

# Town of Manchester



## Zoning Regulations

**Effective June 9<sup>th</sup>, 2025**

**With Amendments Through: September 1<sup>st</sup>, 2025**

# Contents

|   |     |
|---|-----|
| Article I – Regulatory Foundation .....   | 1   |
| Section 1. Introduction .....   | 1   |
| Section 2. Establishment of Zoning Districts and Zoning Map.....                | 2   |
| Article II – Use Regulations.....   | 6   |
| Section 3. Nonconforming Uses & Structures, Prohibited Uses .....               | 6   |
| Section 4. Principal Use Summary Tables .....                                   | 9   |
| Section 5. Accessory Use Summary Tables.....                                    | 14  |
| Section 6. Principal Use Regulations .....                                      | 17  |
| Section 7. Accessory Use Regulations .....                                      | 50  |
| Article III – Zoning District Standards .....                                   | 62  |
| Section 8. Residential Zoning District Standards.....                           | 62  |
| Section 9. Commercial, Industrial, and Mixed-Use Zoning District Standards..... | 63  |
| Section 10. Form-Based Zone.....  | 72  |
| Article IV – Special Zoning District Standards.....                             | 113 |
| Section 11. Floating Zones.....   | 113 |
| Section 12. Overlay Districts .....   | 121 |
| Article V – Regulatory Standards.....   | 133 |
| Section 13. Lot Standards .....   | 133 |
| Section 14. Site and Environmental Standards.....                               | 136 |
| Section 15. Earth Excavation.....   | 143 |
| Section 16. Off-Street Parking and Loading .....                                | 147 |
| Section 17. Sign Regulations .....  | 154 |
| Article VI – Procedures and Administration .....                                | 165 |
| Section 18. Applications, Certificates, Plans, and Special Exceptions .....     | 165 |
| Section 19. Financial Guarantee Requirements .....                              | 181 |
| Section 20. Procedures .....  | 182 |
| Section 21. Zoning Board of Appeals .....                                       | 183 |
| Article VII – Definitions.....  | 184 |
| Section 22. Word Use and Acceptable References .....                            | 184 |
| Section 23. Zoning Terminology Definitions .....                                | 185 |
| Section 24. Use Definitions .....   | 193 |
| Section 25. Abbreviations.....  | 204 |
| Appendix: Record of Amendments.....   | 205 |

# Article I – Regulatory Foundation

## Section 1. Introduction

### 1.1 Application

- A. The zones and zoning regulations described here are officially approved and adopted. Buildings and land can only be used, built, changed, expanded, or rebuilt according to the regulations for the specific zone in which they are located.
- B. All development subject to these regulations shall also be subject to the Inland Wetlands and Watercourse Regulations of the Town of Manchester.

### 1.2 Interpretation

- A. These regulations shall be considered the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- B. These regulations are not intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.
- C. These regulations shall be applicable even if they impose a greater restriction upon the use of buildings or premises or specify more restrictive standards for such uses than existing rules, regulations, permits, easements, covenants or agreements, or provisions of law or ordinance.

### 1.3 Validity

If any part of these regulations is found to be invalid, that ruling will only affect that specific part, and the rest of the regulations will remain valid and in effect.

### 1.4 Changes

- A. These regulations may, from time to time, be amended or changed or repealed, as provided in the General Statutes of the State of Connecticut and the Charter of the Town of Manchester, as amended.
- B. If a request for a change of zone or amendment of the Zoning Regulations is denied after a public hearing, it cannot be reconsidered for one year from the rejection date. However, after 4 months, the Planning and Zoning Commission may allow a new hearing if written information shows that significant changes in circumstances make it beneficial for both the public and the petitioner to review the request again.

### 1.5 Effective Date

The effective date of these Regulations shall be June 9<sup>th</sup>, 2025.

## Section 2. Establishment of Zoning Districts and Zoning Map

### 2.1 Residential Zoning Districts

The Town is hereby divided into the following residential zoning districts with purposes as stated below:

#### 2.1.1 Rural Residence (RR)

The Rural Residential zone is intended to preserve the rural character and natural landscapes of the area and protect open spaces and environmentally sensitive areas while allowing for a wide range of primarily residential, agricultural, and institutional uses.

#### 2.1.2 Residence AA, RA, RB, and RC Zones

These residential zones are intended to allow for development on small to medium-sized lots to encourage compact and sustainable development. The zones accommodate a mixture of single-family and multi-family residences, and institutional uses and are well supported by roadway and utility infrastructure.

#### 2.1.3 Residence M (RM)

The Residence M zone is a medium density residential district that allows a variety of housing types on any developed site including single-family and multi-family homes. The zone allows small lot development and is entirely served by public water and sanitary sewer. No new RM zoning designations shall be created as of 1/26/81.

### 2.2 Commercial, Industrial, and Mixed-Use Zoning Districts

The Town is hereby divided into the following commercial and industrial zoning districts with purposes as stated below:

#### 2.2.1 Business I (B1)

A Business I zone is a commercial retail trade area designed to allow convenient but limited shopping facilities in a residential neighborhood.

#### 2.2.2 Business II (B2)

A Business II zone is a commercial trade area for general public shopping convenience.

#### 2.2.3 Business III (B3)

A Business III zone is a commercial trade area for general public shopping convenience similar to a Business II zone except for department stores.

#### 2.2.4 Business V (B5)

A Business V zone is a district where retail shopping and service facilities can be established to serve travelers on restricted access highways, and such a district is intended to be distinct from local neighborhood business districts because of its proximity to points of egress or ingress of such highways.

#### 2.2.5 Central Business District (CBD)

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.

### 2.2.6 General Business (GB)

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

### 2.2.7 Neighborhood Business (NB)

A Neighborhood Business zone is a commercial district within or adjacent to residential neighborhoods. Its purpose is to provide stores and service establishments for the convenience shopping and service needs of persons residing in the neighborhood and incidentally to others peripheral to the neighborhood.

### 2.2.8 Special Design Commercial (SDC)

The Special Design Commercial Business Zone is intended to provide retail, service, and professional office uses in locations close to limited access highways or on collector or arterial roads in a manner which ensures public safety and compatibility with surrounding uses. It is also intended to enhance the quality of new development or redevelopment and when appropriate preserve and enhance the special character of existing neighborhoods.

### 2.2.9 Historic Zone (H)

The purpose of this zone is to allow development that will protect, preserve, and enhance the unique historical and architectural qualities of historic places of the Cheney Brothers Historic District and provide a redevelopment potential for residential, office, commercial and industrial uses. The Historic Zone is divided into the Silk Mill area (H-SM) and the Family Mansion Area (H-FM).

### 2.2.10 Form-Based Zone (FBZ)

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.

### 2.2.11 Comprehensive Urban Development Zone (CUD)

A Comprehensive Urban Development zone allows planned development of various types of commercial, industrial and residential land uses as well as certain accessory uses and Special Exception uses. The intent of the "CUD" regulations is to permit greater flexibility and more economical and efficient use of the land while allowing a harmonious variety of land uses, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

### 2.2.12 Industrial (IND)

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

## 2.3 Floating Zone Districts

Floating zones may be applied to areas across Manchester providing the proposed rezoning to one of these zones meets the required standards for the zone and is approved by the Planning and Zoning Commission as required by these Regulations. Once adopted, the floating zone replaces the pre-existing zone. The following floating zone districts are established by these Regulations with purposes as stated below:

### 2.3.1 Elderly Housing Development (EHD)

The EHD zone is intended to permit a range of housing types for the elderly, either separately or in combination, on a single site or adjoining sites to meet the housing, service and health care needs of seniors.

### 2.3.2 Off-Street Parking (OSP)

The purpose of such a zone is to permit off-street parking facilities to be established adjacent to business and industrial uses without permitting those uses to extend into the parking zone, to act as a buffer strip between residence zones and business and industrial zones where off-street parking is desirable and made available, and to reduce the congestion in the streets.

### 2.3.3 Planned Residential Development (PRD)

A Planned Residence Development zone is a medium density residential district which allows a mixture of various types of housing including single-family, duplex and multi-family dwellings as well as certain accessory uses and Special Exception uses. Development of the planned site is to be made to encourage the most appropriate use of the site, preserve significant natural features of the site (including trees, steep slopes, wetlands), and provide for housing of moderate cost.

## 2.4 Overlay Zone Districts

Overlay zones impose additional regulations on the underlying zoning districts. They may span multiple zoning districts to provide a consistent set of regulations specific to its purpose regardless of the underlying zoning district. The following overlay districts are established by these regulations with purposes as stated below:

### 2.4.1 Floodplain Zone

It is the purpose of this zone to protect the public health, safety, convenience and property values and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: protect human life and health; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; minimize prolonged business interruptions; minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special hazards; help maintain a stable tax base by providing for the reuse and development of areas of special flood hazard so as to minimize future flood blight areas; ensure that potential buyers have access to information that would identify whether property is in an area of special flood hazard; and ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### 2.4.2 Design Overlay Zone

The purpose of the Design Overlay Zone is to ensure development in previously developed areas will protect, preserve, and enhance the unique historical and/or architectural qualities of overlay districts and retain an area's distinctive character and scale, and to promote the best examples of architecture found in overlay districts to improve existing property conditions, address the presence of blighted conditions, and increase property values.

### 2.5 Zoning Map

#### 2.5.1 Zoning Map Establishment

Zones are shown on a map entitled "Zoning Map Town of Manchester, Connecticut", scale 1,000 feet to one inch, adopted March 3, 2003. Said map, as revised, shall be part of these regulations and may be published as a black and white map or with zoning districts represented in various distinct colors and/or patterns.

#### 2.5.2 Zoning Map District Boundaries

Where uncertainty exists with respect to the boundaries of zones as shown on the zoning map, the following rules shall apply:

- A. Where the zone boundary is a street, the boundary line shall be the center line of the street. Where the boundary line is indicated approximately parallel to the street, it shall be determined as parallel thereto and at the following distances back from the nearest street line:
  1. In the AA Zone - 200 feet
  2. In the A Zone - 150 feet
  3. In the B Zone - 125 feet
  4. In the C Zone - 100 feet
  5. In the Business Zone I - 125 feet
  6. In the Business Zone II - 125 feet
  7. In the Business Zone III - 100 feet
  8. In the Industrial Zone when fronting on railroad from 150 feet the nearer right of way line
- B. Where two or more zones are shown within a block 200 feet or less in width the boundary of the more restricted zone shall be deemed 100 feet back from its street line.
- C. Where a zoning boundary line divides a lot in single ownership the Zoning Board of Appeals may, upon receipt of application, authorize an extension of either zoning uses into the abutting zone for a distance of not more than 25 feet from the zoning boundary line.
- D. Except for the situations described in Items A, B, and C above when zone lines are in close proximity to the base property lines on the zoning map, the boundary shall be deemed to be the property line. For purposes of this section close proximity shall be a 10-foot difference between the zone line and the property line.
- E. The Director of Planning & Economic Development is authorized to order changes to the zoning map when the Director has determined that district boundaries are improperly shown due to drafting errors.

## Article II – Use Regulations

### Section 3. Nonconforming Uses & Structures, Prohibited Uses

#### 3.1 Nonconforming Uses and Structures

##### 3.1.1 Statement of Intent

- A. Within the zones established by these regulations or any amendments that may later be adopted, there exist structures and uses of land and structures that were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments.
- B. It is the intent of these regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these regulations to be incompatible with permitted uses in the zones involved. It is further the intent of these regulations that nonconformities shall not be enlarged upon, expanded, or extended, except as provided herein, if such a change increases the nonconformity. It is further the intent of these regulations not to permit nonconformities to be used as grounds for adding other prohibited structures or use elsewhere in the same zone.
- C. Nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building for which an application for a building permit was received by the chief building official, for which a building permit was issued, or for which construction was lawfully begun prior to the effective date of adoption or amendment of these regulations.

##### 3.1.2 Nonconforming Structures

Where a lawful structure containing permitted uses exists at the effective date of adoption or amendment of these regulations that could not be built under the provisions thereof by reason of restrictions on building area, lot coverage, building height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No structure may be enlarged or altered in a way that increases its non-conformity, or that creates an additional nonconformity.
- B. Should such structures be destroyed or damaged from fire or other casualty, it may be repaired or replaced to the same dimensions, floor area, cubic volume, bulk and site location existing immediately prior to such damage or destruction provided that such repair or replacement shall be in compliance with all requirements of the Connecticut State Building Code. If application for a building permit for such repair or replacement is not made within 6 months of the date of such damage or reconstruction, the structure may be reconstructed only in conformity with these regulations.
- C. Should such structures be moved in whole or in part, to any other portion of the lot or parcel occupied by such structure at the effective date of adoption or amendment of these Regulations or to any other lot or parcel, it shall be located so as to conform to the requirements of the zone in which it is located after it is moved.



### 3.1.3 Nonconforming Uses

If a lawful use of land, building or structure exists at the effective date of adoption or amendment of these regulations that would not be allowed in the zone under the provisions thereof, such use may be continued so long as it remains otherwise lawful, subject to the following provisions and the provisions of Section 3.1.4.

- A. Except as provided by Item B below, a nonconforming use may be changed only to a use allowed in the most restricted zone in which the present nonconforming use would be conforming.
- B. No provisions in this section and no provisions elsewhere in these regulations shall be interpreted as allowing a nonconforming use to intensify the sale of alcoholic liquors or to qualify for a liquor permit different from the class of liquor permit existing on August 5, 1976.
- C. No nonconforming use in a residential zone shall be changed to permit the selling or serving of alcoholic liquor.

### 3.1.4 Nonconforming Use of Building or Structures

If a lawful use of a structure or building exists at the effective date of adoption or amendment of these regulations that would not be allowed in the zone under the provisions thereof, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Except for restrictions on the nonconforming sale of alcoholic liquor as stated in Section 3.1.3B above, a nonconforming use may be extended to another part of the building designed for such use.
- B. No building devoted to a nonconforming use shall be enlarged or structurally altered if the cost of all such changes exceeds 50% of the total estimated value of the building as assessed at the time of the application for the first change.
- C. Any building or structure used for a nonconforming use that is destroyed or damaged by fire or casualty may be reconstructed provided the cost of such reconstruction is not greater than 50% of the total estimated value of the building or structure at the time of the last revaluation (as recorded in the assessor's office) and an application for such reconstruction is made within 6 months of the date of such damage or reconstruction.

### 3.1.5 Exemptions

The following uses, if legally developed as of the noted dates, shall be considered legal and conforming in accordance with the following:

- A. Group dwellings and apartments in the Residence A, B, and C zones existing on or before January 25, 1972.
- B. Convalescent homes, nursing homes, handicapped housing, or elderly congregate housing in the Elderly Housing District existing prior to April 1, 1998.
- C. The following uses in the Form Based Zone existing as of March 30, 2012:
  - 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
- D. All automobile sales - new and/or used, automobile repairs and service garages or shops, gasoline service stations and bulk oil plants legally developed prior to November 1, 1970, notwithstanding the requirements of Section 6.4.
- E. Gas stations located within the CBD zone legally developed or approved prior to February 15, 1972.

### 3.2 Prohibited Uses

The following uses of land and buildings are prohibited in any zone whether on public or private land:

- A. Any use that would be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.
- B. Parking of trailers for more than 24 hours when used for human occupancy, provided however, in the event that any dwelling unit is destroyed or rendered uninhabitable by reason of fire, flood or other casualty, the Zoning Enforcement Officer may grant a permit for the use of trailers as emergency shelters for a period not exceeding 60 days. This period may be renewed by the Zoning Enforcement Officer for two additional 30-day periods.
- C. Commercial slaughterhouse, but the slaughter of livestock and poultry is permitted as an accessory use on farms in Rural Residence zone.
- D. Rooming houses: 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.
- E. Building or premises used for military training or drilling, with or without arms, unless such premises shall be declared by the chief of police to be safe and appropriate for such purpose.
- F. No building shall be constructed or structurally altered in the front of, or moved to the front of, a dwelling situated on the same lot. These provisions shall not prevent the erection and occupancy of approved group dwellings.
- G. Outdoor drive-in theaters.
- H. The permanent use of shipping containers on any residential property.
- I. Ammonia, chlorine or bleaching powder manufacture.
- J. Explosives manufacture and storage.
- K. Sulphurous, nitric, picric, carbolic or hydrochloric acids manufacture.
- L. Gas manufacture.
- M. Fat rendering in the manufacture of tallow, grease and oils.
- N. Iron, copper, tin, zinc and lead smelting.
- O. Refining and recovery of products from fish, animal refuse or offal.
- P. Fertilizer manufacture except in connection with the operation of sewage disposal plants.
- Q. Any other trade, industry, process or use that is injurious, noxious, offensive or hazardous by reason of emission, of odor, dust, fumes, smoke, or other pollutants, noise and vibration.

## Section 4. Principal Use Summary Tables

### 4.1 Principal Uses: Residential Zones

The table below indicates the permitted principal uses in Manchester by residential zone. Uses are permitted (P), require Site Plan approval (SP), or are allowed by Special Exception (SE). A "permitted use" in a residential zone is a legal use of land and buildings that does not require approval or authorization by the Planning and Zoning Commission or Zoning Board of Appeals. Uses prohibited within a zone are identified by a dash (—).

See [Section 18](#) for plan and permit application requirements. In addition to the permit requirements identified below, see [Section 6](#) and other applicable sections for regulations specific to the uses identified below.

| Use                                  | RR | AA | RA | RB | RC | RM | PRD <sup>1</sup> | EHD |
|--------------------------------------|----|----|----|----|----|----|------------------|-----|
| Adult Day Care Center                | SE | SE | SE | SE | SE | —  | SE               | —   |
| Agriculture                          | P  | —  | —  | —  | —  | —  | —                | —   |
| Assisted Living Facility             | —  | —  | —  | —  | —  | —  | —                | SP  |
| Bed & Breakfast                      | SE | SE | —  | —  | —  | —  | —                | —   |
| Cemetery                             | SE | —  | —  | —  | —  | —  | —                | —   |
| Child Care Center                    | SE | SE | SE | SE | SE | —  | SE               | —   |
| Community Residence                  | P  | P  | P  | P  | P  | P  | P                | —   |
| Congregate Housing                   | —  | —  | —  | —  | —  | —  | —                | SP  |
| Continuing Care Retirement Community | —  | —  | —  | —  | —  | —  | —                | SP  |
| Convalescent Home                    | —  | —  | —  | —  | —  | —  | —                | SP  |
| Educational Institution or Facility  | SE | SE | SE | SE | SE | —  | SE               | —   |
| General Office                       | —  | —  | —  | —  | SE | —  | —                | —   |
| Golf Course                          | SE | —  | —  | —  | —  | —  | —                | —   |
| Group Child Care Home                | SE | SE | SE | SE | SE | —  | SE               | —   |
| Horse Farm or Stable                 | P  | —  | —  | —  | —  | —  | —                | —   |
| Hospital                             | SE | —  | —  | P  | P  | —  | —                | —   |
| Independent Living Facility          | —  | —  | —  | —  | —  | —  | —                | SP  |
| Library                              | —  | P  | P  | P  | P  | —  | P                | —   |
| Medical Clinic                       | SE | —  | —  | —  | —  | —  | —                | —   |
| Membership Organization              | P  | —  | —  | P  | P  | —  | —                | —   |
| Municipal Building or Facility       | P  | P  | P  | P  | P  | P  | P                | —   |
| Municipal Park or Playground         | P  | P  | P  | P  | P  | P  | P                | —   |
| Nursery                              | P  | —  | P  | P  | P  | —  | —                | —   |
| Place of Worship                     | SE | SE | SE | SE | SE | —  | SE               | —   |
| Public Utility Building or Structure | SE | SE | SE | SE | SE | P  | P                | —   |
| Residential Conversion to Office     | —  | —  | —  | —  | SE | —  | —                | —   |
| Residential, Multi-Family            | —  | —  | —  | —  | —  | P  | P                | —   |
| Residential, Senior Multi-Family     | —  | —  | —  | —  | —  | —  | —                | SP  |
| Residential, Single-Family           | P  | P  | P  | P  | P  | P  | P                | —   |
| Residential, Two-Family              | —  | —  | SE | P  | P  | P  | P                | —   |

| Use  | RR | AA | RA | RB | RC | RM | PRD <sup>1</sup> | EHD |
|--|----|----|----|----|----|----|------------------|-----|
| School Building Conversion to Residential  | SE | SE | SE | SE | SE | —  | —                | —   |
| Senior Housing Development   | —  | —  | —  | —  | —  | —  | P                | SP  |
| Single-Family Conversion to Multi-Family   | —  | —  | —  | SE | SE | —  | —                | —   |
| Single-Family Conversion to Two-Family   | SE | —  | SE | SE | SE | —  | —                | —   |
| Veterinary Clinic  | SE | —  | —  | —  | —  | —  | —                | —   |
| Wireless Telecommunications Facility   | SE | SE | SE | SE | SE | —  | SE               | —   |
| 1. Changes to site layout require Site Plan approval (SP), regardless of whether the use is permitted (P). |    |    |    |    |    |    |                  |     |

#### 4.2 Principal Uses: Commercial, Industrial Zones, and Mixed-Use Zones

The table below indicates the permitted principal uses in Manchester by commercial and industrial zones. Uses are permitted (P), require Site Plan approval (SP), or are allowed by Special Exception (SE). Uses prohibited within a zone are identified by a dash (—). All Special Exceptions shall also require a Site Plan.

