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[1] Accessory Apartment or Accessory Dwelling Unit (ADU)[2] – a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations.

Accessory Use[3] - 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.[4]

Adult Bookstore:[5] 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:[6] 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.

[1] Rev. 10/20/86
[2] Adopted 11/15/2021; effective 12/06/2021
[3] Rev. 01/17/18, effective 02/02/18
[4] Rev. 01/07/13, effective 01/28/13
[5] Adopted 9/6/2006, effective 9/14/2006
[6] Adopted 9/6/2006, effective 9/14/2006

Adult Entertainment:[7] 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, removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Adult Material:[8] 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:[9] 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:[10] 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:[11] see Connecticut General Statutes Section 1-1(q), or as amended.

Agri-Tourism:[12] 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,

[7] Adopted 9/6/2006, effective 9/14/2006
[8] Adopted 9/6/2006, effective 9/14/2006
[9] Adopted 9/6/2006, effective 9/14/2006
[10] Adopted 9/6/2006, effective 9/14/2006
[11] Adopted 1/23/2019, effective 2/8/2019
[12] Adopted 1/23/2019, effective 2/8/2019

historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.

Low-Impact Agri-tourism:[13] 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:[14] 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[15] – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics[16] – 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". [17]

Awning[18] – A protective, roof-like covering, as over a window or storefront.

[13] Adopted 1/23/2019, effective 2/8/2019
[14] Adopted 1/23/2019, effective 2/8/2019
[15] Adopted 01/21/15, effective 02/13/15
[16] Adopted 01/21/15, effective 02/13/15
[17] Rev. 3/19/85
[18] Adopted 01/17/18, effective 02/02/18

B Banquet Hall[19] – A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event or function, that is not open to the general public, whether or not a fee is charged.

Bed and Breakfast Inn[20] - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

Brewery[21] – 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[22] – 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[23] – 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.

[19] Adopted 05/01/17, effective 05/17/17
[20] Rev. 10/17/94, effective 11/8/94
[21] Adopted 01/21/15, effective 02/13/15
[22] Adopted 01/21/15, effective 02/13/15
[23] Adopted 01/21/15, effective 02/13/15

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

C Cannabis establishment[24] – 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.

[24] Adopted 12/13/2021, effective 01/03/2022

Micro-cultivator – a person or entity licensed 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[25] - 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.

Character[26] – The sum of the objective qualities of a neighborhood, district, or property as defined by its physical characteristics, including but not limited to building height and size, building placement and lot coverage, natural features and open spaces, mix of land uses, and architectural style.

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.[27]

[25] Rev. 8/15/94
[26] Adopted 11/15/2021; effective 12/06/2021
[27] Rev. 7/9/03, effective 7/29/03

Commission shall mean the Planning and Zoning Commission of the Town of Manchester.[28]

Community Garden or Urban Farm:[29] 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[30] – A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations may include sleeping, eating, and recreation.

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.[31]

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.[32]

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.[33]

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.[34]

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.[35]

[28] Rev. 10/1/85
[29] Adopted 1/23/19, effective 2/8/19
[30] Adopted 5/20/19, effective 6/7/19
[31] Adopted 5/3/99, effective 6/7/99
[32] Adopted 5/3/99, effective 6/7/99
[33] Adopted 7/9/03, effective 7/29/03
[34] Rev. 10/1/85
[35] Rev. 12/4/89

Day Care Center, Child - A facility licensed by the State of Connecticut[36] 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.[37]

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, including school vacations but excluding summer recess. The provider's own school age children are included in this count.[38]

Day Care Home, Group - A facility licensed by the State of Connecticut[39] (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.[40]

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.[41]

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.[42]

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.[43]

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

[36] Rev. 4/19/99, effective 5/7/99
[37] Rev. 10/2/89
[38] Rev. 12/4/89
[39] Rev. 4/19/99, effective 5/7/99
[40] Rev. 12/4/89
[41] Rev. 10/1/85
[42] Rev. 10/1/85
[43] Rev. 10/1/85

transfers electric energy to a battery or other energy storage device in an electric vehicle.[44]

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.[45]

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).[46]

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.[47]

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

F[48] Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center[49] - 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:[50] A tract of land used principally for agriculture, with or without an associated residential dwelling.

Farm Brewery:[51] 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:[52] as provided in Zoning Regulations Article II, Section 1.03(n): A temporary roadside stand for sale of agricultural produce grown on the premises.

[44] Adopted 02/17/21, effective 03/10/21
[45] Adopted 02/17/21, effective 03/10/21
[46] Adopted 02/17/21, effective 03/10/21
[47] Rev. 10/1/85
[48] Rev. 5/15/00 (deleted floor area definition)
[49] Rev. 9/3/97, effective 9/23/97
[50] Adopted 1/23/19, effective 2/8/19
[51] Adopted 1/23/19, effective 2/8/19
[52] Adopted 1/23/19, effective 2/8/19

Farm Winery:[53] 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:[54] 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 produced by the participating farmers with the sole intent and purpose of generating a portion of household income."

Floor Area, Gross – The gross area or 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 meaning as gross floor area unless otherwise noted. [55]

Floor Area, Gross Leasable – 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. [56]

Floor Area, Net[57] – The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

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[58] Go-kart – A small, light, low-slung, four-wheeled vehicle, powered by a gasoline or an electric engine, used for racing or recreation.[59]

[53] Adopted 1/23/19, effective 2/8/19
[54] Adopted 1/23/19, effective 2/8/19
[55] Rev. 5/15/00, effective 6/3/00
[56] Rev. 5/15/00, effective 6/3/00
[57] Adopted 11/15/2021, effective 12/06/2021
[58] Rev. 11/15/2021, effective 12/06/2021 (Gross Floor Area and Gross Leasable Floor Area definitions moved to F)
[59] Adopted 3/6/17, effective 3/23/17

Go-kart Track – A closed, paved racetrack for go-karts.[60]

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.[61]

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.[62]

H[63] Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.[64]

Heavy Industrial[65]: 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.[66]

[60] Adopted 3/6/17, effective 3/23/17
[61] Rev. 10/1/85
[62] Rev. 5/15/00, effective 6/3/00
[63] Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)
[64] Adopted 7/9/03, effective 7/29/03
[65] Adopted 3/1/04, effective 3/20/04
[66] Rev. 07/18/16, effective 08/10/16

Horticulture[67] - 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[68] – 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.[69]

Inn[70] – 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.

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.[71]

L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.[72]

Light Industrial[73] - 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.[74]

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

[67] Adopted 3/16/15, effective 4/1/15
[68] Adopted 01/21/15, effective 02/13/15
[69] Rev. 10/1/85
[70] Adopted 5/2/16, effective 5/18/16
[71] Adopted 5/3/99, effective 6/7/99
[72] Adopted 3/2/15, effective 3/20/15
[73] Revised 3/1/04, effective 3/20/04
[74] Adopted 5/3/99, effective 6/7/99

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.[75]

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.[76]

M Major Automobile Repair[77] – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Memorial Garden[78] - 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[79] – 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.[80]

[75] Rev. 10/20/86
[76] Rev. 8/7/78
[77] Rev. 3/3/08, effective 3/22/08
[78] Rev. 8/15/94
[79] Rev. 3/3/08, effective 3/22/08
[80] Rev. 12/4/89

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.[81]

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.[82]

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.[83]

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.[84]

Principal Structure – A structure in which is conducted the principal use of the lot on which it is located.[85]

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.

[81] Adopted 02/13/17, effective 03/01/17
[82] Adopted 7/9/03, effective 7/29/03
[83] Adopted 5/3/99, effective 6/7/99
[84] Adopted 1/17/01, effective 2/6/01
[85] Adopted 01/07/13, effective 01/28/13

Restaurant - An establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises.[86]

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.[87]

Restrictive Conservation Easement (RCE)[88] - 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 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.[89]

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 Outdoor Dining Area – A portion of an eating establishment that is located outdoors temporarily during the permitted months and removed for the remainder of the year, which provides outdoor food and beverage service as an accessory use to the permitted food establishment.

Seasonal Vestibule:[90] 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.[91]

[86] Rev. 5/17/93
[87] Rev. 5/17/93
[88] Rev. 4/1/02, effective 4/23/02
[89] Adopted 5/3/99, effective 6/7/99
[90] Adopted 2/5/18, effective 2/20/18

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.[92]

Sex Shop:[93] 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.

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.[94]

~~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.[95]

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[91] Rev. 10/1/85
[92] Adopted 5/3/99, effective 6/7/99
[93] Adopted 9/6/2006, effective 9/14/2006
[94] Rev. 10/20/86
[95] Adopted 11/03/03, effective 11/28/03

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.[96]

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.[97]

Solar Energy Systems[98] - 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 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).[99]

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

[96] Rev. 10/1/85
[97] Rev. 10/1/85
[98] Adopted 01/17/18, effective 02/02/18
[99] Rev. 5/15/78

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

Studio: The workshop of an artist, sculptor, photographer or craftsperson.[100]

Surety means a corporate surety company licensed to do business in the State of Connecticut.[101]

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.[102]

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.

W Warehousing[103] - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

[100] Adopted 5/3/99, effective 6/7/99
[101] Rev. 10/1/85
[102] Adopted 7/9/03, effective 7/29/03
[103] New 10/04/06, effective 10/25/06

9.00 The requirements set forth in this section shall apply to all business zones.

9.01 Uses

9.01.01 The principal uses in business zones are commercial, devoted mainly to retail trading and service although some business zones allow other uses. All uses are set forth in each business zone category and may be established and conducted by virtue of being either a permitted use or special exception as designated.

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

9.02 Compliance with Zoning

No business 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.

9.03 Building Permits

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

9.04 Provision of Public Improvements

9.04.01 When a site is developed for business 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 Commission.

9.04.02 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 Commission.

9.05 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.

[1] adopted 05/03/99, effective 06/07/99

9.06 Yard Requirements When Abutting Residential Zones

Notwithstanding the provision for yards in a business zone, all lots, parcels, sites or tracts shall be developed so as to provide side and rear yards equal to the side yards and rear yards of any abutting residential zone.

9.07 Residential Zone Screening

9.07.01 Developed business premises shall screen adjoining residential zones with a landscaped border not less than 8 feet wide. Along all parking areas and drives this border shall be designed to screen these facilities from view and to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Article IV, Section 9.02.05.

The landscaped 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 feet in height at a separation distance which provides for growth of the planting and visual screening.

If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or unfinished poured or precast concrete shall not be acceptable finishes.

Fencing shall be required when landscaping and grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. Fences shall be installed in accordance with the requirements of Article II, Section 1.03.05[2]. The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.

All trees and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections. The sight distance triangle shall be as defined in the Town of Manchester "Public Improvement Standards."

9.07.02 If the adjoining lot contains a residence, a light-proof fence constructed of wood shall be installed in addition to the trees to prevent automobile headlights from causing a nuisance to the adjoining residents. The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.

9.08 Yard and Building Lighting

[2] Rev. 10/04/06, effective 10/25/06

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.

9.09 Access to Premises

9.09.01 Access to the 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 business area, and no ingress or egress through residentially zoned land shall be used.

9.09.02 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 turnabout of emergency vehicles.

9.10 Automobile Parking

Automobile parking shall be provided in accordance with the requirements set forth in Article IV, Section 9, of these regulations. A developer shall obtain approval of site drainage plans from the director of public works.

9.11 Alcoholic Liquor Sales

The sale of alcoholic liquor where permitted shall be in accordance with the requirements set forth in Article IV, Section 8, of these regulations.

9.12 Public Sanitary Sewer and Water

All shopping centers, hotels and motels shall have public sanitary sewer and water.

9.13 Accessory Uses

9.13.01[3] [4] An accessory use is a use of land or building which is incidental, customary and subordinate to the principal use. The following accessory uses are permitted:

- Automobile garages
- On-site vehicle parking and yard illumination
- Maintenance buildings
- Radio and television antennae
- Signs in accordance with Article IV, Section 13, of these regulations
- Rubbish bins and enclosures
- Incinerators - subject to approval by the health director
- Public utility buildings and structures
- Horticultural land use
- Exhibitions, shows and public amusements in accordance with Town Ordinance Chapter 10

[3] Rev. 07/06/16, effective 07/20/16
[4] Rev. 01/17/18, effective 02/02/18

- Solar energy systems in accordance with Article IV Section 6
- Electric vehicle charging stations in accordance with Article IV, Section 24.[5]
- Seasonal Outdoor Dining Areas in accordance with Article IV, Section 23.

9.13.02[6] Walkways may be used for the sale and display of merchandise by business tenants of properties in business zones provided the location of the displays does not impede pedestrian movement by maintaining a minimum ~~4~~5-foot clear pathway.

9.13.03[7] Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in a business 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.

9.13.04[8] Yards, walkways, or parking lots may be used by business tenants of a business 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.

9.14 Special Exception Uses

9.14.01 Certain uses are deemed appropriate in business 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 in the zoning district regulations. Special exception uses shall be subject to the Requirements of the Special Exception Criteria and Application Requirements of Article IV, Section 20.

9.14.02[9] [10] The following uses shall require special exception approval from the Planning and

[5] Adopted 02/17/21, effective 03/10/21
[6] Rev. 07/06/16, effective 07/20/16
[7] Rev. 07/06/16, effective 07/20/16
[8] Rev. 07/06/16, effective 07/20/16
[9] Rev. 7/21/14, effective 8/1/14

Zoning Commission unless approval is required from the Zoning Board of Appeals:

(a) All uses which include development on a site which is four (4) acres or larger in size.[11]

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

(c) All uses which require loading docks or bays in excess of seven (7).[12]

(d) Outside storage of merchandise, or other use of an open lot, shall require the area of storage or use to be developed in a manner required for parking lots in conformance with Article IV, Section 9, except that a fully bermed landscaped border not less than eight feet wide shall be constructed along all sides of any lot which abuts a public street.

(e) Wireless telecommunication facilities in accordance with the provisions of Article IV, Section 19.

(f) Ground-mounted solar energy systems that exceed 600 sq. ft.[13]

9.14.03 Multi-family historic mill conversion special exception

(a) Purpose

1) The purpose of this special exception is to allow development which will protect, preserve, and enhance the unique historical and architectural qualities of historic mill structures and provide a redevelopment potential for residential uses.

2) A multi-family mill conversion special exception shall be established with a view toward conserving and preserving the value of historic mill buildings, and encouraging the most appropriate use of those structures, and with reasonable consideration as to the character of the neighborhood. The multi-family mill conversion special exception shall allow for a multi-family use and a development density which is suitable for the particular site.

3) Such development shall promote the educational, cultural, economic, and general welfare of the citizens of Manchester through the preservation and protection of the distinctive characteristics of mill buildings significant to the history of the Town of Manchester and through the maintenance and improvement of sites for such buildings and places.

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[10] Rev. 07/06/16, effective 07/20/16
[11] Rev. 11/03/03, effective 11/28/03
[12] Rev. 06/06/22, effective 06/27/22
[13] Rev. 01/17/18, effective 02/02/18

Use and reuse of properties shall be developed to allow safe access and movement of pedestrians and vehicles; stabilize, improve, and protect property values; strengthen the local economy; and promote and protect the public health, safety, and welfare.

4) The nature of multi-family historic mill conversion special exception is such that design and development may vary for different sites. The multi-family use is subject to the requirements which are set forth in this section and no mill buildings shall be used or erected nor land used except as provided in this section.

9.14.03 (b) Criteria for Approval of the Special Exception

Prior to the approval of a special exception, the applicant must show that the special exception, proposed use and proposed general plan of development shall comply with the following criteria:

1. An historic mill structure within the Town of Manchester shall have previously been recognized by the United State Department of Interior and/or the office of State Historic Preservation of the State of Connecticut, or is recognized by the Town of Manchester in its General Plan of Development as a historic mill structure.

2. The proposed plan of development shows a more appropriate and beneficial use of the land and structure thereon.

3. The proposed use shall be compatible with the character of the neighborhood.

4. The proposed use shall allow the land and structures thereon to retain the historic qualities which allow the Town to maintain a significant reference to its past.

5. This special exception shall apply to only those historic structures as herein defined containing 10,000 square feet or more of useable space.

6. The Commission shall further consider the basic design of the proposed use, buildings or development; the relationship between the buildings and the land; the relationship between the use and between buildings or structures; the overall physical appearance of the proposed use, building or development; and its subsequent compatibility with surrounding development and the neighborhood.

7. The Commission shall also consider the type, size and intensity of the proposed use and compatibility with the adopted town Plan of Development, adjacent zones, and the neighborhood.

8. This special exception shall apply only to a multi-family use and may or may not be deemed appropriate at every or any location therein or without restrictions or conditions being imposed. The Commission may

impose reasonable conditions by reason of the natural location and incidence of the use. In addition to the standards imposed in any referenced section of these regulations as to this particular use, the applicant must comply with these additional conditions as they may apply to the specific use proposed:

a. The use will not create or aggravate a traffic hazard, fire hazard, or panic hazard.

b. The use will not block or hamper the town pattern of highway circulation.

c. The use will not tend to depreciate the value of property in the neighborhood, or its residences or alter the neighborhood's essential characteristics.

d. The use will not obstruct light or air.

e. The use will not create the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities.

f. The extent, nature and arrangement of parking facilities, entrances, and exits are appropriate for the use.

g. There is adequate public sanitary sewer and water available.

h. The use conforms with the Town of Manchester's Plan of Development and other applicable laws, codes or ordinances.

9. Accessory uses will be permitted including but not limited to:

Radio and television antennae; signs; maintenance and elevator buildings; vehicle parking areas and parking structures for residents, customers, visitors and employees of the uses conducted and for which the parking use is appurtenant.

Family day care homes conducted in a dwelling unit will be permitted.

9.14.03 (c) Building Rehabilitation Criteria

The exterior rehabilitation of all segments of the visible structure shall be subject to review and approval by the Commission at time of application. Furthermore, findings to the design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, commercial or other purposes and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas and produces degeneration of property with deterioration of conditions in the area affecting the health, general safety and welfare of the community. Designs for exterior building rehabilitation shall

recommend appropriate material, colors, etc. intended to maintain or restore the integrity of the original architectural character of a given structure. Property to be rehabilitated shall be required to meet the following level of rehabilitation:

1. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed unless specifically approved by the Commission. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

2. All buildings, structures and sites shall be recognized as products of their own time.

3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and shall be recognized and respected as such.

4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site as determined by the Commission shall be treated with sensitivity.

5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities to the extent possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

6. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

7. Modifications and additions to existing buildings shall not be discouraged when such modifications and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color and material of the structure and character of the property, neighborhood or environment.
8. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

9.14.03 (d) Site Development Criteria

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

Since prior building development has determined the character of the site, land development shall be consistent and shall be in harmony with the established physical relationship of existing buildings to land area. Such site area may be developed and used for the special exception use provided that the Commission finds that the site development plan for the lot or site area has been formulated and integrated in a proper manner with the adjacent developed lots with respect to height, building coverage, building line and building placement on the site and takes into consideration the criteria set forth in the following provisions:

1. Required Lot/Site Area

   Every lot to be utilized for a use or uses allowed in this zone shall have a minimum lot area no less than the lot of record in existence at the time of adoption of this regulation.

2. Height

   A. Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities including but not limited to radio and television antennae, air conditioners, ventilation, solar heating and elevator systems.

   B. New principal buildings shall not exceed the height of existing principal buildings adjacent to the new building or 40 feet, whichever is lower, provided the height complies favorably with the intent as set forth in this zone.

   C. New accessory buildings shall not exceed 18 feet in height.

3. Minimum Yards

   A. The minimum front yard and side yard requirements abutting public streets for new buildings shall be the same as the greatest existing front or side yard dimension on adjacent properties. Additions to existing buildings shall not encroach into those existing yard dimensions.

   B. The minimum requirement for all other side yards shall be fifteen feet or 60 percent of height of the principle building which ever is greater.

   C. The minimum requirement for all rear yards shall be 30 feet.

4. Site Development Requirements of the Multi-Family Structure

   A. Residential unit minimum floor area

      Units in a multi-family dwelling:

- Efficiency (no bedroom) - 400 square feet
- One bedroom unit - 650 square feet
- And for each bedroom in excess of one, add an additional 150 square feet.

B. Acoustic control shall be in accordance with Article II, Section 7.04.08 of these regulations.

C. Laundry facilities

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

5. Sidewalks and Curbs

The developer shall construct or reconstruct sidewalks and curbs to town standards along all sides of the site which abut a public road.

6. Site Drainage

A. The site shall be adequately drained to carry off storm water. The storm water drainage system shall meet the Town of Manchester "Public Improvement Standards".

B. Roof drainage pipes shall not discharge onto or across sidewalks, driveways, roadways or parking areas.

7. Roadways, Driveways

A. All private roadways, driveways and parking areas shall be:

(1) designed to facilitate traffic circulation and emergency vehicle movement including the provision of cul-de-sacs at all dead end drives;

(2) subject to modifications recommended by the cognizant fire chief and the traffic authority and required by the Commission.

B. All roadways which are proposed to become town-owned streets shall be constructed in accordance with the Town of Manchester "Public Improvement Standards".

C. Access to premises shall be from existing public streets which abut the premises.

D. All private roadways and driveways designed for vehicular traffic shall have the following minimum requirements:

- Two-way traffic	24 foot width
- One-way traffic	16 foot width

- One-way traffic with 45 deg. parking on one side	16 foot width
- One-way traffic with 60 deg. parking on one side	18 foot width
- One-way traffic with 90 deg. parking on one side or with 45 deg. parking on both sides	24 foot width
- Inside turning radius	30 feet

No parking within these minimum required widths or radii shall be permitted. Fire lanes shall be provided as required by the fire marshal. The applicant shall indicate on the plan the location of such lanes and shall provide all fire lane signs and markings as required.

8. Vehicle Parking, Off Street Parking and Loading

A. There shall be provided on the building site, one vehicle parking space for each studio or one-bedroom residential unit and 2 vehicle parking spaces for each residential unit with two or more bedrooms.[14]

(1) The vehicle parking area may be within the building, underground, elevated, or at grade level. Underground parking may be beneath open spaces.

(2) All driveways serving the parking areas shall be designed for safety and traffic maneuverability.

(3) Vehicle parking in the front yard shall be separated from the public sidewalk by a landscaped area not less than ten feet in width.

USE	PARKING REQUIREMENTS
Multi-family Units	1 space per studio or one-bedroom unit; 2 spaces per unit with two or more bedrooms[15]
Elderly/handicapped	As required by Article II, Section 20.04.03 of these regulations.

B. Off-street vehicle parking requirements

The off-street parking and off-street loading requirements set forth in this section shall be required for all uses, buildings, or structures.

Location of off-street parking spaces: All off-street parking spaces

[14] Rev. 11/15/2021, effective 12/06/2021
[15] Rev. 11/15/2021, effective 12/06/2021

required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Commission as part of an approved site development plan and provided the following requirements are met.

