8/15/94

<sup>74</sup> Rev. 3/3/08, effective 3/22/08

<sup>75</sup> Rev. 12/4/89

<sup>76</sup> Adopted 02/13/17, effective 03/01/17

<sup>77</sup> Adopted 7/9/03, effective 7/29/03

Permitted Use - A legal use of land and buildings allowed in a zoning district which does not require approval or authorization by any zoning agency.

Personal Service - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.<sup>78</sup>

Personal Service Shop - A shop where a service is rendered to the ultimate customer such as a bank, beauty parlor, barber, etc.

Places of Worship - A building or buildings where people regularly assemble for religious worship, services, meetings or other activities.<sup>79</sup>

Principal Structure - A structure in which is conducted the principal use of the lot on which it is located.<sup>80</sup>

R Rear Yard - All that part of a lot between the principal building and the rear lot line, from side-line to side-line.

On a corner lot the rear lot line and rear yard shall be deemed to be opposite the least lot frontage.

Renting of Rooms - A house or other building which has been converted so that various rooms within the house or building are made separate and private residential units with separate or communal washing and cooking facilities, and leased or rented to unrelated persons for dwelling purposes.

Restaurant - An establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises.<sup>81</sup>

Restaurant - drive-in - An establishment where food or beverages are sold primarily for consumption by customers parked in motor vehicles on the premises, whether or not the establishment also serves customers indoors.<sup>82</sup>

Restrictive Conservation Easement (RCE)<sup>83</sup> - a limitation in the form of an easement agreement executed by or on behalf of the owner of the land, water, or wetland (the Land) described in the RCE in favor of the Town of Manchester or its agent. The fee simple interest in the Land contained in the RCE area shall remain with the owner of Land, subject to the RCE in favor of the Town. The purpose of the RCE is to retain such land, water or wetland areas predominately in their natural, scenic, or open condition or in their

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<sup>78</sup> Adopted 5/3/99, effective 6/7/99

<sup>79</sup> Adopted 1/17/01, effective 2/6/01

<sup>80</sup> Adopted 01/07/13, effective 01/28/13

<sup>81</sup> Rev. 5/17/93

<sup>82</sup> Rev. 5/17/93

<sup>83</sup> Rev. 4/1/02, effective 4/23/02

agricultural, farming, forest, or open space use, and to ensure the long term protection and preservation of these areas.

Retail Sales - Establishments engaged in selling goods or merchandise to the general public primarily for personal or household consumption and rendering services incidental to the sale of such goods.<sup>84</sup>

Rooming House - A house or other building which has been converted so that various rooms within the house or building are made separate and private residential units with separate or communal washing and cooking facilities, and leased or rented to unrelated persons for dwelling purposes.

- S School or College - A college, public school or a private school giving regular instruction at least five days a week for eight or more months in the year; but not including a school or college giving special or limited instruction, such as business, art, music or dancing college or school.

Seasonal Vestibule:<sup>85</sup> A temporary exterior passage, hall or room adjacent to a building entrance.

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.<sup>86</sup>

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.<sup>87</sup>

Sex Shop:<sup>88</sup> an establishment offering goods for sale or rent and that meets any of the following: (i) The establishment offers for sale or rent items from any two or more of the following categories: (1) adult media including printed books, magazines, video cassettes, DVD's or similar material, (2) lingerie, or (3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; (ii) More than 5 percent of its stock in trade consists of sexually oriented toys or novelties; (iii) and more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

Shopping Center - A group of commercial establishments planned, developed, owned and managed as a unit, with off-street parking provided on the premises for customer use.

<sup>84</sup> Adopted 5/3/99, effective 6/7/99

<sup>85</sup> Adopted 2/5/18, effective 2/20/18

<sup>86</sup> Rev. 10/1/85

<sup>87</sup> Adopted 5/3/99, effective 6/7/99

<sup>88</sup> Adopted 9/6/2006, effective 9/14/2006

Shopping Mall - A building or group of buildings having a gross floor area of 500,000 square feet or more and containing an open or enclosed common pedestrian area serving more than one commercial tenant located within the same building or groups of buildings.<sup>89</sup>

Sidewalk Cafes - A portion of an eating establishment located on a public sidewalk and consisting of tables, chairs and other permitted appurtenances and providing waiter and waitress service.

Side Yard - An open minimum space which shall be maintained between any building and the side lines of a lot. A side yard connects the front and rear yards. Cornices, eaves, gutters, entrance steps, basement hatchways, chimneys, fences, and driveways shall not be deemed as violating the open space.

Site – The entire lot or parcel of land, or combination of contiguous lots or parcels of land on any portion of which development is proposed or on which a building, operation or use or combination of buildings, operations or uses are located.<sup>90</sup>

Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.<sup>91</sup>

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.<sup>92</sup>

Solar Energy Systems<sup>93</sup> - solar collection system consisting of linked series of photovoltaic modules and all components thereof, with the primary purpose to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site or to be delivered to a power grid to offset the cost of energy on-site.

Solar Energy Systems:

Freestanding (Ground- or Pole-Mounted) - A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of and accessory to any principal building or structure.

Roof-mounted - A solar energy system that includes integrated solar shingles, tiles or panels as the surface layer of the roof or awning structure with no apparent change in relief or project, or

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<sup>89</sup> Rev. 10/20/86

<sup>90</sup> Adopted 11/03/03, effective 11/28/03

<sup>91</sup> Rev. 10/1/85

<sup>92</sup> Rev. 10/1/85

<sup>93</sup> Adopted 01/17/18, effective 02/02/18



separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.

Parking Lot Canopy - A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure, which is used in a parking lot or the top story of a parking structure to shade vehicles parked in such lot or structure.

Special Exception - A use of land and buildings which may be subject to special requirements and which requires authorization from a zoning agency before development.

Story - That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. The first story of a building shall be the lowermost story entirely above the grade plane (which is the average of finished ground level adjoining the building at all exterior walls).<sup>94</sup>

Street Line - The dividing line between the street and the lot.

Structure shall have the same definition as set forth in the Building Code.

Studio: The workshop of an artist, sculptor, photographer or craftsman.<sup>95</sup>

Surety means a corporate surety company licensed to do business in the State of Connecticut.<sup>96</sup>

T Tattoo Parlor/Body Piercing Studio – an establishment whose principal business activity is the practice of placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in permanent coloration of the skin and/or creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.<sup>97</sup>

Through Lot - An interior lot which extends through the block from street to street.

Two-Family House - A house which contains two separate family residences, built originally as such.

<sup>94</sup> Rev. 5/15/78

<sup>95</sup> Adopted 5/3/99, effective 6/7/99

<sup>96</sup> Rev. 10/1/85

<sup>97</sup> Adopted 7/9/03, effective 7/29/03

W Warehousing<sup>98</sup> - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

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<sup>98</sup> New 10/04/06, effective 10/25/06

## ARTICLE II ZONING USES

Section 8

COMPREHENSIVE URBAN DEVELOPMENT ZONE<sup>1</sup>

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### 8.01 Purpose

8.01.01 A Comprehensive Urban Development zone allows planned development of various types of commercial, industrial and residential land uses as well as certain accessory uses and special exception uses.

8.01.02 The intent of the "CUD" regulations is to permit greater flexibility and more economical and efficient use of the land while allowing a harmonious variety of land uses, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

8.01.03 All uses are subject to the requirements set forth in this section and no building shall be used or erected nor land used except as provided in this section.