**See Section 18 for plan and permit application requirements. In addition to the permit requirements identified below, see Section 6 and other applicable sections for regulations specific to the uses identified below.**

| Use   | B1 <sup>1</sup> | B2 <sup>1</sup> | B3 <sup>1</sup> | B5 <sup>1</sup> | CBD <sup>1</sup> | GB <sup>1</sup> | NB <sup>1</sup> | SDC <sup>1,2</sup> | H-SM | H-FM | FBZ <sup>3</sup> | CUD <sup>6</sup> | IND |
|---|-----------------|-----------------|-----------------|-----------------|------------------|-----------------|-----------------|--------------------|------|------|------------------|------------------|-----|
| Adult Day Care Center                             | SE              | SE              | SE              | —               | —                | SE              | SE              | —                  | SE   | —    | SE               | SE               | —   |
| Adult-Oriented Establishment                      | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | SE  |
| Assisted Living Facility                          | —               | —               | —               | —               | SE               | —               | —               | —                  | SP   | —    | —                | P                | —   |
| Auction Gallery                                   | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | SE               | —                | —   |
| Auto Sales  | —               | SE              | SE              | SE              | —                | SE              | —               | —                  | —    | —    | —                | —                | SE  |
| Auto Service                                      | —               | SE              | SE              | SE              | —                | SE              | —               | —                  | —    | —    | —                | —                | SE  |
| Bank  | P               | P               | P               | P               | P                | P               | P               | P                  | SP   | —    | P                | P                | —   |
| Banquet Hall                                      | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | SE               | SE  |
| Bed & Breakfast                                   | —               | —               | —               | —               | —                | —               | —               | —                  | —    | SE   | —                | —                | —   |
| Brewery or Distillery                             | —               | —               | —               | —               | SE               | —               | —               | —                  | SE   | —    | —                | —                | P   |
| Broadcasting or Recording Studio                  | —               | P               | P               | —               | —                | P               | —               | —                  | —    | —    | SP               | P                | P   |
| Bulk Oil Storage                                  | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | SE  |
| Cannabis Cultivator or Micro-Cultivator           | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | SE               | SE  |
| Cannabis Retailer, Hybrid Retailer, or Dispensary | —               | —               | —               | —               | —                | SE              | —               | —                  | —    | —    | —                | SE               | —   |
| Cannabis Transporter                              | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | SE  |
| Car Wash  | —               | SE              | SE              | SE              | —                | SE              | —               | —                  | —    | —    | —                | —                | —   |
| Child Care Center                                 | SE              | SE              | SE              | —               | —                | SE              | SE              | —                  | SE   | —    | SE               | SE               | SE  |
| Conference Center                                 | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | SP               | SE               | —   |

| Use                                      | B1 <sup>1</sup> | B2 <sup>1</sup> | B3 <sup>1</sup> | B5 <sup>1</sup> | CBD <sup>1</sup> | GB <sup>1</sup> | NB <sup>1</sup> | SDC <sup>1,2</sup> | H-SM | H-FM | FBZ <sup>3</sup> | CUD <sup>6</sup> | IND |
|--|-----------------|-----------------|-----------------|-----------------|------------------|-----------------|-----------------|--------------------|------|------|------------------|------------------|-----|
| Congregate Housing                       | —               | —               | —               | —               | —                | —               | —               | —                  | SP   | —    | —                | P                | —   |
| Continuing Care Retirement Community     | —               | —               | —               | —               | SE               | —               | —               | —                  | SP   | —    | —                | P                | —   |
| Contractor Shop                          | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | SE               | —                | P   |
| Contractor Yard                          | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | P   |
| Convalescent Home                        | —               | —               | —               | —               | SE               | —               | —               | —                  | SP   | —    | —                | P                | —   |
| Convenience Store                        | P               | P               | P               | P               | P                | P               | P               | P                  | SP   | —    | SP               | P                | —   |
| Craft Café                               | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | P   |
| Cultural Institution                     | —               | —               | —               | —               | —                | —               | —               | —                  | SP   | —    | SP               | P                | —   |
| Data Processing                          | —               | —               | —               | —               | —                | —               | P               | —                  | —    | —    | —                | P                | —   |
| Driving Range                            | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | P   |
| Dry Cleaner                              | —               | —               | —               | —               | —                | —               | P               | —                  | —    | —    | SE               | —                | —   |
| Educational Institution or Facility      | —               | SE              | SE              | —               | P                | SE              | —               | —                  | SP   | —    | SE               | SE               | SE  |
| Equipment Rental or Leasing              | —               | —               | —               | —               | —                | P               | P               | —                  | —    | —    | —                | —                | —   |
| Family Child Care Home                   | —               | —               | —               | —               | —                | P               | P               | —                  | SP   | SP   | —                | —                | —   |
| Fitness Club                             | —               | P               | P               | P               | —                | P               | —               | P                  | —    | —    | —                | —                | P   |
| Fleet Parking                            | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | SE  |
| Funeral Parlor                           | —               | P               | P               | —               | —                | P               | —               | —                  | —    | —    | —                | —                | —   |
| Gas Station                              | —               | SE              | SE              | SE              | —                | SE              | —               | —                  | SE   | SE   | —                | P                | —   |
| General Office                           | P               | P               | P               | —               | P                | P               | P               | P                  | SP   | —    | SP               | P                | P   |
| Government Building or Use               | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | SP               | —                | —   |
| Group Child Care Home                    | SE              | SE              | SE              | —               | —                | SE              | SE              | —                  | SE   | —    | SE               | SE               | —   |
| Heavy Industrial                         | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | SE  |
| Historic Mill Conversion to Multi-Family | SE              | SE              | SE              | SE              | —                | SE              | —               | SE                 | SE   | —    | —                | —                | SE  |
| Hospital                                 | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | P                | —   |
| Hotel                                    | —               | P               | P               | P               | P                | P               | —               | —                  | —    | —    | SP               | P                | P   |
| Hotel/Motel Conversion to Multi-Family   | —               | —               | —               | —               | —                | SE              | —               | —                  | —    | —    | —                | —                | —   |
| Independent Living Facility              | —               | —               | —               | —               | SE               | —               | —               | —                  | SP   | —    | —                | P                | —   |
| Indoor Entertainment Facility            | —               | P               | P               | —               | —                | P               | —               | —                  | —    | —    | SP               | P                | —   |
| Indoor Farming                           | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | SP               | SE               | P   |
| Indoor Recreation Facility               | —               | P               | P               | P               | —                | P               | —               | —                  | SE   | —    | SP               | P                | P   |
| Industrial Office                        | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | P   |
| Inn                                      | —               | —               | —               | —               | —                | —               | —               | —                  | —    | SE   | SE               | —                | —   |

| Use                                  | B1 <sup>1</sup> | B2 <sup>1</sup> | B3 <sup>1</sup> | B5 <sup>1</sup> | CBD <sup>1</sup> | GB <sup>1</sup> | NB <sup>1</sup> | SDC <sup>1,2</sup> | H-SM | H-FM | FBZ <sup>3</sup> | CUD <sup>6</sup> | IND |
|--------------------------------------|-----------------|-----------------|-----------------|-----------------|------------------|-----------------|-----------------|--------------------|------|------|------------------|------------------|-----|
| Laundromat                           | —               | —               | —               | —               | —                | —               | P               | —                  | —    | —    | SE               | —                | —   |
| Library                              | —               | —               | —               | —               | P                | —               | —               | —                  | —    | —    | SP               | —                | —   |
| Light Industrial                     | —               | —               | —               | —               | —                | SE              | —               | —                  | —    | —    | —                | SE               | P   |
| Light Manufacturing                  | —               | —               | —               | —               | —                | —               | —               | —                  | SE   | —    | —                | SE               | P   |
| Manufacturing                        | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | —                | P   |
| Medical Clinic                       | —               | —               | —               | —               | —                | —               | P               | —                  | —    | —    | SP               | P                | —   |
| Medical Office                       | —               | —               | —               | —               | —                | —               | P               | P                  | —    | —    | SP               | P                | —   |
| Membership Organization              | —               | P               | P               | —               | P                | P               | —               | —                  | SP   | —    | SP               | —                | —   |
| Mixed-Use Development                | P <sup>4</sup>  | P <sup>4</sup>  | P <sup>4</sup>  | —               | P                | SE              | P <sup>4</sup>  | P <sup>4</sup>     | SP   | —    | SP               | SE               | —   |
| Municipal Building or Facility       | —               | P               | P               | P               | —                | P               | —               | —                  | SP   | —    | —                | P                | —   |
| Municipal Office                     | P               | P               | P               | —               | P                | —               | P               | —                  | —    | —    | —                | —                | —   |
| Municipal Park or Playground         | —               | —               | —               | P               | —                | —               | —               | —                  | SP   | —    | SP               | —                | —   |
| Municipal Parking                    | —               | P               | P               | —               | P                | P               | —               | —                  | —    | —    | —                | —                | —   |
| Nursery                              | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | SP               | —                | —   |
| Outdoor Go-Kart Track                | —               | —               | —               | —               | —                | SE              | —               | —                  | —    | —    | —                | —                | —   |
| Outdoor Recreation Facility          | —               | P               | P               | P               | —                | P               | —               | —                  | SE   | —    | SP               | P                | P   |
| Package Store                        | SE              | P               | P               | P               | P                | P               | P               | P                  | SP   | —    | SP               | —                | —   |
| Personal Service Establishment       | P               | P               | P               | P               | P                | P               | P               | P                  | SE   | —    | SP               | P                | —   |
| Place of Worship                     | —               | SE              | SE              | —               | —                | SE              | —               | —                  | —    | —    | SE               | SE               | SE  |
| Printing Establishment               | —               | P               | P               | —               | —                | P               | —               | —                  | —    | —    | —                | —                | —   |
| Public Utility Building or Structure | SE              | P               | P               | P               | SE               | P               | SE              | P                  | SP   | —    | —                | SP               | P   |
| Repair Shop                          | —               | —               | —               | —               | —                | —               | P               | —                  | —    | —    | SP               | —                | —   |
| Research & Development               | —               | —               | —               | —               | —                | —               | —               | —                  | SE   | —    | SE               | P                | P   |
| Residential, Live/Work               | —               | —               | —               | —               | P                | —               | —               | —                  | —    | —    | SP               | —                | —   |
| Residential, Multi-Family            | —               | —               | —               | —               | —                | SE              | —               | —                  | SP   | —    | SP               | SE               | —   |
| Residential, Senior Multi-Family     | —               | —               | —               | —               | SE               | —               | —               | —                  | SP   | —    | —                | P                | —   |
| Residential, Single-Family           | —               | —               | —               | —               | —                | —               | —               | —                  | SP   | SP   | —                | —                | —   |
| Restaurant                           | P               | P               | P               | P               | P                | P               | P               | P                  | SE   | —    | SP               | P                | P   |
| Retail Food Establishment            | P               | P               | P               | P               | P                | P               | P               | P                  | SP   | —    | SP               | P                | —   |
| Retail Store                         | P               | P               | P               | P               | P                | P               | P               | P                  | SE   | —    | SP <sup>3</sup>  | P                | —   |
| Self-Storage Facility                | —               | —               | —               | —               | P                | SE              | —               | —                  | —    | —    | —                | —                | P   |
| Shopping Center                      | —               | —               | —               | P               | —                | —               | —               | —                  | —    | —    | —                | P                | —   |

|             |           |                               |             |            |           |            |             |          |
|-------------|-----------|-------------------------------|-------------|------------|-----------|------------|-------------|----------|
| T<br>O<br>C | Article I | Article II<br>Use Regulations | Article III | Article IV | Article V | Article VI | Article VII | Appendix |
|-------------|-----------|-------------------------------|-------------|------------|-----------|------------|-------------|----------|

| Use                                  | B1 <sup>1</sup> | B2 <sup>1</sup> | B3 <sup>1</sup> | B5 <sup>1</sup> | CBD <sup>1</sup> | GB <sup>1</sup> | NB <sup>1</sup> | SDC <sup>1,2</sup> | H-SM | H-FM | FBZ <sup>3</sup> | CUD <sup>6</sup> | IND            |
|--------------------------------------|-----------------|-----------------|-----------------|-----------------|------------------|-----------------|-----------------|--------------------|------|------|------------------|------------------|----------------|
| Shopping Mall                        | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | P                | —              |
| Telecommunications Facility          | —               | —               | —               | —               | —                | —               | —               | —                  | —    | —    | —                | P                | —              |
| Theater                              | —               | P               | P               | —               | P                | P               | —               | —                  | SP   | —    | SP               | P                | —              |
| Warehousing                          | —               | —               | —               | —               | —                | SE              | —               | —                  | SE   | —    | —                | SE               | P              |
| Wholesale Establishment              | —               | P               | P               | —               | P                | —               | —               | —                  | SE   | —    | —                | SE               | P              |
| Wireless Telecommunications Facility | SE              | SE              | SE              | SE              | P                | P <sup>5</sup>  | P <sup>5</sup>  | —                  | SP   | SP   | —                | P <sup>5</sup>   | P <sup>5</sup> |

1. See Section 9.2 for conditions that require a Special Exception.
2. See Section 9.7 for conditions that require a Site Plan approval or Special Exception.
3. See Section 10.17.2 for permit requirements and procedures.
4. See Section 6.22.2 for conditions that require a Special Exception.
5. See Section 6.38.4 for conditions that require a Special Exception.
6. Changes to site layout require Site Plan approval (SP), regardless of whether the use is permitted (P).

## Section 5. Accessory Use Summary Tables

### 5.1 Accessory Uses: Residential Zones

The table below indicates the permitted accessory uses in Manchester by residential zone. Uses are permitted (P) or are allowed by Special Exception (SE). A "permitted use" in a residential zone is a legal use of land and buildings that does not require approval or authorization by the Planning and Zoning Commission or Zoning Board of Appeals. Uses prohibited within a zone are identified by a dash (—). All Special Exceptions shall also require a Site Plan.

**See Section 18 for plan and permit application requirements. In addition to the permit requirements identified below, see Section 7 and other applicable sections for regulations specific to the uses identified below.**

| Accessory Use                        | RR | AA | RA | RB | RC | RM | PRD <sup>1</sup> | EHD |
|--------------------------------------|----|----|----|----|----|----|------------------|-----|
| Accessory Building or Structure      | P  | P  | P  | P  | P  | P  | P                | P   |
| Accessory Child Care Center          | P  | P  | P  | P  | P  | —  | P                | P   |
| Accessory Dwelling Unit              | P  | P  | P  | P  | P  | —  | P                | P   |
| Accessory Retail                     | —  | —  | —  | —  | —  | —  | —                | P   |
| Adult Day Care Center                | —  | —  | —  | —  | —  | —  | —                | P   |
| Agritourism - High Impact            | SE | —  | —  | —  | —  | —  | —                | —   |
| Agritourism - Low Impact             | P  | —  | —  | —  | —  | —  | —                | —   |
| Antennae or Dish                     | P  | P  | P  | P  | P  | P  | P                | P   |
| Caretaker Dwelling                   | P  | —  | —  | —  | —  | —  | —                | P   |
| Carnival, Circus, or Exposition      | SE | SE | SE | SE | SE | SE | —                | P   |
| Christmas Tree Sales                 | P  | —  | —  | —  | —  | —  | —                | —   |
| Community Building                   | —  | —  | —  | —  | —  | —  | —                | P   |
| Electric Vehicle Charging Station    | P  | P  | P  | P  | P  | P  | P                | P   |
| Family Child Care Home               | P  | P  | P  | P  | P  | P  | P                | P   |
| Family Resource Center               | P  | —  | —  | —  | —  | —  | —                | —   |
| Farmstand                            | P  | P  | P  | P  | P  | —  | P                | P   |
| Fence                                | P  | P  | P  | P  | P  | P  | P                | P   |
| Health and Therapeutic Care Facility | —  | —  | —  | —  | —  | —  | —                | P   |
| Hobby Auto Restoration               | P  | P  | P  | P  | P  | P  | P                | P   |
| Hobby Kennel                         | P  | P  | P  | P  | P  | —  | P                | —   |
| Home Occupation                      | P  | P  | P  | P  | P  | P  | P                | P   |
| Keeping of Bees                      | P  | —  | —  | —  | —  | —  | —                | —   |
| Keeping of Hens                      | P  | P  | P  | P  | P  | —  | P                | —   |
| Keeping of Horses                    | P  | —  | —  | —  | —  | —  | —                | —   |
| Keeping of Livestock                 | P  | —  | —  | —  | —  | —  | —                | —   |
| Keeping of Pigeons                   | P  | —  | —  | —  | —  | —  | —                | —   |



| Accessory Use  | RR | AA | RA | RB | RC | RM | PRD <sup>1</sup> | EHD |
|--|----|----|----|----|----|----|------------------|-----|
| Keeping of Rabbits   | P  | —  | —  | —  | —  | —  | —                | —   |
| Memorial Garden  | P  | —  | —  | —  | —  | —  | —                | —   |
| Off-Street Parking   | P  | P  | P  | P  | P  | P  | P                | P   |
| Outside Parking or Storage of Boats  | P  | P  | P  | P  | P  | P  | P                | P   |
| Outside Recreational Vehicle Parking   | P  | P  | P  | P  | P  | P  | P                | P   |
| Playground Equipment   | P  | P  | P  | P  | P  | P  | P                | P   |
| Renting of Rooms   | P  | —  | —  | —  | —  | —  | —                | —   |
| Signs  | P  | P  | P  | P  | P  | P  | P                | P   |
| Solar Energy System  | P  | P  | P  | P  | P  | P  | P                | P   |
| Sports Court   | P  | P  | P  | P  | P  | P  | P                | P   |
| Swimming Pool  | P  | P  | P  | P  | P  | P  | P                | P   |
| Tag Sale   | P  | P  | P  | P  | P  | P  | P                | P   |
| Wireless Telecommunications Antenna  | P  | P  | P  | P  | P  | P  | P                | P   |
| 1. Changes to site layout require Site Plan approval (SP), regardless of whether the use is permitted (P). |    |    |    |    |    |    |                  |     |

## 5.2 Accessory Uses: Commercial, Industrial, and Mixed-Use Zones

The table below indicates the permitted accessory uses in Manchester by commercial and industrial zone. Uses are permitted (P) or allowed by Special Exception (SE). Uses prohibited within a zone are identified by a dash (—). All Special Exceptions shall also require a Site Plan.

**See Section 18 for plan and permit application requirements. In addition to the permit requirements identified below, see Section 7 and other applicable sections for regulations specific to the uses identified below.**

| Accessory Use                   | B1             | B2 | B3 | B5 | CBD | GB | NB             | SDC <sup>4</sup> | H-SM | H-FM | FBZ | CUD <sup>3</sup> | IND            |
|---------------------------------|----------------|----|----|----|-----|----|----------------|------------------|------|------|-----|------------------|----------------|
| Accessory Alcohol Sales         | P <sup>2</sup> | P  | P  | P  | P   | P  | P <sup>2</sup> | P                | P    | —    | P   | P                | P <sup>2</sup> |
| Accessory ATM                   | —              | —  | —  | —  | —   | —  | —              | —                | —    | —    | SE  | —                | —              |
| Accessory Building or Structure | P              | P  | P  | P  | P   | P  | P              | P                | P    | P    | P   | P                | P              |
| Accessory Child Care Center     | —              | —  | —  | —  | —   | —  | —              | —                | —    | —    | —   | SE               | P              |
| Accessory Dwelling Unit         | —              | —  | —  | —  | —   | —  | —              | —                | —    | P    | P   | —                | —              |
| Accessory Office                | —              | —  | —  | —  | —   | —  | —              | —                | P    | P    | —   | —                | —              |
| Accessory Retail                | —              | —  | —  | —  | —   | —  | —              | —                | —    | —    | P   | —                | —              |
| Adult Day Care Center           | —              | —  | —  | —  | —   | —  | —              | —                | —    | —    | —   | —                | —              |
| Antennae or Dish                | P              | P  | P  | P  | P   | P  | P              | —                | P    | P    | —   | P                | P              |

| Accessory Use                        | B1             | B2             | B3             | B5             | CBD            | GB             | NB             | SDC <sup>4</sup> | H-SM | H-FM | FBZ | CUD <sup>3</sup> | IND |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|------|------|-----|------------------|-----|
| Carnivals, Circuses, and Expositions | SE             | SE             | SE             | SE             | SE             | SE             | SE             | —                | —    | —    | —   | SE               | SE  |
| Central Fuel Distribution System     | P              | P              | P              | P              | P              | P              | P              | P                | P    | P    | P   | P                | P   |
| Community Building                   | —              | —              | —              | —              | —              | —              | —              | —                | —    | —    | —   | —                | —   |
| Dormitory                            | —              | —              | —              | —              | —              | —              | —              | —                | P    | P    | —   | —                | —   |
| Drive-Thru                           | —              | —              | —              | P              | —              | SE             | SE             | SE               | —    | —    | SE  | —                | —   |
| Electric Vehicle Charging Station    | P              | P              | P              | P              | P              | P              | P              | P                | P    | P    | P   | P                | P   |
| Family Child Care Home               | P              | P              | P              | P              | P              | P              | P              | P                | P    | P    | P   | P                | —   |
| Family Resource Center               | —              | —              | —              | —              | —              | —              | —              | —                | —    | —    | —   | —                | —   |
| Farmers' Market                      | —              | —              | —              | —              | —              | —              | —              | —                | —    | —    | P   | —                | —   |
| Farmstand                            | —              | —              | —              | —              | —              | —              | —              | —                | —    | —    | P   | —                | —   |
| Home Occupation                      | —              | —              | —              | —              | —              | —              | —              | —                | —    | P    | P   | —                | —   |
| Incinerator                          | P              | P              | P              | P              | P              | P              | P              | —                | —    | —    | —   | —                | —   |
| Live Entertainment or Dancing        | —              | —              | —              | —              | —              | —              | —              | —                | —    | —    | P   | —                | —   |
| Loading Area                         | P              | P              | P              | P              | P              | P              | P              | P                | —    | —    | P   | P                | P   |
| Off-Street Parking                   | P              | P              | P              | P              | P              | P              | P              | P                | P    | P    | P   | P                | P   |
| Outdoor Dining <sup>5</sup>          | P              | P              | P              | P              | P              | P              | P              | P                | P    | —    | P   | P                | P   |
| Outdoor Entertainment                | SE             | SE             | SE             | SE             | SE             | SE             | —              | SE               | —    | —    | SE  | —                | SE  |
| Outdoor Storage                      | SE             | SE             | SE             | SE             | SE             | SE             | SE             | SE               | —    | —    | —   | —                | P   |
| Outdoor Vending                      | P              | P              | P              | P              | —              | —              | —              | —                | —    | —    | P   | P                | P   |
| Public Utility Building or Structure | P              | P              | P              | P              | P              | P              | P              | P                | —    | —    | —   | P                | —   |
| Seasonal Vestibule                   | —              | —              | —              | —              | P              | —              | —              | —                | —    | —    | —   | —                | —   |
| Signs                                | P              | P              | P              | P              | P              | P              | P              | P                | P    | P    | P   | SE               | P   |
| Solar Energy System                  | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P                | P    | P    | P   | P                | P   |
| Sports Court                         | —              | —              | —              | —              | —              | —              | —              | —                | P    | P    | —   | —                | —   |
| Swimming Pool                        | —              | —              | —              | —              | —              | —              | —              | —                | P    | P    | —   | —                | —   |
| Wireless Telecommunications Antenna  | P              | P              | P              | P              | P              | P              | P              | —                | P    | P    | P   | P                | P   |

1. See Section 7.32 and 9.2D for conditions that require a Special Exception.
2. See Section 7.2 for restrictions and Special Exception requirements.
3. Changes to site layout require Site Plan approval (SP), regardless of whether the use is permitted (P).
4. See Section 9.7 for conditions that require a Site Plan approval or Special Exception.
5. See Section 7.24 for standards and administrative permit requirements for seasonal outdoor dining that is not located within a permanent dedicated outdoor dining space.