(1) All parking areas shall be located and designed to ensure a 15-foot distance between parked vehicles and principal buildings. The Commission may modify this requirement provided separation is provided through other means (planting, etc.) and approved by the Commission.

(2) Off-street loading space shall not be construed as supplying any required off-street parking space.

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

C. Development and maintenance of off-street parking areas or facilities

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

(1) Ingress and egress

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

(2) Walkways

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

(3) Screening and landscaping

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

(4) Lighting

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

(5) Collective provision

Nothing in these regulations shall be construed to prevent the collective use of off-street parking areas or facilities for two or more structures or uses, provided the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various structures or uses computed separately.

(6) Mixed occupancies and uses

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

(7) Joint use of off-street parking spaces

Specific and appropriate joint use of off-street parking spaces within the zone may be permitted by the Commission in response to a particular development situation, only after it has received a written agreement made between the use parties involved clearly stipulating the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

D. Off-street loading requirements

(1) On the same premises with every building or part thereof erected or occupied for a use or uses involving the receipt or distribution of materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and without encroachment on any off-street parking area.

(2) Such off-street loading space shall be provided as determined by the Commission based on building volume, location or particular use of the development.

9. Fire Protection

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

10. Noise Abatement

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

11. Utilities

    A. This special exception use shall have public sanitary sewer and public water.

    B. If improvements to the town water, sanitary or drainage system are necessary to accommodate sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the site development plan.

    C. All on site utilities such as electric power and cable television shall be underground.

    D. All engineering and construction shall be in accordance with the requirements of the Town of Manchester "Public Improvement Standards" current at the time of application for site development approval.

12. Proof of Land Interest/Restrictions

    A. The applicant or applicants seeking approval of a site development plan shall submit evidence of his interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.

    B. The developer will be responsible to obtain any covenants, easements or other provisions necessary for the development of the site prior to the application for a building permit or Certificate of Zoning Compliance.

    C. Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the Town of Manchester on said lands.

    D. All easements which are granted to the Town of Manchester shall be

not less than 20 feet wide.

13. Landscaping, Screening and Site Preservation

A. Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and site preservation is to enhance the visual quality of the area, to protect the integrity of the uses, and to preserve the historic environment. The development of a site shall be designed with adequate landscaping to complement the intended use of the site and to provide screening to adjacent existing and potential uses.

B. Landscape treatment shall consist of shrubs, ground cover, and trees. Existing trees shall be conserved and integrated into the landscape plan wherever possible. Small or inaccessible areas should be planted with a ground cover other than grass. On large sites the use of knolls, berms, etc. to visually break up large flat areas is encouraged. All new deciduous trees shall be a minimum of 2 to 2" inch caliper measured on foot above the root crown when planted and all evergreen trees shall not be less than 6 feet in height when planted unless otherwise noted or required by the Commission. All plant materials shall be selected on the basis of hardiness and appropriateness to its intended use. The landscaping on each site shall be maintained in good order, repair and condition.

C. Landscaping shall be designed to complement site areas such as pedestrian access, off-street loading areas, parking areas, the building perimeter, etc. All accessory uses and structures shall be landscaped appropriately to integrate those elements into an attractive plan of development. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of a developed site not covered by buildings, structures or paving shall be landscaped with ground cover, shrubs and trees.

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

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

(2) A minimum of ten percent of the total acreage, to include all yard areas if specifically approved by the Commission, shall be

provided as landscaped areas suitable for the safe play of children and/or the quiet relaxation of adults within the development. The Commission shall require the open area to be landscaped appropriately, taking into consideration the existing structure, the proposed use, the surrounding environment, and the open space available after development.

(3) All plants causing skin irritation or allergic reaction shall be eliminated.

E. Screening for specific accessory uses and structures

Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings. Screening for roof top equipment shall be designed as an integral part of the building.

F. Screening

Developed multi-family mill conversion premises shall screen adjoining residential zones by a fully bermed landscaped border of not less than eight feet in width. Such border shall be planted with appropriate screening trees and shrubbery including but not limited to Arborvitae, White Pine, Japanese Yew, etc., not less than three feet in height when planted and not more than four feet apart or as required by the Commission. For a distance of 25 feet from the street property line, the trees shall be maintained at a height of three feet for visibility purposes. The berm containing the landscaped border shall be placed to prevent automobiles from damaging the trees. The landscaped berm must be at least four feet in height with slopes not to exceed 3:1 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. Fencing in connection with the planting may be permitted or required by the Commission. The fence material and height must be approved by the Commission.

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

9.14.03 (e) Lighting

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

9.14.03 (f) Signs

1. Permitted Signs

A. No advertising signs shall be permitted other than those approved by the Commission. Unless otherwise specified elsewhere in this section all signs shall pertain to the principal use on the premises on which the sign is located and shall not include advertisement, identification, publicity or notice of goods, services, establishment, enterprises, activities, persons, organizations and facilities which are not located on the premises. Signs offering the site for sale or lease and construction signs shall be the exception. One freestanding construction sign not exceeding 32 sq. ft. to advertise a building project and one sign not exceeding four sq. ft. for each subcontractor shall be permitted. Such construction signs shall be removed immediately after the project has been completed. (In no event shall a construction sign be displayed for a time period exceeding 18 months.) Real estate signs as defined in Article IV Section 13.02 of these regulations offering individual units in a multi-unit project shall not be allowed.

B. Directional signs, public warning signs, and traffic control signs on a site shall be permitted with approval of the zoning enforcement officer. Signs identifying on-premises traffic, parking or other functional activity, such as lavatory facilities, telephone, signs denoting entrances, office, etc., bearing no commercial advertising shall be permitted. There shall be no more than one sign for each activity and each sign shall not exceed two square feet if wall-mounted and four square feet if freestanding.

C. A parking facility shall have no signs of any kind other than those specifically designating entrance, exit and conditions of use. Such signs shall not exceed five square feet in area each and an overall height above grade of six feet.

D. Historical interest signs providing information concerning the historical significance of the structure not exceeding four square feet shall be permitted.

E. Temporary signs no larger than twelve square feet advertising special events of charitable or public service groups shall be permitted with approval of the zoning enforcement officer provided

that such signs shall not be in place for more than three weeks and shall not be mechanical.

F. Signs on awnings shall be permitted provided that any sign so located shall be affixed flat to the surface thereof. No such sign shall extend vertically or horizontally beyond the limits of said awning or have a total area in excess of one-half a square foot for each lineal foot of the front on the awning. Such signs shall not be mechanical and shall not be illuminated.

2. Signs and identifications on buildings or building sites shall be as approved by the Commission. The design and color of signs shall be encouraged to be architecturally and historically appropriate to the building and of uniform design where appropriate.

3. Sign lighting by means of floodlighting or illumination as defined in Article IV, Section 13.04 shall be approved by the Commission. Light sources which cast light on signs shall be shielded so as not to be visible from off the property where they are located. Light sources and shields which are an integral part of the sign shall be subject to all regulations for the sign itself.

4. Signs, unless otherwise noted in this section or Article IV, Section 24.02, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a site development plan, may, in harmony with the provision of this section, require more stringent limitations for the permitted size, location and height provisions for a particular sign or group of signs. Signs may not revolve, simulate motion, flash, etc. Roof signs are not permitted. All projecting signs may extend a maximum of four feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign which extends over a walkway shall be at least seven feet above said walkway. All freestanding signs shall not extend beyond the property line of the lot on which they are located.[16]

5. Residential Signs

A. There shall be no more than one residential sign identifying the structure per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).

B. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not exceed 16 square feet. No wall-mounted sign shall project above the cornice line of the building on which it is located.

[16] Rev. 02/17/21, effective 03/10/21

C. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of four feet above grade and shall have a maximum size of 20 square feet. In lieu of a freestanding residential sign, a development that has a mixture of residential, commercial, and/or office uses shall be permitted to have a freestanding sign for identification purposes. Such sign shall not exceed a height of five feet above grade and shall have a maximum size of 25 square feet.

D. A projecting residential sign shall have an area not exceeding 12 square feet.

9.14.03 (g) Application Procedure and Criteria[17]

1. The applicant shall file an application for a multi-family mill conversion special exception, and a Preliminary Plan of Development for all of the property located within the proposed multi-family mill conversion special exception site. The Commission shall hold a public hearing on the Preliminary Plan of Development together with the special exception application as provided by the Connecticut General Statutes.

   The Commission then may grant the special exception and simultaneously approve, deny, or modify and approve the Preliminary Plan of Development. Approval of the application shall establish multi-family mill conversion special exception and shall permit the applicant and/or his assigns to proceed with completion of the development as set forth in the Preliminary Plan of Development subject to the provisions of these regulations, the subdivision regulations and the "Public Improvement Standards".

2. The Preliminary Plan of Development shall be schematic and shall consist on one or more maps at a scale of not less than 1"=100' prepared by a licensed professional in the appropriate discipline. The accompanying documents shall be in sufficient detail to indicate:

   A. Existing topography with five-foot contours, existing structures, existing roads and rights-of-way, boundary description of the site, and major topographic features (including wooded and open areas, slopes greater than fifteen percent, and inland wetlands and watercourses).

   B. The location of all proposed vehicular and pedestrian patterns (including location of driveways, public roads, parking areas, proposed open space and recreation areas and proposals for connection of roads and driveways within the site to the existing public road system. A report shall be included regarding existing

[17] Rev. 11/03/03, effective 11/28/03

traffic conditions and information on traffic generated by development of the proposed plan, and improvements necessary to accommodate the site's traffic on affected streets.

C. The proposed general system of utilities (including domestic water supply, fire protection, storm water drainage, and sanitary sewer). A statement of the projected impact on town water supply, drainage, and sanitary sewer systems including the identification of improvements to the system necessary to accommodate the proposed uses. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.

D. A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.

E. Where development within the site is to be in phases or units, the anticipated location and acreage of such phases or units.

F. Floor plans of each use and each building. In case of buildings designated for residential development, the floor plan and area of each type of living unit are required.

G. Exterior building elevations including the treatment of walls and finish materials. Exterior building elevations shall show all proposed utility structures, such as roof air conditioners/solar heating systems, exterior building materials, colors, and screening. The developer shall show compliance with the building rehabilitation criteria as set forth herein.

H. Proposed exterior physical modifications, additions, or demolition on appropriately scaled drawings of floor plans, elevations and sections shall be submitted. Such drawings shall indicate existing conditions, work to be removed or added and appropriate notes and dimensions. The developer shall show compliance with the building rehabilitation criteria as set forth herein.

I. A table showing uses, ratios, the square footage of areas designated for those uses, open space requirements and the number of parking spaces for this use, the number of units per building proposed and permitted/required number of dwelling units (type, floor area of units and buildings) and the number of bedrooms per unit.

J. The design of any sign showing size of the proposed sign, general configuration of lettering and/or symbols, material, color, type of construction, height, illumination, and such descriptive materials as may be necessary to fully explain the intent of the sign.

K. The details and location of the proposed sign in relation to the building and all property lines and the dimensions of the structures

on which the proposed sign is to be located.

3. Subsequent to approval of the Preliminary Plan the applicant shall submit the Detailed Plans which shall be approved by the Commission prior to the issuance of a building permit. Such plans shall be in conformance with the approved Preliminary Plan of Development, these regulations, the subdivision regulations, and the "Public Improvement Standards". An application for approval of a Detailed Plan shall include the following:[18]

   A. Site Information and Engineering Plan and Profile - a plan having a scale of not less than 1"=40' on 24" x 36" sheets showing:

      - an accurate description of the site prepared by a registered land surveyor
      - existing topographic and geographic features including contour lines at two foot intervals
      - existing structures and easements
      - proposed grading and contours at two foot intervals
      - proposed storm water drainage design and details
      - sanitary sewer and water details including connection points to existing systems
      - proposed septic system design and details
      - hydrant locations, existing and proposed
      - roadway and driveway locations and details

   B. Location Plan - a plan having a scale of not less than 1" = 40' on 24" x 36" sheets showing:

      - location of all principal buildings and accessory structures
      - roadway and driveway layout with proposed names
      - vehicle parking areas with number of spaces
      - landscaping with plant types, sizes and quantities
      - a table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings) parking, floor area ratios, distance between buildings and lot line, and the distance between buildings
      - circulation and access to building areas
      - sidewalks, pedestrian ways
      - exterior lighting and signs

   C. Building Plan - a plan indicating:

      (1) floor plan for each type of unit and each building

[18] Rev. 05/16/11, effective 06/13/11

(2) exterior building elevations showing the building finish materials and colors.

D. The Commission may require additional maps, plans, perspective drawings and other relevant documents and information deemed necessary. A traffic report regarding existing traffic conditions and projected traffic generation shall be required, or a certification shall be provided from a licensed traffic engineer stating that traffic conditions have not changed from the date of approval of the Preliminary Plan of Development.

4. Simultaneous with the filing of the Detailed Plan, the applicant when appropriate shall file a report containing any findings which concern the discovery of any archaeological resources. This report shall include but not be limited to descriptions of the items discovered, and the proposed means of preserving the items.[19]

A. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

(1) Archaeological resources are generally defined as objects, ruins and structures of prehistoric, historic and industrial significance.

(2) If archaeological resources are discovered on the subject site, the developer shall allow the State of Connecticut Historic Preservation Office to make an on-site inspection of the discovery in order to assess the discovery and the effect that development may have on the site.

(3) The developer shall cooperate with the State Historic Preservation Office and shall, upon its request, provide the office with all information pertinent to a complete archaeological assessment of the subject site.

9.14.03 (h) Application Review Process

Preliminary Consideration

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

9.14.03 (i) Financial Guarantee Requirements[20]

[19] Rev. 05/16/11, effective 06/13/11
[20] Rev. 06/03/13, effective 06/21/13

1. 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.[21]

9.14.03 (j) Control of Issue of Certificates of Occupancy

1. The issue of Certificates of Occupancy shall not be allowed until:

   A. All public improvements covered by the financial guarantee have been completed to the satisfaction of the Director of Public Works.[22]

   B. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the director of public works, and

   C. All recreational facilities shown on the approved Detailed Plan are installed.[23]

2. The issue of Certificates of Occupancy in a multi-family project shall be limited to 80 percent of the dwelling units contained therein until those conditions as set forth in Section 9.14.03(j)1.A., B., and C are satisfied.

9.14.03 (k) Affordable Housing

Ten (10%) percent of the units in any proposed multi-family development shall be priced so that they are affordable to low or moderate income households. Unless otherwise approved by the Commission, the ten (10%) percent shall be distributed proportionately across the overall unit type/mix of the project and shall be maintained as affordable for the life of the project.

Units shall be considered affordable when the rental or ownership costs do not exceed thirty (30%) percent of the gross monthly income of the household and when they are occupied by the target population. Low or moderate income households are those which earn less than eighty (80%) percent (moderate) or fifty (50%) percent (low) of the regional median income, adjusted for family size, as defined by the U. S. Department of Housing and Urban Development for the Hartford Region.

The developer and any successors and assigns shall agree to monitoring by and reporting to the Manchester planning department or its designated agent on the ten (10%) percent set aside. This monitoring is intended to verify that the required number of units is priced for and affirmatively marketed to and occupied by the targeted population.

[21] Rev. 06/03/13, effective 06/21/13
[22] Rev. 06/03/13, effective 06/21/13
[23] Rev. 05/16/11, effective 06/13/11

Upon conversion from rental housing to owner occupied or third party ownership, the affordable rental units shall be converted to affordable ownership units.

9.14.04[24] (a) Special Requirements for schools and places of worship

1. New facilities shall be located[25] only on streets designated arterial or collector streets in the Plan of Conservation and Development.

2. Vehicle parking shall be in accordance with the requirements set forth in Article IV Section 9.

3. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. Mechanical equipment, dumpsters and other unsightly places shall be screened by the use of walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.

4. Schools and places of worship shall screen adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped 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 feet in height at a separation distance which provides for growth of the planting and visual screening.

   If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or standard finish poured or precast concrete shall not be acceptable finishes.

   Fencing shall be required when landscaping, walls and/or grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. Fences shall be installed in accordance with the requirements of Article II, Section 1.03.04. The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.

   Along all parking areas and drives the landscaped border shall include a light proof fence or masonry wall to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for

[24] Rev. 9/15/08, effective 10/05/08
[25] Rev. 10/20/09, effective 11/11/09

parking area and drive screening shall not be counted towards the landscape area in Article IV, Section 9.02.05.

All trees, shrubs, walls and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections. The sight distance triangle shall be as defined in the Town of Manchester Public Improvement Standards.

The Commission may waive all or any requirements in this section 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 that such screening is not feasible and not necessary due to site configuration or location.[26]

(b) In addition to the special exception requirements in Article II Section 9.14.04, before approving a school as a special exception use, the Commission shall make the following findings:

1. That the specific type of school use will be compatible with uses on adjacent properties and other uses on the site if applicable; and

2. That adequate provisions have been made to ensure the safety of students, staff, and visitors, including such as may arise from uses on adjacent properties or other uses on the site; and

3. That the internal site circulation plan for the school provides adequate area for the delivery and retrieval of students at the school; adequate parking for students, faculty, visitors, aides, and others as appropriate to the specific type of school; and sufficient driveways, queuing areas, and parking areas to accommodate automobiles and buses, so that vehicles do not disrupt traffic on the public streets, or interfere with adjacent uses on the site; and

4. That outdoor areas on the site for safe active and/or passive recreation as appropriate to the specific type of school are adequate for the number and ages of students expected to attend the school; or if off site, are located to ensure the safety of the students and faculty; and that screening, fencing and other buffers are provided to ensure the safe play of children, and to provide visual and aural screening from adjacent residential uses; and

5. That lighting for the property is adequate for the normal hours of school, including any after school activities, and does not shine off of the property.

(c) In addition to any other application requirements for a special exception, applications for schools and places of worship shall include sufficient plans and narrative documentation to enable the Commission to make the findings

[26] Rev. 12/7/20, effective 12/21/20

listed above.

9.14.05[27] Multi-family hotel/motel conversion special exception

(a) Purpose: To allow for the redevelopment of existing hotels or motels to multi-family apartment use and development; the nature of multi-family hotel/motel conversion is such that design and development may vary for different sites; multi-family hotel/motel conversion is subject to the requirements set forth in this section.

(b) Criteria for special exception: Prior to approval of a special exception, the applicant must demonstrate that the special exception, proposed use and proposed plan of development shall comply with the Special Exception criteria set forth in Article IV, Section 20 of these regulations.

(c) Site development criteria: Since prior building development will have determined the general layout of the site, the conversion and any future land development shall be consistent and in harmony with the established physical relationship of existing buildings to land area, taking into consideration the criteria set forth in the following provisions:

1. Required lot/site area: Every lot to be utilized for this special exception conversion shall have a minimum lot area no less than that required for the zone in which the property is located or, in the event none is provided, then no less than three (3) acres.

2. Height: New buildings or additions/renovations to existing buildings shall comply with the height requirements for the zone in which the property is located.

3. Minimum yards: New buildings or additions/renovations to existing buildings shall comply with the minimum yard requirements for the zone in which the property is located.

4. Minimum floor areas: The minimum living area for units in a multi-family dwelling shall be as follows:

Efficiency/studio units	400 square feet
One-bedroom units	650 square feet
Two-bedroom units	800 square feet.

And for each bedroom in excess of 2, add an additional 150 square feet.

5. Site drainage: The site shall be adequately drained and include a storm water drainage system that prioritizes on-site infiltration and/or detention, and all new drainage facilities shall be designed in accordance with the Town of

[27] Rev. 07/07/21, effective 08/01/21

Manchester Public Improvement Standards. Roof drainage shall not discharge directly onto or across sidewalks, driveways, roadways or parking areas. Low Impact Development techniques shall be considered.

6. Utilities: Public sanitary sewer and public water shall be required. Completion of the multi-family hotel/motel conversion may require the installation of additional domestic water services, fire water services, water meters and/or sanitary sewer laterals to serve individual units or buildings in accordance with Town and Eighth Utilities District requirements. All new water and sewer facilities shall be in accordance with the criteria and requirements set forth in the Manchester Water and Sewer Department Rules and Regulations.

7. Roadways and driveways:

   a. All private roadways, driveways and parking areas shall be designed to facilitate traffic circulation and emergency vehicle movement;

   b. Notwithstanding any provision elsewhere in these regulations, private roadways and driveways designed for vehicular traffic shall have the following minimum requirements:
   Two-way traffic — 24 foot width;
   One-way traffic with 45 degree parking on one or both sides — 16 foot width;
   One-way traffic with 60 degree parking on one or both sides — 18 foot width;
   One-way traffic with 90 degree parking on one or both sides — 24 foot width;
   Inside turning radius — 30 feet.

   c. Fire lanes shall be provided as required by the Fire Marshal's Office of the appropriate Fire District. The applicant shall indicate on the plan the location of such lanes and shall provide all fire lane signs and markings as required. Fire apparatus turning demonstration(s) specific to one or more responding vehicles shall be submitted upon request by the Fire Marshal's Office or the Town.

8. Vehicle parking:

   a. There shall be provided on the building site, one vehicle parking space for each studio or one-bedroom residential unit and two vehicle parking spaces for each residential unit with two or more bedrooms. Notwithstanding the foregoing, for residential units within a half (½) mile radius of existing mass transit and where the unit mix consists of 50% or more one- bedroom or efficiency units, the minimum parking ratio shall be one (1) space per dwelling

unit.[28]

b. Visitor parking spaces shall be provided on site at the rate of 1 visitor space per 4 dwelling units. The applicant may request to decrease the visitor parking requirement if the applicant can show that such requirement would not be needed for the proposed development.

c. The vehicle parking area may be within the building, underground, elevated or at grade level.

9. Fire protection: Fire hydrants shall be installed so that no portion of a building is greater than 250 feet from a hydrant or otherwise in accordance with recommendations by the Fire Marshal's Office of the appropriate Fire District and the Town.

10. Landscaping and screening:

a. The development of the site shall be designed with adequate landscaping or screening to provide visual screening of all pedestrian accessways, parking areas and building perimeters from adjacent existing and potential uses. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of the developed site not covered by buildings, structures (including amenities) or paving shall be landscaped with ground cover, shrubs and trees.

b. Notwithstanding any provision elsewhere in these regulations, the Commission may, as part of the Special Exception review, modify or waive landscaping requirements relative to parking lots if the Commission finds that (i) the proposed parking lot design is consistent with the prevailing parking lot design on neighboring properties; and (ii) the proposed parking lot design will not adversely affect the general health, welfare or safety of the Town; or (iii) The Commission may waive all or any requirements in this section 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 that such screening is not feasible and not necessary due to site configuration or location.

11. Garbage storage: Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings.

[28] Rev. 11/15/2021, effective 12/06/2021

12. Lighting: All flood lighting and all other types of lighting which are intended to illuminate the buildings, parking areas 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.