### 8.02 Permitted Uses

The following land uses are permitted in a "CUD" zone after a Detailed Site Development Plan (Detailed Plan) is approved by the Planning and Zoning Commission:

8.02.01 Retail sales, including retail shops, department stores, shopping centers and shopping malls.

8.02.02 Personal service shops.

8.02.03 Office, including professional.

8.02.04 Restaurant and brewpub/restaurant, including outside building food consumption.

8.02.05 Bowling alley, theaters, museums, cultural and/or social community facilities, and similar amusement enterprises.

8.02.06 Hotel, motel.

8.02.07 Radio and television broadcasting studio.

8.02.08 Public, quasi-public and utility buildings, structures and uses. As used herein, a quasi-public use shall mean a public service company, public transportation or a charitable use.

8.02.09 Indoor and outdoor recreation facilities including tennis court, skating rink, health and recreation club, and other similar facilities.

8.02.10 Research and development facilities, data processing and laboratories.

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<sup>1</sup> Repealed and replaced with new version 09/29/2016, effective 10/21/2016

- 8.02.11 Medical clinic, hospitals, medical offices.
- 8.02.12 Telecommunications services and facilities.
- 8.02.13 Accessory uses.
- 8.02.14 Family day care homes conducted in a dwelling unit.<sup>2</sup>
- 8.02.15<sup>3</sup>
- (a) Wireless telecommunication antennas located on 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.
  - (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) All wireless telecommunications facilities shall be in accordance with the requirements of Article IV, Section 19.<sup>4</sup>
- 8.02.16<sup>5</sup> Elderly Housing Development as permitted in Article II, Section 20.
- 8.02.17<sup>6</sup> Gasoline Service Stations incidental to, operated by, and located on the same lot as a wholesale or retail store in excess of 100,000 square feet, subject to the following:
- (a) Such uses shall be limited to the sale of motor vehicle fuels (including gasoline, diesel, ethanol, and bio-fuels) and incidental automotive products, and shall not include automotive repairs.
  - (b) Such uses shall be exempt from (i) the requirements set forth in Article IV, Section 5.
  - (c) Approval by the Commission for such use shall operate as a certificate of approval of the location for such use.
  - (d) No Gasoline Service Station building shall be closer than 200 feet to any residential dwelling.
  - (e) No gasoline pumps may be located closer than 25 feet to any lot line.
- 8.02.18 Accessory use of yards, walkways and parking lots as allowed under Article II Sections 9.13.02, 9.13.03 and 9.13.04.<sup>7</sup>

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<sup>2</sup> Rev. 12/04/89

<sup>3</sup> Rev. 10/20/97, effective 11/11/97

<sup>4</sup> New 11/03/03, effective 11/28/03

<sup>5</sup> Rev. 04/20/98, effective 05/12/98

<sup>6</sup> Rev. 01/21/09, effective 2/11/09

<sup>7</sup> New 02/13/17, effective 03/01/17

### 8.03 Special Exceptions

Certain uses are deemed appropriate in the "CUD" zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission (unless authorization by the Zoning Board of Appeals is designated) after a public hearing. Special exception uses shall be subject to the provisions of the Special Exception Criteria in Article IV, Section 20.<sup>8</sup>

8.03.01<sup>9 10</sup> All uses which include development on a site which is four (4) acres or larger in size.<sup>11</sup>

8.03.02 All uses which require automobile parking spaces in excess of 60.

8.03.03<sup>12</sup> Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

1. The aggregate of all building ground floor commercial uses shall not be less than 50% of the total ground floor uses for all buildings on the site
2. Building Height:<sup>13</sup>
  - i. Maximum fifty (50) feet. Minimum height shall be 30' (minimum of two stories of residential use).
  - ii. Maximum sixty (60) feet (maximum of five stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 100,000 square feet.
  - iii. Maximum eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet.
3. Open Space: Open space on the site shall be provided for the use of residences as well as for the benefit and use of all users of the site. The following open space for the entire property shall be provided as follows.
  - i. Up to four residential stories – 250 square feet for each residential unit
  - ii. Each residential story in excess of four – 125 square feet for each 1

<sup>8</sup> Rev. 11/03/03, effective 11/28/03

<sup>9</sup> Rev. 7/21/14, effective 8/1/14

<sup>10</sup> Rev. 07/06/16, effective 07/20/16

<sup>11</sup> Rev. 11/03/03, effective 11/28/03

<sup>12</sup> New 02/13/17, effective 03/01/17

<sup>13</sup> Rev. 05/20/19, effective 06/07/19

residential unit.

- iii. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants
    - 1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, common balconies, rooftop gardens or patios, or similar common areas.
    - 2. Open space dedicated for residential tenants shall be located no greater than 100' from the nearest residential building or mixed use building containing residential units.
  - iv. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.
    - 1. Such open space may include but not necessarily be limited to common plazas and sitting areas, central entertainment spaces, outdoor dining areas, and other spaces as the commission deems appropriate to satisfy the intent of this subsection.
    - 2. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.
4. Parking: Parking shall be provided in accordance with Article IV Section 9 except as follows:
- i. For residential units on sites within a one half mile radius of existing mass transit and where the unit mix consists of 50% or more one bedroom units the minimum parking ratio shall be 1 space per dwelling unit.
  - ii. For all other residential sites, minimum parking shall be 1.5 spaces per dwelling unit
  - iii. No more than 1.5 spaces per dwelling unit may be reserved for the exclusive use of residential tenants.
  - iv. Parking for all other site uses shall comply with the CUD zone.
  - v. The commission may approve a maximum 15% reduction in total required onsite parking if the site is within one quarter mile of existing mass transit and upon the preparation and review by the commission of a parking plan prepared by a traffic engineer licensed in the State of Connecticut.
  - vi. Site driveways shall be completely connected and integrated between all site uses and features. Residential circulation shall not be disconnected from overall site vehicular circulation and parking areas.

5. Building Design Standards:

- i. Façade Length and Articulation - Buildings or portions of a building with front elevations of over 50 feet in width shall be divided into smaller parts through such means as variation in wall plane articulation or the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 100 feet in length. For buildings exceeding four stories in height there shall be a distinct change in façade treatment at the 3rd or 4th floor. This treatment may include building step backs or architectural treatments such as cornices or other horizontal architectural features along the entire length of the building façade.
- ii. Building Entrances - Every building should have a primary entrance facing a street, primary drive or a civic space.
- iii. Incorporate Architectural Features – To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches should be used.
- iv. Transparency - Transparency is the percentage of windows, doors, or other openings that cover a ground or upper story facade. Openings shall be proportional to facade length and height. For non-residential first floor uses not including under building parking, a minimum transparency of 20% of the façade and a maximum of 80% of the façade on the ground floor, and a minimum of 20% of the façade and a maximum of 70% of the façade above the ground floor is required. For ground floor residential uses a minimum transparency of 10% of the façade and a maximum of 40% of the façade on the ground floor, and a minimum of 10% of the façade and a maximum of 70% of the façade above the ground floor is required.
  1. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
  2. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
  3. All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall

have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.

4. Ground level parking under buildings is prohibited within 20' of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3' high wall from ground level. Transparency shall be between 20% and 70% of the ground floor façade facing public spaces, primary drives and where visible from a public street. Openings may consist of open façade walls, grills, grates or other semi open architectural features. Other site screening elements such as berms, fences and landscape shall be employed where appropriate.