## Section 6. Principal Use Regulations

The following regulations are applicable to the specified uses across all districts where such uses are permitted unless otherwise stated.

### 6.1 Adult Day Care Center

The Zoning Board of Appeals may, after a public hearing, and subject to appropriate safeguards in harmony with the general purpose of these regulations, grant a permit for an adult day care center, subject to the following conditions:

- A. If in an existing residential building, the residential appearance of the building shall be preserved and no structural changes to the exterior shall be made except to provide suitable means of egress and handicap accessibility.
- B. If new construction, the bulk and dimensional standards for the applicable zone shall be followed. The design of the building shall be compatible with the design of adjacent residential dwellings and not detrimental to property values.
- C. The site shall be determined by the Board to be a suitable location for adult day care use including the availability of public water and sewer, the condition of traffic in the streets, the character of the neighborhood, etc.
- D. A minimum outdoor passive recreation area of 50 square feet per enrollee shall be provided on site unless greater requirements are imposed by the regulations of any other applicable governmental agency.
- E. In residential zones, no advertising or signs shall be maintained on the premises where such a facility is located or be attached to, or painted on, the building in which such a facility is located. In business and industrial zones, signs shall be allowed in accordance with the requirements set forth in [Section 17](#).
- F. Within the Planned Residential Development Zone an adult day care center may be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of [Section 6.1](#). The area of the site shall not be less than 12,000 square feet and the lot frontage shall not be less than 100 feet.

### 6.2 Adult-Oriented Establishments

Adult-oriented establishments may be permitted subject to the criteria for Special Exceptions contained in [Section 18.10.3](#) of these regulations and the specific criteria established below:

- A. No adult-oriented establishments shall be located within 1,000 feet of any school or child day care center. For the purposes of this section, school shall mean a public or private school giving regular instruction at least 5 days a week for 8 or more months per year, and shall also include schools, colleges, or establishments that provide specialized training such as business, art, music, dance, martial arts training or similar activities whether public or private.
- B. No adult-oriented establishments shall be located within 1,000 feet of any place of worship.
- C. No adult-oriented establishments shall be located within 1,000 feet of any park, recreational facility, or library.
- D. No adult-oriented establishments shall be located within 1,000 feet of any other adult-oriented establishment.
- E. No adult-oriented establishments shall be located within 500 feet of any residentially used or zoned lot or parcel.

- F. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult-oriented establishment is located to the nearest point of the parcel or property from which the adult-oriented establishment is to be separated.
- G. No building may contain more than one adult-oriented establishment.
- H. No adult-oriented establishment shall be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities or specified anatomical areas, nor the display of any adult material, from any public way.
- I. Every adult-oriented establishment shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.
- J. The operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

## 6.3 Alcohol Sales Establishments

### 6.3.1 General Requirements

- A. Except for buildings or premises located in CBD zone, no building or premises shall be used, and no building shall be erected or altered, which is to be used for the sale or exchange of spirituous and alcoholic liquors either at wholesale or retail or whether for consumption on the premises or otherwise, or for the storage of spirituous and alcoholic liquors for purposes of sale or exchange, if any part of such building or premises is situated:
  - 1. Within 1,000 feet in a direct line from any other building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange except that:
    - a. A building or premises containing a restaurant, brew pub, café, hotel, non-profit public art museum, tavern, theater, bowling establishment (which may sell spirituous and alcoholic liquors between the hours of 5 p.m. and 1 a.m. only), distillery, or craft café may sell, exchange or store spirituous and alcoholic liquor pursuant to a State Department of Consumer Protection liquor permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange.
    - b. The use of a building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored existing at the time that a permit is issued pursuant to Item a above shall remain a permitted use and shall not be transformed into a nonconforming use by the issuance of said permit.
    - c. A building or premises containing a package store permit or package store beer permit may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in

which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange containing a permit other than a package store permit or package store beer permit.

2. Within 200 feet of any part of a lot used for a college, school, place of worship, charitable institution whether supported by public or private funds, hospital, or library, except that a building or premise containing a restaurant permit, restaurant permit for wine or beer only, or restaurant permit for beer only is permitted within 200 feet of such lot further provided such restaurant, building or premise is not within 200 feet of any building or premise containing a college, school, place of worship, charitable institution, hospital or library.
  3. In residence zones, except that clubs, lodges, and fraternal organizations permitted in a Residence C zone, the chief activity of which is not a service carried on as a business, may after public hearing and approval of the Zoning Board of Appeals, and subject to all the restrictions of this section, apply for a club liquor license to the proper State authority. Such approval to apply for a club liquor license when granted by the Zoning Board of Appeals, shall apply to the applicant only and shall not be transferable.
- B. Stores chiefly engaged in the sale of groceries that sell beer only under a package store permit shall not be regarded as package stores or as selling alcoholic liquor for the purpose of this Section.
  - C. These provisions shall not be retroactive, provided however that any building or premises used for the sale of alcoholic liquors, in contravention of these regulations, which is not used for such nonconforming use for a period of 30 days, must thereafter conform to the regulations.
  - D. For the purpose of this section, "premises" shall mean only that fractional part of the building used for alcoholic liquor sales and shall not mean attached land or adjuncts.
  - E. No provisions in this section and no provisions elsewhere in these regulations shall be interpreted as allowing a nonconforming use to intensify the sale of alcoholic liquors or to qualify for a liquor permit different from the class of liquor permit existing at the time of adoption of these regulations.
  - F. If the site of any liquor permit premises is taken or threatened to be taken in the exercise of the power of eminent domain, the permittee may relocate said permit premises to another site provided such a new location:
    1. is in a zone allowing such permit; and
    2. is no more than 2,500 feet from the nearest point on the boundary of the site of the old location; and
    3. is not within 1,000 feet of any other building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored using the same class of permit as listed in Connecticut General Statutes Section 30-15.

### 6.3.2 CBD Zone

In the CBD zone there shall be a minimum distance of 1,000 feet in a direct line between premises occupied by establishments in which the same class of liquor permits are held (as defined in the Connecticut General Statutes). The following shall also apply:

- A. A building or premises containing a restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, café permit, or hotel permit may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged or stored for purposes of sale or exchange.
- B. The use of a building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored existing at the time that a permit is issued pursuant to Item [A above](#) shall remain a permitted use and shall not be transformed into a nonconforming use by the issuance of said permit.

### 6.3.3 Business I and Neighborhood Business Zones

- A. Within the Business I Zone: except as provided in Item B below alcoholic liquor sales allowed by permit shall be limited to grocery store beer permit only, subject to the provisions of these regulations.
- B. Within the Business I Zone and Neighborhood Business Zone the following shall be allowed by Special Exception: Alcoholic liquor sales under a restaurant permit for beer only, restaurant permit for beer and wine only, and restaurant permit under the following provisions, and those provisions of these regulations not inconsistent herewith:
  - 1. The Planning and Zoning Commission shall not give approval unless it finds that the location is suitable, due consideration being given to the character of the district, the particular suitability of the district for the particular use, the conservation of property values, the proximity of schools, churches, libraries, theaters or playhouses or other places of public gathering, the intersection of streets, traffic conditions, width of the highway and effect on public travel, and that such use will not imperil the health, general welfare and safety of the public and in the case of a restaurant permit that the property line of the proposed use is at least 1000 feet from the property line of any other property where a restaurant permit exists.
  - 2. The Planning and Zoning Commission may impose such special conditions as it finds necessary to protect the public safety, health, general welfare, convenience and property values, including but not limited to restrictions on hours of operation, restrictions on type of entertainment, by area devoted to music, dance, or performance, time of performance, advertising of the availability of alcoholic beverages visible from the exterior of the premises, notwithstanding any provisions to the contrary within the requirements of this section.
  - 3. Buildings or premises (as defined in Section 6.3.1.D) must contain at least 2,000 square feet of indoor space used for customer service or assembly.
  - 4. The use of any bar in the restaurant premises must be confined to a service bar only, in an area where patrons are not allowed to produce or obtain drinks at said service bar.
  - 5. The part of such building or premises must be at least 100 feet from any residentially zoned dwelling.

## 6.4 Auto Sales, Auto Service, Gas Station, and Bulk Oil Storage

### 6.4.1 General Requirements

- A. No place of business concerned with automobile sales, repair, or servicing shall be established unless the Zoning Enforcement Officer has approved the location of such business.
- B. No place of business concerned with gasoline sales, auto wash establishments, or bulk oil storage shall be established unless the Planning and Zoning Commission has approved the location of such business premises.
- C. The Planning and Zoning Commission shall not give approval unless it finds that the location is suitable for the use intended, due consideration being given to the proximity of schools, places of worship, libraries, theaters or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel and that such use will not imperil the safety of the public.
- D. The Planning and Zoning Commission may impose such special conditions upon each use as it finds necessary to protect the public safety, convenience and property values notwithstanding the requirements of this section.

#### 6.4.2 Lot Standards

- A. Public sanitary sewer and water shall be required.
- B. Adequate safeguards shall be provided against surface and subsurface leakage of gas and oil.
- C. Lot size, frontage, and yard requirements shall be in accordance with the following:

| Use              | Minimum Lot Size                        | Minimum Frontage                        | Minimum Front Yard                      | Minimum Side and Rear Yards             |
|------------------|---|---|---|---|
| Auto Sales       | 0.5 acres                               | Equal to requirement of zoning district | Equal to requirement of zoning district | Equal to requirement of zoning district |
| Auto Service     | 0.5 acres                               |   |   |   |
| Gas Station      | Equal to requirement of zoning district |   |   |   |
| Bulk Oil Storage | Equal to requirement of zoning district | 100 feet                                | 60 feet                                 | 60 feet                                 |

- D. Bulk Oil Storage facilities shall also be subject to the following standards:
  - 1. No bulk oil storage tanks shall be closer than 200 feet to any residential dwelling that is situated in a residential zone.
  - 2. No exit or entrance driveway shall be closer than 100 feet to a road intersection.
  - 3. All containers and structures shall be screened with evergreen shrubbery as appropriately as possible.

#### 6.4.3 Auto Sales Establishments in the Industrial Zone

Within the Industrial Zone the following additional requirements shall apply to automobile sales establishments:

- A. The coverage of land by buildings shall not exceed 60% of the lot area.
- B. There shall be a landscaped border not less than 8 feet in width containing appropriate evergreen trees or appropriate evergreen species spaced at 4-foot intervals, not less than 4 feet high at the time of planting along all side and rear lot lines. The Planning and Zoning Commission may modify this requirement if it finds that existing foliage or natural conditions are sufficient to constitute a screen or for any other good reason.
- C. Notwithstanding the nature of use, the front yard shall be landscaped sufficiently to provide a pleasing appearance.

#### 6.4.4 Gas Stations in the Comprehensive Urban Development Zone

Gas stations are only permitted where incidental to, operated by, and located on the same lot as a wholesale or retail store in excess of 100,000 square feet, subject to the following:

- A. Such uses shall be limited to the sale of motor vehicle fuels (including gasoline, diesel, ethanol, and biofuels) and incidental automotive products, and shall not include automotive repairs.
- B. Such uses shall be exempt from the requirements Sections 6.4.1 and 6.4.2.
- C. Approval by the Commission for such use shall operate as a certificate of approval of the location for such use.
- D. No gas station building shall be closer than 200 feet to any residential dwelling.
- E. No gasoline pumps may be located closer than 25 feet to any lot line.

## 6.5 Bed & Breakfast

- A. The operator of the establishment must be the owner of the property and reside in the bed & breakfast.
- B. The establishment shall not contain more than 6 guest rooms.
- C. The only meal provided to guests shall be breakfast, and it shall only be served to guests of the establishment.
- D. Individual rooms to be rented to guests shall not contain cooking facilities.
- E. Guest stays shall not exceed 14 consecutive calendar days.
- F. Full bathrooms shall be provided at a minimum rate of one per two guest sleeping rooms.
- G. Within the Historic Zone:
  - 1. Swimming pools shall not be permitted as an accessory use.
  - 2. The architectural integrity and arrangement of the interior spaces of an existing historic structure converted to an inn must be maintained. Internal modifications shall not be injurious to this integrity or architectural details, such as woodwork, fireplaces, windows and doors, moldings or chair rails.

## 6.6 Cannabis Cultivator, Micro-Cultivator, Transporter, Retailer, Dispensary Facility, or Hybrid Retailer

- 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 a.m. to 10 p.m. Monday through Saturday and 10 a.m. to 6 p.m. on Sundays.

## 6.7 Child Care Centers and Group Child Care Homes

- A. Special Exception review and approval shall be conducted by the Zoning Board of Appeals and the Board shall find that the location is suitable for childcare purposes.
- B. The plans submitted to the Board as part of the application shall show all exterior play areas the calculations of the size of those play areas, and a listing of those State agency regulations that control the size of outdoor play areas and that are applicable to the current application. The applicant shall provide a copy of the current applicable regulation with the application.
- C. In residential zones, no advertising or signs shall be maintained on the premises where such a facility is located or be attached to or painted on the building in which such a facility is located. In business and industrial zones, signs shall be allowed in accordance with the requirements set forth in [Section 17](#).
- D. No playground equipment or other equipment used in connection with such facility shall be located in the front yard of the premises where such facility is located.
- E. Within the Planned Residential Development Zone, a child care center or group child care home shall not be less than 12,000 square feet gross floor area and the lot frontage shall not be less than 100 feet.



## 6.8 Community Residence

- A. Community Residences are permitted in accordance with Connecticut General Statutes Sections 8-3e and 8-3f.
- B. Within the Rural Residential Zone, the principal building or buildings shall be constructed and remodeled so as to remain usable and saleable for dwelling use if the community residence use is terminated.

## 6.9 Driving Range

All greens and fairways shall be located so that golf balls will not be played into residential premises.

## 6.10 Educational Institution or Facility

### 6.10.1 Residential Zones

Within all residential zones:

- A. New facilities shall be located only on arterial or collector streets as identified by CTDOT's functional classification map.
- B. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. See [Section 14](#) for site standards including landscaping and screening requirements. Mechanical equipment, dumpsters and other unsightly places shall be screened using walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.
- C. In addition to meeting the requirements of this Section, 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.
- D. In addition to any other application requirements for a Special Exception, applications shall include sufficient plans and narrative documentation to enable the Commission to make the findings listed above.
- E. In the Rural Residence zone the following requirements also apply:
  - 1. The minimum lot size to contain the place of worship shall be one acre.
  - 2. The lot shall have frontage on a public street of not less than 200 feet.

### 6.10.2 Business Zones

- A. Within all Business Zones: In addition to meeting the requirements of this Section, 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.
- B. 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 using walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.

### 6.11 Fleet Parking

- A. Before approving a use of fleet parking, the Planning and Zoning Commission shall find that the use will not cause traffic congestion in the streets, traffic hazards or nuisance to residential areas.
- B. Special requirements for fleet parking:
  1. The minimum lot size shall be 3 acres.
  2. The parking area shall be constructed in accordance with requirements set forth in [Section 16](#) of these regulations.
  3. No part of the parking area shall be less than 300 feet from a residential zone.

### 6.12 General Office

The following shall apply to general office uses in the Residence C zone:

- A. In order to reinforce the prevailing front yard dimensions of the street, front yard dimensions shall be the same as the greatest existing front yard dimension on abutting properties unless a lesser yard is approved by the Commission.
- B. Residential uses shall be permitted on the second floor in a new office building.
- C. New office buildings shall be designed to be oriented towards the public street. Building elevations shall be provided as part of the application for approval demonstrating this design orientation.

### 6.13 Golf Course

- A. No entrance to a golf course or driving range or golf instructional facility shall be within 200 feet of a residential dwelling.
- B. No automobile parking area shall be within 200 feet of a residential dwelling.
- C. All greens and fairways shall be located so that golf balls will not be played into residential premises.

### 6.14 Historic Mill Conversion to Multi-Family

#### 6.14.1 Purpose

- A. The purpose of this Special Exception is to allow development that will protect, preserve, and enhance the unique historical and architectural qualities of historic mill structures and provide a redevelopment potential for residential uses.
- B. 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 that is suitable for the particular site.
- C. 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. 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.
- D. 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 that are set forth in this section and no mill buildings shall be used or erected nor land used except as provided in this section.

#### 6.14.2 Special Exception Procedures

Upon filing a Special Exception application and holding of the required public hearing, the Commission may grant the Special Exception and simultaneously approve, deny, or modify and approve the Preliminary Plan of Development. Approval of the application shall establish the Special Exception and shall permit the applicant to proceed with completion of the development as set forth in the Preliminary Plan of Development subject to the provisions of these regulations, the Town of Manchester Subdivision Regulations and the Public Improvement Standards.

#### 6.14.3 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 in addition to the Special Exception criteria set for in Section 18.10.3:

- A. An historic mill structure within the Town of Manchester shall have previously been recognized by the United States Department of Interior and/or the State Historic Preservation Office of the State of Connecticut or is recognized by the Town of Manchester in its General Plan of Development as a historic mill structure.
- B. The proposed plan of development shows a more appropriate and beneficial use of the land and structure thereon.
- C. The proposed use shall be compatible with the character of the neighborhood.

- D. The proposed use shall allow the land and structures thereon to retain the historic qualities that allow the Town to maintain a significant reference to its past.
- E. This Special Exception shall apply to only those historic structures as herein defined containing 10,000 square feet or more of usable space.
- F. 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.
- G. 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.
- H. 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.

#### **6.14.4 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 for obtaining 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 that are granted to the Town of Manchester shall be not less than 20 feet wide.

#### **6.14.5 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:

- A. 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.
- B. All buildings, structures and sites shall be recognized as products of their own time.
- C. Changes that 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.
- D. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site as determined by the Commission shall be treated with sensitivity.

- E. 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.
- F. 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.
- G. 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.
- H. 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.

#### 6.14.6 Site Development Criteria

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:

- A. 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.
- B. Height
  - 1. Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities including but not limited to radio and television antennae, air conditioners, ventilation, solar heating and elevator systems.
  - 2. 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.
  - 3. New accessory buildings shall not exceed 18 feet in height.
- C. Minimum Yards
  - 1. The minimum front yard and side yard requirements abutting public streets for new buildings shall be the same as the greatest existing front or side yard dimension on adjacent properties. Additions to existing buildings shall not encroach into those existing yard dimensions.
  - 2. The minimum requirement for all other side yards shall be fifteen feet or 60% of height of the principle building whichever is greater.
  - 3. The minimum requirement for all rear yards shall be 30 feet.
- D. Laundry Facilities. On dwelling sites, outdoor laundry facilities, including clotheslines, are prohibited.
- E. Sidewalks and Curbs. The developer shall construct or reconstruct sidewalks and curbs to town standards along all sides of the site that abut a public road.
- F. Site Drainage shall be required in accordance with Section 14.1.

- G. Roadway and Driveway Standards. All roads and driveways shall be constructed in accordance with the requirements of Section 14.2.
- H. Off-Street Parking Requirements
1. Off-street parking spaces shall be provided as required by Section 15.
  2. The vehicle parking area may be within the building, underground, elevated, or at grade level. Underground parking may be beneath open spaces.
  3. All driveways serving the parking areas shall be designed for safety and traffic maneuverability.
  4. Vehicle parking in the front yard shall be separated from the public sidewalk by a landscaped area not less than 10 feet in width.
  5. All off-street parking spaces required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Commission as part of an approved site development plan and provided the following requirements are met.
  6. 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.
  7. Off-street loading space shall not be construed as supplying any required off-street parking space.
  8. 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 8 feet in width.
  9. 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:
    - a. 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.
    - b. 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.
    - c. 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.
    - d. 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.
    - e. 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.
    - f. 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.
    - g. 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.
- I. 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.
  - J. Fire hydrants shall be provided as specified in Section [14.5.B](#).
  - K. Noise abatement shall be provided as specified in Section [14.8](#).
  - L. Utilities
    - 1. This Special Exception use shall have public sanitary sewer and public water.
    - 2. 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.
    - 3. All on-site utilities such as electric power and cable television shall be underground.
    - 4. 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.
  - M. Landscaping. 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. See [Section 14](#) for site standards including landscaping and screening requirements.
  - N. Open Space. A minimum of 10% 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.

#### 6.14.7 Permitted Accessory Uses

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. Signs shall be permitted in accordance with Section [17.4.6](#).

#### 6.14.8 Archeological Resources

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

- A. Archaeological resources are generally defined as objects, ruins and structures of prehistoric, historic and industrial significance.
- B. 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.

- C. 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.

#### **6.14.9 Affordable Housing Requirement**

- A. 10% 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 10% 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.
- B. Units shall be considered affordable when the rental or ownership costs do not exceed 30% of the gross monthly income of the household and when they are occupied by the target population. Low- or moderate-income households are those that earn less than 80% (moderate) or 50% (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.
- C. 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 10% 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.
- D. Upon conversion from rental housing to owner occupied or third-party ownership, the affordable rental units shall be converted to affordable ownership units.

### **6.15 Horse Farm or Stable**

#### **6.15.1 Private Use**

The keeping of horses on unsubdivided and undeveloped land shall be subject to the following requirements:

- A. The minimum area of any lot, parcel or paddock that is used for the keeping of horses shall be a half-acre for each horse kept.
- B. No stable or feed trough shall be within 60 feet of a residential lot line.
- C. Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- D. There shall be no open or outside storage of feed or bedding material.
- E. All lots, parcels or paddocks shall be completely and adequately fenced to confine the horse or horses to the lot, parcel or paddock.

#### **6.15.2 Commercial Use**

Commercial uses shall be restricted to riding academies, livery stables, and breeding stables and shall be subject to the following:

- A. The minimum area for commercial uses shall be 3 acres and there shall be one half-acre for each horse permanently kept on the site.
- B. No building shall be within 200 feet of a residential dwelling, or 100 feet from a public highway.
- C. Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- D. There shall be no outside storage of feed or bedding material.
- E. All paddocks shall be securely fenced to confine animals to the paddock, and all gates shall be self-closing.
- F. Automobile parking areas shall be provided on the site sufficient to accommodate all visitors.
- G. No automobiles shall be parked within 100 feet of a residential dwelling.



- H. The entrance point of all uses shall be no closer than 200 feet to a residential lot or residential dwelling unless said lot or dwelling is owned by the operator of the commercial use.
- I. Public address systems shall be modulated so that noise shall not become a nuisance to adjacent residential occupants.
- J. Toilet facilities shall be provided as required and approved by the Director of Health.