13. Recreation areas: An area equal to not less than 20% of the gross floor area on the site shall be developed for usable recreation area(s) for either active or passive recreation purposes. Not less than 50% of the minimum required recreation areas shall consist of outdoor areas or facilities. Indoor facilities may include, without limitation, a clubhouse, community room or fitness center. Outdoor areas shall be improved with grass or pavers or may be left in a natural state, or may be improved for active recreational purposes, such as walking paths, playscapes, courts and swimming pools, or similar areas used for picnic tables, lawn furniture, fire pits or barbeque stands.

(d) Application procedure and criteria:

1. The applicant shall file an application for a multi-family hotel/motel conversion special exception, and a Preliminary Plan of Development, for all of the property located within the proposed multi-family conversion special exception site. The Preliminary Plan shall include the information set forth in Article I, Sections 4.02 and 4.03.04 of these regulations. The Commission shall hold a public hearing on the application as provided by the Connecticut General Statutes.

2. A Detailed Site Development Plan shall be approved by the Commission prior to the issuance of a building permit. Such plan shall be in conformance with the Preliminary Plan and Article I, Section 4.04 of these regulations.

3. The applicant can choose to combine the Preliminary and Detailed Plan into a single submission. In instances of a combined Preliminary and Detailed Plan, the applicant can request a waiver from the Director of Planning to eliminate duplicative application requirements.

11.00 A Business II zone is a commercial trade area for general public shopping convenience. The uses allowed in a Business II 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.

11.01 Permitted Uses

11.01.01 Uses permitted in Business I zone.

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

11.01.03 Restaurants, ~~sidewalk cafes (See Article II, Section 9.09.01)[1],~~ taverns, grills.

11.01.04 Billiard or poolroom, bowling alley, theaters and similar amusement enterprises, provided, however, that carousels, shooting galleries, freak shows and similar attractions and amusement devices are excluded.

11.01.05 Hotel, motel, with not less than 16 rentable sleeping accommodations.

11.01.06 Newspaper and job printing.

11.01.07 Radio and television broadcasting studio.

11.01.08 Funeral parlor.

11.01.09 Clubs and fraternal organizations.

11.01.10 Public utility building, municipal building and uses.

11.01.11 Public parking lot.

11.01.12 Wholesale store and sample room; bulk storage or warehouse for such commodities as food, furniture and hardware.

11.01.13 Tennis and badminton court, skating rink and health and recreation club.

11.01.14 Family day care homes conducted in a dwelling unit.[2]

11.02 Special Exception Uses

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[1] ~~Rev. 05/17/93~~

[2] Rev. 12/04/89

11.02.01[3] Automobile sales - new and/or used.

Automobile repair and service garage or shop.

Subject to the requirements of Article IV, Section 5, of these regulations, gasoline service stations deleted January 24, 1972.

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

11.02.02 Automobile wash establishment subject to the requirements of Article IV, Section 5, of these regulations.[4]

11.02.03 As of January 25, 1972, group dwellings may not be built in Business II zones but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.

11.02.04 Reserved[5]

11.02.05 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.

11.02.06 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.[6]

11.02.07 Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.[7]

11.02.08 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.[8]

11.02.09 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.[9]

[3] Rev. 05/07/12, effective 05/30/12
[4] Rev. 05/07/12, effective 05/30/12
[5] Rev. 04/20/98, effective 05/12/98
[6] Rev. 01/26/81
[7] Rev. 10/02/89
[8] Rev. 12/04/89
[9] Rev. 12/04/89

11.02.10[10] Schools[11] and places of worship may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

11.02.11[12] Residential units above the first story when there are 5 (five) or more dwelling units or the combined maximum gross floor area of all residential units exceeds 5,000 square feet, provided that:

(a) The floor area of each residential unit, exclusive of public hallways, corridors, etc. shall be not less than:

Efficiency Unit	400 square feet
One Bedroom Unit	650 square feet

and thereafter 150 square feet for each additional bedroom;

(b) [13] The number of parking spaces required for residential uses shall be as follows:

Efficiency or one-bedroom Unit	1 space
Two or more Bedrooms	1.5 spaces

(c) There shall be provided on the site landscaped areas at a ratio of one hundred (100) square feet for each residential unit. Balconies, rooftops and similar spaces may meet this requirement provided they are designed and built to serve that purpose. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement; and

(d) Public water and sewer shall be provided.

11.02.12[14] 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.

11.03 <u>Use Provisions</u>

[10] Rev. 9/15/08, effective 10/05/08
[11] Rev. 03/17/97, effective 04/01/97
[12] New 1/20/10, effective 2/10/10
[13] Rev. 11/15/2021, effective 12/06/2021
[14] New 02/13/17, effective 03/01/17

All uses shall be subject to the following:

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

(b) Any business permitted in this zone shall not be construed to include a use which is mentioned for the first time in Article II, Section 12, Business III zone;

(c) Not more than four persons shall be engaged in making goods to be sold on the premises;

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

11.04 Height, Stories and Area

Maximum stories in building	3
Maximum height of principal building	40 feet
Maximum height of accessory building or structure	18 feet
Minimum front yard for permitted uses	15 feet

15.00 Purpose

The Central Business District "CBD" zone is a mixed-use district intended to provide retail, service, institutional, entertainment, and residential activity and compact development serving a regional market. The district is intended to have a strong sense of place and be a vital social, cultural and economic center for Manchester.

15.01 Permitted Uses

No land shall be used and no building erected or altered except in accordance with the uses set forth in this section.

15.01.01[2, 3]

a) Retail uses to include shops where articles are made or repaired and sold at retail on the premises.

b) Personal services and personal service shops.

c) Restaurants, brewpub/restaurants[4], brewpubs, breweries,[5] cafes, taverns and grills.[6]

d) Theaters for the visual or performing arts, and health and recreation clubs.

e) Banks and similar financial institutions providing retail banking services to customers.

f) Bakeries, groceries, and similar establishments

g) Public libraries and municipal offices.

h) Hotels with not less than 16 rentable sleeping accommodations.

i) Clubs and fraternal organizations.

j) Schools and related training facilities.

k) Office uses.

l) Wholesale sales for food, furniture, hardware, and office supplies

[1] Revised July 9, 2003, effective 7/29/2003
[2] Revised November 17, 2003, effective 12/6/2003
[3] Revised 7/20/09, effective 8/8/09
[4] Revised 01/21/15, effective 02/13/15
[5] Revised 8/13/18, effective 8/20/18
[6] Revised 2/5/18, effective 2/20/18

m) Artist or commercial live/work quarters subject to Article IV, Section 21 and residential units on the second floor and above.

n) Family day care.[7]

o) Self storage of furniture, documents and records, data processing equipment, office supplies and equipment, and retail merchandise or similar items provided such storage is limited to basement levels of buildings existing at the time of the adoption of these regulations and no loading or access to the self-storage use shall be provided from Main Street.

p) Alcoholic liquor sales subject to Article IV, Section 8.

q) Alcoholic liquor sales shall be subject to the requirements of Article IV, Section 8 of these regulations.

r) Gasoline service stations legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.

s) 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.

t) 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.

u) All facilities described in (t) and (u)[8] above shall be in accordance with the requirements of Article IV, Section 19.[9]

v) ~~Sidewalk cafes and s~~Seasonal vestibules subject to Article IV Section 23.[10]

15.02[11] Special Exception Uses

15.02.01 Elderly Housing Development[12] as permitted in the elderly housing development zone at Article II Section 20 when that housing is proposed for an existing structure.

15.02.02 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.

[7] Revised 07/02/07, effective7/22, 2007
[8] Revised 07/02/07, effective 7/22, 2007
[9] New 11/03/03, effective 11/28/03
[10] New 2/5/18, effective 2/20/18
[11] Revised 07/02/07, effective 7/22, 2007
[12] Rev. 04/20/98, effective 5/12/98

15.02.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.[13]

15.02.04[14] 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.

15.03 Use Provisions

All uses shall be subject to the following:

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

15.04[15] Building, Design and Parking Requirements

15.04.01[16] Maximum height of principal building - 75 feet

Maximum height of accessory building [or structure] - 18 feet

Maximum setback from Main Street - 5 feet for the entire length of the building. Up to 50% of a building's frontage on Main Street may be set back further provided the space created includes outdoor dining space associated with an adjacent restaurant or public spaces, plazas and similar amenities developed as part of the project and legally accessible to the general public.

15.04.02[17] Exterior architecture visible from the public street for all new buildings, and all renovations to existing buildings, shall conform to the Downtown Manchester Architectural Design Guidelines dated June 2019.[18] Design plans for building renovation visible from street and new construction exterior design plans shall be approved by the Director of Planning and the chair of the Planning and Zoning Commission before a Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer.

[13] Rev. 01/26/81
[14] New 02/13/17, effective 03/01/17
[15] Revised 7/20/09, effective 8/8/09
[16] Revised 02/17/21, effective 03/10/21
[17] Revised 01/03/18, effective 01/19/18
[18] Revised 06/03/19, effective 06/21/19

If the design plans are found not to conform with the Downtown Manchester Architectural Design Guidelines by either the Planning Director or the Planning and Zoning Commission Chair, the application will be referred to the full Planning and Zoning Commission for review. Also, an applicant may request a review before the full Planning and Zoning Commission instead of the administrative approval of the Planning Director and Planning and Zoning Commission Chair.

15.04.03[19] The floor area of each residential unit, exclusive of public hallways, corridors, etc. shall be not less than:

Efficiency Unit	400 square feet
One Bedroom Unit	650 square feet
and thereafter 150 square feet for each additional bedroom	

15.04.04[20] [21] Automobile parking for all uses shall be subject to the requirements of Article IV, Section 9, of these regulations except that the availability of public spaces and shared or off-site parking shall be considered in meeting the parking requirements. Specific and appropriate shared off-street parking within the zone may be permitted in response to a particular development situation, only if a written agreement between the parties involved clearly stipulates the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

The number of parking spaces required for residential uses shall be as follows:

Efficiency or one-bedroom Unit	1 space
Two or more Bedrooms	1.5 spaces

15.05[22] Prohibited Uses

The following uses are prohibited in the CBD:

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

b. Correctional facilities.

c. Halfway houses.

d. Pawn Shops.

e. Clinics.

[19] Revised 7/20/09, effective 8/8/09
[20] Revised 7/20/09, effective 8/8/09
[21] Revised 11/15/2021, effective 12/06/2021
[22] Revised 02/17/21, effective 03/10/21

24.00 Purpose

A General Business Zone is a mixed use district for general public shopping, services, entertainment and high density residential development.[2] 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.

[1] New: Adopted 06/05/00, effective 06/24/00
[2] Rev. 09/19/2016; effective 10/07/2016

24.01.15[3] Family day care homes conducted in a dwelling unit.

24.01.16[4] (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[5]

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:[6]

(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[7] 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.

[3] Rev. 04/20/09, effective 05/10/2009
[4] New 11/03/03, effective 11/28/03
[5] New 01/21/15, effective 02/13/15
[6] Rev. 05/07/12, effective 05/30/12
[7] 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)[8] 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 l 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

[8] Rev. 09/19/2016; effective 10/07/2016

passive areas, balconies, rooftop gardens or patios, etc.

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 space per studio or one-bedroom unit and 1.5 spaces per dwelling unit with two or more bedrooms.[9]
   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

[9] Rev. 11/15/2021, effective 12/06/2021

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.

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)[10] 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;

[10] New 02/13/17, effective 03/01/17

(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.

(l)[11] Outdoor go-kart track, using either electric or gas go-karts, for rental by the public.

(m)[12] Multi-family hotel/motel conversion in accordance with the requirements of Article II, Section 9.14.05.

(n)[13] Cannabis retailer, dispensary facility, or hybrid retailer provided that:

(a) No cannabis establishment shall be located within 500 feet of the property line of any property containing a school, or within 200 feet of the property line of any property containing 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 Saturday 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:[14]

(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

[11] New 03/06/17, effective 03/23/17
[12] New 07/07/21, effective 08/01/21
[13] New 12/13/2021, effective 01/03/2022
[14] Rev. 05/07/12, effective 05/30/12

lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.[15]

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 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[16]
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[17]

[15] Rev. 09/19/16; effective 10/07/16
[16] Rev. 09/19/2016; effective 10/07/2016
[17] Rev. 09/19/2016; effective 10/07/2016

FORM-BASED ZONE REGULATIONS

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[1] Repealed and replaced with new version 06/15/2020; effective 07/03/2020
[2] New, 03/19/2012, effective 03/30/2012

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ARTICLE II

SECTION 26 FORM-BASED ZONE (FBZ)

Section 26.01 General Purpose and Description

26.01.01 Purpose and Intent

The intent of the Form-Based Zone (FBZ) is to:

A. Facilitate an appropriate mix of commercial, residential, entertainment, civic, and recreational uses within a traditional pedestrian oriented development pattern and supported by attractive street designs and building forms;

B. Create an environment that is comfortable and interesting to local residents and visitors as a place to live, work, play, and socialize;

C. Coordinate private vehicles, public transit, bicycles, and pedestrians through an intermodal transportation network connecting to open spaces, neighborhoods, employment centers, and areas of activity within the FBZ and surrounding areas;

D. Protect and expand opportunities for businesses that primarily serve the surrounding neighborhoods and Town of Manchester; and

E. Encourage flexibility and variety in future development while ensuring high quality materials and appearance of new buildings.

26.01.02 FBZ Regulating Plan

The Form-Based Zone (FBZ) is a mixed use district with distinct Frontage Zones, as depicted on Map 26.01 - Form-Based Zone Regulating Plan.

A. Mixed Use District – The FBZ is intended to be a higher density mixed-use district with a focus on commercial, entertainment, and residential uses. Commercial uses are varied and include retail stores, entertainment facilities, restaurants, offices and lodging uses as specified in Table 26.04. Residential dwellings are generally in the form of multi-residence structures, part of multiple-use structures, or attached single-family dwellings such as townhouses. Public open space is a significant element in the FBZ, including a possible future multi-use trail and linear park along Bigelow Brook.

B. Frontage Zones – The area along existing or new Primary and Secondary Streets from the edge of the public right-of-way to a depth of 40 feet is considered the Frontage Zone in the FBZ. Frontage Zones are intended to create a cohesive aesthetic for the district and promote walkability, visitor interest, and community well-being. Permitted uses on the ground floor level within the Frontage Zone are managed according to Table 26.04 so as to provide a variety of easily accessible services to the surrounding community.

Map 26.01 - FORM-BASED ZONE REGULATING PLAN

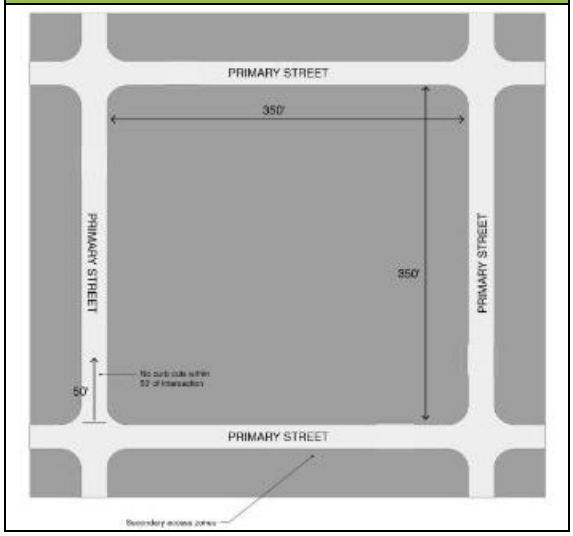
Section 26.02 Blocks and Street Types

26.02.01 Block Development Standards

All development proposals that create new streets and/or blocks shall be designed to the following standards:

A. The length, width and shape of blocks shall be designed to provide convenient and safe circulation and access for pedestrians and vehicles. Smaller blocks are encouraged to promote walkability.

Figure 26.1 – Block Configuration Standards



B. Block perimeters shall not exceed 1,400 linear feet as measured along the inner edges of each street right-of-way. The typical block face dimension shall not exceed 350 feet by 350 feet and should be repeated throughout the FBZ when possible. Block face may exceed the limit up to 600 feet and the block perimeter may exceed the limit, up to a maximum of 2,000 linear feet, only if one or more of the following conditions apply: the block has at least one block face on a primary street; or the block contains valuable natural features that should not be crossed by a street.

C. Blocks shall feature mid-block side streets or alleys as prescribed in Section 26.02.02 below.

D. A block grid design in the FBZ is required with new development to enhance connectivity, distribution, and the pedestrian experience. However, waivers may be granted by the PZC under Section 26.09 - Administration.

26.02.02 Street and Thoroughfare Types

A. <u>Thoroughfare Types and Location</u> - Specific street and thoroughfare types are allowed within the district as identified on Map 26.01 - Regulating Plan. The alignment of streets and thoroughfares identified on Map 26.01 are approximate and may be realigned on a development site plan. Table 26.01 indicates the thoroughfare types existing and/or permitted in the FBZ. These thoroughfares must comply with the thoroughfare design standards in Figure 26.2.

Table 26.01 - Thoroughfare Types	
Thoroughfare Type	**Description**
Primary Streets	
Avenue (AV) - Broad Street	A short, axial, local speed-movement thoroughfare suitable for providing frontage for higher density mixed-use buildings such as storefronts, shops, and offices. It is urban in character with raised curbs and storm-drain inlets. Native tree species are planted in opportunistic alignment and confined by individual planters to create a sidewalk of maximum width, with areas accommodating street furniture. Clear trunks or high canopies are necessary to avoid blocking views of storefronts, signage, and awnings. An avenue may be conceived as an elongated square.
Business District Street (BDS)	A local slow-movement thoroughfare suitable for primary streets, providing frontage for higher density mixed-use buildings such as houses, shops, offices and civic uses. It is urban in character with raised curbs, storm-drain inlets, and striped on-street parking. Native tree species are planted in opportunistic alignment and confined by individual planters creating a sidewalk of maximum width, with areas accommodating street furniture. Clear trunks or high canopies are necessary to avoid blocking views of storefronts, signage, and awnings.
Residential Street (RS)	A local thoroughfare suitable for neighborhoods. Streets provide frontage for low to moderate density residential buildings such as single family attached homes, apartment buildings, and rowhouses.
Park Side Road (PSR)	A long and gently meandering thoroughfare running parallel to the Bigelow Brook linear park. This thoroughfare- type should be designed for slow speeds with two travel lanes, on-street parking, and significant tree plantings creating a transitional area between residential frontage on the north side of the parkway and open space on the south.
Secondary Streets	
Access Street (AS)	A narrow vehicular street located mid-block between primary streets for the purpose of accessing the rear of building lots providing service areas, parking access, and utility easements.
Alley (AL)	Alleys are narrow vehicle lanes (one or two-way traffic) used to access vehicle storage areas, dumpsters, and other utility service areas located in the rear portion of a building lot. Alleys may be paved from building face to building face and screened if possible.
Passages and Trails	
Pedestrian Passage (PP)	A pedestrian and bicycle connector that passes between buildings. Passages provide shortcuts through long blocks and connect rear parking with street frontages. Passages may not be roofed over.
Multi-Purpose Trail (MPT)	An independent pedestrian and bicycle way generally running through or parallel with parkways and highways. Paths should connect directly with the sidewalk network.

B. Street Networks and Connectivity – The FBZ shall have an interconnected network of streets and achieve the following transportation objectives:

1) Ability to accommodate existing or anticipated public transit improvements and facilities.

2) The interconnected street network shall extend into adjoining areas except where the general integration with surrounding uses is deemed inappropriate for a particular area. Street stubs shall be provided to adjoining undeveloped areas to accommodate future street connectivity.

3) Proposed streets shall respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.

4) Sidewalks and rows of street trees must be provided on both sides of all primary streets. To allow healthy tree growth, when street trees will be planted in tree wells or in planting strips narrower than 10 feet, the developer must support the surrounding sidewalk and parking lane with structural soil or provide an equivalent soil volume using a method acceptable to the Town's Tree Warden.

5) Primary Streets may be publicly dedicated or private, but must ensure public access. Closed or gated streets are prohibited.

6) Rear access streets and alleys shall serve as the primary means of vehicular ingress to individual lots in the FBZ. Alley or access street entrances should generally align to provide ease of ingress for service vehicles, but internal deflections or variations in the alley/side street network are encouraged to prevent excessive or monotonous views of the rear of structures resulting from long stretches of alleys or side streets.

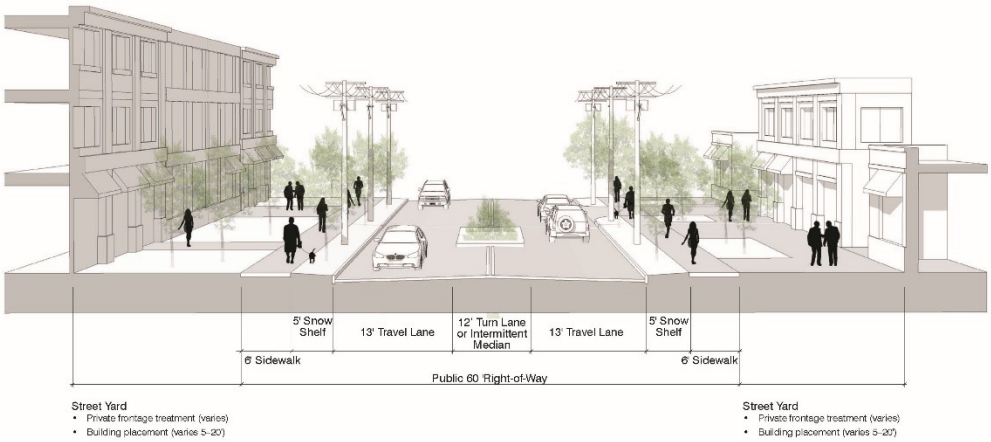
C. Thoroughfare Design Standards – Thoroughfare types shall be designed in accordance with all standards in Figure 26.2. The specific design of each street must follow the cross-sections illustrated in Figure 26.2 for each street type. The right-of-way layout for each thoroughfare type including various combinations of travel lanes, parking aisles, curbing, planting areas, and sidewalks supersede any conflicting standards in the zoning regulations or the Town of Manchester Public Improvement Standards.