8.03.04 Outdoor entertainment provided that:

- (a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;
- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;
- (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

8.03.05 The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture, and Hydroponics.<sup>14</sup>

8.03.06 Banquet Hall<sup>15</sup>

8.03.07 Conference Center<sup>16</sup>

8.03.08 Places of worship and schools. Day care facilities conducted in a church, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.<sup>17</sup>

8.03.09<sup>18</sup> Industrial and technical uses with a principal character of light industrial including the manufacture and/or treatment of finished and semi-finished products from

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<sup>14</sup> New 05/20/19, effective 06/07/19

<sup>15</sup> New 05/20/19, effective 06/07/19

<sup>16</sup> New 05/20/19, effective 06/07/19

<sup>17</sup> New 05/20/19, effective 06/07/19

<sup>18</sup> New 08/17/2020, effective 09/01/2020



previously prepared materials, processing and assembly, wholesale trade and storage, warehousing, and research.

- (a) Such activities shall be conducted wholly within an enclosed building.
- (b) Storage of materials, products, or finished or semi-finished goods or products shall be inside the building only.
- (c) Transportation/distribution of the finished products produced at the site are allowed as part of this use.
- (d) 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.
- (e) The processes and uses enumerated in Article II, Section 16.17 (c-k) of these regulations are specifically prohibited.

8.03.10<sup>19</sup> Cannabis retailer, dispensary facility, or hybrid retailer provided that:

(a) No cannabis establishment shall be located within 500 feet of a school, or within 200 feet of a religious institution, charitable institution, hospital, or veterans' home.

(b) No cannabis establishment shall operate beyond the hours of 8:00am to 10:00pm Monday through Friday and 10:00am to 6:00pm on Sundays.

8.03.11 Cannabis cultivator or micro-cultivator provided that:

(a) No cannabis establishment shall be located within 500 feet of a school, or within 200 feet of a religious institution, charitable institution, hospital, or veterans' home.

(b) No cannabis establishment shall operate beyond the hours of 8:00am to 10:00pm Monday through Friday and 10:00am to 6:00pm on Sundays.

8.03.12 The following land uses may be permitted by special exception in a "CUD" zone with approval of the Zoning Board of Appeals:

- (a) Carnivals and circuses in accordance with Article IV, Section 16.<sup>20</sup>
- (b) Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18. The area, height and bulk of buildings shall be in accordance with the requirements of Land

<sup>19</sup> Rev. 08/05/02, effective 08/30/02

<sup>20</sup> Rev. 05/16/11, effective 06/13/11

Use Type I in Table II 8-1.<sup>21</sup>

(c) Child day care center and group day care home

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 10. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.<sup>22</sup>

(d) Signage associated with electric vehicle charging stations in accordance with the provisions of Article IV, Section 24.02.<sup>23</sup>

8.04 Minimum "CUD" Zone Area

8.04.01 The minimum area of a "CUD" zone shall be 100 acres upon initial creation. A "CUD" zone shall be created in accordance with the procedures for zone change subject to the requirements of all regulatory bodies having jurisdiction.

8.04.02 An existing "CUD" zone may be enlarged by the addition of contiguous parcels in accordance with the procedure for zone change and subject to the requirements of all regulatory bodies having jurisdiction. (Parcels shall be considered contiguous even if they are separated by public streets.) The contiguous parcels must have frontage on and access to a public street unless the owner of the contiguous parcel and the owner of the existing "CUD" parcel with frontage on a public street agree to access to the contiguous parcel over existing or proposed public or private streets in the existing "CUD" parcel. Evidence of a permanent right to use such private street shall be presented to the Commission in the application for change of zone on the contiguous parcel.

8.05 Site Development Criteria

8.05.01 All roads which are proposed to become town-owned streets and all improvements which are constructed within public rights-of-way or which are to be dedicated to the Town shall be constructed in accordance with the Town of Manchester "Public Improvement Standards"<sup>24</sup> whether or not subdivision approval is required.

8.05.02 All developments shall have:

- (a) public sanitary sewer;
- (b) public water supply;
- (c) electric power installed in accordance with the Town of Manchester "Public Improvement Standards"<sup>25</sup>;

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<sup>21</sup> Rev. 12/04/89

<sup>22</sup> Rev. 12/04/89

<sup>23</sup> Adopted 02/17/21, effective 03/10/21

<sup>24</sup> Rev. 03/17/97, effective 04/01/97

<sup>25</sup> Rev. 03/17/97, effective 04/01/97

- (d) telephone service installed in accordance with the Town of Manchester "Public Improvement Standards"<sup>26</sup>.

8.05.03 Area, Height & Bulk:

- (a) Development in a "CUD" zone shall be in accordance with the criteria shown in Table II 8-1;

8.05.04 Parking:

All parking shall be in accordance with Article IV Section 9.

8.05.05 Landscaping:<sup>27</sup>

- (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 yard areas abutting public streets to provide shade and visual interest. 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. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.
- (b) Bufferyards of sufficient width and with adequate treatment to screen existing or approved residential uses from nonresidential uses shall be provided. Such landscaping shall screen residential uses from visual intrusion of other uses, mitigate noise generated from other uses, and provide separation between residential and nonresidential uses. Bufferyards necessary for required screening shall not be included in the open space ratio unless specifically approved by the Commission. At a minimum bufferyards shall be 30 feet wide but they may be widened or narrowed subject to the approval of the Commission depending upon the amount and type of landscaping treatment in accordance with Illustration One.
- (c) Landscaping shall be provided on all land use areas to provide transitions, including visual and pedestrian connections, between buildings of different size, scale, architecture or use and to provide continuity of urban design. Landscaping shall provide shade and visual interest on pedestrian systems and pedestrian systems designed for the movement of people between buildings and from buildings to parking shall be lighted to provide safety and security.
- (d) All accessory uses, such as utility structures, dumpsters, storage facilities, loading or parking areas or similar uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- (e) In order to meet the above requirements, landscaping elements may include, but are not limited to, a variety and combination of trees, shrubs, groundcover,

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<sup>26</sup> Rev. 03/17/97, effective 04/01/97

<sup>27</sup> Rev. 07/20/87

earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture and lighting.

8.05.06 Entrances and Exits:

Driveway curb cuts along each side of arterial and collector classified public streets shall be spaced not less than 500 feet apart unless otherwise approved by the Commission. Driveways on opposite sides of such streets shall be offset at least 250 feet between center lines. The proposed driveway curb cuts shall be shown on the Preliminary Plan.<sup>28</sup>

8.05.07 Minimum Setback Along Arterial and Collector Streets:

There shall be a minimum front yard setback along all arterial and collector public streets within a "CUD" zone of 40 feet for buildings and 15 feet for parking provided, however, that parking shall be separated from any such arterial or collector street by a landscape buffer.

8.05.08 Design Review Criteria: <sup>29</sup>

The following design review criteria will be used by the Commission in determining whether the proposed land uses meet the purpose and intent of the regulation as set forth in sections 8.01.01 and 8.01.02:<sup>30</sup>

1. The various land uses and proposed building locations shall achieve a convenient proximity to encourage pedestrian travel and a compatible relationship of uses both inside the applicant's project site and to other existing or approved adjacent buildings.
2. The site plan shall demonstrate that safe and convenient vehicular access shall be provided to the site from arterial or collector roads, and that a pedestrian system shall provide safe and convenient access inside the site between buildings and uses and to and from the site and abutting pedestrian systems.
3. Internal circulation system shall be designed to accommodate the movement of public transit vehicles and provide areas for transit stops inside the site or accessible to the site from public streets.