## 6.16 Hospital

Within the Rural Residential Zone:

- A. The minimum lot size to contain the use shall be two acres.
- B. The lot shall have frontage on a public street of not less than 200 feet.
- C. The development shall have public sanitary sewer and public water.

## 6.17 Hotel

### 6.17.1 General Standards

All hotels shall have public sanitary sewer and water.

### 6.17.2 Business II and Industrial Zone

- A. Within the Business II and Industrial Zones hotels shall have a minimum of 16 rentable sleeping accommodations.
- B. Within the Industrial Zone hotels may include one or more restaurants or banquet halls only if the hotel is developed as a complex on a lot of single ownership.

### 6.17.3 Historic Zone

Within the Historic Zone:

- A. The establishment shall not contain more than 10 guest rooms.
- B. Individual rooms to be rented to guests shall not contain cooking facilities.
- C. Guest stays shall not exceed 30 consecutive calendar days.

## 6.18 Hotel/Motel Conversion to Multi-Family

### 6.18.1 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.

### 6.18.2 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 Section 18.10.3 of these regulations.

### 6.18.3 Application Procedures

- A. The applicant shall file an application for a multi-family hotel/motel conversion Special Exception, and a Preliminary Plan of Development, for all property located within the proposed multi-family conversion Special Exception site. The Preliminary Plan shall include the information set forth in Section 18.5 of these regulations.

- B. 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 Section 18.7 of these regulations.
- C. 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 & Economic Development to eliminate duplicative application requirements.

#### 6.18.4 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:

- A. 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 3 acres.
- B. Height: New buildings or additions/renovations to existing buildings shall comply with the height requirements for the zone in which the property is located.
- C. 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.
- D. 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 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.
- E. 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 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.
- F. 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.
- G. Lighting: All flood lighting and all other types of lighting that 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.
- H. 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.
- I. Fire Protection: Fire hydrants shall be provided as specified in Section 14.5.B.
- J. Landscaping: 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. See [Section 14](#) for site standards including landscaping and screening requirements.

#### 6.18.5 Waiver of Requirements

- A. Unless otherwise required by 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:
  - 1. the proposed parking lot design is consistent with the prevailing parking lot design on neighboring properties; and
  - 2. the proposed parking lot design will not adversely affect the general health, welfare or safety of the Town; or
- B. The Commission may waive all or any landscaping requirements 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 unnecessary due to site configuration or location.

### 6.19 Inns

- A. Within the Historic Zone, inns shall contain no more than 10 guest rooms.
- B. Within the FBZ, inns shall contain no more than 12 guest rooms.
- C. Individual rooms to be rented to guests shall not contain cooking facilities.
- D. Guest stays shall not exceed 30 consecutive calendar days.
- E. Within the Historic Zone, the architectural integrity and arrangement of the interior spaces of an existing historic structure converted to an inn must be maintained. Internal modifications shall not be injurious to this integrity or architectural details, such as woodwork, fireplaces, windows and doors, moldings or chair rails.

### 6.20 Medical Clinic

Within the Rural Residential Zone:

- A. The minimum lot size to contain the use shall be two acres.
- B. The lot shall have frontage on a public street of not less than 200 feet.
- C. The development shall have public sanitary sewer and public water.

### 6.21 Membership Organization

Within the Rural Residential Zone:

- A. The minimum lot area to contain the use shall be 4 acres.
- B. The development shall have public sanitary sewer and public water if the Commission finds that the nature of use is such that private systems are unsuitable.
- C. No part of the site shall be within 400 feet of a residential dwelling or within 400 feet of a recorded single-family subdivision.

## 6.22 Mixed-Use Development

### 6.22.1 Comprehensive Urban Development Zone and General Business Zone

- A. Building height within the Comprehensive Urban Development Zone:
  1. Maximum 50 feet. Minimum height shall be 30 feet (minimum of two stories of residential use).
  2. Maximum 60 feet (maximum of 5 stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 100,000 square feet.
  3. Maximum 80 feet (maximum of 7 stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet.
- B. Building height within the General Business Zone:
  1. Maximum 80 feet (maximum of 7 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 3 stories of residential use)
  2. 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 feet (minimum of two stories of residential use).
- C. General Standards:
  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. 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.
    - a. Up to 4 residential stories: 250 square feet for each residential unit
    - b. Each residential story in excess of 4: 125 square feet for each residential unit.
    - c. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants.
      1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, common balconies, rooftop gardens or patios, or similar common areas.
      2. Open space dedicated for residential tenants shall be located no greater than 100 feet from the nearest residential building or mixed-use building containing residential units.
    - d. 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.
  3. Building Design 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 such means as variation in wall plane articulation or the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 100 feet in length. For buildings exceeding 4 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.
- b. Building Entrances - Every building should have a primary entrance facing a street, primary drive or a civic space.
  - c. Incorporate Architectural Features – To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches should be used.
  - d. Transparency - Transparency is the percentage of windows, doors, or other openings that cover a ground or upper story façade. Openings shall be proportional to façade 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 4 feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
    4. Ground level parking under buildings is prohibited within 20 feet of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3-foot-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.

#### **6.22.2 Business I, Business II, Business III, Special Design Commercial Business, and Neighborhood Development Zones**

Within the Business I, Business II, Business III, Special Design Commercial Business, and Neighborhood Development Zones:

- A. Developments with 5 or more dwelling units or a combined residential gross floor area of 5,000 square feet or more shall require a Special Exception.
- B. Residential units shall be permitted only above the first story and provided that:
  1. There shall be provided on the site landscaped areas at a ratio of 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
  2. Public water and sewer shall be provided.

### 6.23 Municipal Building or Facility

When located in the Residence AA, A, B, C, Business I Zone, or the Neighborhood Business Zone, the site must abut a major or minor arterial as identified by CTDOT's functional classification map.

### 6.24 Municipal Office

When located in the Residence AA, A, B, C, Business I Zone, or the Neighborhood Business Zone, the site must abut a major or minor arterial as identified by CTDOT's functional classification map.

### 6.25 Place of Worship (II.1.00.02)

- A. New facilities shall be located only on streets designated arterial or collector streets as identified by CTDOT's functional classification map.
- B. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. See [Section 14](#) for site standards including landscaping and screening requirements. 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. A landscaped border shall be provided in accordance with [Section 14.13.5](#).
- C. Within the Rural Residence zone, the following requirements also apply:
  - 1. The minimum lot size shall be one acre.
  - 2. The lot shall have frontage on a public street of not less than 200 feet.

### 6.26 Public Utility Building or Structure

Within the Rural Residence Zone:

- A. Shall be limited to public water and sewer utility facilities only.
- B. No part of the building or structure shall be within 150 feet of an existing residential dwelling.
- C. The building or structure shall conform to zoning requirements of the zone in which the site is located as to maximum buildable area and minimum yards.
- D. The site shall have street frontage or access to a public street through an easement to the Town.
- E. Evergreen plantings (at least 4 feet high and 4 feet on center) and fencing (at least 6 feet high) shall be installed to create visual screening from adjacent residential dwellings unless waived by the Commission due to existing topography, existing vegetation, site configuration or location or the type of utility use.

### 6.27 Residential Conversion to Office

A residential building may be converted to an office use or an office and residential use subject to the following requirements:

- A. The business uses shall be restricted to offices and no retail sales or wholesale merchandising shall be conducted on premises.
- B. Residential uses shall be permitted above the first floor.
- C. The site shall be determined by the Commission to be a suitable location for office use, including the availability of public water and sewer, the condition of traffic in the streets, and the character of the neighborhood.
- D. The residential appearance of the building shall be preserved and no structural changes to the exterior shall be made except to provide suitable means of egress.

## 6.28 Residential, Live/Work

### 6.28.1 Purpose

Live/work quarters are intended to provide opportunities for artists and certain business people to live and work in an integrated space. Live/work quarters are intended to be permitted in buildings and locations that will add to the vitality and desirability of such buildings and locations and improve the residential and economic condition of those areas.

### 6.28.2 Development Review Standards

- A. Residential and workspaces shall be contiguous and integrated in floor plan, and there shall be no separate access to either space unless separate access is required by building, fire or health codes.
- B. Live/work quarters shall contain full kitchen facilities, bathing facilities, and other sanitary facilities.
- C. The workspace must be used by the resident occupants, and neither the residential space nor the workspace shall be rented separately.
- D. There shall be no more than one full-time equivalent employee other than occupants of the live/work unit and a full-time equivalent shall mean someone working no more than 40 hours per week.
- E. There will be no retail activity conducted for the general public in a live/work quarters, except to sell goods made on the premises.
- F. No instructional activity may occur for more than 4 students at any one time.
- G. In order to ensure the artist or commercial activity is consistent with other residential and/or commercial or arts uses, and to ensure public safety, the creation of art or provision of services shall not cause vibration, smoke, odors, humidity, dust or dirt, or electrical disturbance.

## 6.29 Residential, Multi-Family

### 6.29.1 Planned Residential Development Zone

Within the Planned Residential Development Zone:

- A. The total aggregate of gross floor area contained in a multi-family dwelling shall not exceed 30% of the multi-family dwelling site area for buildings two stories or more in height nor 15% of the multi-family dwelling site area for buildings less than two stories in height.
- B. The total number of multi-family dwelling units shall not exceed 10 per acre of the multi-family dwelling site excluding wetlands and slopes greater than 15%, except for multi-family elderly units, which shall be developed in accordance with Section [11.1.5.A.1](#).
- C. The minimum site area for multi-family dwellings shall be 20,000 square feet and the site shall have not less than a 50-foot frontage on an improved and town accepted street.
- D. No multi-family dwelling shall have more than 3 habitable stories or exceed 40 feet in height. Further, the uppermost story shall have access from an interior stair arrangement which will not require occupants of the uppermost story to traverse more than two stories to gain access at grade level.
- E. The following requirements are for the purpose of subdivision of 3 or more attached individual dwelling units in a multi-family site. Each dwelling unit shall be on a separate subdivided lot intended for private ownership.



| Standard                           | Requirement   |
|------------------------------------|---|
| Maximum building density           | The total number of multi-family dwelling units shall not exceed 10 per acre of the multi-family dwelling site excluding wetlands and slopes greater than 15%, except for multi-family elderly units, which shall be developed in accordance with Section 11.1.5.A.1. |
| Minimum lot area for each unit     | 2,000 square feet   |
| Minimum lot frontage for each unit | Width of unit   |
| Minimum front yard                 | 30 feet. (Except that an attached garage may be located within this minimum front yard provided the garage maintains a minimum front yard of 20 feet.)  |
| Minimum rear yard                  | 30 feet   |
| Minimum side yard (interior)       | 0 feet  |
| Minimum side yard (end unit)       | 10 feet   |

#### 6.29.2 Comprehensive Urban Development Zone and General Business Zone

Within the Comprehensive Urban Development Zone and General Business Zone:

- A. Building height within the Comprehensive Urban Development Zone shall be a maximum of 50 feet. Minimum height shall be 30 feet (minimum of two stories of residential use).
- B. Building height within the General Business Zone shall comply with GB zone requirements if more than one half mile from existing mass transit. Minimum height shall be 30 feet (minimum of two stories of residential use).
- C. 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.
  1. Up to 4 residential stories: 250 square feet for each residential unit
  2. Each residential story in excess of 4: 125 square feet for each residential unit.
  3. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants.
    - a. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, common balconies, rooftop gardens or patios, or similar common areas.
    - b. Open space dedicated for residential tenants shall be located no greater than 100 feet from the nearest residential building or mixed-use building containing residential units.
  4. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.
    - a. 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.
    - b. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.



D. Building Design Standards:

1. Façade Length and Articulation - Buildings or portions of a building with front elevations of over 50 feet in width shall be divided into smaller parts through such means as variation in wall plane articulation or the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 100 feet in length. For buildings exceeding 4 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.
2. Building Entrances - Every building should have a primary entrance facing a street, primary drive or a civic space.
3. Incorporate Architectural Features – To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches should be used.
4. 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 uses not including under-building parking the following is required:

| Use and Floor                      | Minimum Façade Transparency | Maximum Façade Transparency |
|------------------------------------|-----------------------------|-----------------------------|
| Non-Residential Ground Floor       | 20%                         | 80%                         |
| Non-Residential Above Ground Floor | 20%                         | 70%                         |
| Residential Ground Floor           | 10%                         | 40%                         |
| Residential Above Ground Floor     | 10%                         | 70%                         |

- a. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
- b. 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.
- c. 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 4 feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
- d. Ground level parking under buildings is prohibited within 20 feet of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3-foot 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.

## 6.30 Residential, Two-Family

### 6.30.1 Residence A, B, C, M, and PRD Zones Lot Standards

Houses in the Residence B, C, M, PRD zones designed as two-family residences are subject to the standards of Section 8.1.1 below except as modified herein to allow each residence in a two-family house with a common wall to be located on an individually owned parcel or lot of land:

| Standard                                      | Residence A              | Residence B   | Residence C                      | Residence M              | PRD  |
|---|--------------------------|---|----------------------------------|--------------------------|--|
| Maximum buildings per acre                    | —                        | —   | —                                | —                        | 4  |
| Minimum lot area per residence                | 12,000 sf                | 4,500 sf  | 3,600 sf                         | 4,500 sf                 | 4,500 sf                                     |
| Minimum lot frontage per residence            | Per district requirement | 37.5 ft   | 30 ft                            | Per district requirement | 40 ft  |
| Minimum building line dimension per residence | Per district requirement | 37.5 ft   | 30 ft                            | 80 ft                    | Per district requirement                     |
| Minimum side yard                             | Per district requirement | 8 ft on one side, 20 feet combined, 0 ft on interior lot line | 10 ft, 0 ft on interior lot line | 10 ft                    | 10 ft on one side, 0 ft on interior lot line |
| Minimum front yard                            | Per district requirement | Per district requirement                                      | Per district requirement         | 25 ft                    | Per district requirement                     |
| Minimum rear yard                             | Per district requirement |   |                                  |                          |  |

### 6.30.2 Residence A Zone

Within the Residence A zone:

- A. Houses designed to contain two separate family residences may be constructed at the discretion of the Planning and Zoning Commission. Before approval, the Commission shall find that the proposed two-family house will not impair the character of the neighborhood or jeopardize single-family property values.
- B. No outside stairway shall be constructed on the front or side of the house.
- C. On corner lots, all stairways shall be contained inside the buildings.
- D. On site vehicle parking shall be provided for each family unit on properly constructed bituminous or cement concrete areas.
- E. The house shall have public sanitary sewer and public water.

### 6.30.3 Residence B and C Zones

Within the Residence B and C zones a lot with a two-family house on it can be split into two separate lots, if the dividing line between the two lots runs through the center of the duplex and all other zoning requirements are met.

#### 6.30.4 Planned Residential Development Zone

Within the Planned Residential Development Zone:

- A. A two-family residence shall only be in the form of side-by-side dwellings with a common dividing wall. Each dwelling shall be on a separate subdivided lot intended for private ownership except for senior housing development, which may also be approved as a common interest community.
- B. The minimum lot area and minimum lot frontage may be modified by the Commission at the time of the subdivision plan approval in accordance with Section 8.1.2.

### 6.31 School Building Conversion to Residential

#### 6.31.1 Purpose

To allow for the conversion of existing school buildings to multi-family use and related development; the nature of multi-family school conversion is such that design and development may vary for different sites; multi-family school conversion is subject to the requirements set forth in this section.

#### 6.31.2 Special Exception Requirement

The applicant must file an application for Special Exception for all property located within the proposed school building conversion site in accordance with the requirements of Section 18.10.

#### 6.31.3 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:

- A. Required lot/site area: Every lot to be utilized for this Special Exception conversion shall have a minimum lot area no less than 1.5 acres.
- B. Height: Renovations to existing buildings shall not exceed 3 habitable stories or 40 feet.
- C. 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.
- D. Utilities: Public sanitary sewer and public water shall be required. Completion of the multi-family school 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 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.
- E. The development of a site shall be designed and developed in such a manner as to preserve its natural state insofar as is practicable by:
  - 1. Minimizing soil and tree removal.
  - 2. Designing grade changes that will blend harmoniously with the natural and undisturbed landscape.
  - 3. Not creating steep slopes by regrading.
  - 4. Treating disturbed surfaces to encourage plant growth and soil stabilization by providing topsoil and the planting of appropriate trees, shrubs and grass.
  - 5. Preserving natural features such as steep slopes, rock outcrops, wetlands, vistas, etc.
  - 6. Implementing measures to minimize soil erosion and to prevent the pollution of watercourses.
- F. The site shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, aesthetics, and soil stabilization.

- G. Recreation areas: An area equal to not less than 30% of the gross floor area on the site shall be developed for usable recreation area(s) for either active or passive recreation purposes.
  - 1. Indoor recreation areas may contribute to the recreation area requirement, however at least 50% of the minimum required recreation area shall consist of outdoor areas or facilities.
  - 2. 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.
  - 3. Public parks and accessible open space directly adjacent to the development site shall be counted toward the recreation area for the site. Safe pedestrian access between the development site and the public space must be provided.
- H. Building exterior: 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.
- I. Fire hydrants shall be provided as specified in Section 14.5.B.
- J. See Section 14 for site standards including landscaping and screening requirements.

### 6.32 Self-Storage Facility

Within the CBD zone self-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.

### 6.33 Senior Housing Development

- A. Senior Housing Development shall comply with Title 24 Subpart E - Housing for Older Persons of the Code of Federal Regulations.
- B. Residency requirements and restrictions on occupancy shall be filed on the land records and run with the land.

### 6.34 Shopping Centers

All shopping centers shall have public sanitary sewer and water.

### 6.35 Single-Family Conversion to Multi-Family

#### 6.35.1 Residence B and C Zones

Within the Residence B and C Zones:

- A. A single-family house may be converted to house not more than 4 families at the discretion of the Planning and Zoning Commission.
- B. Before approval the Commission shall find that the house to be converted is no longer suitable for single-family occupancy because of its size, and that a house converted to multi-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.
- C. Conversions shall comply with the following requirements:
  - 1. No exterior structural change shall be made except for suitable egress for each family.
  - 2. No outside stairway shall be constructed on the front of the building. This restriction shall be applicable to sides of a building located on a corner lot that are street-facing.

3. No outside stairway providing access above the first floor shall be constructed on the side of the building. This restriction shall be applicable to sides of a building located on a corner lot that are not street-facing.

The house shall have public sanitary sewer and public water.

## 6.36 Single-Family Conversion to Two-Family

### 6.36.1 General Standards

- A. A single-family house may be converted to house two families at the discretion of the Planning and Zoning Commission.
- B. Before approval the Commission shall find that the house to be converted is no longer suitable for single-family occupancy because of its size and that a house converted to two-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.
- C. No exterior structural changes shall be made except for suitable egress for each family.
- D. No outside stairway shall be constructed on the front of the building. This restriction shall be applicable to sides of a building located on a corner lot that are street-facing.
- E. No outside stairway providing access above the first floor shall be constructed on the side of the building. This restriction shall be applicable to sides of a building located on a corner lot that are not street-facing.

### 6.36.2 Rural Residential Zone

Within the Rural Residential Zone:

- A. The lot area shall be not less than 30,000 square feet.
- B. If private sanitary sewer is used the sewer system shall be suitable for two-family use and shall be certified by the director of health.

### 6.36.3 Residence A Zone

Within the Residence A Zone:

- A. The lot area shall be not less than 12,000 square feet.
- B. The house shall have public sanitary sewer and public water.

## 6.37 Veterinary Clinic

- A. The minimum lot size to contain the use shall be one acre.
- B. No part of the lot shall be within 400 feet of a residential dwelling.
- C. The site shall be suitably landscaped.

## 6.38 Wireless Telecommunication Facility

### 6.38.1 Purpose

To provide for the establishment and/or expansion of wireless telecommunication services within the Town of Manchester while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. This regulation shall apply to such wireless telecommunications facilities regulated by the Town of Manchester and may be used to provide guidance for those proposing or reviewing wireless telecommunications facilities regulated by the State of Connecticut Siting Council or other agencies. More specifically this regulation has been developed in order to:

- A. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- B. Encourage providers to co-locate their facilities on a single facility;
- C. Site facilities below visually prominent ridge lines;
- D. Minimize the location of facilities in visually sensitive areas;
- E. Encourage creative design measures to camouflage facilities;
- F. Protect historic and residential areas from potential adverse impacts of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- H. Avoid interference with existing natural scenic vistas.

### 6.38.2 Location Preferences

The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in Items A through E below, in order of preference.

- A. On existing structures such as buildings, water towers, utility poles, and existing or previously approved towers.
- B. On new towers less than 60 feet in height located in commercial or industrial zones or on municipal property.
- C. On new towers less than 60 feet in height located in residential zones or residential land use type areas in the CUD zone.
- D. On new towers 60 feet or greater in height located in commercial and industrial zones or on municipal property.
- E. On new towers 60 feet or greater in height located in residential zones or residential land use type areas in the CUD zone.

### 6.38.3 Permitted Uses

- A. In all zoning districts except off-street parking 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 existing principal or accessory buildings are permitted subject to the requirements in Sections 6.38.5 and 6.38.6 and Site Plan review requirements of Section 6.38.7 and provided the following standards are met:
  - 1. No changes are made to the height of such structure.
  - 2. No panel antenna shall exceed 8 feet in height and 2 feet in width.
  - 3. No dish antenna shall exceed 4 feet in diameter.
- B. In the Historic Zone, and in land use areas VII and VIII of the CUD zone, wireless communications sites where the antenna is mounted to an existing multi-family building are permitted subject to the requirements of Sections 6.38.5 and 6.38.6 and Site Plan review requirements of Section 6.38.7 and provided the following standards are met:
  - 1. No changes are made to the height of such structure.
  - 2. No panel antenna shall exceed 8 feet in height and 2 feet in width.
  - 3. No dish antenna shall exceed 4 feet in diameter.
  - 4. Equipment boxes shall be installed within buildings or roof mounted.

- C. In all zoning districts except off-street parking, 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 provided the following standards are met:
  - 1. No changes are made to the height of such structure.
  - 2. No panel antenna shall exceed 8 feet in height and 2 feet in width.
  - 3. No dish antenna shall exceed 4 feet in diameter.

#### 6.38.4 Special Exception Uses

The following uses shall be permitted by Special Exception subject to the requirements in Section 6.38.5 and 6.38.6 and the Site Plan review requirements of Section 6.38.7:

- A. In all business zoning districts, except the Central Business District, and in the Industrial, Rural Residence, and CUD zone, wireless telecommunication sites not otherwise permitted in Section 6.38.3 are permitted by Special Exception.
- B. Any proposed new construction of a tower shall be required to provide for co-location of telecommunication services. The applicant shall be required to submit to the Commission, in a form satisfactory to it, evidence that it is bound to share antenna space with other telecommunications providers. This may take the form of an affidavit, caveat, declaration of covenants, etc. on the land records once approved by the Commission.