FIGURE 26.2 - THOROUGHFARE TYPES AND DESIGN STANDARDS

FIGURE 26.2 - AVENUE (AV) - BROAD STREET TYPE 1

Commercial and mixed-use frontage (varied) and above ground utilities

Cross Section/Perspective View



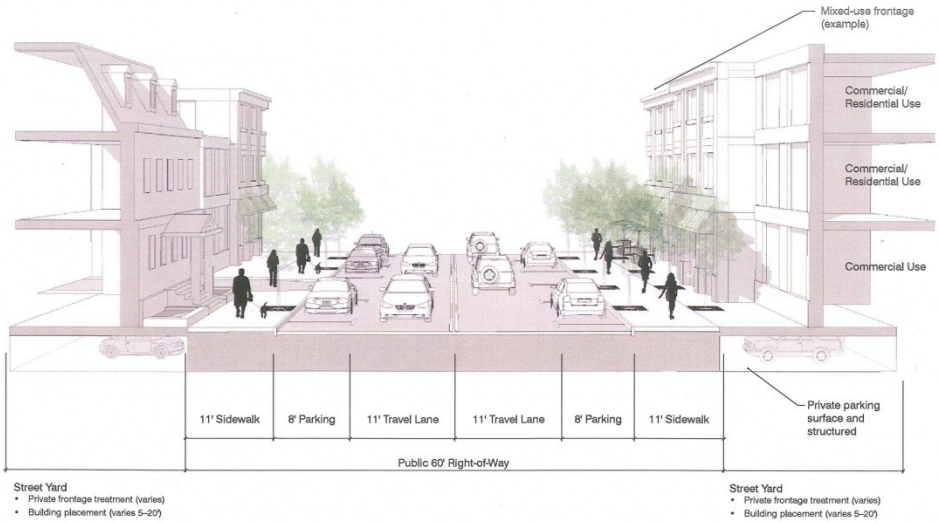
DESIGN CHARACTERISTICS	
Movement	Free Movement
Traffic Lanes	Two- 13 foot
Parking Lanes	N/A
R.O.W Width	60 feet
Pavement Width	38 feet
Traffic Flow	Two ways
Curb Type	Raised granite
Curb Radius	30 feet
Vehicular Design Speed	40 MPH
Road Edge Treatment	Curb
Planter Strip/ Box Width	5 feet
Planter Type	Continuous/snow shelf
Planting Pattern	Intermitten
Tree Type	Selected Street Trees
Utilities	Overhead
Street Light Type	Street Scale Ornamental
Street Light Spacing	40 foot Intervals
Bike Way Type	With flow
Bike Way Width	None
Sidewalk Placement	Both Sides
Sidewalk Width	5 feet public/private extension possible

Plan View

FIGURE 26.2 - BUSINESS DISTRICT (BDS)

Commercial and mixed-use frontages with on-street parking (parallel)

Cross Section/Perspective View



DESIGN CHARACTERISTICS	
Movement	Free Movement
Traffic Lanes	Two- 11 foot
Parking Lanes	Both Sides Parallel @ 8 Feet Marked
R.O.W Width	60 feet
Pavement Width	40 feet
Traffic Flow	Two Ways
Curb Type	Raised
Curb Radius	15 feet
Vehicular Design Speed	25 MPH
Road Edge Treatment	Curb
Planter Strip/ Box Width	3 x 3 foot planters with expandable grates
Planter Type	Individual in sidewalk at curb
Planting Pattern	Trees at 40 Feet O.C. Ave.
Tree Type	Selected Street Trees
Utilities	All utilities buried
Street Light Type	Pedestrian Scale Ornamental
Street Light Spacing	40 foot Intervals
Bike Way Type	Not Dedicated; With flow
Bike Way Width	None
Sidewalk Placement	Both Sides
Sidewalk Width	11 feet public/private extension possible

Plan View

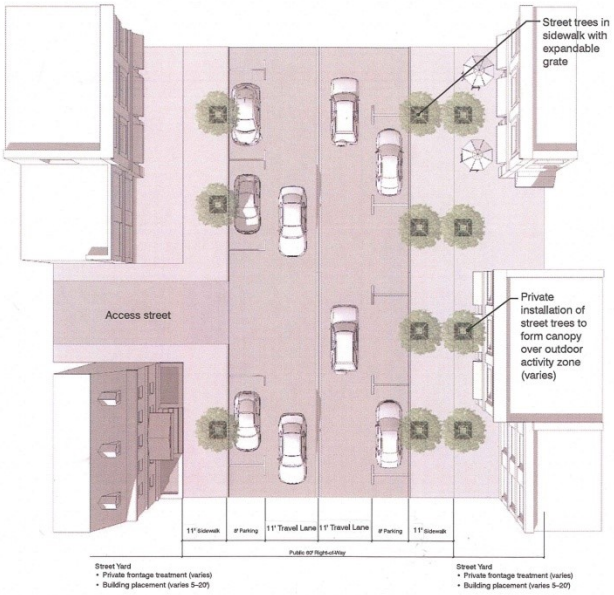
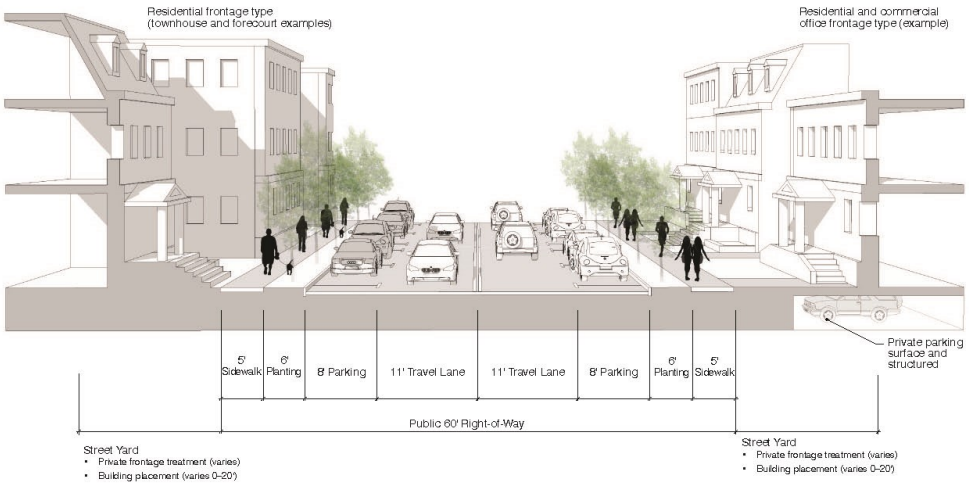


FIGURE 26.2 - RESIDENTIAL STREET (RDS)

Residential and mixed-use (varied) with on-street parking

Cross Section/Perspective View



DESIGN CHARACTERISTICS	
Movement	Slow Movement
Traffic Lanes	Two- 11 foot
Parking Lanes	Both Sides Parallel @ 8 Feet Marked
R.O.W Width	60 feet
Pavement Width	40 feet
Traffic Flow	Two Ways
Curb Type	Raised
Curb Radius	15 ft. max.
Vehicular Design Speed	15-25 MPH
Road Edge Treatment	Curb
Planter Strip/ Box Width	6 feet
Planter Type	Continuous
Planting Pattern	Trees at 40 Feet O.C. Ave.
Tree Type	Variable species
Utilities	All utilities buried
Street Light Type	Pedestrian Scale Ornamental
Street Light Spacing	40 foot Intervals
Bike Way Type	Not Dedicated; With flow
Bike Way Width	None
Sidewalk Placement	Both Sides
Sidewalk Width	5 feet public/private extension possible

Plan View

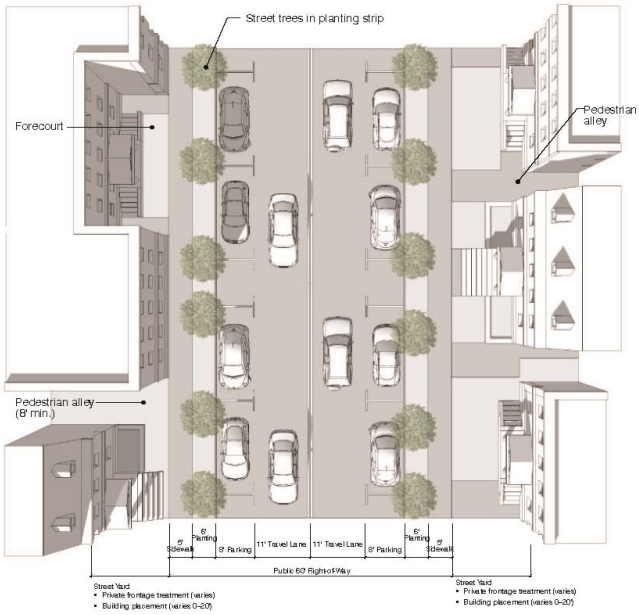
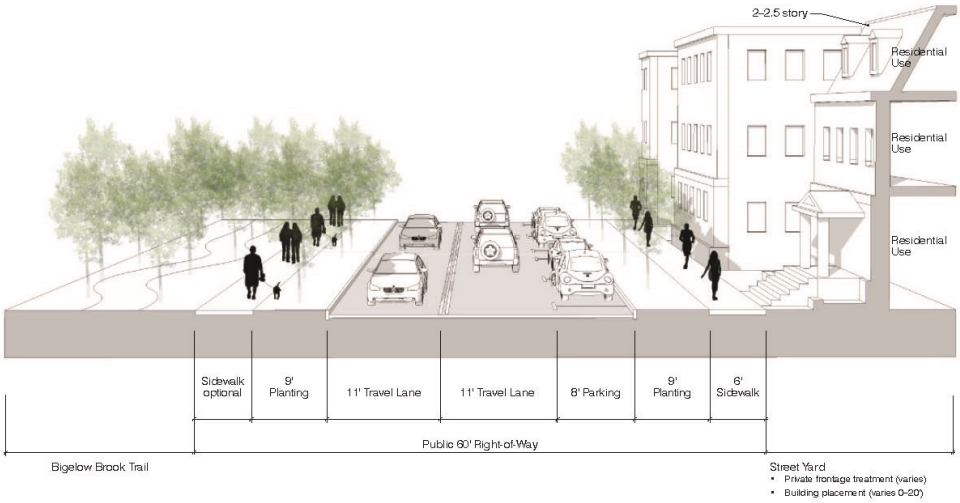


FIGURE 26.2 - PARK SIDE ROAD (PSR)

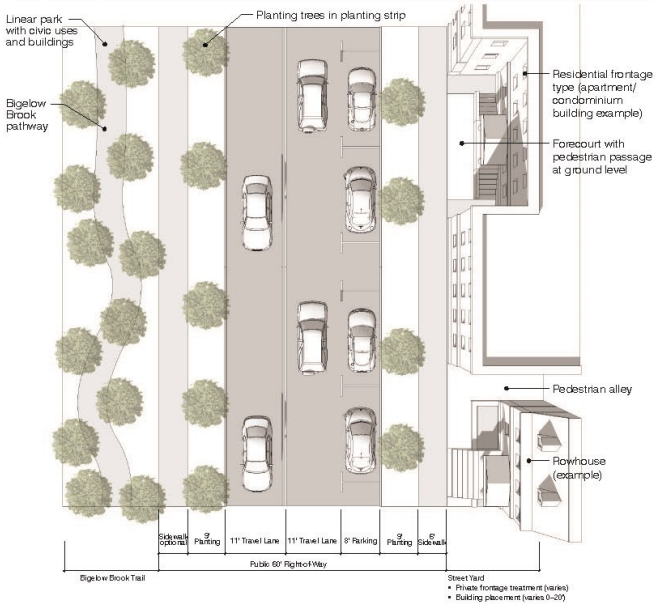
Residential frontages with on-street parking (one side)

Cross Section/Perspective View



DESIGN CHARACTERISTICS	
Movement	Slow Movement
Traffic Lanes	Two- 11 foot
Parking Lanes	North Side Parallel @ 8 Feet Marked
R.O.W Width	60 feet
Pavement Width	32 feet
Traffic Flow	Two Ways
Curb Type	Raised
Curb Radius	15 ft. max.
Vehicular Design Speed	15-25 MPH
Road Edge Treatment	Curb
Planter Strip/ Box Width	9 feet
Planter Type	Continuous
Planting Pattern	Trees at 40 Feet O.C. Ave.
Tree Type	Variable species
Utilities	All utilities buried
Street Light Type	Pedestrian Scale Ornamental
Street Light Spacing	40 foot Intervals
Bike Way Type	Not Dedicated; With flow
Bike Way Width	None
Sidewalk Placement	Both sides north side; park side optimal
Sidewalk Width	6 feet public/private extension possible

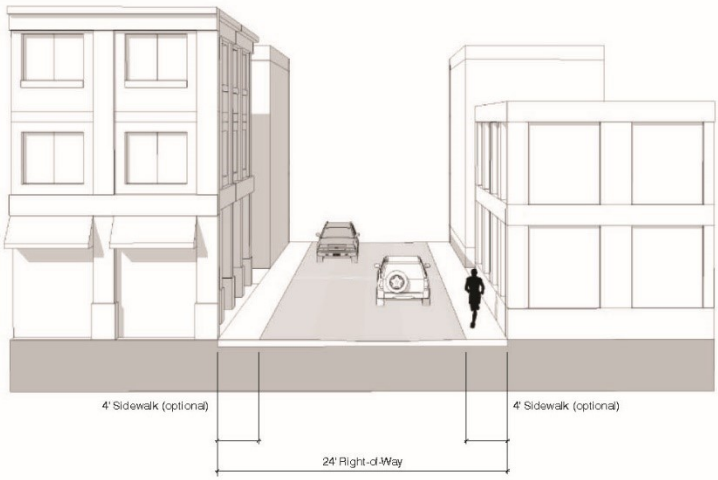
Plan View



Bigelow Brook Trail

FIGURE 26.2 - ACCESS STREET (AS)

Cross Section/Perspective View



DESIGN CHARACTERISTICS	
Movement	Slow Movement
Traffic Lanes	Two- 10–12 foot
Parking Lanes	None
R.O.W Width	24–30 feet
Pavement Width	20–24 feet
Traffic Flow	One Way or Two Way
Curb Type	None
Curb Radius	15 ft. max.
Vehicular Design Speed	15 MPH
Pedestrian Crossing Time	N/A
Road Edge Treatment	Curb or swale
Planter Strip/ Box Width	None
Planter Type	None
Planting Pattern	None
Tree Type	None
Utilities	All utilities buried
Street Light Type	Pedestrian scale ornamental or security lighting
Street Light Spacing	None
Bike Way Type	Not Dedicated; With flow
Bike Way Width	None
Sidewalk Placement	One Side (optional)
Sidewalk Width	4 feet public

Plan View

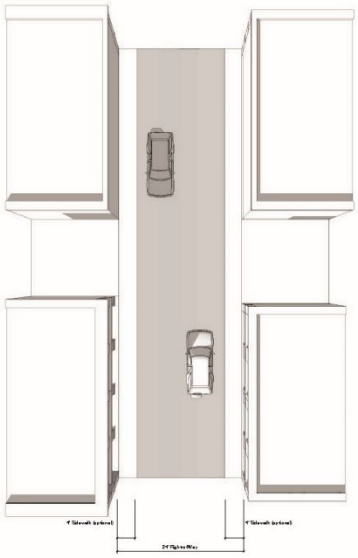
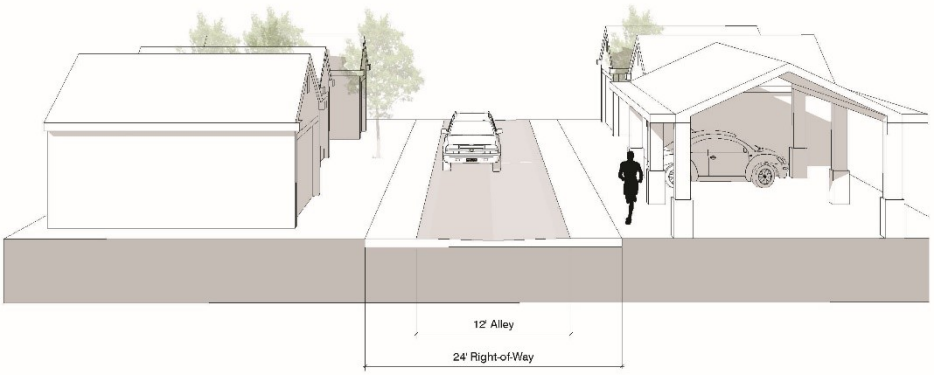


FIGURE 26.2 - ALLEY (AL)

Cross Section/Perspective View



DESIGN CHARACTERISTICS	
Movement	Slow Movement
Traffic Lanes	Shared 12'
Parking Lanes	None
R.O.W Width	20 feet
Pavement Width	12 ft. Min./20 ft. Max
Traffic Flow	One Way or Two Way
Curb Type	None
Curb Radius	15 ft. max
Vehicular Design Speed	15 MPH
Pedestrian Crossing Time	N/A
Road Edge Treatment	Curb or swale
Planter Width	None
Planter Type	None
Planting Pattern	None
Tree Type	None
Street Light Type	Pedestrian scale ornamental or security lighting
Street Light Spacing	None
Bike Way Type	None
Bike Way Width	None
Sidewalks	None
Sidewalk Width	N/A

Plan View

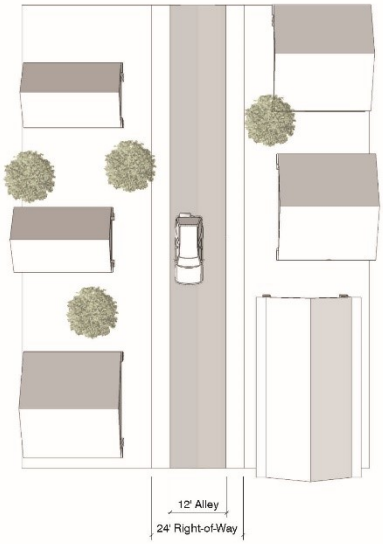


FIGURE 26.2 - PEDESTRIAN PASSAGE (PP)

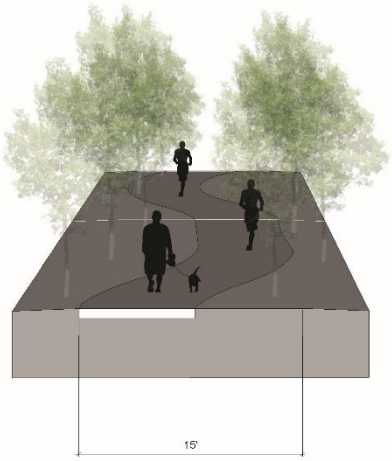
Cross Section/Perspective View

DESIGN CHARACTERISTICS	
Movement	Pedestrian Only
Traffic Lanes	N/A
Parking Lanes	N/A
R.O.W Width	8 ft Min./15 ft. Max
Pavement Width	N/A
Traffic Flow	N/A
Curb Type	N/A
Curb Radius	N/A
Vehicular Design Speed	N/A
Pedestrian Crossing Time	N/A
Road Edge Treatment	N/A
Planter Width	varies
Planter Type	varies
Planting Pattern	Optional/Occasional
Tree Type	Optional/Selected St.Trees
Street Light Type	Ped. Level
Street Light Spacing	None
Bike Way Type	N/A
Bike Way Width	N/A
Sidewalks	One
Sidewalk Width	9-18 ft.

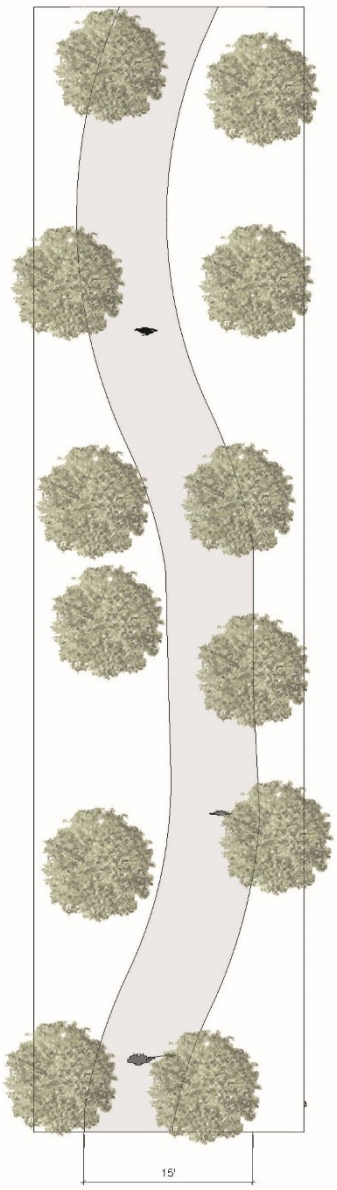
Plan View

FIGURE 26.2 - MULTI-PURPOSE TRAIL (MPT)

Cross Section/Perspective View



Plan View



DESIGN CHARACTERISTICS	
Movement	Slow Movement
R.O.W. Width	15 feet
Pavement Width	8 feet
Traffic Flow	Two Ways
Curb Type	None
Planter Strip/ Box Width	None
Planter Type	Continuous
Planting Pattern	Clustered/Irregular
Tree Type	Variable species
Utilities	All utilities buried
Street Light Type	Pedestrian Scale Ornamental
Street Light Spacing	30 foot Intervals
Bike Way Type	Shared-use sidewalk
Bike Way Width	8 feet
Sidewalk Placement	Varies
Sidewalk Width	8 feet public/private extension possible

D. Dead-End Streets - Dead-end streets are not permitted except where specially authorized in Section 26.09.04 F - Alternative Compliance.

E. Additional Street Types – Additional street and trail types are permitted as authorized in Section 26.09.04 E – Alternative Compliance.

26.02.03 Removed

Section 26.03 Building Lot Types and Dimensional Standards

26.03.01 Building and Lot Types in the FBZ

A. Placement of Buildings on Each Lot Type - Specific building lot types are allowed within the FBZ as identified in Table 26.03. There are a total of six (6) building lot types prescribed for the district. The various lot types and proper building placement for each lot type are illustrated in Figure 26.3. Some of the dimensional requirements from Table 26.03 are shown on each diagram. Character examples are provided for each lot type for illustrative purposes only; the dimensions in Table 26.03 control for regulatory purposes. Except as noted, parking spaces are provided on-street, to the rear of the lot, or as otherwise provided in Section 26.07 - Parking.

B. Sideyard Building Placement – Certain types of buildings may occupy one side of the lot oriented toward the street with the setback to the other side. This placement alternative permits vehicle and pedestrian access to the rear of the lot through the side yard. It may also allow for systematic climatic orientation in response to the sun or the wind. On-site parking is located to the side or rear of the primary building. All Lot Types allow for sideyard placement except Multi-Residence Buildings.

C. Full Frontage Building Placement – Certain types of buildings may occupy the full frontage, leaving the rear of the lot as the sole yard. This continuous building façade defines the public street. The rear elevations may be articulated for functional purposes such as for customer access from parking lots. In its residential form, this building placement type is the Rowhouse. The rear yard can accommodate on-site parking and open space. All Lot Types allow for full frontage placement except Multi-Residence Buildings.

D. Streetyard Building Setback - Certain types of buildings may be set back from the street yard to create a sense of prominence. In the FBZ, street yards should be prominent for certain types of institutional and civic buildings. Street yard setbacks are also permitted for Multi-Residence Buildings. Commercial buildings with street yard setbacks shall utilize the space as permitted in the Outdoor Activity Zone under Section 26.03.02 B.

E. Lot Types Along Streets - Lot types shall be selected so that buildings of similar scale and arrangement will be placed on both sides of a street. Contrasting lot types may be placed back-to-back, allowing alleys or side streets to serve as transitions.

F. Additional Lot Types - Additional building lot types are not permitted except where specially authorized in Section 26.09.04 C.