8.06 Financial Guarantee Requirements<sup>31</sup>

8.06.01 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.<sup>32</sup>

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<sup>28</sup> Rev. 05/16/11, effective 06/13/11

<sup>29</sup> Rev. 07/20/87

<sup>30</sup> Rev. 05/16/11, effective 06/13/11

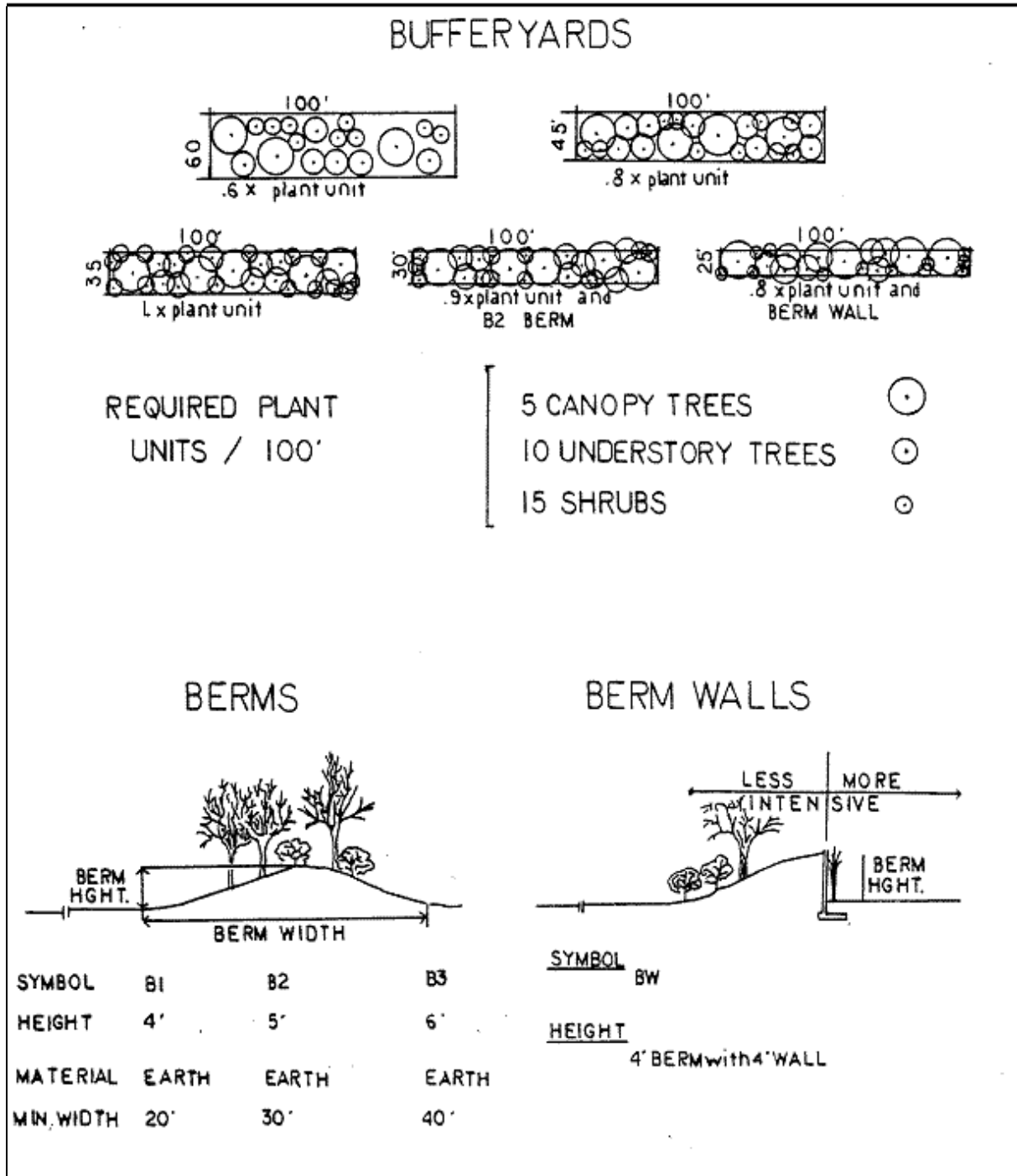
<sup>31</sup> Rev. 06/03/13, effective 06/21/13

<sup>32</sup> Rev. 06/03/13, effective 06/21/13

8.07 Use Variances

The Zoning Board of Appeals shall not be permitted to grant use variances in the Comprehensive Urban Development zone.

### ILLUSTRATION ONE: BUFFER YARDS AND BERMS



**TABLE II 8-1 AREA, HEIGHT & BULK CRITERIA**

Land Use	Height (maximum) Feet *	Floor Area Ratio** (maximum)	Lot Open Space Ratio (minimum)	Lot Yards*** (minimum in feet)****		
				Front*****	Side	Rear
Retail sales, Personal Service Shop, Restaurant, Alcoholic Liquor Sales, Bowling Alley, Museum, Theater, Cultural and/or Social Community facilities and similar Amusement Enterprises, Radio/TV Studio, Places of Worship <sup>28</sup> , Schools, Medical Clinic, Land Sales/Construction facility, Carnivals and Circuses, Indoor and Outdoor Recreation facilities	60	.5	.10	25	15	25
Office & Motel/Hotel	70	1.0	.20	30	15	15
Public, quasi-public, and utility buildings, structures, and uses	no limit	.50	none	30	15	15
research/data processing and development facilities and laboratories	50	.40	.10	30	15	15
Multi-family dwellings <sup>29</sup>	As provided in Art II Sec 8.03.03	.30	As provided in Article II Section 8.03.03	40	15	15
Telecommunications services and facilities	40	.40	10	40	15	15
Elderly Housing Development <sup>30</sup>	as permitted in Article II, Section 20					
Gasoline Sales <sup>31</sup>	30	.40	.10	60	25	30
* Height in feet shall not include roof mounted equipment or their enclosures, mechanical, mechanical penthouses, or other non-habitable floor area.  ** Does not include structures used solely for vehicle parking.				*** No parking in any front yards **** In planned multi-building projects such as, but not limited to, connected office and/or hotel buildings or shopping malls, no yard or setback is required between the connected buildings when the land upon which the buildings are located is divided. ***** There shall be a minimum front yard setback along all arterial and collector public streets within a "CUD" zone of 40 feet for buildings and 15 feet for parking provided, however, that parking shall be separated from any such arterial or collector street by a landscape buffer.		

<sup>28</sup> Adopted 01/17/01, effective 01/06/01

<sup>29</sup> Rev. 02/13/17, effective 03/01/17

<sup>30</sup> Rev. 04/20/98, effective 05/12/98

<sup>31</sup> Rev. 01/21/09, effective 2/11/09

## ARTICLE II ZONING USES

### Section 16 INDUSTRIAL ZONE

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16.00 An industrial zoned district is an area for commercial operations and uses of a type which are not generally suitable or appropriate in retail sales areas. The uses allowed in this zone encompass a wide range of operations but some are prohibited in the interest of public welfare and site preparation is strictly regulated for the purpose of environmental protection.

In an Industrial zone, no building or land shall be used and no building shall be erected or altered except in accordance with the permitted uses or special exception uses set forth in this section.

#### 16.01 Preservation of Landscape - Site Preparation

The development of the site shall be engineered and developed so that the landscape will be preserved in its natural state insofar as practicable by minimizing soil and tree removal, and all grade changes shall be designed so that the finished levels and contours will blend harmoniously with the natural and undisturbed landscape. No steep slopes shall be created and all disturbed land shall be treated to encourage plant growth by provision of top soil and the planting of appropriate trees, shrubs and grass. Where necessary, measures shall be implemented to minimize soil erosion and to prevent the pollution of streams.