#### 6.38.5 General Requirements

- A. Applications for any commercial telecommunications service facility shall be made by a licensed carrier only.
- B. No wireless telecommunication tower site shall be located within 200 feet of a residence.
- C. No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of an approved historic district.
- D. No lights shall be mounted on proposed towers unless otherwise required by the Federal Aviation Administration (FAA). Strobe lighting shall be permitted only where required by applicable regulations.
- E. Towers not requiring special FAA painting or markings shall be non-contrasting blue, grey or black or another color consistent with their proposed camouflaging.
- F. Towers, antennas and equipment boxes may not be used to exhibit advertising or any signage other than a public warning sign.
- G. All towers shall be monopole design unless otherwise approved by the Commission.
- H. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 150 feet in height or for at least one additional comparable antenna if the tower is 150 feet in height or under. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- I. The Commission may require that towers, antennas, antenna mounts, equipment buildings/boxes and telecommunication structures be of such design and material so that they are camouflaged.
- J. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- K. Each telecommunications facility site shall be provided with a paved driveway and parking space for at least one vehicle in accordance with Section 16.
- L. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.



- M. The design of all wireless telecommunication sites shall comply with the standards promulgated by the Federal Communications Commission (FCC) for non-ionizing electromagnetic emissions. In the absence of such standards sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields. Approved tower owners shall submit an annual report detailing the maximum current measurement and future projection of the measurement of radio frequency emissions.
- N. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- O. All generators installed in conjunction with any wireless telecommunication site shall comply with all State and local noise regulations.
- P. All towers shall be fenced and all accompanying equipment buildings or boxes shall be screened and fenced to minimize visual intrusion as approved by the Manchester Planning and Zoning Commission as part of the Site Plan review.

#### 6.38.6 Height and Area Requirements

- A. Lot Size. Wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
- B. Height. The maximum height of a tower proposed under this regulation shall be 175 feet including the antenna and all other appurtenances. The maximum height of any roof top mounted equipment building or box shall be 15 feet.
- C. Setbacks
  - 1. All freestanding monopole or other towers shall comply with the minimum property line setbacks except that in no cases shall a monopole or tower be constructed so that it is set back from the property line less than a distance equal to the height of the tower.
  - 2. All equipment buildings/boxes or equipment areas, including areas devoted to parking, screening and equipment shall comply with the following minimum property line setbacks:
  - 3. Front Yard or Side Yard Along a Street: Same as for a principal building in the underlying zone.
  - 4. Rear and Side Yards: 20 feet.
  - 5. All applications shall comply with any applicable requirements of Section 12.1 with respect to flood hazard areas.

#### 6.38.7 Site Plan Requirements

For all proposals to develop a wireless telecommunication site as a permitted use or Special Exception the following information shall be submitted in accordance with each particular application where applicable.

- A. Permitted Use:
  - 1. A plan showing where and how the proposed antenna will be affixed to a particular building or structure. Plans shall be at a scale of not less than 1" = 40'.
  - 2. Details of all proposed antenna and mounting equipment including size and color.
  - 3. Elevations of all proposed shielding and details of materials including color.
  - 4. An elevation of all proposed equipment buildings or boxes and details of proposed screening and enclosures including materials and colors.
  - 5. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum



separation distances between antennas. The design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

6. A report from a licensed professional engineer registered in the State of Connecticut indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 6.38.5.M of this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications. Such report shall include a description of the maximum power density with all channels operating at highest wattages for all existing and proposed emissions and ambient levels at the site. Modeling shall be performed at the fence line.
  7. An analysis of the fall zone for the proposed tower prepared by a licensed professional engineer registered in the State of Connecticut.
  8. All applications shall include proof that either the applicant or co-applicant holds bona fide license from the FCC to provide the telecommunication services that the proposed tower is designed to support.
  9. A map prepared depicting the extent of the provider's planned coverage within the Town of Manchester and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site and all existing towers and structures over a height of 50 feet within the planned coverage area.
  10. The applicant shall demonstrate need for the network as proposed and shall describe feasibility of alternative facility locations including existing towers and structures and tower heights.
  11. For proposed tower installations, all plans shall be certified by a licensed professional engineer registered in the State of Connecticut that the site's soils are acceptable for this use and that the site can be adequately drained.
- B. Special Exception Use:
1. All of the plans and information required for Permitted Uses in the previous subsection.
  2. Upon request of the Commission the applicant shall provide a graphic representation of the proposed installation in relation to the site and its vicinity in order to help the Commission ascertain the visual impacts associated with such proposal. Such representation may include computer simulation, enhanced photographs or architectural drawings or renderings.
  3. For towers located in or within 1,000 feet of an RR, RAA, RA, RB, RC, PRD or Historic zone or land use types VII or VIII in the CUD zone, the applicant shall provide an analysis showing all areas from which the tower would be visible.

#### 6.38.8 Factors Upon Which Special Exception Decisions of the Commission Shall Be Based

In order to approve applications for wireless telecommunication sites, the Commission shall also find:

- A. In the event a wireless telecommunication site is proposed to be located on, or within 1,000 feet of a property designated on the national Historic Register that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
- B. In the event where an application for the proposed location of a wireless telecommunication site is not a preference 1 or 2 location the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:
  1. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed professional engineer registered in the State of Connecticut and that the interference cannot be prevented or eliminated at a reasonable cost.

2. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed professional engineer registered in the State of Connecticut and that such deficiencies cannot be eliminated at a reasonable cost.
3. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed professional engineer registered in the State of Connecticut and that the interference cannot be prevented or eliminated at a reasonable cost.
4. Any restriction or limitation imposed by the FCC.

#### **6.38.9 Abandonment**

At such time that a licensed carrier plans to abandon or discontinue operation of a wireless facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuance of use, the carrier shall physically remove the facility within 90 days from the date of abandonment. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. Upon removal the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area.

### 6.38.10 Permit Requirements

The following telecommunications facility types that fall under the regulatory jurisdiction of the Town of Manchester Planning and Zoning Commission are allowed by permit (P), or by Special Exception (SE) in zoning districts as indicated in the table below. Prohibited facility types are indicated by a dash (—).

| Zone  | A/B | A/S | A/MF | NT |
|---|-----|-----|------|----|
| RR  | P   | P   | —    | SE |
| RAA   | P   | P   | —    | —  |
| RA  | P   | P   | —    | —  |
| RB  | P   | P   | —    | —  |
| RC  | P   | P   | —    | —  |
| PRD   | P   | P   | —    | —  |
| CUD   | P   | P   | P    | SE |
| HIST  | P   | P   | P    | —  |
| B1  | P   | P   | —    | SE |
| B2  | P   | P   | —    | SE |
| B3  | P   | P   | —    | SE |
| B5  | P   | P   | —    | SE |
| CBD   | P   | P   | —    | SE |
| Off-Street Parking  | —   | —   | —    | —  |
| Industrial  | P   | P   | —    | SE |
| <p>A/B: Antennas located on existing nonresidential buildings together with associated equipment located within or on the roof of the principal or accessory building.</p> <p>A/MF: Antennas mounted on an existing multi-family building together with associated equipment located within or on the roof of the principal or accessory building.</p> <p>A/S: Antennas mounted on an existing structure other than a building.</p> <p>NT: New tower and associated equipment and facilities.</p> |     |     |      |    |

## Section 7. Accessory Use Regulations

The following regulations are applicable to the specified uses across all districts where such uses are permitted unless otherwise stated.

### 7.1 Accessory Uses Prohibited for Residential Uses in Residential Zones

The following accessory uses shall be prohibited on residential lots in residential zones unless specifically provided for in these Regulations.

- A. The keeping of livestock excluding potbellied pigs.
- B. The keeping of bees.
- C. Outside buildings and structures for commercial animal breeding or commercial kennel purposes.
- D. Buildings for commercial purposes.
- E. Outside storage or accumulation of junk, including disused automobiles and automobile parts.
- F. Storage of commercial goods or equipment.

### 7.2 Accessory Alcohol Sales

Accessory alcohol sales shall be limited as such in the following zones:

- A. Business 1 Zone: Grocery store permit and restaurant permits for beer and wine only. Restaurants with accessory alcohol sales shall require a Special Exception.
- B. Neighborhood Business Zone: Grocery store permit and restaurant permits for beer and wine only.
- C. Industrial Zone: Limited to indoor sales in specially permitted recreation facilities under a restaurant permit, café permit or club permit. Any such facility shall have parking spaces as required under [Section 16](#) of these regulations relating to the area of customer service related to the alcohol sales uses.

### 7.3 Accessory ATM

Walk-up ATM machines are permitted in the Frontage Zones of the FBZ by Special Exception.

### 7.4 Accessory Building or Structure

- A. No accessory building shall be used for residential occupancy, except as described in these regulations.
- B. No accessory building or structure shall exceed a height of 18 feet above ground level.
- C. If the accessory building or structure is attached to the principal building all minimum front yards, side yards and rear yards shall be maintained as required in the zoning district except that no vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.
- D. If the accessory building or structure is not attached to the principal building it may be placed only as follows:
  - 1. At the sides of the principal building provided the minimum side yard be maintained between the accessory building or structure and the side lot line.

2. In the rear yard of the principal building but no closer than 3 feet to any lot line for accessory buildings and structures under 10 feet in height and no closer than 5 feet to any lot line for those equal to or exceeding 10 feet in height except that on corner lots no accessory building or structure shall be closer to a street lot line than the required minimum side yard, or if the accessory building or structure is within 30 feet of the rear lot line, no closer to the street lot line than the minimum front yard on the adjacent lot.
  3. Notwithstanding Items 1 and 2 above, no vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.
- E. Where the principal use is a cemetery, an on-site accessory dwelling shall conform to the area, height, bulk, and minimum yard requirements of the zone in which it is located; items A and C above do not apply.
- F. Gazebos, cabanas, or storage sheds shall not exceed 240 square feet in gross floor area and 12 feet in height.

#### 7.5 Accessory Child Care Center

- A. All accessory child care centers shall require approval by the Zoning Board of Appeals.
- B. Accessory child care centers located in a church, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Section 4.3.9.
- C. Accessory child care centers may be conducted as an accessory use within the Industrial Zone or CUD zone providing that the child care center shall only enroll children of employees or provide day care services for the tenants or clients of the principal use.
- D. Child care centers may only be conducted in the Rural Residential zone as an accessory use to a place of worship or municipal building.

#### 7.6 Accessory Dwelling Unit

One accessory dwelling unit (ADU) shall be allowed on each lot that contains a single-family dwelling in accordance with the following criteria:

- A. An ADU may be attached to or located within the principal dwelling or detached and located on the same lot as the principal dwelling.
- B. The maximum net floor area of an ADU shall be 30% of the net floor area of the principal dwelling, or 1,000 square feet, whichever is less.
- C. Setbacks, lot size, building frontage, building height and maximum buildable area of the lot shall be in accordance with the zone in which the lot is located.
- D. The building footprint of a principal dwelling unit or accessory building shall not be increased by more than 30% to accommodate an accessory dwelling unit.
- E. At least one off-street parking space shall be provided for the accessory dwelling unit.
- F. Additional driveway curb cuts servicing an accessory dwelling unit shall not be permitted.
- G. Accessory dwelling units shall be designed to preserve the single-family residential qualities of the principal dwelling and shall:
  1. Be oriented, to the maximum extent practical, to maintain the privacy of residents in adjacent dwellings through proper placement of windows, doors, landscaping and screening.

2. Be constructed of durable, permanent materials that match or are complementary to the exterior façade materials of the principal dwelling.
3. Include roof shapes that match the architectural style and use materials that match or are complementary to those of the principal dwelling.

### 7.7 Accessory Retail

- A. Accessory retail sales shall be customarily incidental to, and subordinate to, the principal use.
- B. Accessory retail sales in the EHD shall be limited to a convenience retail shop with maximum of 1,000 square feet of floor area for the sale of food items, prescription and/or nonprescription drugs, household items and gifts for the use of the occupants.
- C. Accessory retail in the FBZ shall be limited to medical clinics.

### 7.8 Agritourism – Low Impact

Low impact agritourism activities shall be permitted on a farm subject to the following:

- A. The farm shall be a minimum of 2 acres.
- B. Access from the public street shall have adequate line of sight for visitor traffic entering and exiting the site.
- C. Adequate internal access thereto and sufficient parking shall be provided in a designated area to accommodate projected visitors. Pervious drive aisles and parking areas are permitted.
- D. The applicant shall ensure that proposed activities are in compliance with all local, state and federal regulations.
- E. The applicant shall submit a Site Plan and accompanying narrative of sufficient detail to describe the activity and potential impacts on surrounding neighbors and public rights-of-way to the Zoning Enforcement Officer for review and approval.

### 7.9 Agritourism – High Impact

High impact agritourism activities may be permitted on a farm subject to the following:

- A. The farm meets the general criteria listed in Section 5.3.3.
- B. The Commission shall consider the impacts of a proposal on the ability for the land to remain a productive farm.
- C. The Commission may set restrictions to mitigate the potential for noise and light to impact surrounding properties. Limitations may include, but are not limited to, hours of operation, buffering of parking or facilities, limitations on the type of outdoor entertainment, and use of sound amplification equipment.

### 7.10 Carnivals, Circuses, and Expositions

A civic, fraternal, religious, educational, charitable or similar nonprofit organization may conduct or cause to be conducted a performance, show or exhibition commonly known as a carnival or circus the proceeds of which are for the benefit of said organization or for the benefit of a similar organization, as limited herein, and provided that said organization shall first obtain a Special Exception from the Zoning Board of Appeals.

- A. Any such organization shall be limited to conducting or causing to be conducted only one such carnival or circus in any one calendar year.
- B. Such carnivals or circuses shall be conducted at any location only once in a calendar year and then for a single period not to exceed 7 days.

- C. All general illumination lighting fixtures (including, but not limited to, flood lighting and spot lighting but not including illuminated signs or decorative lighting on amusement rides) shall be shielded so that the filament or light source is not visible off the approved site.
- D. Adequate parking shall be provided, either on site or within a reasonable distance of the site, to ensure that the conducting of such carnival or circus will not cause congestion in the streets.

## 7.11 Electric Vehicle Charging Station

### 7.11.1 General Requirements

- A. Electric vehicle charging positions shall be specifically designated for charging an electric vehicle with a sign referencing such use in accordance with the Town of Manchester Public Improvement Standards. The total number of electric vehicle charging positions shall equal the number of electric vehicles that may be simultaneously served by the total number of electric vehicle charging stations.
- B. Charging station equipment components shall always be maintained and operated in accordance with all applicable federal, state and local laws, rules and regulations.
- C. Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station, and unique ID number shall be posted on each station as contact to report all issues relating to the particular station.

### 7.11.2 Historic Zone

- A. To ensure that the unique historical and architectural qualities of the Historic Zone are preserved in accordance with [Section 9.5](#), the Cheney Brothers National Historic District Commission will review the Detailed Plan and make a recommendation to the Planning and Zoning Commission. The Commission will then review and act upon the Detailed Plan prior to the issuance of a building permit.
- B. Applicants shall demonstrate to the Commission's satisfaction that any proposal for electric vehicle charging stations in the Cheney Family Mansion Area as outlined in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, dated April, 1980, shall not be visible from the public street.

### 7.11.3 CUD Zone

In addition to any signage allowed under [Section 17](#), the operator shall be entitled in the CUD zone only, subject to approval of a Special Exception by the Planning and Zoning Commission, to erect and install the following additional signage in connection with any electric vehicle charging station:

- A. For each charging station, changeable copy signage limited to a maximum of 10 square feet per side per unit (maximum of two sides), advertising a commodity or service that may not be found or available on the premises hosting the charging station. No video or audio content shall be permitted.
- B. Charging station display screens may be internally backlit, and advertisements may cycle at a rate of no more than every 8 seconds. Display screens utilizing internal back-lighting or similar shall utilize a night or dimmer mode to automatically reduce the brightness.
- C. Signage associated with electric vehicle charging stations in accordance with the provisions of this section shall be permitted by Special Exception from the Planning and Zoning Commission.
- D. No more than 20 electric vehicle charging positions with changeable copy signage as described in this section shall be permitted per property.

## 7.12 Family Resource Center

Family resource centers shall be permitted as an accessory use only to a school or a child day care center or group day care home located in a church, school, or municipal building.

### 7.13 Farmstand

- A. Stands shall be maintained and sales conducted only during the season of sales.
- B. Display stands shall be removed during seasons of non-sales.

### 7.14 Hobby Auto Restoration

- A. Work shall be conducted by the resident only.
- B. Vehicles of any type are permitted to undergo major or minor repair, including body work, provided that such work is performed inside a structure or enclosed area designed and approved for such purposes.
- C. Minor repair is permitted outside in a driveway or rear yard only.
- D. Any automobile undergoing minor or major automobile repair shall be owned by the resident or member of the household.
- E. Not more than one automobile per approved dwelling unit shall be undergoing minor repair outside at any time.
- F. An automobile undergoing repair may be registered or unregistered, but in no event shall there be more than two unregistered vehicles for each dwelling unit, and no more than one unregistered vehicle outside for each dwelling unit.
- G. The repair shall not cause a nuisance from noise, odors, vibration or other source.

### 7.15 Home Occupation

- A. The occupation shall be carried out entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.
- B. The occupation shall be clearly incidental and secondary to the residential use and shall not occupy more than 25% of the house.
- C. The house shall not be enlarged to accommodate the occupation.
- D. The occupation shall not be visible from the street by display of products or equipment.
- E. The occupation shall not cause a nuisance from noise, odors, fumes, vibration or other sources.
- F. The occupation shall not be a wholesale or retail sales operation.
- G. A maximum of two vehicles per hour are allowed for the home-conducted occupation use, excluding the employee parking.
- H. The occupation shall be conducted and operated only by the resident and no more than one non-resident employee.
- I. No stock in trade shall be kept for retail sales.
- J. No classes shall be held for the purpose of giving lessons or instruction for more than two students or pupils at a time.

### 7.16 Keeping of Bees

No hive shall be within 100 feet of an abutting dwelling.

### 7.17 Keeping of Hens

The keeping of no more than 12 hens shall be allowed for each single-family dwelling provided:



- A. Coops or cages housing chickens shall be located in accordance with Section 7.4 and kept at least 25 feet from any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located in the front yard.
- B. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from accessing the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
- C. The coop and outdoor enclosure must be kept in a sanitary condition, free from offensive odors, and must be cleaned on a regular basis to prevent the accumulation of waste.
- D. There shall be no outdoor slaughtering of chickens.
- E. Roosters are prohibited.

#### 7.18 Keeping of Horses

The keeping of horses on residential lots shall be in conformance with the following and any pertaining state or local regulation or ordinance:

- A. No horses shall be kept for gain, direct or indirect.
- B. The keeping of horses shall be restricted to the rear yard of the premises and for the private use of the resident only.
- C. The minimum area of a rear yard used for the keeping of horses shall be a half-acre for each horse kept.
- D. The use of trailers for stabling purposes is prohibited.
- E. No stable or feed trough shall be within 50 feet of a residential dwelling on abutting premises or within 60 feet from the building line of any abutting undeveloped lot.
- F. Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- G. There shall be no open or outside storage of feed or bedding material.
- H. Trailers for horse conveyance shall not be parked in the front or side yards of the premises.
- I. All rear yards used for the keeping of horses shall be completely and adequately fenced to confine the animals to the rear yard.

#### 7.19 Keeping of Pigeons

No pigeon house shall be located within 100 feet of an abutting dwelling.

#### 7.20 Keeping of Rabbits

Housings containing 4 or more rabbits shall not be located within 100 feet of an abutting dwelling.

#### 7.21 Live Entertainment or Dancing

Live entertainment or dancing is allowed as an accessory use to a restaurant, subject to the following:

- A. Food is served to customers at tables by waitpersons.
- B. Bar seats do not exceed 20% of total restaurant seats.
- C. Any dance floor area shall not exceed 500 square feet or 10% of the floor area of the restaurant, whichever is less.

## 7.22 Memorial Garden

Memorial gardens shall only be permitted accessory to a church.

## 7.23 Off-Street Parking

- A. See [Section 16](#) for regulations and standards applicable to all zones.
- B. Within residential zones:
  - 1. The off-street and outside parking of automobiles is limited to vehicles owned by the resident of the premises, with the exception of commercial vehicles as permitted by Item 2 below.
  - 2. The off-street and outside parking of up to one commercial vehicle not exceeding one ton is permitted per residence.

## 7.24 Outdoor Dining and Seasonal Vestibules

### 7.24.1 General Standards

Seasonal outdoor dining areas are permitted as an accessory use in all zones with administrative approval in accordance with the provisions of this section.

- A. Seasonal outdoor dining areas or vestibules may be located on public sidewalks adjacent to or abutting the indoor establishment that operates the outdoor dining area or vestibule, provided that:
  - 1. The outdoor dining area or vestibule shall extend no further than the actual street frontage of the operating business, except that 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 5 contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of 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 5 feet of sidewalk immediately adjacent to the indoor restaurant and locate the outdoor dining area on textured pavements.
- B. 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.
- C. 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 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.

#### **7.24.2 Design Standards – Seasonal Outdoor Dining Areas**

- A. Furnishings of the outdoor dining area shall consist solely of moveable tables, chairs and decorative accessories. Furnishings must be always kept in a state of good repair and in a clean and safe condition.
- B. 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.
- C. Tables, chairs, and all other furnishings or accessories shall be secured or removed from the sidewalk and stored indoors whenever the outdoor dining area is not in operation.
- D. Outdoor heaters, bus stop shelters, trash receptacles, and food preparation stations must be shown on the submitted Site Plan and approved by the Fire Marshal and/or Health Department.
- E. All planters, railings and fences within an 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 ground.
- F. 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.
- G. Signs: No sign shall be allowed at any 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, mounted on an easel or other easily removable fixture. The sign shall not exceed 6 square feet.

#### **7.24.3 Operation and Service Requirements for Seasonal Outdoor Dining Areas**

- A. Seasonal outdoor dining areas may operate between April 1 and October 31 each year.
- B. The outdoor dining area may operate during regular business hours of the associated restaurant but no later than 10 p.m.
- C. The operator of the outdoor dining area is responsible for keeping the premises, including the public sidewalk and other furnishings of the cafe, clean at all times.