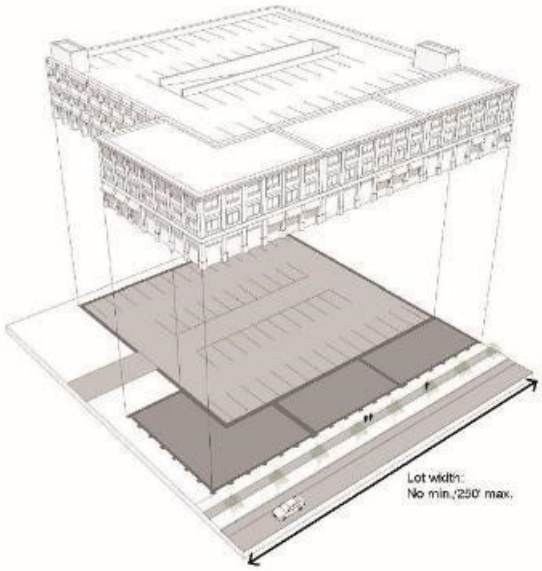
FIGURE 26.3 – GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

Liner Building Lot

A lot located and designed to accommodate a large footprint commercial and mixed use building. Large commercial formats include such uses as a cinema, grocery store, and larger retail uses. Large format uses are integrated into a liner building which conceals large expanses of blank walls and faces from the street with ample windows and doors opening onto the sidewalk. Liner buildings are also used to screen large parking lots or structures.

Character Examples:



Mixed Use Building Lot

A lot located and designed to accommodate offices or multiple dwellings on upper stories and/or various commercial uses on the ground floor level.

Character Examples:

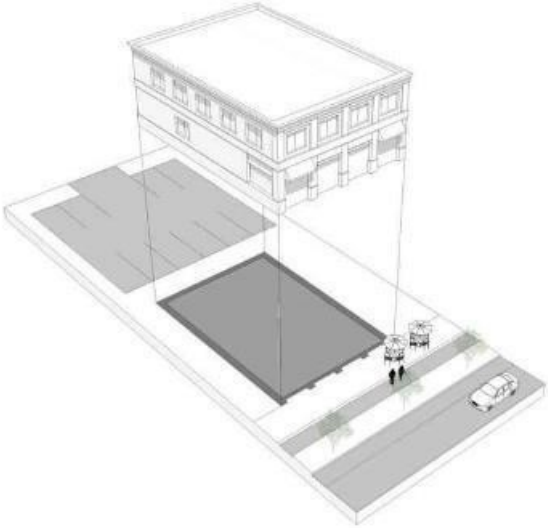
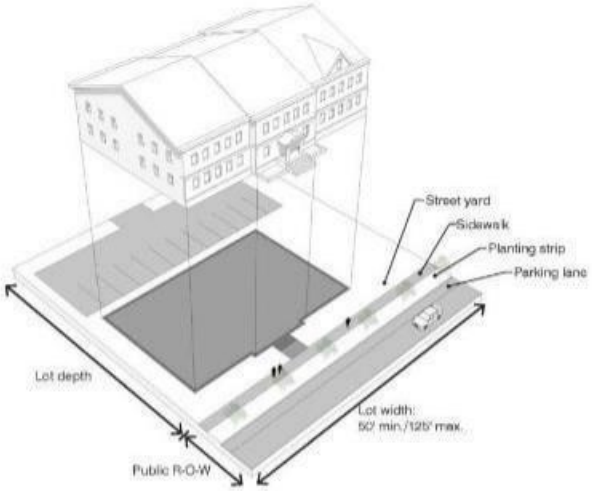


FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

Multi-Residence Building Lot

A lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its lot width and is placed close to the sidewalk. This may include apartment and condominium building types with common access areas

Character Examples:



Live-Work Unit Building Lot

A lot located and designed to accommodate an attached or detached building with residential uses, commercial uses, or a combination of the two within individually occupied live-work units, all of which may occupy any story of the building.

Character Examples:

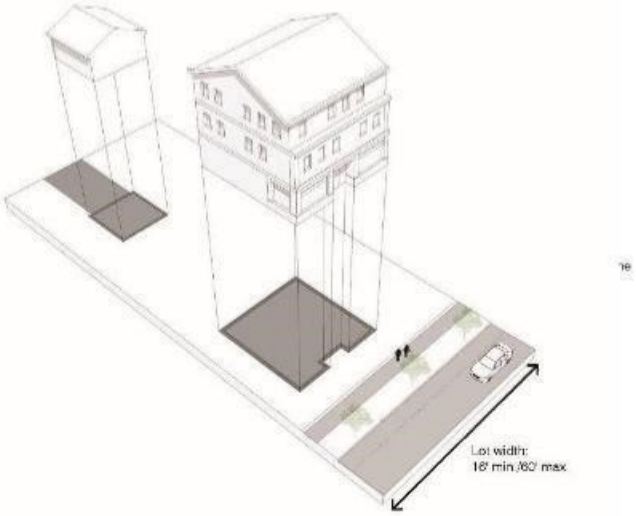
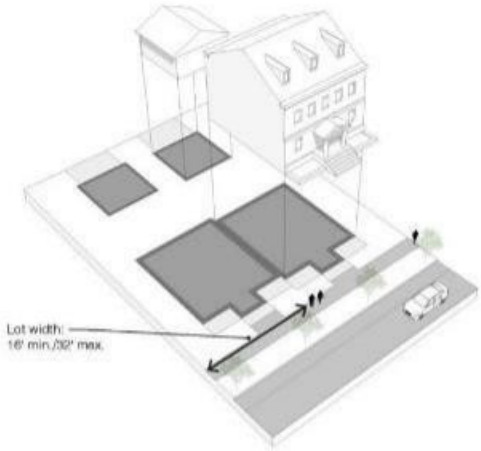


FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

Rowhouse Building Lot

A lot located and designed to accommodate a building with common walls on both side lot lines and an enclosed private yard or garden space to the rear. The primary access faces the streetyard and is elevated above the sidewalk with a stoop, porch or landing.

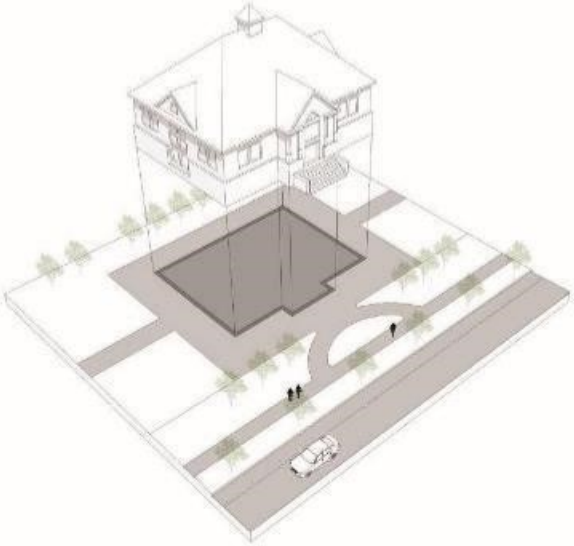
Character Examples:



Civic Space and Building Lot

A lot located and designed to accommodate open space and buildings containing public or civic uses such as community center, education, places of worship, active and passive recreational facilities, and similar civic uses. Open spaces may be a green, square, plaza, park, playground, community garden, aboveground stormwater management area, or natural area worthy of preservation.

Character Examples:



26.03.02 Uses of Yards and Setbacks

A. Purpose and Intent: The purpose of the required building setbacks is to promote streetscapes consistent with the desired character of the FBZ. Active uses of setback areas will only be permitted for pedestrian access, outdoor accessory uses, or to facilitate access to rear of the lot for parking and loading. No parking is allowed in the street yard or any Frontage Zone. Site plans shall demonstrate that the setback area accomplishes these objectives and creates an inviting environment for pedestrians. Where rear yard setbacks are required, site plans will demonstrate that appropriate screening is provided (i.e. trees, shrubbery and fencing as needed).

B. Outdoor Activity Zones: Outdoor activities shall be allowed and are encouraged where applicable as accessory uses to adjacent restaurant and entertainment uses. Outdoor Activity Zones are allowed within street yard and side yard areas on private lots. Outdoor dining areas shall be attractively designed and furnished to enhance the pedestrian environment. ~~O~~Seasonal outdoor dining areas may be extended onto public sidewalks after administrative approval in accordance with the provisions of Article IV, Section 23. Other outdoor activities may be extended onto public sidewalks with a Special Exception from the Planning and Zoning Commission (PZC) where a minimum of six (6) feet of unobstructed passage remains for pedestrian use, as shown in Figure 26.4.

Figure 26.4 – Outdoor Activity Zones

C. Outdoor Display: Outdoor display of products actively available for sale is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:

1) Outdoor display shall occupy no more than 30% of the horizontal length of the building facade.
2) Outdoor display shall only be located within the street setback area.
3) Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
4) Outdoor display shall not impair the ability of pedestrians to use the sidewalk or the sightline for vehicular access from adjacent streets or alleys.

26.03.03 Table of Site and Building Dimensional Standards

Table 26.03 establishes the lot, bulk, height, and setback ranges and requirements for the Form-Based Zone. The table provides dimensional requirements that apply to all designated lot types.

Table 26.03 - Building Lot Dimensional Standards

Building Lot Type	Lot Area	Lot Width	Frontage Occupation	Lot Coverage	Yards (1)			Height (4)
					Street	Side (2)	Rear (3)	
	Min. / Max.	Min. / Max.	Min.	Max.	Min. / Max.	Min.	Min.	Min. / Max. in Stories (5)
	(in Sq. Ft.)	(in Linear Ft.)	(Percentage)	(by all buildings)	(in Feet)	(in Feet)	(in Feet)	(Max. in Feet)
Liner Building Lot (LBL)	No Min. / No Max.	No Min. / 250	75%	100%	5/20	0	0	1/4 - 48' (7)
Mixed-Use Building Lot (MUBL)	No Min. / No Max.	No Min. / 250	75%	100%	5/20	0	0	1/4 - 48'
Multiple Residence Building Lot (MRBL)	4,000 / No Max.	No Min. / 250	75%	100%	5/20	0	0	2/5 - 52'
Live-Work Building Lot (LWL)	2,000 / 7,500	16 / 60	75%	80%	5/10	0	15	2/3 - 45'
Rowhouse Lot (RHL)	2,000 / 4,000	16 / 32	75%	80%	5/10	0	15	2/3 - 45'
Civic Space and Building Lot (CSBL)	No Min. / No Max.	No Min. / No Max.	N/A (6)	N/A	N/A	N/A	N/A	1/2 - 36'

(1) See Section 26.03.02 for Uses of Yards and Setbacks

(2) One side yard must be 10 feet minimum; the opposite side yard may be 0 feet if the adjacent lot provides a maintenance easement, otherwise the opposite side yard must be 3 feet minimum.

(3) Minimum rear yards apply to lots with alleys or side streets and to lots with neither alleys nor side streets; rear yards do not apply to through lots or to double-frontage lots; Minimum rear yards in this column apply to principal buildings. When alleys or side streets are provided, garages must have one wall constructed to maintain a 3 feet rear yard (minimum and maximum).

(4) Buildings must comply with both maximum heights, as measured in stories and in feet; One (1) story buildings must have a minimum front elevation of 18 feet; (Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Connecticut Building Code are counted as a story for the purpose of measuring height.) Space within a roofline that is entirely non-habitable is not counted as a story.

(5) Above the third story, buildings must be setback or stepped back from all Primary Streets in accordance with the requirements of Section 26.05.03.I.2.

(6) N/A = Not Applicable

(7) One (1) story commercial liner buildings must have a front façade elevation of at least 18 feet facing the street yard.

Section 26.04 Allowable Building and Lot Uses

26.04 Table of Allowable Uses

Table 26.04 below establishes the uses that are permitted by right (■) and by special exception (SE) in the Form-Based Zone (FBZ). Within Frontage Zones as indicated on Map 26.01, certain uses denoted by a (GFL) on Table 26.04 are allowed above the ground floor only, with the exception that uses denoted by a (GFL) may occur on the first floor in the rear portion of such a building only when, at a minimum, the first forty (40) feet of ground floor building space fronting on a Primary Street (including Broad Street and Green Manor Blvd) is occupied by a permitted principal ground floor use as illustrated in Figure 26.5 below. In this case a Primary Street entrance to the use or uses at the rear of the building is allowed. The PZC may grant an exception to this requirement under the Special Exception procedures and criteria in Section 26.09 - Administration.

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	**FRONTAGE ZONE**
RESIDENTIAL USES		
Accessory Apartment Unit	■	■ GFL
Functional Standards:	Accessory Dwelling Units are exempt from dimensional requirements in Table 26.03	
Live/Work Quarters (See Article 4, Section 21)	■	■ GFL
Functional Standards:	Work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.	
	Artist's Loft or Live/Work Unit may be used in combination with an Art Gallery (See definition and functional standards below).	
	The sale of products can only be made by the resident artist and include only products made on site unless classified as Arts & Craft Shop and an Art Gallery. A special exception is required for on-site sales if the designated sales space is not at ground level and accessible to the public directly from the sidewalk.	
Townhouse & Rowhouses (attached single-family dwelling)	■	■ GFL
Functional Standards:	Access - Only one direct vehicular access from the street on which the development is fronting will be allowed to service all dwelling units attached. In no case shall a driveway serve less than three (3) attached dwelling units. All driveways serving townhouses shall be privately owned and maintained.	
	Connected Units - Each townhouse or rowhouse project shall consist of buildings of connected units. There shall be at least three (3), and no more than nine (9), connected units in each building.	
	Yards - Each townhouse lot shall include a private yard meeting the minimum district requirements for open space. Street Yards shall be enclosed with a semi-opaque fence and properly landscaped in accordance with Section 26.08.08. Side and rear yards shall be enclosed by a wall or solid fence, not less than six (6) feet in height, along the side and rear lot lines where private yards adjoin and where public or private streets adjoin.	

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	**FRONTAGE ZONE**
	Design Standards - Changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables shall be integrated into the design to enhance aesthetic qualities. Variations in wall and rooflines shall be used to reduce the massing of buildings. Roof features shall be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods.	
Multi-Residence Building	■	■ GFSE
Functional Standards:	Dwelling Types – Multi-residence buildings in the FBZ may include a variety of different building types and dwelling forms	
	On-Site Services – Retirement, assisted living, congregate housing, graduated care and similar facilities may include the provision of services such as meal services, transportation, housekeeping, personal care, or health care. A Co-housing ownership building may have common kitchen, work space, recreational, and public gathering spaces available to residents.	
	Lot Size - The minimum lot area shall be 12,000 sq. ft. or 1,000 sq. ft. multiplied by the number of sleeping rooms, whichever is greater.	
	Unit Variation - No more than 70% of the total number of dwelling units shall be of any one type as defined by the number of bedrooms.	
	Building Space - Each building shall be separated from other such buildings by a minimum of twenty (20) feet, and have no fewer than three (3) dwelling units.	
	Setbacks - A perimeter green space of not less than ten (10) feet in width shall be provided, such space to be planted and maintained as green area and to be broken only by a driveway and/or entry walk.	
	Open Space - Landscaped or natural open space areas shall include: a) those portions of the lot devoted to plantings, including lawns and grass areas, and b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.	
Mixed-Use Building	■	■
Functional Standards:	Residential Access - There shall be no dwelling units, nor portions thereof other than entries thereto as required, on the first floor in Frontage Zones without Special Exception approval. No more than ten percent (10%) of the gross floor area on the first floor shall be associated with or incidental to, whether for storage or other purposes, the residential uses on upper floors. Residential uses are permitted on the ground floor outside the Frontage Zone in accordance with the requirements of Section 26.04.02.	
	Percent of Uses - New construction must include at least 33% residential uses of total square footage and a minimum of a two (2)-story building.	
LODGING		
Hotel	SE	SE
Functional Standards:	Secondary Uses - Hotels may include a restaurant along with guest-related retail and consumer services as accessory uses. Convention or Conference Centers may be accessory to Hotels.	
Inn (up to 12 rooms)	SE	SE

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	**FRONTAGE ZONE**
Functional Standards:	The PZC may allow a restaurant as a second principal use, along with lodging related consumer services as accessory uses, under a special exception for an Inn.	
OFFICE USES		
Back Office Business or Professional Support Services	■	■
Clinic, Dental or Medical	■	■
Functional Standards:	Sales - The sale of merchandise is allowed as an accessory use.	
Professional Office	■	■
INSTITUTIONAL AND PUBLIC USES		
Adult Day Care Center	SE	SE-GFL
Functional Standards:	In accordance with Article IV, Section 18	
Child Day Care Centers & Group Day Care Homes	SE	SE-GFL
Educational Institutions – General	SE	SE-GFL
Functional Standards:	In accordance with special requirements under Article II, Section 9.14.04	
Places of Worship	SE	?
Functional Standards:	In accordance with special requirements under Article II, Section 9.14.04	
Library	■	■
Public Recreational Facility	■	■
Fraternal or Social Organization, Lodge or Club	■	■
Functional Standards:	Membership - Operated for members or employees only, where the chief activity is one not customarily conducted as a gainful business.	
Government Administration Use or Building	■	■
Functional Standards:	Limitation of Uses - Only office and services allowed.	
Convention or Conference Center	■	■
Art Gallery	■	■
Museum	■	■
Performing Arts Facility	■	■
RETAIL BUSINESS AND CONSUMER SERVICE USES		
Retail Establishments		
Retail Store – up to 5,000 gross s. f.	■	■
Functional Standards:	In the FBZ General Retail Stores shall exclude bulk retail sales, garden materials or equipment (for example, lumber, electrical and heating fixtures, plant nurseries); and motor vehicle retail or wholesale sales and related equipment sales, leasing, rental, or repair.	
Retail Store – Greater than 5,000 gross s. f.	SE	SE

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	**FRONTAGE ZONE**
Functional Standards:	Same as above	
Arts & Crafts Store	■	■
Functional Standards:	All work and storage to be conducted within a building.	
Convenience Store	■	■
Functional Standards:	May be used in combination with gas stations where permitted. (See below)	
	Illumination of the store shall be limited to hours of operation, except for purposes of security.	
	For the sale of prepared and packaged food or beverage. Display & sales to be primarily conducted within the building.	
Personal Care Services		
Personal Services Establishments	■	■
Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry	SE	SE
Functional Standards:	Laundry and dry-cleaning shop where laundry is cleaned and processed off-site and not within the FBZ.	
Food Services		
Restaurant, Cafes, Taverns, Grills or Similar Eating Places including those with shared kitchens	■	■
Functional Standards:	No drive through facilities or services are permitted in the FBZ.	
Alcoholic Liquor Sales	■	■
General Food Service Store	■	■
Refreshment Stand	■	■
Functional Standards:	A place where patrons can purchase snacks, refreshments or food at a cinema, fair, sporting or entertainment venue.	
Consumer Services		
Indoor Entertainment	■	■
Functional Standards:	In the FBZ, Indoor Entertainment may include arcades, pool halls, dance clubs, night clubs, movie theaters, live performance venues, and similar uses as determined by the PZC.	
	Permitted only if determined to be compatible with the intent of said district and the uses allowable therein.	
Private Recreational Facility	■	■
Functional Standards:	Any structure shall be solely accessory to the operation of the outdoor recreation activities.	
Radio & Television Broadcasting Studio	■	■
General Repair Services	■	■
Functional Standards:	All work and storage to be conducted within a building.	
Financial & Real Estate Services	■	■
Functional Standards:	Drive-Thru ATMs are not permitted in the FBZ District.	

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	**FRONTAGE ZONE**
INDUSTRIAL TRADES AND RESEARCH USES		
Trade School	SE	SE-GFL
Trade Services	SE	SE-GFL
Functional Standards:	All trade shop operations shall undertake all reasonable measures to prevent noise, vibration, dust, fumes or odors from creating a disturbance or nuisance beyond the limits of the establishment. No operations shall be allowed which are hazardous by reason of potential fire, explosion, radiation, or similar hazard.	
Research and Development Facility	SE	SE-GFL
Functional Standards:	The PZC may grant a Special Exception for a research and development use, provided that it consists only of office or similar uses.	
	All storage of materials and equipment shall be indoors and screened from public view. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be hazardous by reasons of potential fire, explosion, or radiation. No research or testing to be conducted outdoors unless a special exception is granted for this purpose.	
MOTOR VEHICLE RELATED USES		
Packaging & Delivery Services	■	■
Functional Standards:	It shall not include the bulk storage of parcels on-site but may include the sale of ancillary goods typically used in the packaging and shipping of parcels.	
Automated Banking Facility (ATM)	■	■?
Functional Standards:	Walk-up ATM machines are permitted in all Frontage Zones by Special Exception.	
	Banks allowed as a primary use may seek a special exception from the PZC to construct and operate a drive-through window. No drive-through windows shall be permitted in a Frontage Zone.	
EXTENSIVE AND ACCESSORY USES		
Farmstand or Farmers Market	■	■
Functional Standards:	Allowed as an accessory use on all private lots and on public civic lots with permit from the Town.	
Public Parking Lot or Structure	■	■
Functional Standards:	See Section 26.07 - Off-Street Parking and Loading Standards	
Home Occupation	■	■
Functional Standards:	Permitted in apartment flats, condominium units, artist lofts, live/work units and rowhouses.	
Outdoor Theater	SE	SE
Functional Standards:	Permitted on publicly or privately owned civic lots	
Wireless Telecommunication Antennas	■	■
Functional Standards:	To be 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.	
	All facilities described above shall be in accordance with the requirements of Article IV, Section 19.	

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	**FRONTAGE ZONE**
Auction Gallery	SE	SE
Commercial Greenhouse, Indoor Agriculture including Horticulture, Hydroponics and Aquaponics	■	SE
Outdoor Entertainment[3]	SE	SE
Functional Standards:	(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.	

Allowable Uses

■= Permitted by Right

SE = Allowed by Special Exception from the PZC

Ground Floor Limitations

GFL = See Ground Floor Limitation required in Section 26.04.03

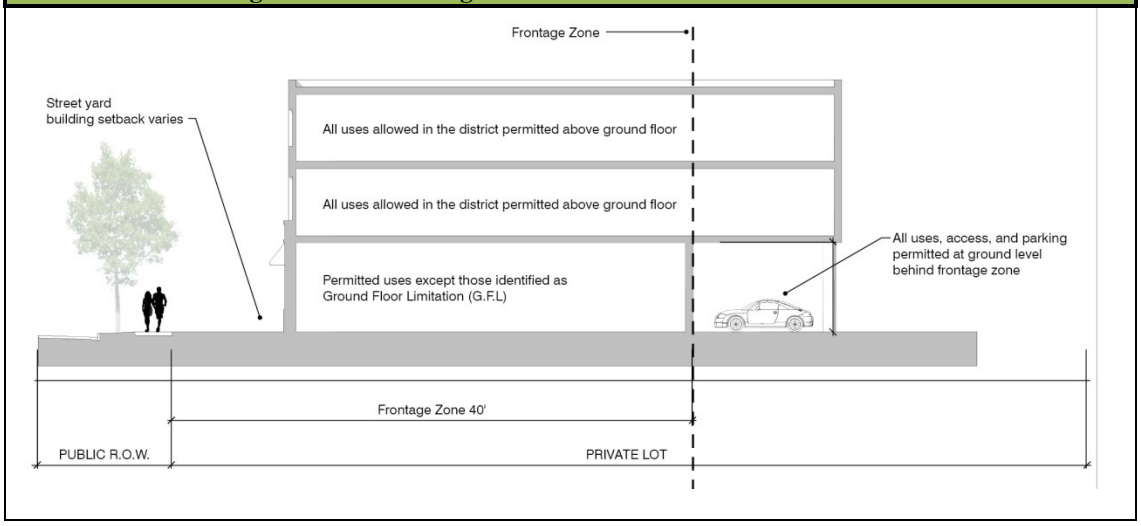
GFSE = Ground Floor use allowed by Special Exception from the PZC

[3] New 02/13/17, effective 03/01/17

26.04.02 Frontage Zones

There are Frontage Zones shown on Map 26.01 Regulating Plan. Each Frontage Zone includes the contiguous land area along existing or new streets from the edge of the public right-of-way to a depth of 40 feet as illustrated on Figure 26.5 below. Within the Frontage Zones specific uses are permitted on the ground floor. Other uses are permitted but only above the ground floor (referred to as Ground Floor Limitations) as defined in Table 26.04 – Allowable Uses in the FBZ above.