All plans of subdivision for industrial purposes shall be in accordance with this section.

16.02 *Reserved*

#### 16.03 Compliance with Zoning

No industrial enterprise shall be commenced or changed in character, and no building or structure shall be built or altered or land used for any purpose until the owner, proprietor, developer or builder has obtained a certificate from the zoning enforcement officer which states that the use or structure is lawful.

#### 16.04 Building Permits

No building permit shall be issued until the zoning enforcement officer has approved the permit for zoning compliance.

#### 16.05 Provision of Public Improvements

16.05.01 When a site is developed for industrial use the developer shall construct sidewalk and curb to town standards along all sides of the developed site which abut a public highway, unless such requirements are waived or deferred by the Planning and Zoning Commission.

16.05.02 In the event that the vehicle surface of the highway is not constructed up to the curb installed by the developer, the developer shall construct that part of the



vehicle surface to town standards so that the vehicle surface abuts the curb, unless such requirement is waived or deferred by the Planning and Zoning Commission.

- 16.05.03 In the event that drainage of the premises requires provision of off-site drainage improvements the developer shall install and pay for such improvements as required by the director of public works.

16.06 Residential Zone Screening

- 16.06.01 Developed industrial premises shall screen abutting residential zones by a fully bermed landscaped border of not less than eight (8) feet in width. The landscaped berm must be at least four (4) feet in height along all parking areas and drives in order to screen these facilities from view and to prevent automobile headlights from causing a nuisance to adjoining residents. Slopes associated with such berms shall not exceed 3:1. The area of landscaped berm for parking lot screening shall not be counted towards the landscape area required in Article IV, Section 9.02.05.

Such border shall provide a year round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four (4) feet in height at a separation distance which provides for the growth of the planting and complete visual screening. Fencing in connection with the planting may be permitted or required when the bermed landscaped border cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fence material and height shall be approved by the director of planning. The director may refer any request or requirement to the Planning and Zoning Commission for action.<sup>1</sup>

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.

- 16.06.02 The Planning and Zoning Commission may waive all or any requirements in 16.06.01<sup>2</sup> or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or for any other good reason.

16.07 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.

16.08 Yard and Building Lighting

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<sup>1</sup> Rev. 10/02/89

<sup>2</sup> Rev. 02/20/13; effective 03/18/13

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.

16.09 Automobile Parking<sup>3</sup>

Automobile parking shall be provided in accordance with the requirements set forth in Article IV, Section 9 of these regulations except as follows:

- i. A developer shall obtain approval of site drainage plans from the director of public works.
- ii. **Shared Use:** The shared use of the same off-street parking facilities by two or more establishments on the same lot where the total capacity of such facilities is less than the sum of the spaces required for each use may be approved by Town staff, provided that it is adequately documented that those uses have different, non-competing times of operation, and that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments.

Approval of such shared use shall be documented by the property owner, and affected tenants executing and filing a shared parking agreement outlining the details of the agreement and approval prior to receiving a Certificate of Occupancy. Upon any change in; property ownership, tenancy, use, or operations on the lot, such agreement shall be automatically terminated, and a new agreement shall be made between all parties on the lot which shall be executed and filed on the land records.

16.10 Access to Premises

Access to premises shall be from existing public streets which abut the premises or from streets which have been developed in accordance with the Subdivision Regulations to serve the industrial area, and no ingress or egress through residentially zoned land shall be used.

Where a building is located behind a building on the same lot, parcel, site or tract, the rear building shall be accessible from the highway by way of a properly constructed driveway of not less than 24 feet in width. Provision shall be made for turnout of emergency vehicles.

16.11 Area, Height & Bulk of Principal Buildings and Structures

16.11.01 For permitted uses:

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<sup>3</sup> Rev. 04/20/2020; effective 05/04/2020

Maximum height of building & structure	75 feet
Maximum buildable area of lot	60%
Minimum front yard	40 feet <sup>4</sup>
Minimum side yard	15 feet <sup>5</sup>
Minimum rear yard	30 feet <sup>6</sup>

16.11.02<sup>7</sup> For special exception uses:

Area, height and bulk of buildings and structures for special exception uses shall be as set forth in 16.11.01 unless the special requirements for a particular special exception use require different provisions. In such cases, the special use provisions shall apply and control.

16.12<sup>8</sup> General Requirements

- (a) There shall be a landscaped border along all perimeter side and rear lot lines not less than eight feet in width containing appropriate evergreen trees planted at least four feet in height and spaced at a separation distance which provides for visual screening and the growth of the plantings or a combination of evergreen trees, shrubs, deciduous trees and fencing approved by the Planning and Zoning Commission. The Planning and Zoning Commission may modify this requirement if it finds that existing foliage or natural conditions are sufficient to constitute a screen, or for any other good reason.
- (b) The front yard shall be landscaped sufficiently to provide a pleasing appearance. At minimum, a 10-foot wide landscaped area will be provided along the street frontage. This area shall be landscaped at the rate of one (1) shade or ornamental tree and five (5) shrubs per 50 linear feet of frontage excluding driveway openings.
- (c) Vehicle parking shall be provided in accordance with the requirement set forth in Article IV, Section 9, of these regulations.
- (d) No exit or entrance driveway shall be closer than 100 feet to a road intersection unless a lesser distance is approved by the Planning and Zoning Commission.

16.13 Permitted Uses<sup>9</sup>

Subject to the provisions of 16.06 of this section and Article II, Section 21 of

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<sup>4</sup> Rev. 02/20/13; effective 03/18/13

<sup>5</sup> Rev. 02/20/13; effective 03/18/13

<sup>6</sup> New 02/20/13; effective 03/18/13

<sup>7</sup> Rev. 02/20/13; effective 03/18/13

<sup>8</sup> Rev. 02/20/13; effective 03/18/13

<sup>9</sup> Rev. 10/04/06, effective 10/25/06

these regulations the following industrial, commercial and technical uses are permitted as a principal use:

- (a) Light industrial uses.<sup>10</sup>
- (b) Manufacturing, processing and assembly of materials, compounding, treatment and similar uses.<sup>11</sup>
- (c) Wholesale trade and storage.
- (d) Warehousing
- (e) Construction including building and special trade contractors.
- (f) Business service offices such as advertising, credit reporting and collection, mailing, reproduction, and stenographic services, computer and data processing services.
- (g) Engineering and management services such as engineering and architectural services, accounting and auditing, research, testing and management and public relations.
- (h) Corporate headquarters and/or offices associated with business or industry otherwise permitted in the Industrial zone.
- (i) Public utility buildings, structures and uses.<sup>12</sup>
- (j) 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.<sup>13</sup>
- (k) 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.<sup>14</sup>
- (l) Radio and television broadcasting studios,<sup>15</sup> or studios for audio or video production, recording, editing or related activities.<sup>16</sup>
- (m) All facilities described in (k) and (l) above shall be in accordance with the requirements of Article IV, Section 19.