#### **7.24.4 Criteria for Seasonal Vestibules**

- A. Seasonal vestibules are only permitted in the CBD zone.
- B. Seasonal vestibules shall not encroach more than 3 feet beyond the lot line and into the public sidewalk.
- C. Seasonal vestibules shall conform to Section 9.3.3.
- D. Seasonal vestibules shall not be erected prior to December 1 and shall be removed by March 31 each year.

#### **7.24.5 Permit Terms and Other Requirements**

- A. Anyone wishing to operate a seasonal outdoor dining area or vestibule must file an application with the Department of Planning & Economic Development for a Certificate of Use permit. An application 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.

- B. 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 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.
- C. The Zoning Enforcement Officer shall be empowered to notify the operator of a 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.
- D. 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 that 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.
- E. 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.
- F. The Town reserves the right and power, acting through the Town Manager or a designee, to prohibit the operation of a 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 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 outdoor dining area's operation at any particular time.
- G. 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 Section 6.4 of these regulations.

#### 7.25 Outdoor Entertainment

- A. To the extent possible, sound amplification and light equipment shall be 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 a.m. and shall cease no later than 10 p.m.;
- 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.

#### 7.26 Outdoor Storage

The outdoor storage of materials or products is permitted as an accessory use provided that:

- A. No materials, supplies or equipment (including trash removal facilities) shall be stored within a front yard.
- B. No materials, supplies or equipment (including trash removal facilities) shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials

acceptable to the Director of the Planning & Economic Development Department and Chair of the Planning and Zoning Commission, or within a chain-link fence enclosed with evergreen plantings sufficient to visually screen such areas so that the stored items are not visible to a person standing on any part of immediately adjacent sites or an adjacent public street at an elevation no greater than the elevation of the base of the items being viewed.

- C. The area of storage must be developed in manner required for parking lots in conformance with [Section 16](#).

#### 7.27 Outdoor Vending

- A. Walkways may be used for the sale and display of merchandise by business tenants provided the location of the displays does not impede pedestrian movement by maintaining a minimum 5-foot clear pathway.
- B. Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property, 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 a.m. or after 9 p.m. on any day.
- C. 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.

#### 7.28 Outside Parking or Storage of Boats

The outside parking or storage of boats shall be limited to boats owned by the resident of the premises.

#### 7.29 Outside Recreational Vehicle or Trailer Parking

- A. Recreational vehicles and trailers shall be owned by the resident of the premises.
- B. Recreational vehicles shall be in drivable condition and trailers shall be towable.
- C. Recreational vehicles or camper trailers shall not be occupied.

#### 7.30 Signs

See [Section 17](#) for sign regulations.

### 7.31 Sports Courts

Sports courts shall not be permitted as an accessory use to a bed & breakfast establishment in the Historic zone.

### 7.32 Solar Energy Systems

#### 7.32.1 General Standards for Roof-Mounted Solar Energy Systems

- A. Roof-mounted solar energy systems shall be permitted on any principal or accessory structure, not to exceed the area of the total square footage of the surface of the structure to which the system is attached.
- B. Flush or rack-mounted solar energy systems installed on a roof or awning of a building or structure shall not:
  - 1. Exceed the maximum height of the building upon which it is mounted.
  - 2. Project greater than 2 feet from the pitched roof of the building to which it is mounted.
  - 3. Project greater than 5 feet from the flat roof of the building to which it is mounted (a roof with a 3/12 pitch or less shall be considered a flat roof).

#### 7.32.2 General Standards for Freestanding Solar Energy Systems in the RR, AA, RA, RB, RC, RM, PRD, EHD, and Historic Zones.

- A. The cumulative surface area of the photovoltaic panels, regardless of fixed angle, shall not exceed either 50% of the area of the principal building footprint or 600 square feet, whichever is greater.
- B. Freestanding systems shall not exceed a maximum height of 12 feet when measured from ground level to the highest point of the structure. Systems over 12 feet, but not to exceed 18 feet, shall require a Special Exception Permit in accordance with Section 18.10.3.
- C. Freestanding systems shall be allowed in the rear yard, shall be setback from the property line a distance equal to the height of the structure, and shall not be located between a public street and any plane of the principal building that faces the public street. Or, on a corner lot, no closer to the street than the minimum front yard requirement, regardless of what side is the front.
- D. 50% of the surface area of ground and pole-mounted solar energy systems, regardless of mounted angle, shall be calculated as part of the maximum building area of lot, as applicable.
- E. The following additional requirements apply to solar energy systems in the Historic Zone:
  - 1. To ensure that the unique historical and architectural qualities of the Historic Zone are preserved in accordance with Section 9.5 Historic Zone, the Cheney Brothers National Historic District Commission will review the Detailed Plan for conformance with the U.S. Secretary of Interior's Standards for Rehabilitation and Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings and make a recommendation to the Planning and Zoning Commission. The Commission will then review and act upon the Detailed Plan prior to the issuance of a building permit.
  - 2. Applicants shall demonstrate to the Commission's satisfaction that any proposal for solar energy systems in the Cheney Family Mansion Area as outlined in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, dated April, 1980, shall not be visible from the public street.

### 7.32.3 General Standards for Freestanding Solar Energy Systems in the B1, B2, B3, B5, CBD, GB, NB, CUD, and IND zones.

- A. Ground-mounted solar energy systems that exceed 600 square feet in the B1, B2, B3, B5, CBD, GB, and NB zones shall require a Special Exception.
- B. The cumulative surface area of the photovoltaic panels, regardless of fixed angle, shall not exceed 50% of the area of the principal building footprint. Parking lot canopy solar energy systems shall not count toward the total size of freestanding systems.
- C. Freestanding systems shall not exceed a maximum height of 18 feet when measured from ground level to the highest point of the structure.
- D. Ground or pole-mounted systems shall be placed so that no individual component may extend into the front yard.
- E. Ground mounted systems shall be screened from adjoining residential districts in accordance with the applicable buffering requirements of the zoning district within which it is installed (see Section 14.13). The Commission may allow alternative screening methods such as berms and opaque fencing when it is determined that such alternatives are more appropriate for the particular site.
- F. 50% of the surface area of ground and pole-mounted solar energy systems, regardless of mounted angle, shall be calculated as part of the maximum lot coverage of all buildings where lot coverage standards apply.

### 7.32.4 General Standards for Parking Lot Canopy Solar Energy Systems

- A. The system shall be allowed in the side yard and rear yard. Canopies may be located in the front yard subject to Special Exception permit approval by the Planning and Zoning Commission.
- B. The system shall be set back in accordance with the residential zone screening requirements of Section 14.13.
- C. The system shall not cover more than 50% of the parking lot or story of the parking structure on which it is located.
- D. Parking Lot Canopy systems shall not exceed a maximum height of 18 feet when measured from ground level to the highest point of the structure.
- E. In addition to meeting the Special Exception criteria of Section 18.10.3, the Commission shall find that appropriate vehicular circulation is maintained, sight-line distances are preserved, and no additional nuisances will create or cause an unsafe or undesirable condition (i.e. glare).

## 7.33 Tag Sales

- A. May only be conducted 5 days in any year.
- B. Goods offered for sale shall consist of unwanted household items only.
- C. No goods shall be brought to the premises from other sources for the purpose of selling.

## 7.34 Wireless Telecommunications Antenna

- A. Wireless telecommunications antennas that are an accessory use may only be installed on non-residential buildings except for in the Historic zone where they may also be installed on multi-family residential buildings.
- B. The antennas must be designed or hidden in such a way that they are not visible from nearby public streets or driveways commonly used by the general public.
- C. Equipment necessary to operate the antennas must be housed either within the principal building or on its roof. Alternatively, the equipment may be located in an accessory building.
- F. Such facilities shall also conform with the requirements of Section 4.3.39.



# Article III – Zoning District Standards

## Section 8. Residential Zoning District Standards

### 8.1 Residential Zone Bulk Standards

#### 8.1.1 Development Standards

Development in residential zones shall comply with the following standards unless otherwise stated in these regulations:

| Zone             | Max. Building Density (per acre) | Max. Building Height (ft) <sup>C</sup> | Max. Building Area of Lot (%) | Min. Lot Area (sf)    | Min. Lot Frontage (ft) | Min. Building Line Dimension (ft) | Min. Front Yard (ft) | Min. Side Yard (ft)                            | Min. Rear Yard            |
|------------------|----------------------------------|--|-------------------------------|-----------------------|------------------------|-----------------------------------|----------------------|--|---------------------------|
| RR               | 1.3                              | 35                                     | 30                            | 30,000 <sup>A</sup>   | 150 <sup>A</sup>       | 150 <sup>A</sup>                  | 50                   | 15   | 30 ft                     |
| AA               | 2.0                              | 35                                     | 30                            | 18,000 <sup>A</sup>   | 120 <sup>A</sup>       | 120 <sup>A</sup>                  | 40                   | 15   | 30 ft                     |
| RA               | 3.0                              | 35                                     | 30                            | 12,000 <sup>A</sup>   | 100 <sup>A</sup>       | 100 <sup>A</sup>                  | 25                   | 10   | 25% of lot depth or 30 ft |
| RB               | 4.0                              | 35                                     | 35                            | 9,000 <sup>A, B</sup> | 75 <sup>A, B</sup>     | 75 <sup>A, B</sup>                | 20                   | 8 (one side), 20 (combined sides) <sup>B</sup> |                           |
| RC               | 4.8                              | 35                                     | 40                            | 7,200 <sup>B</sup>    | 60 <sup>B</sup>        | 60 <sup>B</sup>                   | 15                   | 10 <sup>B</sup>                                |                           |
| RM               | 4.0                              | 30                                     | 35                            | 9,000 <sup>A</sup>    | —                      | 75 <sup>A</sup>                   | 40                   | 8  | 25 ft                     |
| PRD <sup>D</sup> | 4.0                              | 35                                     | 35                            | 9,000 <sup>A</sup>    | 75 <sup>A</sup>        | —                                 | 25                   | 10   | 30 ft                     |
| EHD              | See Section 11.1                 |  |                               |                       |                        |                                   |                      |  |                           |

- A. May be modified by the Commission at the time of subdivision plan approval in accordance with Section 8.1.2 and Section 8.1.3.
- B. See Section 6.30.1 for standards applicable to two-family dwellings.
- C. The maximum height shall not apply to places of worship, hospitals, chimneys, flagstaffs, light poles, municipal and utility buildings or structures.
- D. See Section 11.3 for additional standards.

#### 8.1.2 Adverse Conditions

Where adverse geographical conditions or difficult site configuration exist, the Commission may reduce the minimum requirements for area, building line dimension and lot frontage by amounts not to exceed 15% provided the maximum building density is not increased.

#### 8.1.3 Permitted Building Density

If the Commission requires a subdivision plan to include provisions for future access roads to adjacent lands, or for areas designated for public utilities, parks, or playgrounds, these provisions shall not reduce the permitted building density. To maintain the permitted building density, lot areas, building line dimensions, and lot frontages may be reduced by more than 15%.



## Section 9. Commercial, Industrial, and Mixed-Use Zoning District Standards

### 9.1 Commercial, Industrial, and Mixed-Use Zone Bulk Standards

| Zone           | Stories             | Max. Principal Building Height (ft) <sup>I</sup> | Max. Accessory Building Height (ft) | Max. Buildable Area of Lot (%) | Min. Front Yard (ft) | Min. Rear Yard (ft) | Min. Side Yard (ft) |
|----------------|---------------------|--|-------------------------------------|--------------------------------|----------------------|---------------------|---------------------|
| B1             | 3 max.              | 40   | 18                                  | —                              | 25                   | See Item G below    | 15 <sup>G</sup>     |
| B2             | 3 max.              | 40   | 18                                  | —                              | 15                   |                     | See Item G below    |
| B3             | 3 max.              | 40   | 18                                  | —                              | 25 <sup>J</sup>      |                     |                     |
| B5             | —                   | 60   | —                                   | —                              | 50                   | 30 <sup>G</sup>     | 25 <sup>G</sup>     |
| CBD            | 2 min. <sup>K</sup> | 75   | 18                                  | —                              | —                    | See Item G below    | See Item G below    |
| GB             | 3 max.              | 50 <sup>F</sup>                                  | 18                                  | —                              | 25                   |                     |                     |
| NB             | 3 max.              | 40   | 18                                  | —                              | 25                   |                     | 15 <sup>G</sup>     |
| SDC            | —                   | 40   | —                                   | —                              | 50 <sup>A, B</sup>   | 30 <sup>A, B</sup>  | 15 <sup>A, B</sup>  |
| IND            | —                   | 75   | —                                   | 60                             | 40                   | 30                  | 15                  |
| H <sup>C</sup> | —                   | 40 <sup>H</sup>                                  | 18                                  | —                              | See Item D below     | 30 <sup>D, E</sup>  | 15 <sup>D, E</sup>  |
| CUD            | See Section 9.6     |  |                                     |                                |                      |                     |                     |
| FBZ            | See Section 10      |  |                                     |                                |                      |                     |                     |

- A. Because this zone applies to properties in various locations in the community, the Commission requires flexibility to ensure the purpose of the regulation is met. The Commission may modify the minimum requirements in order to ensure compatibility with the neighborhood surrounding the proposed development and reinforce the existing street line, building spacing, and building placement established by the existing development abutting the site.
- B. Front yard dimensions shall be the same as the greatest existing front yard dimension on abutting properties unless a lesser yard is approved by the Commission. Side and rear yard dimensions shall be the same as the side and rear yard dimensions on abutting properties unless a lesser yard is approved or a greater yard is required by the Commission.
- C. Standards for single-family homes in the Historic Silk Mill zone shall be in accordance with Section 9.5.6.
- D. The minimum front yard and side yard requirements abutting public streets for new buildings shall be the same as the greatest existing front or side yard dimension on adjacent properties. Additions to existing buildings shall not encroach into those existing yard dimensions. If the Commission determines that a lesser yard requirement would be more suitable for a particular site or building and would not impair the intent of these regulations, it may waive this requirement and establish a different yard requirement.
- E. With the exception of buildings developed prior to May 4, 1981, all lots, parcels, sites or tracts that abut residential zones shall be developed at the abutting line with side and/or rear yards equal to the side and rear yards of any abutting residential zone.
- F. See Section 6.22.1B for height of residential buildings.

- G. 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.
- H. New principal buildings shall not exceed the height of existing principal buildings adjacent to the new building.
- I. The maximum height shall not apply to places of worship, hospitals, chimneys, flagstaffs, light poles, municipal and utility buildings or structures.
- J. The minimum front yard on Main Street between Center Street and Middle Turnpike is 5 feet.
- K. The Commission may approve a one-story building by Special Exception.

## 9.2 All Business Zones

The following conditions require Special Exception approval from the Planning and Zoning Commission unless approval is required from the Zoning Board of Appeals:

- A. All uses that include development on a site that is 4 acres or larger in size.
- B. All uses that require 61 or more automobile parking spaces.
- C. All uses that require 8 or more loading docks or bays.
- D. Ground-mounted solar energy systems that exceed 600 square feet.

## 9.3 Central Business District (CBD)

### 9.3.1 Purpose

See Section 2.2.5.

### 9.3.2 Setback from Main Street

The maximum setback from Main Street shall be 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.

### 9.3.3 Architectural Design

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. Design plans for building renovation visible from street and new construction exterior design plans shall be approved by the Director of Planning & Economic Development and the Chair of the Planning and Zoning Commission before a Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer.

If the design plans are found not to conform with the Downtown Manchester Architectural Design Guidelines by either the Director of Planning & Economic Development 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 Director of Planning & Economic Development and Planning and Zoning Commission Chair.

### 9.3.4 Elderly Housing Uses

The following elderly housing uses shall only be permitted in existing buildings in the CBD: assisted living facilities, congregate housing, convalescent homes, continuing care retirement communities, independent living facilities, and senior multi-family residential.

### 9.3.5 Prohibited Uses

In addition to the uses prohibited by Section 3.2 the following uses are prohibited in the CBD: correctional facilities and pawn shops.

## 9.4 Industrial Zone (IND)

### 9.4.1 Purpose

See Section 2.2.12.

### 9.4.2 Special Exception Requirement

The following conditions require Special Exception approval from the Planning and Zoning Commission:

- A. All uses that include development on a site that is 4 acres or larger in size.
- B. All uses that require 61 or more automobile parking spaces.
- C. All uses that require 8 or more loading docks or bays.

### 9.4.3 Compliance with Zoning

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

### 9.4.4 Site Preservation and Screening

- A. The development of the site shall be engineered and developed so that the landscape will be preserved in its natural state insofar as practicable by minimizing soil and tree removal, and all grade changes shall be designed so that the finished levels and contours will blend harmoniously with the natural and undisturbed landscape. No steep slopes shall be created, and all disturbed land shall be treated to encourage plant growth by provision of topsoil and the planting of appropriate trees, shrubs and grass. Where necessary, measures shall be implemented to minimize soil erosion and to prevent the pollution of streams.
- B. Screening shall be provided as specified in Section 14.13.2.

## 9.5 Historic Zone (HZ)

### 9.5.1 Purpose

See Section 2.2.9

### 9.5.2 Development Criteria and Considerations

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

Such development shall promote the educational, cultural, economic, and general welfare of the citizens of Manchester through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Manchester and through the maintenance and improvement of sites for such buildings and places. Use and reuse of properties shall be developed to allow safe access and movement of pedestrians and vehicles; stabilize, improve, and protect property values; strengthen the local economy; and promote and protect the public health, safety, and welfare.

Construction and development of new structures and buildings within the zone shall be permitted in a manner that will enhance and protect existing structures of historical significance to the district within the zone and that will ensure the preservation of the general characteristics of the historic zone.

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

### 9.5.3 Building Rehabilitation

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

- A. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- D. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- H. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural

material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

- J. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

#### 9.5.4 Construction of New Buildings

- A. The construction of new buildings shall be subject to the review and approval of the Commission. Furthermore, findings as to the design, architectural treatment and aesthetic character of proposed buildings shall be made since excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings could adversely affect the desirability of the immediate area and the neighboring areas and be detrimental to the preservation of the historic character of the area. Designs for buildings shall recommend appropriate materials, colors, style, etc. intended to maintain the historical integrity of the architectural character of the area and of adjacent structures within the zone.
- B. Exterior building materials used in new construction shall be similar to materials used on existing neighboring historical buildings within the zone or shall be materials that are normally associated with materials found in buildings of the architectural period of such neighboring buildings. Other materials may be used that provide compliance with other regulatory requirements or that promote consideration such as energy efficiency.
- C. The architectural design of new construction shall be compatible with and reminiscent of architectural styles exhibited by adjacent historical buildings within the zone, by other historical buildings within the Historic Zone, or by buildings found elsewhere of the same architectural period.

#### 9.5.5 Site Development Criteria

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

- A. Required Lot/Site Area
  - 1. Every lot to be used for a use or uses allowed in this zone shall have a minimum lot area no less than the lot of record in existence at the time of adoption of this regulation with the exception of Item 2 below.
  - 2. In the case of an existing principal building or a portion of an existing principal building on one lot of record, the minimum site area for the development of that building or that portion thereof sufficient in amount to satisfy the site development criteria of this section while still leaving adequate land area for the future site development of any remaining buildings or portions of buildings on that lot.
- B. Height: 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 conditioning, ventilation, solar heating and elevator systems.

#### 9.5.6 Site Design

- A. 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.

- B. Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Commission in appropriate instances because of the size, layout or location of the parking area or facility.
- C. All parking areas shall be located and designed to ensure a 15-foot distance between parked vehicles and principal buildings. The Commission may modify this requirement provided separation is provided through other means (plantings, etc.) and approved by the Commission.
- D. Landscaping may be required by the Commission in addition to any other landscaping provided or required for other portions of the site. Such additional landscaping may be required by the Commission because of the size, layout or location of the parking area or facility. All landscaping, whether required or not by these regulations, shall be properly installed and maintained on a year-round basis.
- E. The Commission may require that an off-street parking area, loading area, or parking facility be properly lit because of its size, layout, location or the particular use served by it.

#### **9.5.7 Off-Site Parking for Inns**

The Commission may permit off-site event parking located either inside or outside of the Historic zone when the applicant can show the existing parking arrangement with an off-premises parking site and demonstrate to the Commission that shuttling patrons to and from the site will not add significant traffic to area streets and intersections.

#### **9.5.8 Fire Protection**

Fire hydrants shall be installed as specified in Section [14.5.B](#).

#### **9.5.9 Utilities**

- A. All uses shall have public sanitary sewer and public water.
- B. If improvements to the Town water, sanitary or drainage system are necessary to accommodate increased sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the Detailed Plan.
- 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 unless specifically waived or deferred by the Commission for any good reason.

#### **9.5.10 Site Preservation, Landscaping, and Screening**

- A. 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.
- B. Landscaping shall be provided in accordance with Section [14.7.3](#).
- C. Screening shall be provided in accordance with Section [14.13.3](#).

#### **9.5.11 Review of Applications**

After submission of a formal application under these Regulations to the Commission, a copy of the application may be submitted by the Commission to Town departments, boards and commissions (including the Cheney Commission) as appropriate, with a request for review of the proposal and for a report with any comments returned to the Commission 7 calendar days prior to the public hearing or the meeting at which the application is to be considered.

### 9.5.12 Industrial Uses

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

### 9.5.13 Single Family Dwellings in the Silk Mill Area

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

- A. Maximum buildable area of lot: 30%
- B. Minimum lot area: 18,000 square feet
- C. Minimum front area: 40 feet
- D. Minimum rear yard: 30 feet
- E. Minimum side yard: 15 feet

### 9.5.14 Elderly Housing Uses in the Silk Mill Area

The following elderly housing uses shall only be permitted in existing buildings in the Silk Mill area: assisted living facilities, congregate housing, convalescent homes, continuing care retirement communities, independent living facilities, and senior multi-family residential.

## 9.6 Comprehensive Urban Development Zone (CUD)

### 9.6.1 Purpose

See Section 2.2.11.

### 9.6.2 Enlargement of Zone

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

### 9.6.3 Special Exception Requirement

The following conditions require Special Exception approval from the Planning and Zoning Commission unless approval is required from the Zoning Board of Appeals:

- A. All uses that include development on a site that is 4 acres or larger in size.
- B. All uses that require 61 or more automobile parking spaces.
- C. All uses that require 8 or more loading docks or bays.