Figure 26.5 – Frontage Zones and Ground Floor Limitations



26.04.03 Ground Floor Limitations (GFL)

Within FBZ Frontage Zones certain uses are denoted by a "GFL" on Table 26.04 - Allowable Uses. These uses shall not occupy the ground floor in the portion of a building within the forty (40) feet of lot depth measured from the public right-of-way on a Primary and Secondary Street. These uses may be located in the upper floors within the Frontage Zone and at ground level at more than 40 feet in lot depth and outside the Frontage Zone as illustrated in Figure 26.5 above. Street entrances may be allowed to GFL uses above the ground floor within the Frontage Zone or at the side or rear of the building beyond the Frontage Zone. The PZC may grant an exception to GFL use restrictions for those uses denoted by "GFSE" on Table 26.04.

26.04.04 Permitted Accessory Uses

A. Live Entertainment and/or Dancing - Allowed as an accessory use to a full service food establishment, subject to the following:

   1) Food is served to customers at tables by waitpersons.
   2) Bar seats do not exceed 20% of total restaurant seats.
   3) Any dance floor area shall not exceed 500 sq. ft., or 10% of the floor area of the restaurant, whichever is less.

B. Automated Teller Machines (ATM) – Automated banking facilities shall be in compliance with the requirements of Table 26.04 and Section 26.09 - Administration.

C. Outdoor Seating and Dining Area – Allowed as an accessory use and in compliance with Section 26.03.02 - Uses of Yards and Setbacks.

D. Other Accessory Uses - Accessory uses and structures not listed in Table 26.04 are regulated in the same manner as the Manchester zoning regulations would otherwise provide for each permitted use.

Section 26.05 Development Standards for Individual Lots and Buildings

26.05.01 General Development and Design Principles

This section is intended to guide development of site and building design. These principles and standards are intended to encourage creativity, invention or innovation. There is no official architectural or aesthetic style for a series of general development principles and standards that apply to all actions reviewable under this section.

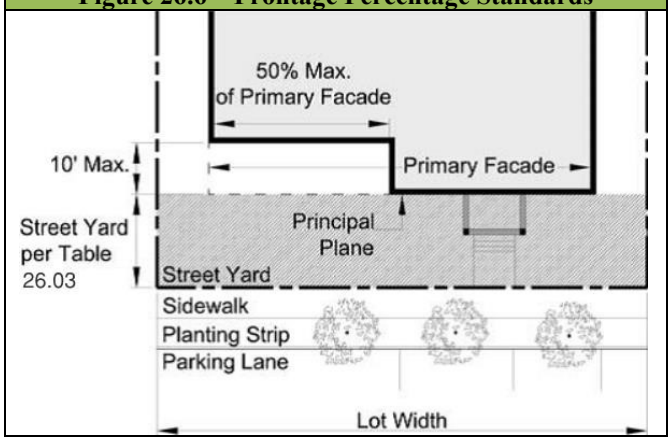
26.05.02 General Lot Development Standards

A. Appearance of a Development Lot - The character, layout and general composition of the lot, including but not limited to the type, color and texture of materials used in plantings, paving, lighting, furnishing, signage, utility structures and all other appurtenant elements should harmonize with the building design.

B. Frontage Occupation Percentages - Frontage occupation percentage is the percentage of the width of a lot that is required to be occupied by its building's primary facade. Table 26.03 provides minimum frontage occupation percentages for each lot type.

1) Up to 50% of the width of the primary facade shall be counted as meeting the frontage percentage requirement even though it may be set back up to 10 feet further from the street than the primary facade's principal plane.

Figure 26.6 – Frontage Percentage Standards



2) The location of the primary facade's principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are set back further from the street.

3) The width of a porte cochere shall be counted as part of the primary facade.

C. Front or Side Driveways - A continuous network of rear and side alleys or side streets shall serve as the primary means of vehicular ingress to individual lots. If a rear alley is not provided, a front or side driveway is permitted to Residential Lot Types only, with the following restrictions:

1) Detached garages shall always be located in the rear of the lot. All walls of attached garages shall be at least 20 feet behind the principal plane of the house's primary facade.
2) Garage doors shall face the side or the rear of the lot rather than the street yard. Where space does not permit a side- or rear-facing garage door, front-facing garage doors may be provided but each door shall not exceed 10 feet in width.
3) Driveways shall serve as access to a minimum of three (3) dwelling units and may not exceed 12 feet in width except at the garage entrance.

26.05.03 General Building Development Standards

A. 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 pronounced variation in wall plane articulation and materials and variations in the cornice/roofline to accomplish the desired divisions of elevations into smaller parts. Building articulations shall be 12 inches or more in depth, made through 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 120 feet in length. Ground floor facades that face public streets shall have galleries, display windows, entry areas, awnings, or other features along no less the 60% of their length. All facades visible from public streets shall feature characteristics similar to the front facade.

B. Building Separation - Separation between adjoining buildings should be designed to allow for limited vehicle and pedestrian access to the rear.

C. Building Entrances - Development and redevelopment shall include building facades that front on and have a principal pedestrian entrance on Primary Streets. The construction of any new buildings shall provide for the creation of pedestrian alleyways where appropriate in order to allow for passageways to parking at the rear of the lots and adjoining streets. The primary entrance of every building must directly face a street or a civic space, or a forecourt or garden.

D. Incorporate Architectural Features – To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches shall be used.

E. Transparency - Transparency is the percentage of windows and doors that cover a ground or upper story facade. Door and window openings shall be proportional to facade length and height. The building design shall create a sense of entry into the site and into major businesses within the site through landscaping, facade treatment and signage. The specific transparency requirement for the front of buildings on each Lot and Building Type is included in the table below.

Table 26.05 – Front of Building Transparency Requirements in the FBZ		
Building Lot Type	**Ground Floor**	**Above Ground Floor**
	(Min.)	**(Min.)**
Liner Building Lot (LBL)	40%	20%
Mixed-Use Building Lot (MUBL)	40%	20%
Multiple Residence Building Lot (MRBL)	20%	20%
Live-Work Building Lot (LWL)	40%	20%
Rowhouse Lot (RHL)	20%	20%
Civic Space and Building Lot (CSBL)	NA	NA

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) Street-fronting, street-level window pane surface area shall allow views into the ground story use for a depth of at least six feet. Windows must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted).
5) Any wall within 30 feet of a Primary Street shall contain at least 20% of the ground floor wall area facing the street in display areas, windows, or doorways.

F. Front Porches - Front porches may extend up to 10 feet into street yards provided they are at least 8 feet deep. Partial walls, screened areas, and railings on porches that extend into the street yard may be no higher than 42 inches. Porches must remain set back at least five (5) feet from a street right-of-way.

G. Stoops - Stoops may extend into street yards provided their upper platform is no higher than 60 inches above the sidewalk. Partial walls and railings on stoops that extend into the front yard may be no higher than 42 inches. If requested during the site plan review process, stoops may extend into the right-of-way to the extent specifically provided by the PZC during the site plan approval process, based on its determination that sidewalk widths will be adequate to allow encroachment by stoops.

H. Accessory Dwelling Units - Each Live-Work Building and Rowhouse Lot is permitted one accessory dwelling unit in addition to its principal building. Accessory dwelling units may not exceed 800 gross square feet and shall be located on the same lot as the principal building.

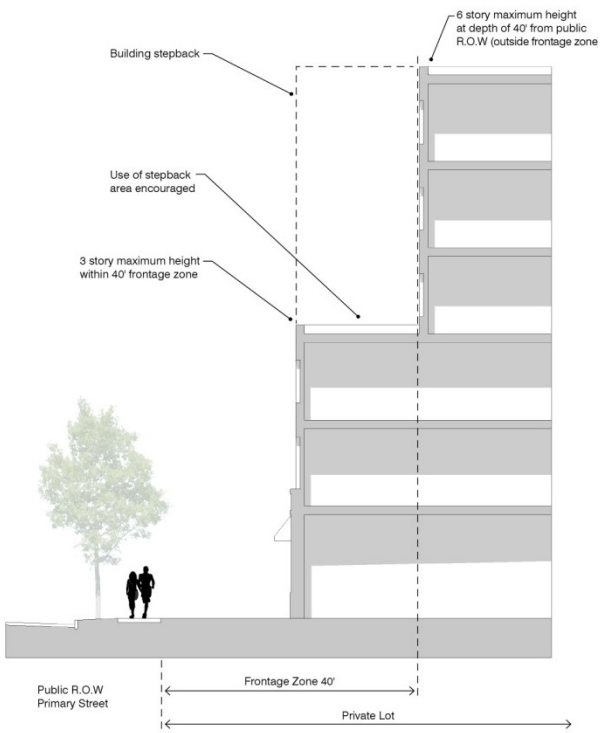
I. Building Height

1) Building height is measured as defined in Article I, Section 2 of the Zoning Regulations – Height of the Building. The height standards in this Section are intended to control the overall size and scale of new buildings in the FBZ.

New buildings may be constructed to a height as prescribed in Table 26.03 – Building Lot Dimensional standards. Where permitted, new and altered single story buildings shall provide façade improvements and front elevations that are at least eighteen (18) feet in height above street elevation and constructed in styles consistent with applicable Building Lot Standards in Section 26.03.

2) Building Height Stepback on Primary Streets - The maximum building height within 20 feet of the r-o-w line of Primary Streets shall not exceed 3 stories and 40 feet. The maximum height at the street line of the Primary Street may be increased by right to 44 feet when the roof pitch is 6 over 12 inches and the gable end of the building is not facing the street. (See Figure 26.7 to the right). The stepback portion of a building shall not be closer than 20 feet from any exterior wall elevation at ground elevation. Accessory uses are permitted on the rooftop area of the stepback portion of the building (i.e. rooftop gardens, dining areas, terraces, or similar uses).

Figure 26.7 - Building Height and Stepback Requirements



J. Roof Features - Long unbroken expanses of roofs shall be avoided though the use of dormers, skylights, chimneys and changes in ridge line.

K. Roof Pitch - Flat roofs shall not be permitted for one story buildings unless the front elevation is at least 18 feet in height. Flat roofs combined with roof top amenities (green roofs and gardens, stormwater capture systems, outdoor accessory uses, etc.) are encouraged for buildings greater than two stories. Pitched roofs shall have a 6 over 12 inch pitch or greater.

L. Rooftop Equipment - Accessory rooftop equipment shall not extend more than eight (8) 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 ten (10) feet in height, be setback from the exterior wall(s) by at least 10 feet, and shall not exceed 20% of the roof area.

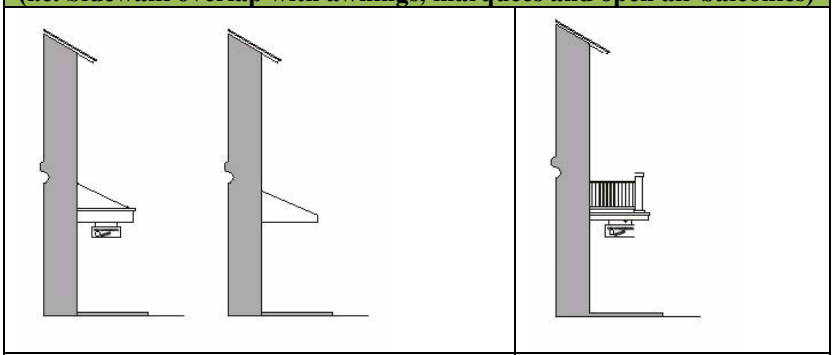
M. Ground Story Heights - The ground story of commercial and mixed-use buildings must be a minimum of 10 feet tall. The ground story of residential and live-work buildings must be a minimum of 8 feet tall. Each story above the ground story in commercial and residential buildings must be from 8 feet to 12 feet tall. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.

N. Residential Floor Heights - Residential buildings must have their first habitable floor raised at least 2½ feet above the adjacent sidewalk. If the first floor is more than 5 feet above the adjacent sidewalk, the space below the first floor counts as the ground (first) story.

26.05.04 Building Overlaps onto Public Frontages

A. Protruding Building Elements – Allowable protruding building elements include awnings, marquees, balconies, and projecting signs (See example in Figure 26.8). These building structures are allowed to protrude up to eight (8) feet past the property line into the public right of way provided that they are not in conflict with parking and travel lanes, and street trees and other furnishings. All awnings, marquees, open air balconies, and associated projecting signs shall be a minimum of eight (8) feet above the ground.

Figure 26.8 - Example of Building Overlap of Public Frontage (i.e. Sidewalk overlap with awnings, marquees and open air balconies)



Awnings and Marquees	*Open Air Balconies*

B. Shading Of Sidewalks - Each building on a Mixed-Use or Live-Work Building Lot, and each building on a Liner Building Lot with non-residential uses on the ground story, shall be required to have awnings, balconies, colonnades, or arcades facing all streets. When providing a required awning, balcony, colonnade, or arcade, or one that extends over a street right-of-way, the following design requirements apply:

1) Awnings over ground-story doors or windows must have a depth of at least 5 feet and a clear height of at least 8 feet above the sidewalk. Awnings must extend over at least 25% of the width of each primary facade. Back-lit, high-gloss, or plasticized fabrics are prohibited.

2) Balconies must have a clear height of at least 10 feet above the sidewalk. Balconies may have roofs but must be open toward the street.

3) Galleries and arcades must have a clear width from their support columns to the building's primary facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. Support columns can be spaced no farther apart than they are tall. Galleries or arcades must extend over at least 75% of the width of each primary facade.

4) Any of these features may extend into the street yard and over public sidewalks provided they maintain eight (8) feet of horizontal clearance from a parking lane or travel lane.

Section 26.06 – Public and Private Open Spaces

26.06.01 Purpose and Intent

Civic buildings and spaces such as community centers (various types), educational facilities, active and passive recreational venues, places of worship, and similar institutions are an important component of the mix of uses planned for the FBZ. It is the intent of this section to demonstrate how public and private open spaces should be integrated into development within the FBZ and connected to adjacent areas.

26.06.02 Allowed Types of Open Space

A. Outdoor Amenity Space (OAS) Types – Permitted outdoor Amenity Spaces include the following types:

1) *Civic Space (CS)*: Civic Space includes public parks, active and passive recreation areas, civic buildings, and other gathering spaces that are fully available to the general public.

2) *Publicly Oriented Private Space (POPS)*: Publicly Oriented Private Spaces are gathering spaces on private land primarily serving the residents, businesses and patrons of the principal building or development site, and generally available to the public.

3) *Private Open Space (POS)*: Private Open Space is associated with individual dwelling units or businesses and is not intended for public access.

B. Squares and Plazas Standards - Squares and plazas shall be located so that building walls facing the lot shall have at least 25% of the overall façade in transparent windows, and at least 40% of the ground floor façade in transparent windows.

C. Outdoor Amenity Space Design - Outdoor Amenity Spaces shall be designed, landscaped, and furnished to be consistent with the character of the neighborhood in which they are located. Outdoor Amenity Space types and design standards are illustrated in Figure 26.9.

1) Civic Spaces and buildings shall be designed to physically express their prominence and community orientation.

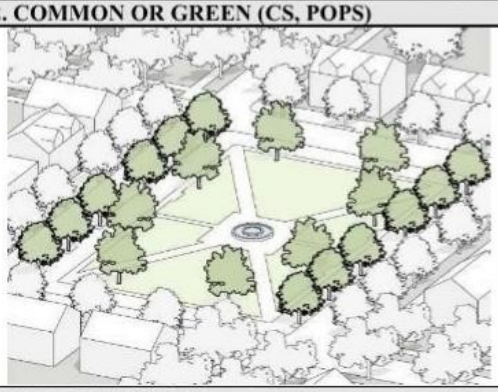
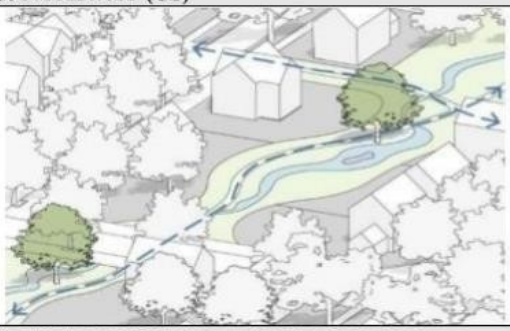
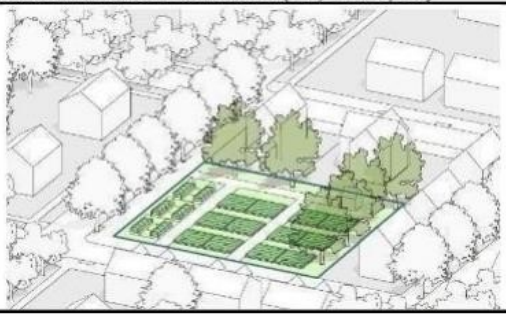
2) Civic buildings are sited adjoining or surrounded by Civic Spaces or they provide a visual landmark by being placed at the axial termination of a street (see Civic Building Lot diagrams in Figure 26.3).

26.06.03 Open Space Requirements

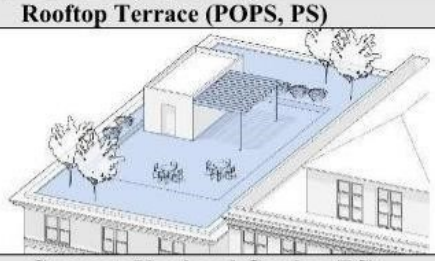
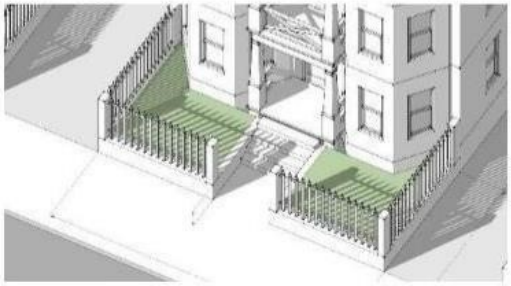
A. Individual property owners shall be required to dedicate 5% of their lot to Outdoor Amenity Spaces in one of the types identified in Figure 26.9. For commercial and mixed use lots, Outdoor Activity Zones located in the front and side setback areas are eligible types of Outdoor Amenity Spaces.

B. Two or more property owners may create a joint Outdoor Amenity Space as long as the dedicated space is accessible to the public and amounts to a minimum of 5% of the land area of the all properties involved.

FIGURE 26.9 – OUTDOOR AMENITY SPACE TYPES (PUBLIC AND PRIVATE)

Outdoor Amenity Space Type	
1. NEIGHBORHOOD PARK, PRESERVE (CS, POPS)	
	Description: An open space designed for active and passive recreation with features and facilities that support the community or immediate neighborhood. Parks can include other Outdoor Amenity Spaces such as community gardens, recreation fields and courts, trails and pathway, and other facilities intended for public events, gatherings, and organized activities.
2. COMMON OR GREEN (CS, POPS)	
	Description: A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees. This open space type is for active and passive recreation and gathering purposes.
3. PATHWAY (CS)	
	Description: A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A pathway may be spatially defined by segment and include access to pedestrians, bicyclists, and other designated modes of transportation. Pathways may provide access and connections between natural areas, neighborhoods, villages, public facilities, and other points of interest.
4. COMMUNITY GARDEN (CS, POPS, PS)	
	Description: An open space designed as individual garden plots available to residents for agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood or pocket park, and development site.

Outdoor Amenity Space Type	
5. FORECOURT (POPS, PS)	
	Description: A private open space where a portion of the facade is aligned close to or at the Street ROW Line, and the central portion of the façade is set back to create a courtyard with a principal entrance at-grade and space for gathering and circulation, or for outdoor shopping or restaurant seating. The forecourt may be planted or paved to join with the public sidewalk.
6. COURTYARD (POPS, PS)	
	Description: A courtyard (or court) is an enclosed open space, often surrounded by a building or buildings, that is open to the sky. Courtyards may include a variety of passive recreational activities, community gardens, and other amenities for community gatherings.
7. Plaza or Square (CS, POPS)	
	Description: An open space type designed for passive recreation, civic purposes, and commercial activities, with landscape consisting primarily of hardscape. Plazas are generally located in activity centers or the nexus of major circulation routes.
8. Pocket Park/Playground (CS, POPS, PS)	
	Description: An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.
9. Outdoor Terrace (POPS)	
	Description: An open space where the building facade is setback from the Street ROW Line and the space between is occupied by a hardscape intended for use as an extension of the public sidewalk and outdoor amenity space such as for outdoor seating or displays. The terrace provides may also allow for public circulation along the façade and can be used to provide at-grade access or a grade change along a Street Line.

Outdoor Amenity Space Type	
10. Rooftop Terrace (POPS, PS)	
	Description: A roofless, raised platform on the roof of a building that provides community gathering space such as a terrace, community garden, food and entertainment, or other outdoor amenities.
11. Common Yard and Garden (PS)	
	Description: A private open space associated with private residence or non-residential buildings not intended for public access or a high level of pedestrian activity.
12. Dooryard	
	Description: A Private Frontage where the Building Facade is aligned close to the Street Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private dooryard containing the principal entrance in the front yard. The dooryard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground-floor residential use
13. Other OAS Types	
	May be permitted in Alternative Compliance

Section 26.07 - Off-Street Parking and Loading Standards

26.07.01 Purpose and Intent

This section is intended to provide accessible, attractive, and secure off-street parking facilities, reduce traffic congestion and hazards, and assure the maneuverability of emergency vehicles by requiring appropriately designed off-street parking and loading areas in proportion to the needs generated by varying types of land use. The parking and loading requirements are also intended to protect existing and future neighborhoods from the effects of vehicular noise and traffic generated by adjacent nonresidential uses. These regulations shall supersede the requirements under Article IV, Section 9 of the Manchester Zoning Regulations unless otherwise indicated below.