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<sup>10</sup> Rev. 3/1/04, effective 3/20/04

<sup>11</sup> Rev. 3/1/04, effective 3/20/04

<sup>12</sup> Rev. 10/02/89

<sup>13</sup> Rev. 10/20/97, effective 11/11/97

<sup>14</sup> Rev. 10/20/97, effective 11/11/97

<sup>15</sup> Rev. 07/06/04, effective 07/27/04

<sup>16</sup> Rev. 08/09/10, effective 09/01/10

- (n) Restaurant<sup>17</sup>
- (o) Tennis and badminton courts - indoor and outdoor, including club and spectator facilities.<sup>18</sup>
- (p) Skating rinks - indoor and outdoor, including club and spectator facilities.<sup>19</sup>
- (q) Health and recreation facilities and clubs – indoor and outdoor.<sup>20</sup>
- (r) Hotel and motel with not less than 16 rentable sleeping accommodations. Hotels and motels may include one or more of the following facilities if developed as a complex on a lot of single ownership:<sup>21</sup>
  - 1. Restaurant
  - 2. Banquet hall
- (s) Golf driving ranges - indoor and outdoor, including related facilities. All greens and fairways shall be located so that golf balls will not be played into residential premises.<sup>22</sup>
- (t) Miniature golf and/or batting cages - indoor and outdoor, including related facilities.<sup>23</sup>
- (u) Self storage facilities<sup>24</sup>
- (v) Brewery, brewpub and brewpub/restaurant<sup>25</sup>
- (w) The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture<sup>26</sup>, and Hydroponics.<sup>27</sup>

16.14 Retail Sales Restriction

No retail sales or service business shall be carried on unless the retail trade is customarily incidental to, and subordinate to, the principal use.

16.15 Special Exception Uses

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<sup>17</sup> Rev. 02/20/13; effective 03/18/13

<sup>18</sup> Rev. 02/20/13; effective 03/18/13

<sup>19</sup> Rev. 02/20/13; effective 03/18/13

<sup>20</sup> Rev. 02/20/13; effective 03/18/13

<sup>21</sup> Rev. 02/20/13; effective 03/18/13

<sup>22</sup> Rev. 02/20/13; effective 03/18/13

<sup>23</sup> Rev. 02/20/13; effective 03/18/13

<sup>24</sup> Rev. 02/20/13; effective 03/18/13

<sup>25</sup> Rev. 01/21/15, effective 02/13/15

<sup>26</sup> Rev. 03/16/15, effective 04/01/15

<sup>27</sup> Rev. 01/21/15, effective 02/13/15

Certain uses are deemed appropriate in industrial zones but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission or by the Zoning Board of Appeals as designated after a public hearing and a finding that the use is appropriate at the proposed location. Said Commission or Board may impose reasonable safe-guarding conditions on any special exception use by reason of the nature, location and incidence of the particular use. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.<sup>28</sup>

16.15.01<sup>29</sup> Uses set forth in 16.15.01 shall require approval from the Zoning Board of Appeals after a public hearing.

(a) Carnivals and circuses

May be conducted at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.

(b)<sup>30</sup> Day care centers

Adult day care centers subject to the provisions contained in Article IV Section 18.

Child day care centers subject to the provisions of Article IV, Section 10.

16.15.02<sup>31</sup> Uses set forth in 16.15.02 shall require approval from the Planning and Zoning Commission after a public hearing.

(a) All uses which include development on a site which is four (4) acres or larger in size.

(b) All uses which require automobile parking spaces in excess of 60 spaces.

(c) Schools<sup>32</sup> and places of worship<sup>33</sup> may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

(d) School bus parking<sup>34</sup>

Before approving a use of school bus parking, the Planning and Zoning Commission shall find that the use will not cause traffic congestion in the

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<sup>28</sup> Rev. 11/03/03, effective 11/28/03

<sup>29</sup> Rev. 02/20/13; effective 03/18/13

<sup>30</sup> Rev. 12/04/89

<sup>31</sup> Rev. 02/20/13; effective 03/18/13

<sup>32</sup> Rev. 11/23/96

<sup>33</sup> Rev. 09/15/08, effective 10/05/08

<sup>34</sup> Rev. 10/04/06, effective 10/25/06

streets, traffic hazards or nuisance to residential areas.

Special requirements for school bus parking use:

The minimum lot size shall be three acres.

The parking area shall be constructed in accordance with requirements set forth in Article IV, Section 9, of these regulations.

No part of the parking area shall be less than 300 feet from a residential zone.

- (e) Multi-family historic mill conversion in accordance with the requirements of Article II, Section 9.14.03.<sup>35</sup>
- (f) Wireless telecommunications sites in accordance with the provisions of Article IV, Section 19.<sup>36</sup>
- (g) Heavy industrial uses<sup>37</sup>
- (h) Adult-Oriented Establishments<sup>38</sup>

Adult oriented establishments may be permitted subject to the criteria for special exceptions contained in Article IV, Section 20 of these regulations and the specific criteria established below:

1. No adult-oriented establishments shall be located within 1,000 feet of any school or child day care center. For the purposes of this section school shall mean a public or private school giving regular instruction at least five days a week for eight or more months per year, and shall also include schools, colleges, or establishments that provide specialized training such as business, art, music, dance, marshal arts training or similar activities whether public or private.
2. No adult-oriented establishments shall be located within 1,000 feet of any place of worship.
3. No adult-oriented establishments shall be located within 1,000 feet of any park, recreational facility, or library.
4. No adult-oriented establishments shall be located within 1,000 feet of any other adult-oriented establishment.
5. No adult-oriented establishments shall be located within 500 feet of any residentially used or zoned lot or parcel.

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<sup>35</sup> Rev. 10/02/89

<sup>36</sup> Rev. 10/20/97, effective 11/11/97

<sup>37</sup> New 3/01/04, effective 3/20/04

<sup>38</sup> Adopted 9/06/2006, effective 9/14/2006

6. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult oriented establishment is located to the nearest point of the parcel or property from which the adult-oriented establishment is to be separated.
7. No building may contain more than one adult-oriented establishment.
8. No adult-oriented establishment shall be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities or specified anatomical areas, nor the display of any adult material, from any public way.
9. Every adult-oriented establishment shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.
10. The operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate everyplace to which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
  - (i) Bulk oil storage - in accordance with the requirements set forth in Article IV, Section 5.03.03, of these regulations.<sup>39</sup>
  - (j)<sup>40</sup> Automobile sales - in accordance with the requirements set forth in Article IV, Section 5, of these regulations and subject to the following additional special requirements:
    1. The coverage of land by buildings shall not exceed 60 % of the lot area.

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<sup>39</sup> Rev. 05/07/12, effective 05/30/12

<sup>40</sup> Rev. 05/07/12, effective 05/30/12



2. There shall be a landscaped border not less than eight feet in width containing appropriate evergreen trees or appropriate evergreen species spaced at four feet intervals, not less than four feet high at the time of planting along all side and rear lot lines.<sup>41</sup>
3. The Planning and Zoning Commission may modify the requirements of paragraph (2) if it finds that existing foliage or natural conditions are sufficient to constitute a screen or for any other good reason.
4. Notwithstanding the nature of use, the front yard shall be landscaped sufficiently to provide a pleasing appearance.

(k)<sup>42</sup> Automobile repair and service garage or shop

Subject to the requirements of Article IV, Section 5, of these regulations.

(l)<sup>43</sup> Banquet Hall

1. Automobile parking for Banquet Hall use shall be provided in accordance with the requirements set forth in Article IV, Section 9.03.03 of these regulations.

(m)<sup>44</sup> Outdoor entertainment under a permitted Banquet Hall use provided that:

- (a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;
- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;
- (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

(n) Cannabis cultivator or micro-cultivator provided that:

(a) No cannabis establishment shall be located within 500 feet of a school, or within 200 feet of a religious institution, charitable institution, hospital, or veterans' home.