#### 9.6.4 Bulk Standards

| Land Use   | Max. Height (ft)               | Max. FAR | Min. Lot Open Space Ratio | Min. Front Yard (ft) <sup>A</sup> | Min. Rear Yard (ft) | Min. Side Yard (ft) |
|--|--------------------------------|----------|---------------------------|-----------------------------------|---------------------|---------------------|
| Gas Station  | 30                             | 0.4      | 0.1                       | 60                                | 30                  | 25                  |
| Municipal Buildings or Facility, Public Utility Building or Structure  | —                              | 0.5      | —                         | 30                                | 15                  | 15                  |
| Office, Hotel  | 70                             | 1.0      | 0.2                       | 30                                | 15                  | 15                  |
| Research & Development   | 50                             | 0.4      | 0.1                       | 30                                | 15                  | 15                  |
| Residential, Multi-Family  | See Section 6.29.2             | 0.3      | See Section 6.29.2        | 40                                | 15                  | 15                  |
| Telecommunication Facility, Wireless Telecommunications Facility   | 40                             | 0.4      | 10                        | 40                                | 15                  | 15                  |
| Senior Housing Development   | As permitted by Section 11.1.5 |          |                           |                                   |                     |                     |
| All Other Uses   | 60                             | 0.5      | 0.1                       | 25                                | 25                  | 15                  |
| A. There shall be a minimum front yard setback of 40 feet for buildings and 15 feet for parking along all arterial and collector public streets. |                                |          |                           |                                   |                     |                     |

#### 9.6.5 Light Industrial and Manufacturing Uses

Light industrial and manufacturing uses are permitted in the CUD zone in accordance with the following:

- A. Such activities shall be conducted wholly within an enclosed building.
- B. Storage of materials, products, or finished or semi-finished goods or products shall be inside the building only.
- C. Transportation/distribution of the finished products produced at the site are allowed as part of this use.
- D. No industrial use or process that is injurious, noxious, offensive or hazardous by reason of odor, dust, fumes, smoke or other pollutants, noise and vibration shall be approved for this zone.

#### 9.6.6 Site Development Standards

- A. All roads that are proposed to become Town-owned streets and all improvements that are constructed within public rights-of-way or that are to be dedicated to the Town shall be constructed in accordance with the Town of Manchester "Public Improvement Standards" whether or not subdivision approval is required.
- B. All developments shall have:
  1. Public sanitary sewer.
  2. Public water supply.
  3. Electric power and telecommunications service installed in accordance with the Town of Manchester "Public Improvement Standards".



- C. Landscaping:
- D. Entrances and Exits: Driveway curb cuts along each side of arterial and collector classified public streets shall be spaced not less than 500 feet apart unless otherwise approved by the Commission. Driveways on opposite sides of such streets shall be offset at least 250 feet between center lines. The proposed driveway curb cuts shall be shown on the Preliminary Plan.
- E. Driveway. 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.

#### 9.6.7 Design Review Criteria

The following design review criteria will be used by the Commission in determining whether the proposed land uses meet the purpose and intent of the regulation as set forth in Sections 2.2.11:

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

### 9.7 Special Design Commercial Business Zone

- A. Site Plan approval is required for all development on vacant lots, all changes in use from residential to nonresidential uses, and any changes to an existing building or site which increases the size of the developed area of either the building or the site, or adds landscape features to the site.
- B. In addition to the permit requirements identified in Section 4.2, the following uses, when exceeding the specified gross floor area either individually or in combination with other uses on the site shall require a Special Exception:
  - 1. Fitness Clubs: 2,000 square feet or more
  - 2. General or Medical Offices: 5,000 square feet or more
  - 3. Mixed Use Development: See Section 6.22.2
  - 4. Package Stores: 2,000 square feet or more
  - 5. Personal Service Establishments: 2,000 square feet or more
  - 6. Restaurants: 3,000 square feet of customer service area or more
  - 7. Retail Food Establishment: 2,000 square feet or more
  - 8. Retail Stores: 2,000 square feet or more

### 9.8 Neighborhood Business Zone

No individual store or establishment shall occupy more than 5,000 square feet of gross floor area within the Neighborhood Business Zone.

Section 10. Form-Based Zone

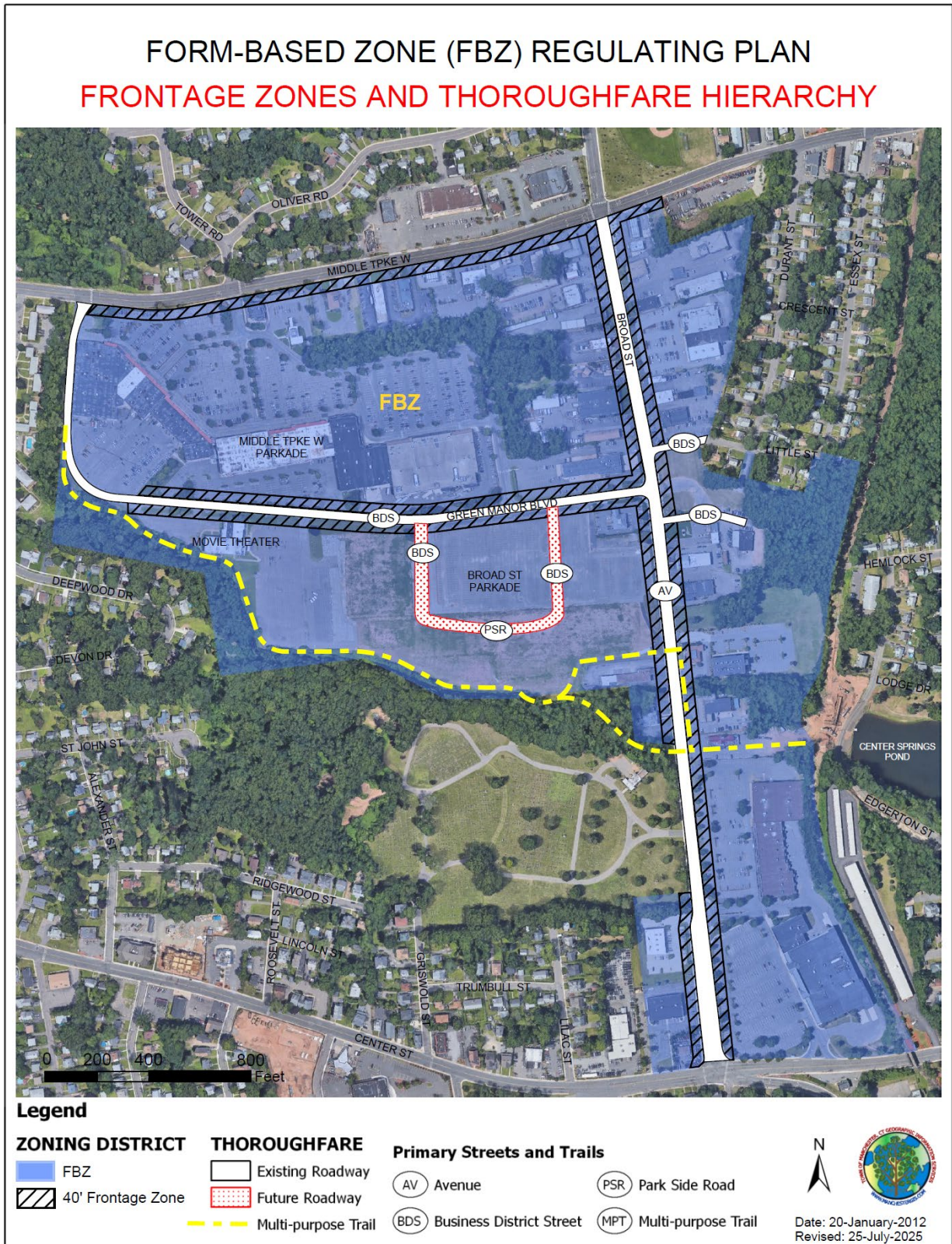
10.1 Purpose

See Section 2.2.10.

10.2 Regulating Plan

The Form-Based Zone (FBZ) is a mixed-use district with distinct Frontage Zones, as depicted on the regulating plan map (see next page).

- 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 Section 4.2. 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 Section 10.10 so as to provide a variety of easily accessible services to the surrounding community.





### 10.2.2 Use of Regulations

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.

## 10.3 Plan and Survey Requirements

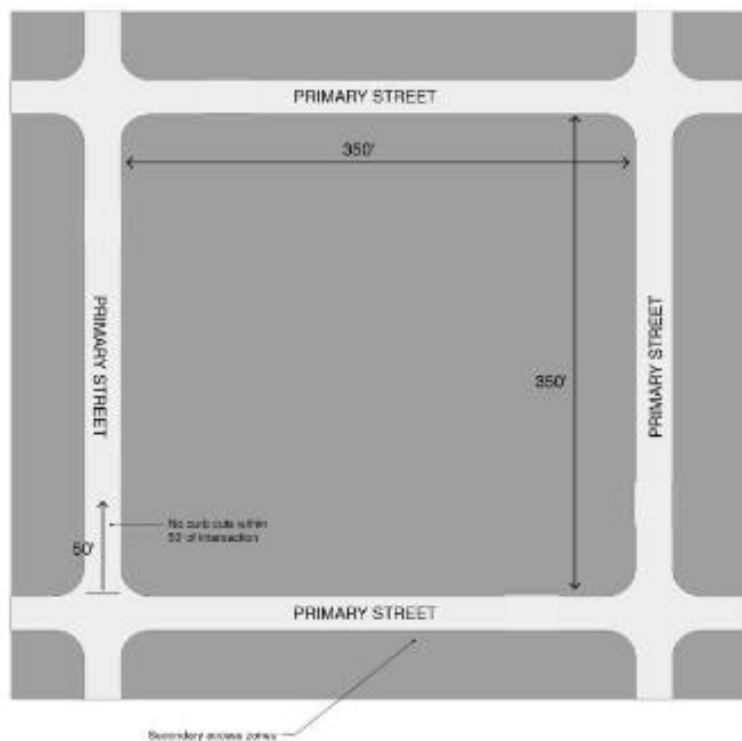
- A. Any building or structure erected, constructed, reconstructed, moved or structurally altered after the effective date of this ordinance requires Site Plan review as specified in Section 18.7.
- B. A Class A-2 foundation location survey may be required by the Zoning Enforcement Officer to determine the zoning compliance of any structure in the FBZ as covered by this ordinance.

## 10.4 Block and Street Types

### 10.4.1 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.
- 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 10.4.2.
- 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 Commission under Section 10.17.



### 10.4.2 Street and Thoroughfare Types

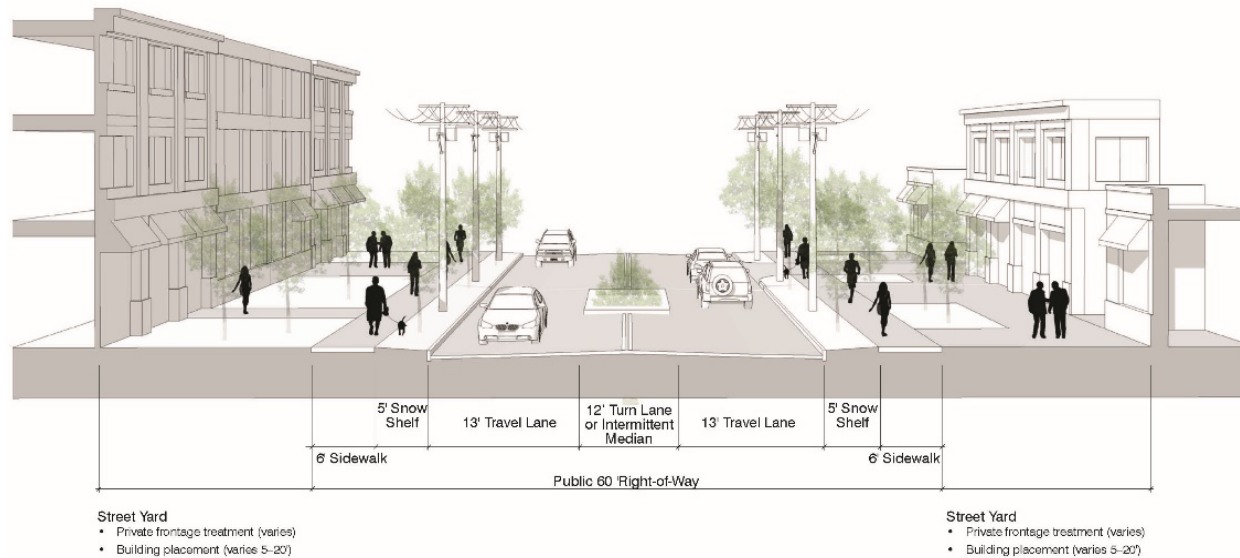
Thoroughfare Types and Location - Specific street and thoroughfare types are allowed within the district as identified in Section 10.2. The alignment of streets and thoroughfares identified on the Regulating Plan map are approximate and may be realigned on a development Site Plan. The table below indicates the thoroughfare types existing and/or permitted in the FBZ. These thoroughfares must comply with the thoroughfare design standards in 10.4.2.D.

| Thoroughfare Type              | Description  |
|--------------------------------|--|
| <b>Primary Streets</b>         |  |
| 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.  |
| <b>Secondary Streets</b>       |  |
| 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.   |
| <b>Passages and Trails</b>     |  |
| 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.   |

- A. **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 damage 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 are 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.
- B. **Additional Street Types.** Additional street and trail types are permitted as authorized in Section [10.5.B](#).
- C. **Dead-End Streets.** Dead-end streets are not permitted except where specially authorized in Section [10.5.C](#).
- D. **Thoroughfare Design Standards.** Thoroughfare types shall be designed in accordance with all standards of this section as indicated in the drawings presented in Items [1](#) through [8](#) on the following pages 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.

1. **Avenue (AV) – Broad Street Type 1:** Commercial and mixed-use frontage (varied) and above ground utilities.

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

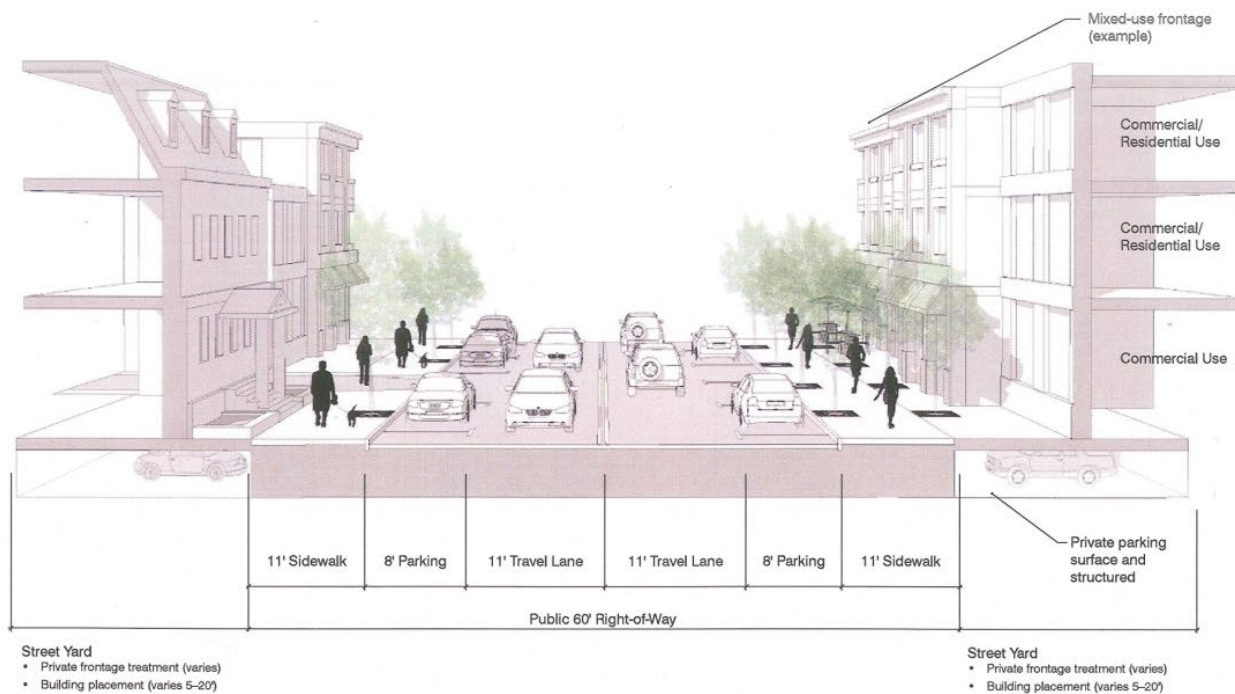
Plan View





## 2. **Business District (BDS):** Commercial and mixed-use frontages with on-street parking (parallel)

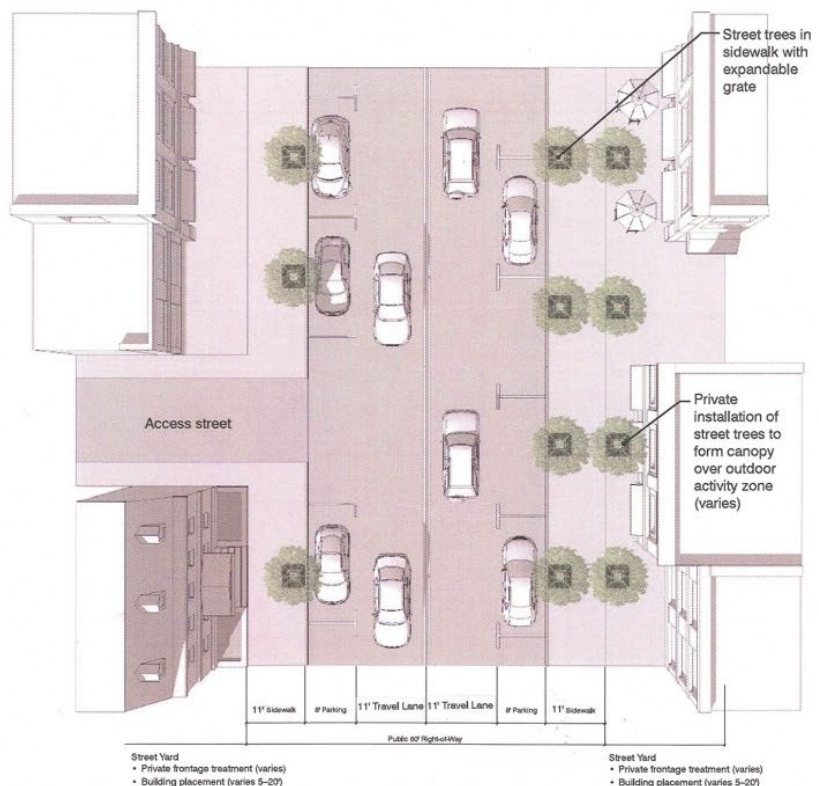
Cross Section/Perspective View



### DESIGN CHARACTERISTICS

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

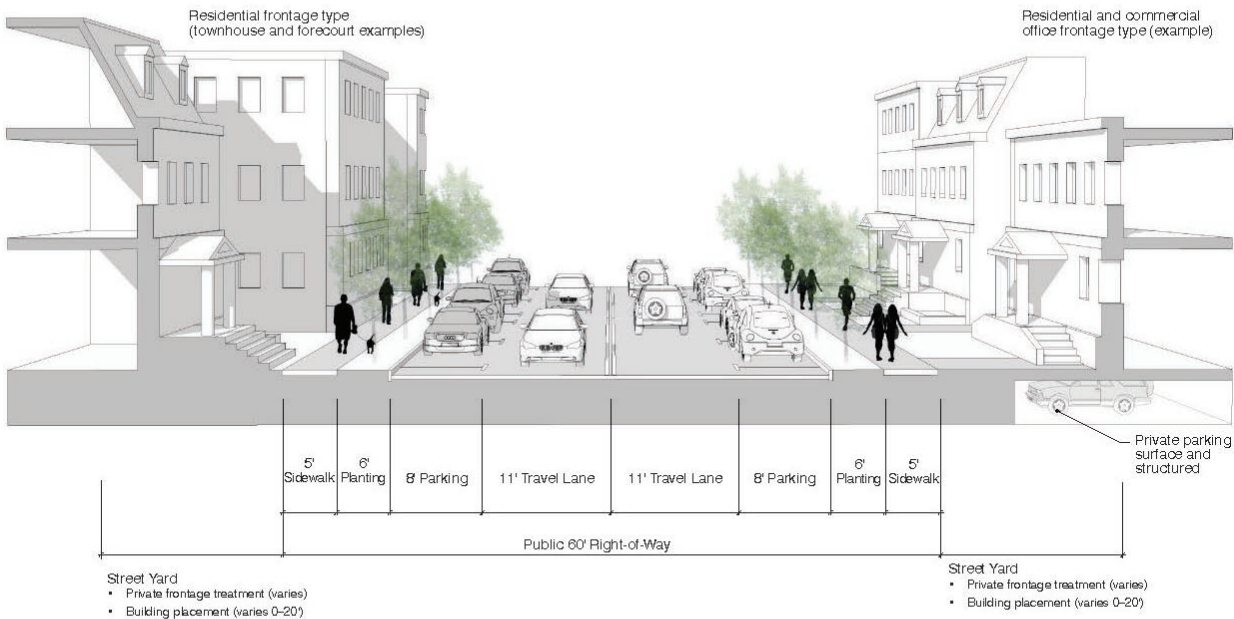
Plan View





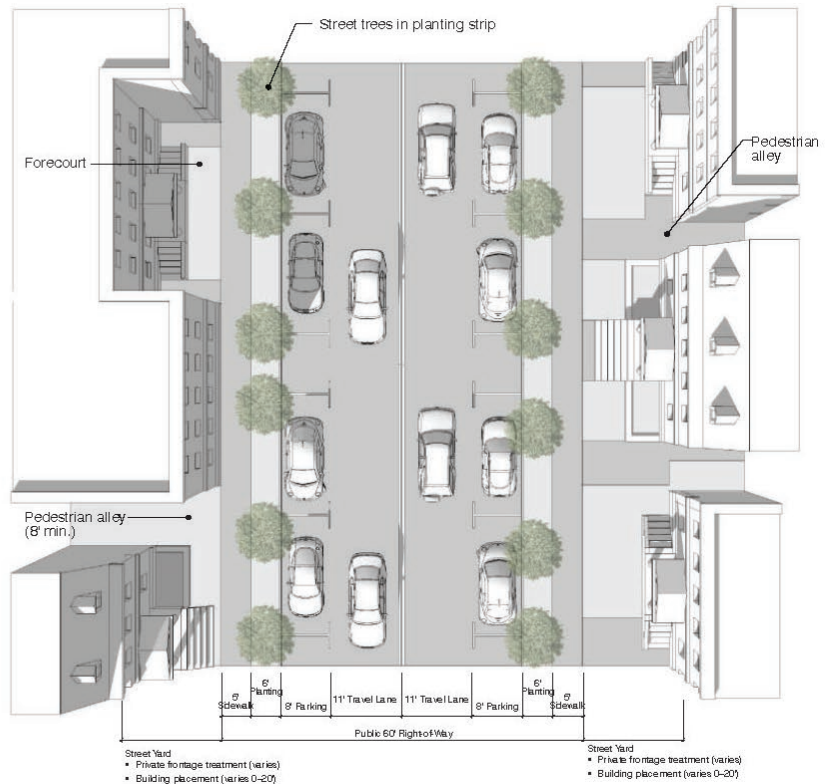
### 3. Residential Street (RDS): Residential and mixed-use (varied) with on-street parking