26.07.02 General Access and Circulation Standards

Parking and circulation shall be designed to meet realistic demands within the FBZ while maximizing pedestrian safety, ease of traffic flow, access/egress, and minimizing the need for

impervious surfaces to maintain the visual character of the property and adjacent areas. General parking and circulation criteria are as follows:

A. Parking shall be accessed by an access street or alley to the rear of the primary building unless otherwise allowed under these regulations.

B. Parking shall not be located in the Frontage Zone. Where access to an off-street parking lot from a Primary Street is permitted, the parking lot shall be masked from the frontage by buildings or appropriate landscaping as specified in Section 26.08.

C. The vehicular entrance to a parking lot shall be no wider than 24 feet.

26.07.03 Table of Required Parking Spaces

Where on-site or controlled parking is necessary and required, the applicant shall provide the required number of spaces as prescribed in Table 26.07 below. The required number of spaces shall be interpreted as both the minimum and maximum number of parking spaces allowed. Parking waivers or expansions may be permitted by the PZC as a Special Exception under Section 26.09.03.

Table 26.07 - Parking Standards in the FBZ

Commercial and Civic Use	**Required Parking**
Retail Business, Commercial or Personal Service Establishment	1 space per 300 gross square feet
General Office or Retail in Mixed Use Buildings	1 space per 400 gross square feet
Medical or Dental Office or Clinic	5 spaces/doctor or dentist within a single office or suite
Restaurant or Place of Assembly	1 space for each 3 seats
Hotel or Motel	1 space per occupancy unit
Library, Museum, or other Civic Use	1 space per 500 gross square feet
Residential Uses	
Multi-Residential Building or Multiple Home Building	1/DU with 1 bedroom or less; and 2/DU with 2 bedrooms or more located within 300 feet of the Dwelling Unit[4]
1-bedroom unit in Mixed-Use Building	1 space per bedroom
2-bedroom unit in Mixed Use Building	1 space per bedroom
3 or more bedroom unit in Mixed Use Building	1 space per bedroom

A. Non-Defined Parking – Where uses and parking requirements are not defined in Table 26.07, the applicant shall provide an amount equal to fifty percent (50%) of the required spaces under Article IV, Section 9 of the Zoning Regulations. No additional parking shall be required for change of uses or the addition of accessory uses within existing buildings or on site. Outdoor café seating as an accessory use is not required to have additional parking.

[4] Rev. 11/15/2021, effective 12/06/2021

B. Fractional Spaces – When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one half (1/2) shall be disregarded and any fraction of one half (1/2) or greater shall be counted as one (1) required space.

C. Change of Use - A permitted use can be changed to another permitted use, and any permitted principal or accessory use can be intensified, without increasing the required off-street parking requirements of Table 26.07 provided there is:

1) No increase in gross square footage of the building;
2) No reduction in existing parking spaces required pursuant to Section 26.07; and
3) Parking space requirements for residential dwelling units shall be 1 parking space per unit. [5]

D. Required Bicycle Facilities - One bicycle parking space shall be provided for every twenty-five (25) off-street vehicular parking spaces. Bicycle racks shall be provided within the public or private frontage in a convenient and visible location.

26.07.04 Parking Adjustment Methods

In order to minimize paved surfaces and eliminate the need to construct unnecessary parking spaces, the Planning and Zoning Commission may approve adjustments to required parking spaces quantities as defined below:

A. Off-Site Parking Credit - Parking requirements may be reduced by up to fifty percent (50%) with a Special Exception by the PZC if an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal land use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage. If this rule cannot be met, the applicant can secure private off-site parking within 500 feet of the site by ownership or lease with another landowner with the following conditions:

1) The off-site parking will be shared by more than one landowner; and
2) The greater distance is justified because of pedestrian traffic patterns and the vitality of the area that would be part of the walk.

B. On-Street Parking Credit - All non-residential properties located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking stall for each 22 linear feet of abutting right-of-way for parallel parking. This provision shall be applied for on-street parking on the same side of the street as the proposed land use, or on the opposite side of the street if the property on that side of the street does not have the potential for future development. In considering credit for on street parking, all fractional spaces are rounded down.

C. Shared Parking

[5] Rev. 11/15/2021, effective 12/06/2021

1) A reduction of the cumulative minimum parking requirements within a mixed-use development or for adjacent commercial or industrial properties may be approved by the Commission if the applicant provides a parking study that satisfactorily demonstrates that one or more of the following conditions exist to warrant the reduction:

   a) Differences in the timing of peak parking demands among existing and/or proposed uses result in a net peak parking demand that is significantly lower than the cumulative minimum parking requirements;

   b) Synergistic relationships among uses create captive markets, resulting in multiple purpose walking trips within the development; and/or

   c) The development is likely to generate bus, bicycle, or pedestrian trips and accommodations exist or are proposed to support these alternative methods of transportation.

2) Approval of such shared use of parking spaces 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 within the development, such agreement shall be automatically terminated, and a new agreement shall be made between all parties in the development which shall be executed and filed on the land records.

D. Car-Sharing Program - The PZC may approve a parking reduction where an active car-sharing program is made available to residents and/or employees and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.

E. Off-Site Employee Parking - The PZC may allow required parking to be provided off-site for employees, except for any required handicapped parking, as permitted according to the provisions of and when conforming to the following:

1) A lot featuring the off-site parking must be located within seven hundred and sixty (750) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance served;

2) Pedestrian access between the use and the off-site accessory parking area must be via paved sidewalk or walkways; and

3) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Manchester, guaranteeing long term use of the site is provided to the PZC.

F. Tandem Parking - The PZC may allow tandem parking under the following conditions:

1) To be used to meet parking requirements for residential units only.

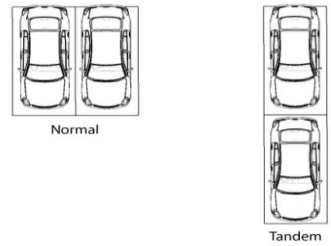
2) Tandem spaces shall be assigned to the same dwelling unit.

3) Tandem parking shall not be used to provide guest parking.

4) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 36 feet in length.

5) A maximum of 20% of tandem spaces may be designated as compact spaces. Compact tandem spaces shall have a combined minimum dimension of 8.5 feet in width by 30 feet in length, and shall identified with appropriate signage.

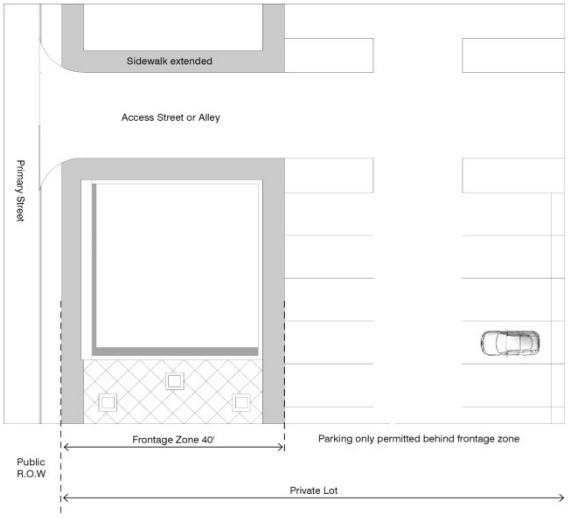
Figure 26.10. Tandem Parking



26.07.05 Parking Placement and Access

A. Off-Street Parking Location - Surface parking shall be located behind the Frontage Zone and behind the primary building. By special exception, surface parking may be allowed behind the primary building front elevation line if located a minimum of twenty (20) feet from the street line, behind the front façade of the primary building and screened with sufficient landscaping. In this case, the portion of the parking lot located to the side of the primary building shall be limited to one (1) double row of vehicles and associated turning space. To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.

Figure 26.11 - Off-Street Parking Placement and Access



B. Curbcuts and Driveways - New curb cuts on existing public ways shall be minimized. No more than one curb cut on Primary Streets shall be allowed for any lot. For traffic safety and to maintain traffic flow, no new driveways shall be permitted on Primary Streets within 100 feet of any intersecting public street.

1) New curbcuts shall be no wider than 16 feet for one-way traffic flow and 24 feet for two-way traffic flow.

2) New curbcuts on Primary Streets shall only be allowed where the curbcut leads to parking for at least twenty (20) vehicles.

3) Driveways shall not occupy more than 25% of the frontage of any parcel, except for lots less than 40 feet wide.

4) Where the driveway crosses any pedestrian path, the intersection shall be clearly marked and lighted for the safety of the pedestrian.

5) To the extent feasible, access to businesses for purposes of delivery or parking shall be provided through one of the following methods:
   a) Through a common driveway serving adjacent lots or premises;
   b) Through existing side or rear streets and access points thus avoiding the Primary Streets; or
   c) Through designated public loading spaces on-street or in existing municipal lots.

26.07.06 Parking Facility Use and Design Standards

A. Parking Space and Lot Design Standards – The parking design standards described in Article IV, Section 9 of the Town of Manchester Zoning Regulations shall apply in the FBZ unless specifically addressed in this section including the following provisions:

1) Required off-street parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities count toward meeting off-street parking requirements.
2) Required off-street parking areas for five (5) or more automobiles shall have individual spaces that are designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street or sidewalk and so that any automobile may be parked and unparked without moving another automobile.
3) A maximum of 20% of provided parking spaces may be designated as compact spaces. Compact spaces shall have minimum dimensions of 8 feet in width and 16 feet in length, and shall be identified with appropriate signage.
4) Except as provided in Section 26.07.06.B all off street parking areas shall be surfaced with asphalt, bituminous or concrete material or paving units, and maintained in a smooth, well-graded condition.
5) If artificially lighted, such lighting shall be so designed and arranged that light is directed away from any adjoining property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.
6) Off-street parking areas shall have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property.

B. Pervious Parking Materials – Turf grid systems and pervious pavers or pavement may be allowed by Special Exception, subject to the following conditions:

1) Pervious paving systems shall be designed in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines;
2) Driveway aprons from a Primary Street shall be an acceptable impervious material for the first 20 feet;
3) Parking surfaces shall be maintained such that the pervious material does not constitute a nuisance by virtue of its appearance or condition and is graded in a level condition; and

4) Selected materials shall comply with the drainage requirements for stormwater runoff set forth in the Manchester Public Improvement Standards.

C. Parking Structures - Parking structures are permitted only on Liner Building, Mixed-Use Building, or Multi-Residence Building Lots. The liner building requirements of Section 26.03 apply to all parking structures and to any story of a principal structure used to park vehicles. Parking structures may contain up to two (2) levels below grade and five (5) levels of parking above grade and may contain other uses above the parking levels provided the entire building does not exceed the height allowed by Table 26.03.

26.07.07 Loading Areas

A. Required Loading Spaces – The number of loading spaces shall be determined by the type and size of use as follows:

Table 26.08 – Required Loading Areas	
Residential	1 space per 20 – 99 units
	2 spaces per 100 or more units
Non-Residential	1 space per 10,000 – 50,000 sq. ft.
	2 spaces per 50,001 – 100,000 sq. ft.
	3 spaces per 100,001 – 150,000 sq. ft.
	4 spaces per 150,001 sq. ft. or more
Mixed Use	Per requirements above

B. Dimensions - The minimum dimensions of any required off-street loading space shall be a clear horizontal area of twelve (12) feet by thirty (30) feet, exclusive of platforms and piers, and a clear vertical space fourteen (14) feet high.

C. Accessibility - Each off-street loading space shall be directly accessible from a Primary Street, side street or alley without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck or motor truck and trailer combinations, and so no truck or trailer shall be required to back from such facilities directly onto public streets. Loading docks shall not be visible from a Primary Street. Required off-street loading areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind.

D. Shared Loading Areas - Collective, joint or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, upon the approval of the PZC, provided that such off-street loading facilities are sufficient in size and capacity to meet the combined requirements of the several buildings or uses and are designed, located and arranged to be usable thereby.

Section 26.08 – Landscaping, Screening, Lighting Standards, Signs, and Sustainable Design

26.08.01 Purpose and Intent

In any permit proceeding, consideration shall be given to possibilities for enhancement of and improvements to streetscape design and pedestrian amenities. At a minimum, the applicant shall propose a streetscape design that may include, but is not limited to: planting of street trees;

terraces and landscaped areas; park benches, sidewalks or other pedestrian paths; doorways, porches, entries that provide transition for and bridge the gap between public and private space; and orient parking and building lighting that is appropriate in style and design to the desired architectural character of the FBZ.

26.08.02 Public Frontages

A. Street Trees – As specified in Table 26.01 - The Public Frontage shall include trees planted in a regular spacing pattern of varied native species with shade canopies which at maturity generally reach three stories high except where there are overhead power lines, but remain predominantly clear of building frontages. The introduced landscape shall consist primarily of durable species tolerant of salt and soil compaction.

B. Street Furnishings – Reserved

26.08.03 Private Frontage Landscaping Requirements

A. Existing Trees - Existing significant trees and shrubs shall be maintained to the maximum extent possible.

B. Visibility - No plantings shall obscure site entrance and exit drives and road intersections.

C. Non-Residential Lots - When the front setback is greater than zero, those portions of the front yard not occupied by pedestrian amenities and public spaces shall be landscaped. Street trees are required if the front setback is greater than ten (10) feet.

D. Residential Lots - Private Frontage landscaping shall be required for all residential properties for the first ten (10) feet. Private Frontage on residential lots shall be landscaped with a combination of indigenous grasses, trees and shrubs commonly found in Connecticut.

E. Street Trees – One deciduous tree with 3” minimum caliper is required to be planted within the front setback for every 30 feet of frontage if the front setback is greater than 10 feet. Trees in paved areas shall have a minimum 25 square feet of protected permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth. All landscaped areas shall be planted and maintained in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines. Plant materials shall be organically maintained to the maximum extent possible.

26.08.04 Parking Lot Landscaping

A. Interior Space - One 3” minimum caliper low water use, low maintenance canopy tree must be provided for every 10 spaces. Trees shall be maintained and irrigated as necessary and planted within at least 50 square feet of permeable area. No landscaped island shall be less than six (6) feet wide. All landscaped islands shall be planted with appropriate groundcover plant species and designed in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines.

B. Buffering - Planting along the perimeter shall be required to screen parking lots from adjacent sidewalks where applicable. Planting beds shall be a minimum of six (6) feet wide and should be continuous to allow for maximum plant bed size and are constructed as rain gardens to control stormwater.

C. Landscaping of Pre-existing Parking Lots - Upon the expansion of an existing parking lot containing 20 or more parking spaces and/or an alteration of a structure, or a change or expansion of a use which increases the parking requirements by 5 or more spaces according to the standards of Section 26.07, the entire existing parking lot shall be brought into compliance with this section.

D. Coordination - Landscaping of private parking lot and other lot features shall be compatible with the streetscape design elements of the public frontages.

26.08.05 Storage Areas

A. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Where feasible, shared use and designated areas for garbage dumpsters shall be required.

B. Garbage dumpsters shall be fully screened on 3 sides with solid walls or otherwise opaque screening a minimum of six (6) feet high with a solid front gate, six feet high, which shall be kept closed. Trash compacters shall be enclosed to minimize noise.

26.08.06 Lighting Standards

Outdoor site lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and emphasizing landscape features. Light fixtures must be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed to illuminate any portion of a site must meet the following requirements:

A. General Standard - Property owners shall use the fewest fixtures possible to light the specific project area. Property owners shall avoid fixtures that allow light to spill sideways or into the sky.

B. Site Lighting - Lighting shall complement a building's architecture through shadowing, highlighting, and flooding. Appropriate lumens or foot-candles should be evaluated to provide these effects without overwhelming the building or site. Light fixtures should be compatible to the style of the building and may include: attached or detached; soffit; up light or down light; and tree lighting.

C. Streetscape Lighting Fixture - Light fixtures shall be selected by the Town of Manchester and intended to complement the general streetscapes, buildings, and development patterns of the FBZ.

D. Streetscape Lighting Placement – The placement of streetscape lighting fixtures shall be in a consistent pattern to provide sufficient light levels within the public streetscape area

and private streetyard. Lighting placement within the streetyard shall be designed as an extension of the public streetscape and as a complementary element of landscaping and building design.

E. Prohibited Light Sources - The following light fixtures and sources may not be used where the direct light emitted is visible from adjacent areas:

1) Low-pressure sodium and mercury vapor light sources;
2) Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
3) Searchlights and other high-intensity narrow-beam fixtures.

F. Luminaire - The light source shall be concealed and must not be visible from any street right-of-way, not including an alley, or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures must be full cutoff fixtures, except as provided in section 26.08.06.L.

G. Fixture Height - Lighting fixtures shall not exceed 30 feet in height above parking areas. Lighting fixtures may not be less than nine (9) feet or more than 16 feet in height above the sidewalk in pedestrian areas.

H. Light Source (Lamp) - Only incandescent, fluorescent, metal halide, or LED may be used.

I. Mounting - Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

J. Limit Lighting to Periods of Activity - The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility.

K. Security Lighting

1) Building-mounted security light fixtures such as wall packs may not project above the fascia or roof line of the building and must be shielded.
2) Security fixtures, including but not limited to floodlights and wall packs, may not face residential uses on adjacent properties.
3) Security fixtures may not be substituted for parking area or walkway lighting and are restricted to loading, storage, service and similar locations.

L. Accent Lighting - Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

M. Entrances and Exits - All entrances and exits to buildings used for nonresidential or mixed use purposes and open to the general public, and all entrances in multifamily

residential buildings must be adequately lighted to ensure the safety of persons and the security of the building.

N. Commercial Parking Area Lighting - All commercial parking areas must provide lighting for both pedestrian areas and parking areas during nighttime hours of operation.

O. Excessive Illumination

1) Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited.
2) Lighting unnecessarily illuminates if it exceeds the requirements of this regulation.
3) Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

26.08.07 Utilities and Services

A. Utilities - Wherever feasible, existing above ground utility lines shall be buried underground or moved behind buildings. All new electrical and communication utilities in the FBZ shall be placed underground.

B. Mechanical Utilities - Mechanical equipment, whether ground level or rooftop, and waste containers shall be screened from view of adjacent properties and public rights-of-way and designed to be an integral part of the building.

C. Stormwater Management –The use of the following practices or their functional equivalents are presumed to comply with the stormwater management standards contained in the Manchester Zoning Regulations and Public Improvement Standards; if this subsection conflicts with any other provision of the these regulations and standards, the provisions of this subsection will prevail**.** These practices shall be incorporated into developments unless the applicant can demonstrate they cannot function on the specific site or are not feasible. Additional detail can be found in the Town of Manchester Sustainable Design and Low Impact Development Guidelines.

1) Innovative and urban stormwater management designs and techniques may be considered for addressing stormwater treatment requirements, including but not limited to porous pavement, treatment inlet boxes with skimmers or traps, subsurface basins for infiltration or detention, prefabricated multi-chamber water quality devices, green roofs, stormwater treatment mitigation, etc. All stormwater management designs and techniques must be certified by a Connecticut registered professional engineer or landscape architect with stormwater management expertise. The engineer or landscape architect must submit a proposed maintenance schedule for each technique, identifying the timing of inspections and the maintenance activities that will be taken such as removing debris from inlet boxes, replacing filters, pumping out accumulated sediment, mechanical sweeping, etc.
2) To minimize the amount of site fill and the associated impacts of such fill on existing native vegetation and trees, historical wet season water table levels may be controlled at lower elevations subject to the physical limitations of the receiving drainage system and compliance with the criteria for such set forth by the Town of Manchester.

26.08.08 Fences

A. Residential Lots – Fencing on residential lots may include garden walls, hedges and semi-opaque decorative fences:

1) Prohibited Finish Materials: chain link, barbed wire and razor wire fencing.
2) Fences, garden walls or hedges shall be used along all un-built property lines which abut streets and alleys.
3) Fences, garden walls or hedges shall be used in side yards (behind the front plane of the primary structure) and rear yards.
4) Recommended Finish Materials: Wood (termite resistant) painted/stained, wrought iron, black steel or aluminum, brick, stone or stucco, high quality plastic or vinyl.
5) No fence, hedge or wall in the street yard shall exceed a height of 3 ½ feet and shall be semi-opaque. In the side and year yards, they shall not exceed 6 feet (8 feet when abutting a non-residential district) from the grade plane.

B. Commercial and Mixed Use Lots - Fencing is typically used to define rear or side property lines, the boundaries of a parking area, or to screen dumpsters or machinery from view. Wherever possible, property owners are advised to use plantings and landscaping to define outdoor spaces.

1) Where fencing is necessary, the use of traditional fencing materials such as wood, granite or stone, high quality plastic or vinyl, or alternatives to wrought or cast iron fencing such as black steel or aluminum fencing is highly recommended. Fencing should be compatible with the materials, proportions and styles of the existing buildings on the site.
2) The height and style of the fence should also relate to its location on the site with taller, solid fencing at the rear of the site and lower and more open fencing towards the front. Chain link fencing is prohibited.
3) No fence, hedge or wall in the street yard shall exceed a height of 3 ½ feet and shall be semi-opaque. In the side and year yards, not to exceed 6 feet (8 feet when abutting a non-residential district) from the grade plane.

26.08.09 Signs

A. General Requirements – The sign requirements of Article IV Section 13 shall apply to the FBZ and except where there is a conflict this section shall control.

1) All signs should be constructed of durable, rigid, opaque material such as metal, wood or high quality plastic or vinyl.

2) All building signs including projecting, wall mounted, and painted or glass storefront signs shall be scaled to the pedestrian, be proportionate to the building, and shall not extend above the parapet wall or roofline of the building.

3) In multi-use buildings and in frontage zones, wall mounted signs for ground floor uses shall not be located above the height of the ground floor.

4) The message on the sign shall convey the business name and main product or service only.

5) Colors should complement the building and storefront colors and the letters and logos should contrast with the background for easy reading.

6) Signs shall not occupy more than 25% of the storefront windows to ensure transparency and visibility.

B. Signs Permitted in FBZ

1) The maximum sign area for wall, canopy, and marquee signs shall be calculated on the basis of three square feet for each linear foot of the face of the building supporting such sign. For buildings with multiple storefronts, signs for individual businesses shall not exceed the width of the individual storefront and the sign areas shall be calculated based on three square feet for linear foot of storefront.

2) Projecting signs over a public right of way shall be directly illuminated, must provide a minimum clearance of seven feet six inches from the bottom of the sign to the surface of the sidewalk, and shall not extend more than three feet from the building façade. The total area of projecting sign shall not exceed 12 square feet. The maximum number of such signs permitted on a single building or structure shall be equivalent to the number of establishments located on the ground floor of the building and having direct access from the public sidewalk.

3) Temporary signs to include free standing construction signs, wall or free standing real estate signs, free standing roadside signs, novelty signs, and public interest signs may be permitted in any zone in accordance with the following paragraphs.

4) One construction sign not exceeding 100 square feet to advertise a building project. Subcontractors may each display one sign not exceeding four square feet. Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for a time period exceeding 18 months. Construction signs shall be directly illuminated only.