(b) No cannabis establishment shall operate beyond the hours of 8:00am

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<sup>41</sup> Rev. 10/04/06, effective 10/25/06

<sup>42</sup> Rev. 05/07/12, effective 05/30/12

<sup>43</sup> New 05/01/17, effective 05/17/17

<sup>44</sup> New 05/01/17, effective 05/17/17

to 10:00pm Monday through Friday and 10:00am to 6:00pm on Sundays.

16.16 Accessory Uses

The following accessory uses are permitted if such use is incidental to and subordinate to the principal use:

- (a) Vehicle parking in accordance with Article IV, Section 9.
- (b) Garages
- (c) Maintenance buildings
- (d) Radio Antennae
- (e) Signs in accordance with Article IV, Section 13.
- (f) Child day care centers in accordance with Article IV, Section 10.01.03 through 10.01.06. As an accessory use, a child care center shall only enroll children of employees or provide day care services for the tenants or clients of the principal use.<sup>45</sup>
- (g)<sup>46</sup> The sale of alcoholic beverages indoors in specially permitted recreation facilities under a restaurant permit, café permit or club permit as defined by Connecticut Statutes. Any such facility serving alcoholic beverages shall have parking spaces as required under Article IV Section 9 of these regulations relating to the area of customer service or assembly for restaurants and shall comply with the applicable requirements of Article IV Section 8 of these regulations.
- (h) Accessory Outdoor Storage of Materials or Products provided that:<sup>47</sup>
  - 1. No materials, supplies or equipment (including trash removal facilities) shall be stored within a front yard.
  - 2. No materials, supplies or equipment (including trash removal facilities) shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials acceptable to the Director of the Planning Department and Chairman of the Planning and Zoning Commission , or within a chain-link fence enclosed with evergreen plantings sufficient to visually screen such areas so that the stored items are not visible to a person standing on any part of immediately adjacent sites or an adjacent public street at an elevation no greater than the elevation of the base of the items being viewed.

<sup>45</sup> Rev. 12/04/89

<sup>46</sup> Rev. 4/21/08, effective 5/15/08

<sup>47</sup> New 02/20/13; effective 03/18/13

3. The area of storage must be developed in manner required for parking lots in conformance with Article IV Section 9.
  - (i)<sup>48</sup> Walkways may be used for the sale and display of merchandise by business tenants of properties in the Industrial zone provided the location of the displays does not impede pedestrian movement by maintaining a minimum 4-foot clear pathway.
  - (j)<sup>49</sup> Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in an Industrial zone, provided the vendor has the permission of the property owner, obtains a vending permit from the Town of Manchester, and meets the following requirements:
    1. Vendors may not obstruct sidewalks, impede traffic, or create a traffic hazard.
    2. All items offered for sale shall be maintained within the tent, booth, cart or vehicle designated for such purpose, and signs must be on or inside the tent, booth, cart, or vehicle.
    3. All vendor tents, booths, carts, vehicles or any appurtenant structures must be self-contained as far as water, sanitary or other facilities and no connections to such facilities shall otherwise be permitted.
    4. All vendor tents, booths, carts, vehicles, or any appurtenant structures shall be removed from the property when the vendor is not in operation. The operation of any such business at any location shall not be conducted before 7:00 a.m. or after 9:00 p.m. on any day.
  - (k)<sup>50</sup> Yards, walkways, or parking lots may be used by business tenants of an Industrial zoned property or vendors for seasonal or special sales for a period not to exceed a total of 24 days annually, provided the tenant or vendor has the permission of the property owner and locates the display and sales area in a manner that does not impede traffic flow, and provides for the safe movement of pedestrians. Vendors who are not tenants will also need to obtain a Town of Manchester Vendor Permit.
  - (l) Solar Energy Systems in accordance with Article IV, Section 6.<sup>51</sup>

16.17 Prohibited Uses

The following processes and uses are specifically prohibited:

- (a) Residential use except as provided in Article II, Section 16.15.02 (e).<sup>52</sup>
- (b) Gasoline service stations.<sup>53</sup>

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<sup>48</sup> Rev. 07/06/16, effective 07/20/16

<sup>49</sup> Rev. 07/06/16, effective 07/20/16

<sup>50</sup> Rev. 07/06/16, effective 07/20/16

<sup>51</sup> Rev. 01/17/18, effective 02/02/18

<sup>52</sup> Rev. 02/20/13; effective 03/18/13

- (c) Ammonia, chlorine or bleaching powder manufacture.
- (d) Explosives manufacture and storage.
- (e) Sulphurous, nitric, picric, carboic or hydrochloric acids manufacture.
- (f) Gas manufacture.
- (g) Fat rendering in the manufacture of tallow, grease and oils.
- (h) Iron, copper, tin, zinc and lead smelting.
- (i) Refining and recovery of products from fish, animal refuse or offal.
- (j) Fertilizer manufacture except in connection with the operation of sewage disposal plants.
- (k) Any other trade, industry, process or use that is injurious, noxious, offensive or hazardous by reason of emission, of odor, dust, fumes, smoke, or other pollutants, noise and vibration.

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<sup>53</sup> Rev. 02/20/13; effective 03/18/13

## ARTICLE II ZONING USES

### Section 24 GENERAL BUSINESS ZONE<sup>1</sup>

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#### 24.00 Purpose

A General Business Zone is a mixed use district for general public shopping, services, entertainment and high density residential development.<sup>2</sup> The uses allowed in this zone are by virtue of being permitted uses or special exceptions as defined in these regulations, and no building or land shall be used and no building shall be erected or altered except in accordance with the provisions and uses set forth in this section.

#### 24.01 Permitted Uses

- 24.01.01 Retail Uses to include shops where articles are made or repaired and sold at retail on the premises, convenience stores.
- 24.01.02 Personal Services and personal service shops.
- 24.01.03 Office Uses
- 24.01.04 Alcoholic liquor sales subject to the provisions of Article IV, Section 8, of these regulations.
- 24.01.05 Restaurants, drive-in restaurants, sidewalk cafes (See Article II, Section 9.14.02), taverns, grills.
- 24.01.06 Hotels and motels, with not less than 16 rentable sleeping accommodations.
- 24.01.07 Newspaper and job printing.
- 24.01.08 Radio and television broadcasting studio.
- 24.01.09 Clubs and fraternal organizations.
- 24.01.10 Funeral parlor.
- 24.01.11 Public utility building, municipal building and uses.
- 24.01.12 Municipal parking lot.
- 24.01.13 Billiard or poolroom, bowling alley, theaters, and other similar indoor games and indoor recreational activities.
- 24.01.14 Tennis and badminton court, skating rink, health and recreation club, and similar recreational activities.

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<sup>1</sup> New: Adopted 06/05/00, effective 06/24/00

<sup>2</sup> Rev. 09/19/2016; effective 10/07/2016

- 24.01.15<sup>3</sup> Family day care homes conducted in a dwelling unit.
- 24.01.16<sup>4</sup> (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) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.
- 24.01.17 Brewpub/restaurant<sup>5</sup>
- 24.02 Special Exception Uses, subject to the requirements of the Special Exception Criteria of Article IV, Section 20
- 24.02.01 The following uses shall require special exception approval from the Planning and Zoning Commission:<sup>6</sup>
- (a) Bulk storage or warehouse and distribution for such commodities as food, furniture, hardware, and office supplies.
- (b) Light Industrial Facilities.
- (c) Self Storage Facilities.
- (d) Any permitted or special exception use which serves customers from drive through windows.
- (e) Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.
- (f) Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.
- (g) Schools and places of worship<sup>7</sup> may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.
- (h) Automobile sales - new and/or used.