5) Identification signs for multiple-residence buildings, municipal uses, and places of worship shall be directly illuminated only. Wall mounted signs are permitted and only one low-rise free standing sign is permitted. All identification signs may be a maximum of 50 square feet.

6) One nameplate sign not exceeding two square feet per dwelling. The sign may indicate the nature of a home occupation or professional use. No artificial illumination is permitted. Signs may be free standing, wall mounted or projecting.

7) One real estate sign not exceeding four square feet for each residential property offered for sale, or 24 square feet for each commercial property offered for sale. Real estate signs shall not be displayed after the property has been sold.

8) Business premises may erect one low profile free standing sign based on the ground floor area of the building as follows: Up to 1200 square feet of building ground floor area, low profile free standing sign of 24 square feet, thence an increase in sign area

of one square foot for each additional 200 square feet of building ground floor area to a maximum of 100 square feet. No other type of free standing sign shall be permitted.

9) Business signs may be either internally or directly illuminated. If internally illuminated the background shall be painted opaque so only the letters appear lit.

26.08.10 Sustainable Design and Development Standards

Builders in the FBZ shall incorporate sustainable and best management practices into building, site, and infrastructure development. The Town of Manchester Sustainable Design and Low Impact Development Guidelines document provides applicable sustainable design and development guidelines.

Section 26.09 – Administration

26.09.01 General Administration

A. Relationship to Other Sections - This section of the Zoning Regulations shall be used and interpreted primarily on its own. However, where there are differences between this and other sections of the Zoning Regulations, and where expressly identified or described herein, this section shall control.

B. Conformity Required - No building or structure may be erected, structurally altered, moved or maintained, nor shall any building, structure or land be used except in conformity with this Section.

C. Site Plan Required

1) Any building or structure erected, constructed, reconstructed, moved or structurally altered after the effective date of this ordinance requires site plan review as specified in Article I, Section 4.04.

2) No building permit or certificate of occupancy shall be issued until a site plan has been approved.

3) A Class A-2 foundation location survey may be required by the Zoning Enforcement Officer to determine the zoning compliance of any structure in the FBZ as covered by this ordinance.

4) Application Requirements – Application shall be made in compliance with Article I Section 4 of the zoning regulations. All applications for site plan review shall follow the requirements of Article I Section 4 and be accompanied by a Detailed Plan in compliance with Article I Section 4.04 of zoning regulations unless it is determined by the Planning Director that a Detailed Plan is not required. This determination shall be in writing and shall be made part of the file on the site plan application. All applications for special exceptions shall follow the requirements of Article I Section 4 and be accompanied by a Preliminary Plan in compliance with Article I Section 4.02 and Section 4.03.04 and a Detailed Plan in compliance with Article I Section 4.04 and Section 4.05.07 of the zoning regulations unless it is determined by the Planning Directors that either Preliminary or Detailed Plan, or both, are not required. This

determination shall be in writing and shall be made part of the file of the special exception application.

5) Financial Guarantee Requirements[6]

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.[7]

26.09.02 Applications for Approval

A. Application Types

1) *Permitted:* Applications for site plan approval that meets all requirements of this Section and propose 50,000 square feet or less of gross floor area shall be approved by the Zoning Enforcement Officer and the Planning Director after their review of the application either as submitted or with modifications that the applicant finds acceptable.

2) *Site Plan Approval:* Applications that meet all requirements of this Section and propose more than 50,000 square feet of gross floor area shall receive a site plan approval from the PZC. An applicant may submit a Master Plan in the form of a Preliminary Site Development Plan as per Article I Section 4.02 prior to submission of a full Detailed Plan (Article I Section 4.04). The PZC or Planning Director may grant modifications to an approved site plan in accordance with the procedure that governed its original approval.

3) *Special Exception:* Applications that require a special exception under the Section or seek alternative compliance under Section 26.09.04 must receive a special exception approval from the PZC.

26.09.03 Special Exceptions

A. Applicability - The PZC is authorized to approve special exceptions for uses so identified in this Section and to approve alternatives to certain requirements of this Section as specified below.

B. Approval Criteria - The PZC shall consider the following criteria when considering and acting on a special exception application:

1) The extent to which the application meets the intent of the Broad Street Area Redevelopment Plan;

2) The special exception will not substantially or permanently injure the appropriate use of adjacent conforming properties;

3) The special exception will promote the concepts and practices associated with walkability and sustainability in the FBZ. The PZC, when considering these

[6] Rev. 06/03/13, effective 06/21/13
[7] Rev. 06/03/13, effective 06/21/13

characteristics, shall rely on established plans, policies and programs as such may exist with regard to such items as energy conservation, low impact development practices including stormwater management, light imprint stormwater design practices, specifically including stormwater quality and quantity management (See Section 26.05.05) and the furtherance of applicable goals in the adopted Manchester Plan of Conservation and Development.

4) The criteria for special exception in Article IV Section 20.

C. Planning and Zoning Commission (PZC) Action

1) The PZC may attach conditions or modifications to the special exception necessary to protect the health, safety and welfare and minimize adverse impacts on adjacent properties.
2) Incomplete applications may be denied by the PZC. The PZC may approve, modify and approve, an application if it finds the modifications will address deficiencies in the application regarding conformance with this Section, or deny the application.

26.09.04 Alternative Compliance

In order to accomplish the goals of the FBZ and allow for appropriate alternatives to the standards set forth in this Section, the PZC may approve alternative compliance through the special exception process as defined below:

A. ADA Compliance – Where increased front setback may be necessary to meet the Americans with Disabilities Act (ADA) requirements. Where possible, required ramping should be located primarily on the side of the building as opposed to directly in front of the building. Where ramping is required in front of the building, it should be designed to also provide an attractive and inviting space to pedestrians such as outdoor dining and sitting areas.

B. Civic Lot Exception – The PZC may allow for alternative compliance from the civic space requirement in Section 26.06.02 where a comparable amount of civic space within 1/4-mile walking distance already exists or is committed.

C. Additional Street Types - An applicant may propose additional street and trail types or modified thoroughfare design standards through the site plan review process. The PZC shall decide whether to accept, modify, or reject such additions or modifications during the site plan review process based on its determination that the additions or modifications are consistent with the planning, design, and compatibility principles set forth in the Broad Street Redevelopment Plan and the Town of Manchester Public Improvement Standards.

D. Dead-End Streets - Dead-end streets are not permitted except where specially authorized by the PZC. PZC criteria for allowing a dead-end street include the following: physical conditions such as highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Dead-end streets shall be constructed to Access Street design standards as prescribed in Section 26.02.02. Dead-end streets must be

designed as a closed looped or cul-de-sac with an interior open space which shall be landscaped and accessible to adjoining lots. The dead-end street shall provide pedestrian connectivity to the maximum extent practicable.

E. Parking Standards Relief - Where possible, parking reduction methods are strongly encouraged and the required number of spaces in Table 26.07 may be reduced if the applicant can demonstrate that a reduction would still provide adequate parking. The PZC may grant alternative compliance for the reduction in required spaces according to Table 26.07 upon a reliable showing of lesser parking need according to the Parking Adjustment Methods in Section 26.07.04.

F. Protruding Building Elements - The PZC may provide alternative compliance from the street yard setback for awnings, marquees, balconies, galleries, arcades, projecting signs, and other protruding building elements as identified in Section 26.04.

G. Public Frontage Lighting - Within the public frontages, the spacing and illumination level may be adjusted by the PZC to accommodate specific site conditions, such as building entrances, parking areas, sidewalks and trails.

H. Fences - No fence, hedge or wall shall exceed a height of 6 feet (8 feet when abutting a non-residential district) from the grade plane unless alternative compliance is granted by the PZC.

I. Alternative Compliance Criteria - In addition to the criteria set forth above, the PZC shall consider the following FBZ development and design objective when considering alternative compliance:

1) The alternative provides for or supports mixed use development where appropriate;
2) The alternative maintains or improves pedestrian access, streetscape and open spaces;
3) The alternative provides new local business development opportunities;
4) The alternative eliminates or minimizes curbcuts and driveways on Primary Streets;
5) The alternative provides for shared access and parking;
6) The alternative provides housing where appropriate and provides an appropriate mix of affordability levels and life cycle opportunities; and/or
7) The alternative is generally consistent with the Broad Street Redevelopment Plan.

26.09.05 Alterations or Additions to Non-conforming Structures

For structures that exist in the zone as of March 30, 2012 the following provisions shall apply:

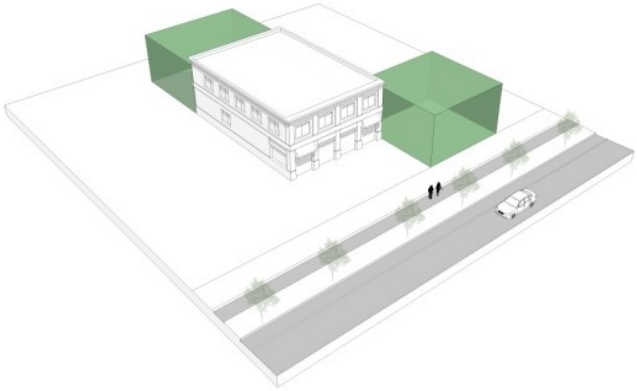
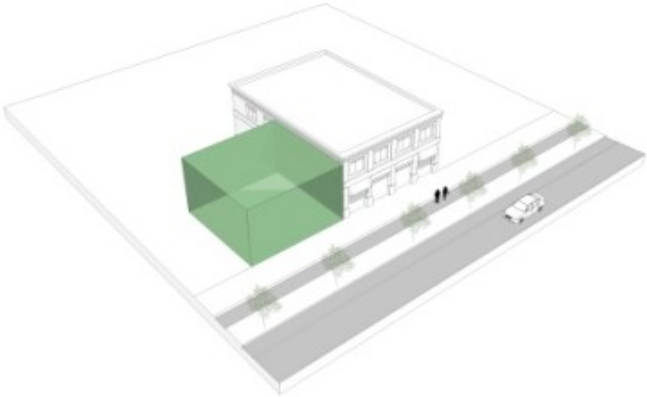
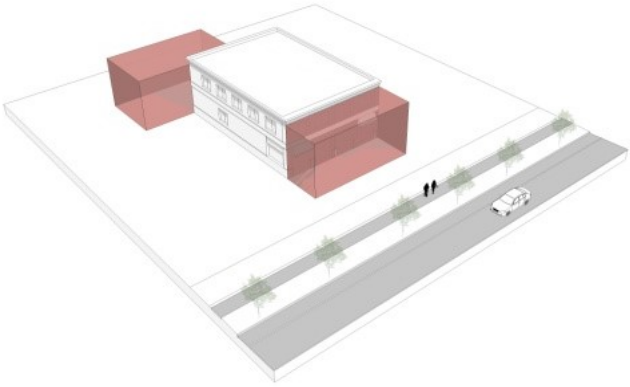
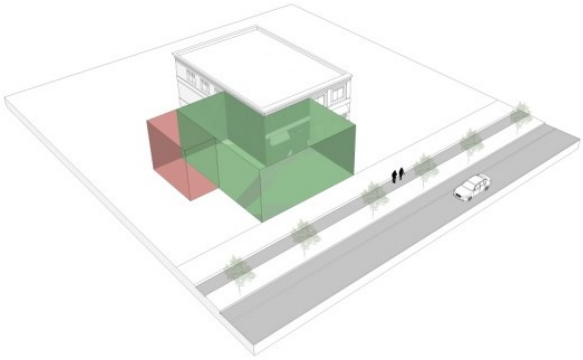
A. Authority to Continue: Any nonconforming structure may be continued so long as it remains otherwise lawful, subject to the provisions below.

B. Enlargement, Repair, Alterations – Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or

increase the degree of the existing nonconformity of all or any part of such structure in violation of Connecticut law.

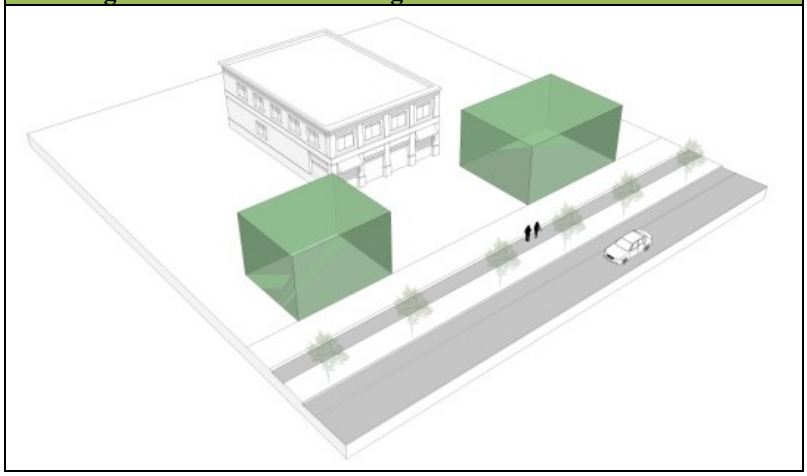
C. Relocation – No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure conforms to this Section after being relocated.

D. Permitted Additions – Where a nonconforming structure is being expanded, the street yard setback area requirements apply as set forth below.

Figure 26.13 – Requirements for Expanding a Non-Conforming Structure	
1) Front and Rear Additions - Any addition to the front must be placed within the street setback area. Rear additions are allowed because the extension is not increasing the degree of the existing nonconformity.	
2) Side Additions - Any addition to the side of the building must be placed within the street setback area.	
3) Additions Outside of the Front and Rear Setback Area - Additions outside of the setback area are not allowed until the maximum setback requirements for the site have been met.	
4) Additions Outside of the Sideyard Setback Area - Any addition to the side of the building must be placed within the street setback area. Additions outside of the setback area are not allowed until the build-to requirement for the site has been met.	

E. Permitted New Buildings – Where a new building is being constructed on a site with a nonconforming structure, the new building should be located in the street setback area until the frontage occupancy percentage requirement has been met.

Figure 26.14 – New Building Placement in Setback Areas



Section 26.10 – Non-conforming Uses

The following uses legally developed or approved prior to March 30, 2012 shall be considered legal and conforming:

1) Drive-through restaurants
2) Light industrial uses
3) Drive-through windows
4) Auto service station and repair
5) Auto service station and convenience store
6) Gasoline service stations

Any other non-conforming uses shall be subject to the requirements of Article IV Section 7.

Section 26.11 – Definitions

Reserved

ARTICLE IV **GENERAL PROVISIONS**

Section 23 ~~SIDEWALK CAFÉS~~[1] SEASONAL OUTDOOR DINING AREAS AND ~~SEASONAL~~ VESTIBULES[2]

23.01 ~~Sidewalk cafes~~ Seasonal outdoor dining areas are permitted as an accessory use in all zones with administrative approval in accordance with the provisions of this section.~~and s~~Seasonal vestibules are permitted in certain zones as a permitted use~~s subject to the following provisions:~~in accordance with the provisions of this section.

23.01.01[3] ~~Sidewalk cafes and s~~Seasonal outdoor dining areas or vestibules may be located on public sidewalks adjacent to or abutting the indoor ~~restaurant~~ establishment which operates the ~~cafe~~outdoor dining area or vestibule, provided that:~~.~~

1. The ~~cafe~~ outdoor dining area or vestibule shall extend no further than the actual street frontage of the operating ~~restaurant~~business, except that ~~sidewalk cafes~~outdoor dining areas may extend beyond said frontage with written authorization from the property owner(s).

2. Seasonal outdoor dining areas and vestibules shall provide not less than five (5) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk. Obstructions shall include but not be limited to light poles, traffic signal poles, fire hydrants, utility structures and street signs. Where there is a traffic control signal pedestrian push button, the sidewalk shall remain clear of obstructions between the push button and the associated sidewalk ramp(s). Further, the location of the cafe or vestibule cannot obstruct the clear sight distance for vehicles nor access or crossings for the disabled.

3. The area of the sidewalk reserved for pedestrian traffic shall consist of concrete with a slip resistant finish only. Any textured pavement, such as brick, cobblestone, bituminous and similar treatment shall not be considered sidewalk for pedestrian traffic. For outdoor dining areas, the operator may leave five (5) feet of sidewalk immediately adjacent to the indoor restaurant and locate the outdoor dining area on textured pavements.

23.01.02 ~~Sidewalk cafes and seasonal vestibules shall provide not less than four (4) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk. Obstructions shall include but not be limited to light poles, traffic signal poles, fire hydrants, utility structures and street signs. Further, the location of the cafe or seasonal vestibule cannot obstruct the clear~~

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[1] ~~Rev. 7/21/14, effective 8/1/14~~
[2] Rev. 2/5/18, effective 2/20/18
[3] Rev. 02/17/21, effective 03/10/21

~~sight distance for vehicles nor access or crossings for the disabled.~~Seasonal outdoor dining areas may be located on off-street parking spaces, except ADA accessible spaces, associated with the permitted use, provided that:

1. Parking lot circulation, including emergency vehicle access, shall remain unencumbered;

2. Protective barriers around temporary outdoor dining areas must be present. If a temporary outdoor dining area will be used in the evening hours, barriers must have reflective materials; and

3. Minimum parking requirements for the associated establishment must remain satisfied after the subtraction of any parking spaces utilized for the outdoor dining area.

23.01.03 ~~The area of the sidewalk reserved for pedestrian traffic shall consist of concrete only. Any textured pavement, such as brick, cobblestone, bituminous and similar treatment shall not be considered sidewalk for pedestrian traffic. The operator may leave four (4) feet of sidewalk immediately adjacent to the indoor restaurant and locate the cafe on textured pavements.~~Seasonal outdoor dining areas may be located on any lot, yard, court or open spaces abutting the area permitted for the principal use, provided that:

1. Such use in in compliance with the zoning district in which the lot, yard, court or open space is located;

2. Such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines under the Americans with Disabilities Act; and

3. The permittee obtains written authorization to engage in such use from the owner of the lot, yard, court or open space and provides a copy of authorization to the zoning enforcement officer.

23.02 Design Standards – ~~Sidewalk Cafes~~Seasonal Outdoor Dining Areas

23.02.01 Furnishings of the ~~cafe~~ outdoor dining area shall consist solely of moveable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.

23.02.02 Awnings shall be adequately secured, retractable, and meet the provisions of the Manchester Downtown Architectural Guidelines as amended. Umbrellas over tables must be adequately weighted and shall not protrude into the vehicular travel way.

23.02.03[4] Tables, chairs, and all other furnishings or accessories shall be secured or removed from the sidewalk and stored indoors whenever the ~~cafe~~ outdoor dining

[4] Rev. 02/17/21, effective 03/10/21

area is not in operation.

23.02.04[5] Outdoor heaters, busing stations, trash receptacles, and food preparation stations must be shown on the submitted site plan and approved by the Fire Marshal and/or Health Department.

23.02.05 All planters, railings and fences within an ~~sidewalk cafe~~outdoor dining area must be self-supporting. Railings, fences or other enclosures shall not be more than 42 inches in height. No fastening devices of any kind shall be permitted to affix any furnishing or appurtenances to the ~~sidewalk~~ground.[6]

23.02.06[7] ~~Sidewalk cafes~~Seasonal outdoor dining areas shall be at the same elevation as the public sidewalk or provide accessible egress. Platforms or other surfaces must be shown on the site plan and approved by the Town.

23.02.07 Signs: No sign shall be allowed at any ~~sidewalk cafe~~seasonal outdoor dining area except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the outdoor dining area~~ of the sidewalk cafe~~, mounted on an easel or other easily removable fixture. The sign shall not exceed six (6) square feet.

23.03 Operation and Service Requirements for ~~Sidewalk Cafes~~Seasonal Outdoor Dining Areas

23.03.01[8] ~~Sidewalk cafes~~Seasonal outdoor dining areas may operate between April 1 and October 31 each year.

23.03.02 The ~~cafe~~ outdoor dining area may operate during regular business hours of the associated restaurant ~~operating the cafe~~ but no later than 10:00 PM.

23.03.03[9] The operator of the ~~cafe~~ outdoor dining area is responsible for keeping the premises, including the public sidewalk and other furnishings of the cafe, clean at all times.

23.04 Criteria for Seasonal Vestibules

23.04.01 Seasonal vestibules shall not encroach more than 3 feet beyond the lot line and into the public sidewalk.

23.04.02 Seasonal vestibules shall conform to Article II Section 15.04.02.

23.04.03 Seasonal vestibules shall not be erected prior to December 1 and shall be removed by March 31 each year.

23.05 Permit Terms and Other Requirements

[5] Rev. 02/17/21, effective 03/10/21
[6] Rev. 7/21/14, effective 8/1/14
[7] Rev. 02/17/21, effective 03/10/21
[8] Rev. 02/17/21, effective 03/10/21
[9] Rev. 02/17/21, effective 03/10/21

23.05.01 Anyone wishing to operate a ~~sidewalk cafe or~~ seasonal outdoor dining area or vestibule must file an application with the zoning enforcement officer for a Certificate of Use permit. An application ~~form prescribed~~ must be completed and any fee required must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.

23.05.02 ~~Sidewalk cafe~~ Seasonal outdoor dining area and seasonal vestibule permits shall be issued for an operating period of one year. Thereafter the zoning enforcement officer may issue a renewal application on an annual basis provided a request is made for the renewal and after the zoning officer has made an inspection of the premises. The zoning officer may deny a permit to operate a ~~sidewalk cafe~~seasonal outdoor dining area or seasonal vestibule if the operator has a history of violations of any requirements or a failure to correct violations when duly noticed by the zoning officer.

23.05.03 The zoning enforcement officer shall be empowered to notify the operator of a ~~sidewalk cafe or~~ seasonal outdoor dining area or vestibule that their permit has been revoked. If the zoning officer finds that the provisions of the regulations are not being met by the operator, the operator shall correct the violations within one week of receiving written notice of violation. If the violations are not corrected within that time the permit will be revoked.

23.05.04 In addition to meeting the requirements of these regulations the zoning officer will route the application to the police department, public works director, director of health, chief building inspector, and fire marshal for their review. Any permit requirements of other agencies which regulate restaurants or the public right-of-way must be adhered to and the zoning officer may not issue a certificate of use if the applicant has not received approvals for the operation from other agencies having any jurisdiction on its operation.

~~T~~If the seasonal outdoor dining area or vestibule is located on the public sidewalk or other Town property, the operator must also provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured in that policy. ~~-~~A certificate of use shall not be issued until the insurance certificate is provided.

23.05.05 The Town reserves the right and power, acting through the general manager or a designee, to prohibit the operation of a ~~sidewalk cafe or~~ seasonal outdoor dining area or vestibule at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to planned construction work, festivals, parades, marches, road races, repairs to the street or sidewalk, utility repair, snow removal, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the ~~cafe~~ outdoor dining area will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the ~~cafe's~~ outdoor dining area's operation at any particular time.

23.05.06 Any operator aggrieved by any action of the zoning enforcement officer shall

have a right to appeal to the Zoning Board of Appeals as set forth in Article V Section 5 of these regulations.