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<sup>3</sup> Rev. 04/20/09, effective 05/10/2009

<sup>4</sup> New 11/03/03, effective 11/28/03

<sup>5</sup> New 01/21/15, effective 02/13/15

<sup>6</sup> Rev. 05/07/12, effective 05/30/12

<sup>7</sup> Rev. 09/15/08, effective 10/05/08

Automobile repair and service garage or shop.

Subject to the requirements of Article IV, Section 5, of these regulations.

A gasoline service station legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.

(i) Automobile wash establishment

Subject to the requirements of Article IV, Section 5, of these regulations.

(j)<sup>8</sup> Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

1. The aggregate of all building ground floor commercial uses shall not be less than 50% of the total ground floor uses for all buildings on the site

2. Building Height:

i. Maximum Eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet. Minimum height shall be 40 feet (minimum of three stories of residential use)

ii. Maximum height shall comply with GB zone requirements if more than one half mile from existing mass transit or if existing commercial space is less than 200,000 square feet. Minimum height shall be 30' (minimum of two stories of residential use).

3. Open Space: Open space on the site shall be provided for the use of residences as well as for the benefit and use of all users of the site. The following open space for the entire property shall be provided as follows.

i. Up to four residential stories – 250 square feet for each residential unit

ii. Each residential story in excess of four – 125 square feet for each residential unit.

iii. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants

1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, balconies, rooftop gardens or patios, etc.

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<sup>8</sup> Rev. 09/19/2016; effective 10/07/2016

2. Open space dedicated for residential tenants shall be located no greater than 100' from the nearest residential building or mixed use building containing residential units.
- iv. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.
  1. Such open space may include but not necessarily be limited to common plazas and sitting areas, central entertainment spaces, outdoor dining areas, and other spaces as the commission deems appropriate to satisfy the intent of this subsection.
  2. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.
4. Parking: Parking shall be provided in accordance with Article IV Section 9 except as follows:
  - i. For residential units on sites within a one half mile radius of existing mass transit and where the unit mix consists of 50% or more one bedroom units the minimum parking ratio shall be 1 space per dwelling unit.
  - ii. For all other residential sites, minimum parking shall be 1.5 spaces per dwelling unit
  - iii. No more than 1.5 spaces per dwelling unit may be reserved for the exclusive use of residential tenants.
  - iv. Parking for all other site uses shall comply with the GB zone.
  - v. The commission may approve a maximum 15% reduction in total required onsite parking if the site is within one quarter mile of existing mass transit and upon the preparation and review by the commission of a parking plan prepared by a traffic engineer licensed in the State of Connecticut.
  - vi. Site driveways shall be completely connected and integrated between all site uses and features. Residential circulation shall not be disconnected from overall site vehicular circulation and parking areas.
5. Building Design Standards:
  - i. Façade Length and Articulation - Buildings or portions of a building with front elevations of over 50 feet in width shall be divided into smaller parts through such means as variation in wall plane articulation or the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 100 feet in length. For buildings exceeding four stories in height there shall be a distinct change in façade



treatment at the 3rd or 4th floor. This treatment may include building step backs or architectural treatments such as cornices or other horizontal architectural features along the entire length of the building façade.

- ii. Building Entrances - Every building should have a primary entrance facing a street, primary drive or a civic space.
- iii. Incorporate Architectural Features – To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches should be used.
- iv. Transparency - Transparency is the percentage of windows, doors, or other openings that cover a ground or upper story facade. Openings shall be proportional to facade length and height. For non-residential first floor uses not including under building parking, a minimum transparency of 20% of the façade and a maximum of 80% of the façade on the ground floor, and a minimum of 20% of the façade and a maximum of 70% of the façade above the ground floor is required. For ground floor residential uses a minimum transparency of 10% of the façade and a maximum of 40% of the façade on the ground floor, and a minimum of 10% of the façade and a maximum of 70% of the façade above the ground floor is required.
  5. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
  6. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
  7. All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.
  8. Ground level parking under buildings is prohibited within 20' of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3' high wall from ground level. Transparency shall be

between 20% and 70% of the ground floor façade facing public spaces, primary drives and where visible from a public street. Openings may consist of open façade walls, grills, grates or other semi open architectural features. Other site screening elements such as berms, fences and landscape shall be employed where appropriate.

- v. Roof Features - Long unbroken expanses of roofs shall be avoided though the use of dormers, skylights, chimneys and changes in ridge line.
- vi. Rooftop Equipment - Accessory rooftop equipment shall not extend more than four (4) feet above the allowed building height provided it is set back from the exterior wall(s) by at least 10 feet, and is enclosed or screened by a parapet or with materials compatible with the building so as not to be visible from the ground. Accessory equipment shall not exceed 20% of the roof area. Where head house structures are necessary, they shall not exceed eight (8) feet in height, be setback from the exterior wall(s) by at least 10 feet, and shall not exceed 20% of the roof area.

#### 6. Control of Certification of Occupancy

- i. The issue of Certificates of Occupancy shall be limited to 80 per cent of the number of dwelling units contained in the project until:
- ii. All improvements covered by the financial guarantee have been completed to the satisfaction of the Town;
- iii. Plans showing correct location and depth of all utilities within the development, certified by an engineer, have been received and accepted by the Town.

(k)<sup>9</sup> Outdoor entertainment provided that:

- (a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;
- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;
- (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or

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<sup>9</sup> New 02/13/17, effective 03/01/17

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school.

(l)<sup>10</sup> Outdoor go-kart track, using either electric or gas go-karts, for rental by the public.

(m)<sup>11</sup> Multi-family hotel/motel conversion in accordance with the requirements of Article II, Section 9.14.05.

(n) Cannabis retailer, dispensary facility, or hybrid retailer provided that:

(a) No cannabis establishment shall be located within 500 feet of a school, or within 200 feet of a religious institution, charitable institution, hospital, or veterans' home.

(b) No cannabis establishment shall operate beyond the hours of 8:00am to 10:00pm Monday through Friday and 10:00am to 6:00pm on Sundays.

24.02.02 The following uses shall require special exception approval from the Zoning Board of Appeals:<sup>12</sup>

(a) Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18.

(b) Child day care center and group day care home

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.

(c) Carnivals and circuses

May be conducted at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.

24.02.03 Group dwellings may not be built in General Business zones but group dwellings lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.<sup>13</sup>

24.03 Use Provisions

All uses shall be subject to the following:

(a) Article II, Section 9, of these regulations;

(b) No principal or accessory use shall be detrimental to public welfare by reason

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<sup>10</sup> New 03/06/17, effective 03/23/17

<sup>11</sup> New 07/07/21, effective 08/01/21

<sup>12</sup> Rev. 05/07/12, effective 05/30/12

<sup>13</sup> Rev. 09/19/16; effective 10/07/16

of noise, vibration, smoke, dust, fumes or odor.

24.04 Height, Stories and Area

Maximum stories in building	3
Maximum height of principal building	50 feet <sup>14</sup>
Maximum height of accessory building or structure	18 feet
Minimum front yard for permitted uses	25 feet
For height of residential buildings see section 24.02.01 j.2 <sup>15</sup>	

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<sup>14</sup> Rev. 09/19/2016; effective 10/07/2016

<sup>15</sup> Rev. 09/19/2016; effective 10/07/2016