#### Cross Section/Perspective View



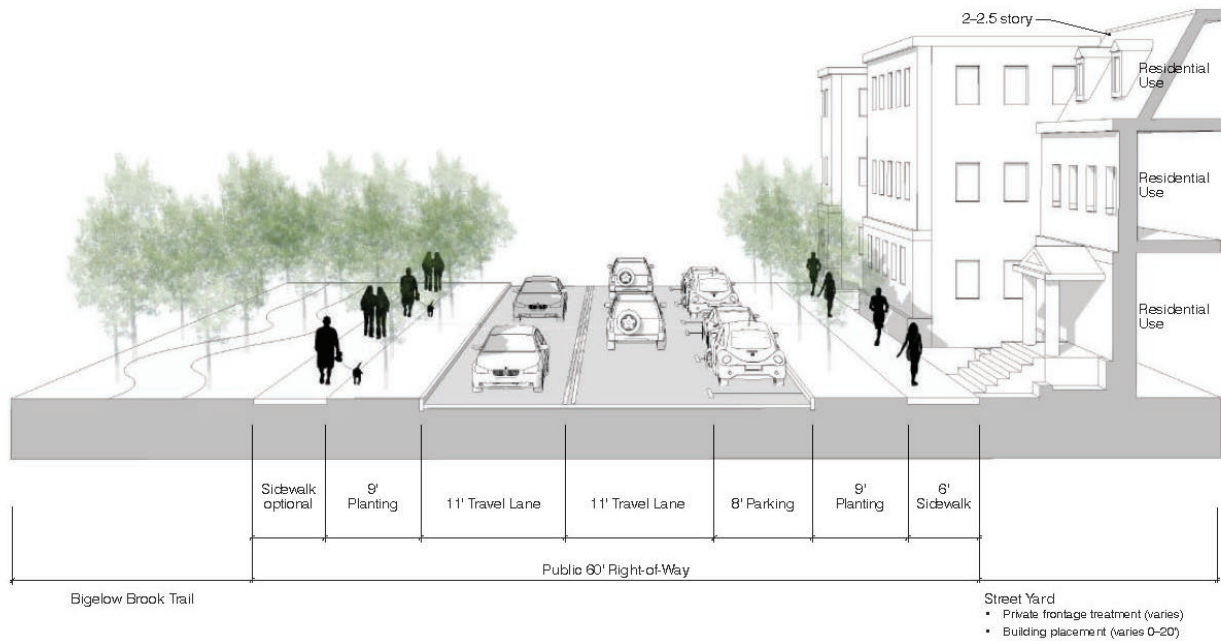
| DESIGN CHARACTERISTICS         |  |
|--------------------------------|--|
| <b>Movement</b>                | Slow Movement                            |
| <b>Traffic Lanes</b>           | Two- 11 foot                             |
| <b>Parking Lanes</b>           | Both Sides Parallel @ 8 Feet Marked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

#### Plan View



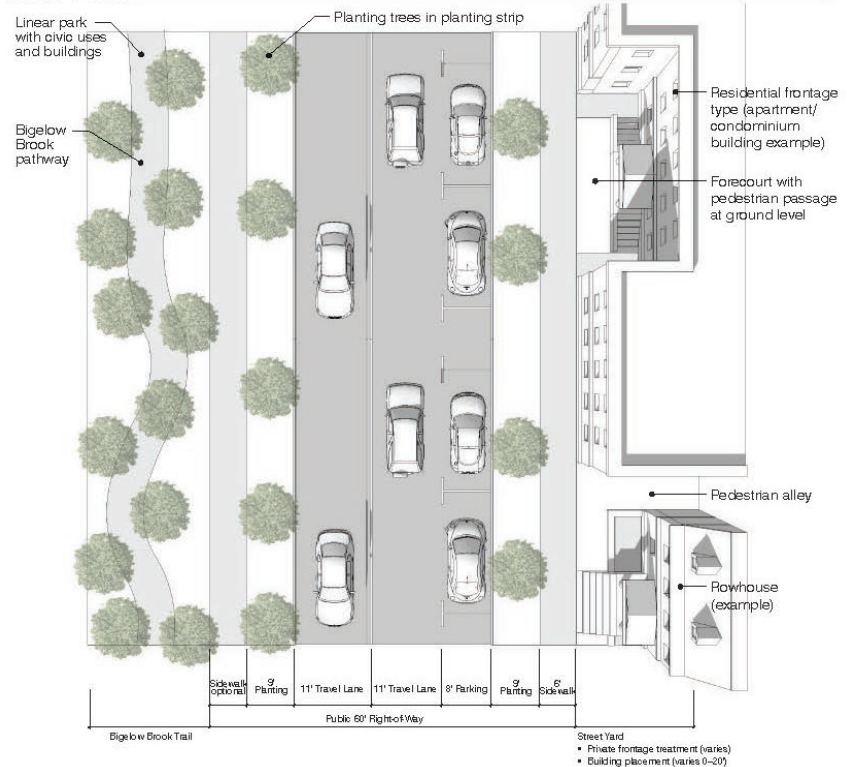
#### 4. Park Side Road (PSR): Residential frontages with on-street parking (one side)

Cross Section/Perspective View



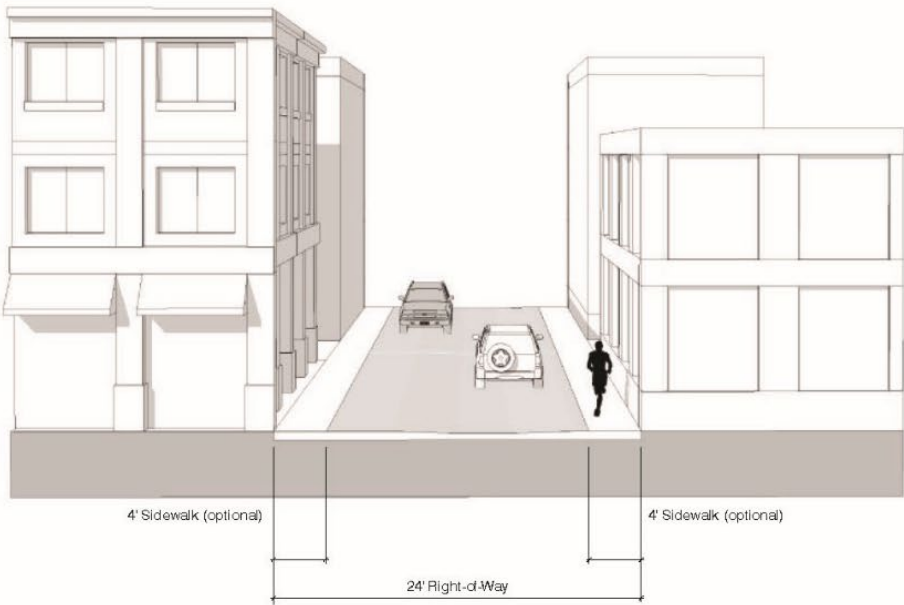
| DESIGN CHARACTERISTICS          |  |
|---------------------------------|--|
| <b>Movement</b>                 | Slow Movement                            |
| <b>Traffic Lanes</b>            | Two- 11 foot                             |
| <b>Parking Lanes</b>            | North Side Parallel @ 8 Feet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

Plan View



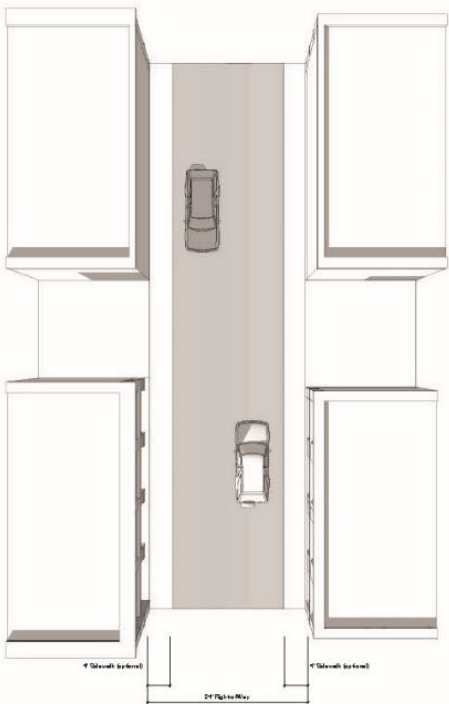
5. Access Street (AS)

Cross Section/Perspective View



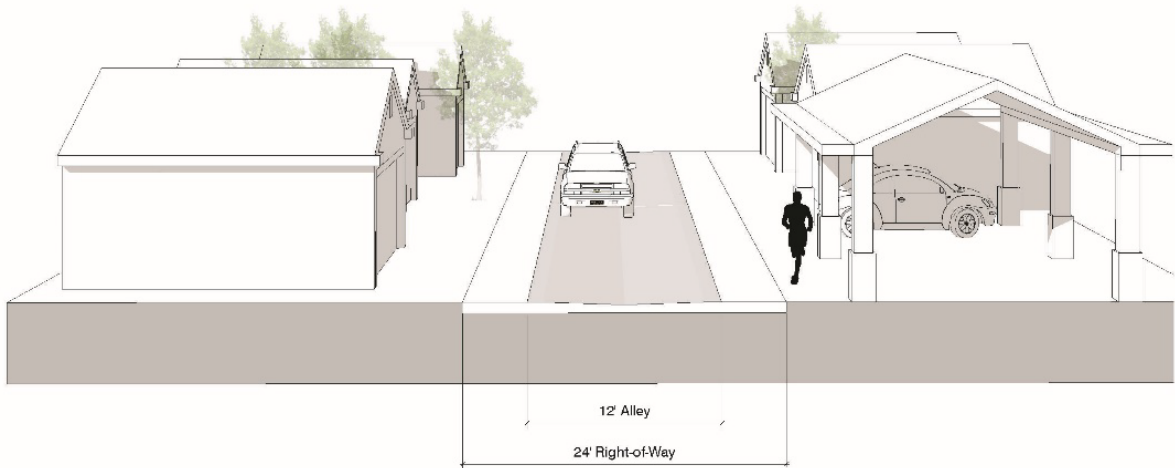
| DESIGN CHARACTERISTICS          |  |
|---------------------------------|--|
| <b>Movement</b>                 | Slow Movement                                    |
| <b>Traffic Lanes</b>            | Two- 10-12 foot                                  |
| <b>Parking Lanes</b>            | None   |
| <b>R.O.W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

Plan View



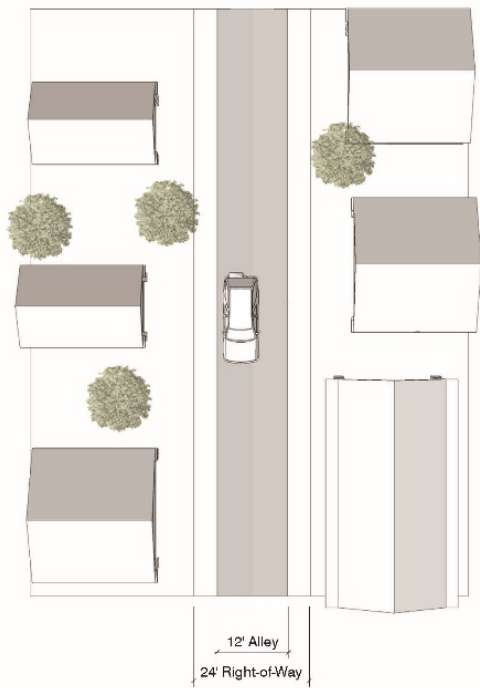
6. Alley (AL)

Cross Section/Perspective View



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

Plan View





7. Pedestrian Passage (PP)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

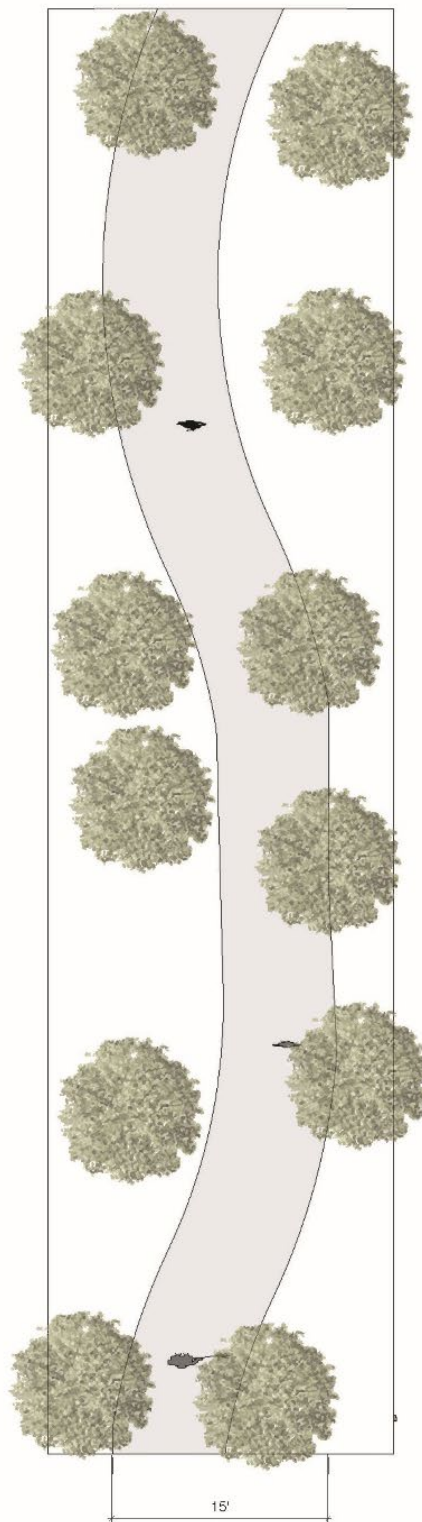
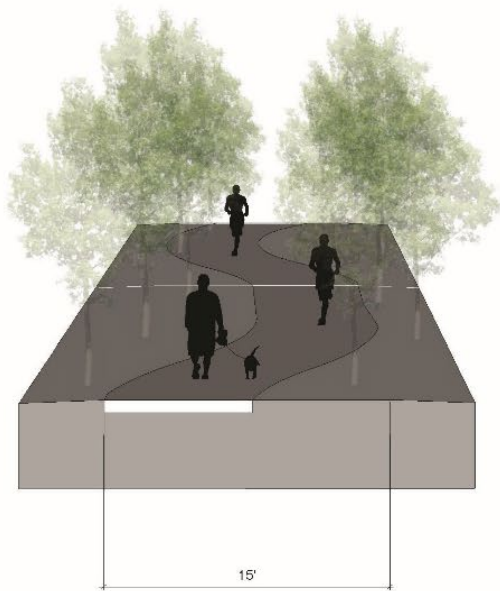
Plan View



8. Multi-Purpose Trail (MPT)

Cross Section/Perspective View

Plan View



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

## 10.5 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 Commission 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, the 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. **Additional Street Types.** An applicant may propose additional street and trail types or modified thoroughfare design standards through the Site Plan review process. The Commission 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.
- C. **Dead-End Streets.** Dead-end streets are not permitted except where specially authorized by the Commission. Commission 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 10.4.2. Dead-end streets must be designed as a closed looped or cul-de-sac with an interior open space that shall be landscaped and accessible to adjoining lots. The dead-end street shall provide pedestrian connectivity to the maximum extent practicable.
- D. **Parking Standards Relief.** Where possible, parking reduction methods are strongly encouraged and the required number of spaces in Section 10.15.3 may be reduced if the applicant can demonstrate that a reduction would still provide adequate parking. The Commission may grant alternative compliance for the reduction in required spaces according to Section 10.15.3 upon a reliable showing of lesser parking need according to the Parking Adjustment Methods in Section 10.15.4.
- E. **Protruding Building Elements.** The Commission 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 10.13.
- F. **Public Frontage Lighting.** Within the public frontages, the spacing and illumination level may be adjusted by the Commission to accommodate specific site conditions, such as building entrances, parking areas, sidewalks and trails.
- G. **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 Commission.
- H. **Alternative Compliance Criteria.** In addition to the criteria set forth above, the Commission shall consider the following FBZ development and design objectives 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 curb cuts 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.

## 10.6 Building and Lot Types

### 10.6.1 Placement of Buildings on Each Lot Type

Specific building lot types are allowed within the FBZ as identified in Section 10.7.4. There are a total of 6 building lot types prescribed for the district. The various lot types and proper building placement for each lot type are illustrated in Section 10.6. Some of the dimensional requirements from Section 10.7.4 are shown on each diagram. Character examples are provided for each lot type for illustrative purposes only; the dimensions in Section 10.7.4 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 10.15.

### 10.6.2 Side Yard 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 side yard placement except Multi-Residence Buildings.

### 10.6.3 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.

### 10.6.4 Street Yard 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 10.7.2.

### 10.6.5 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.



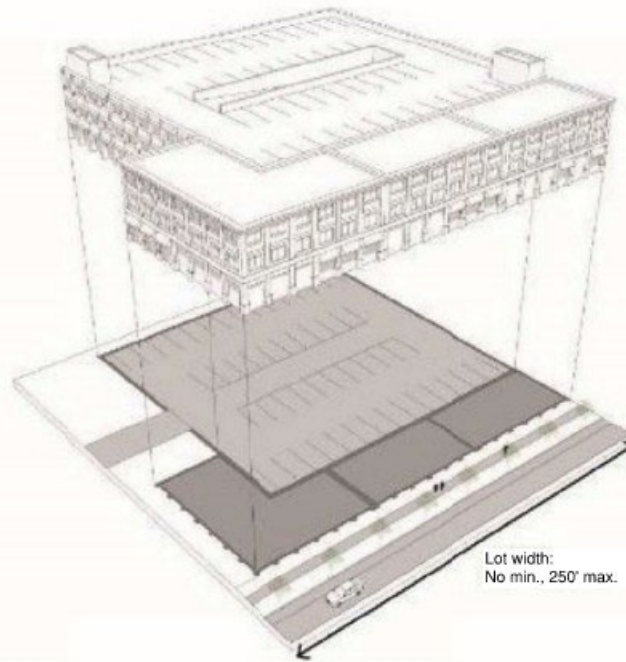
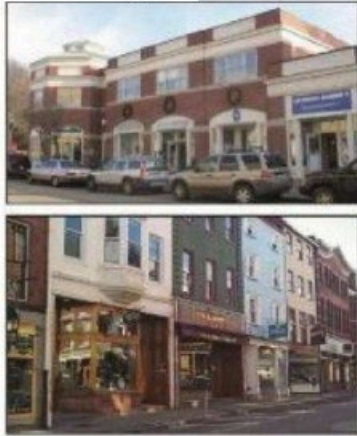
## 10.6.6 General Building Placement and Lot Layout Standards

### A. Liner Building Lot

#### *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:*

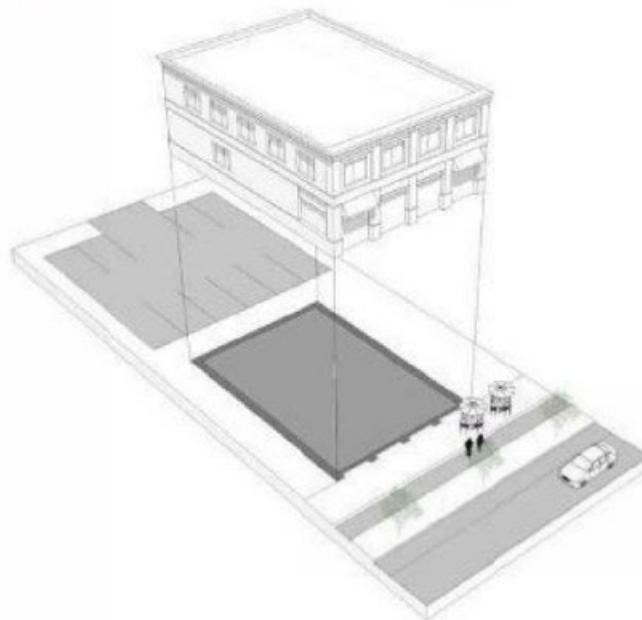


### B. Mixed Use Building Lot

#### *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:*

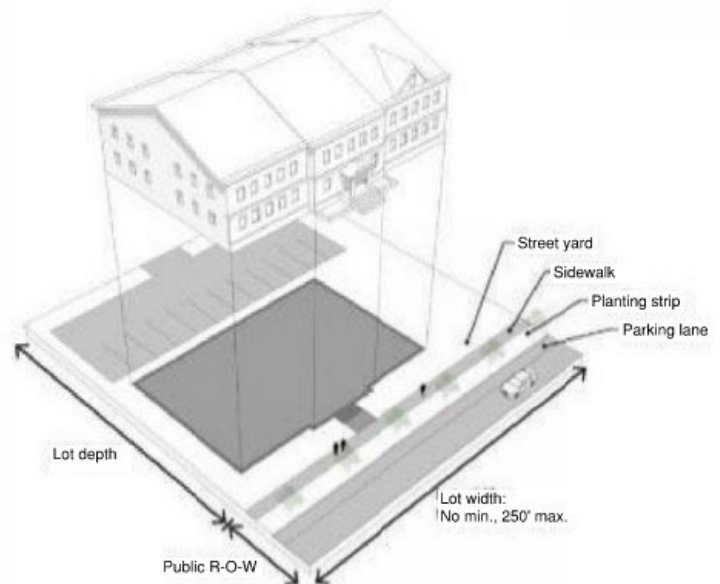
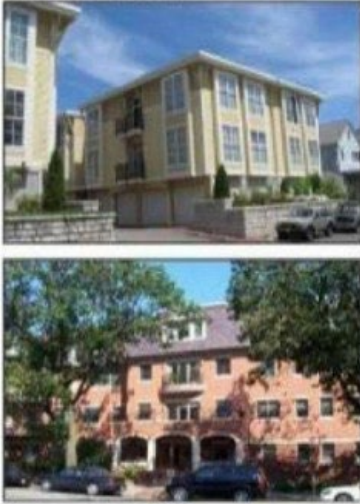


## C. Multi-Residence Building Lot

### *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:*

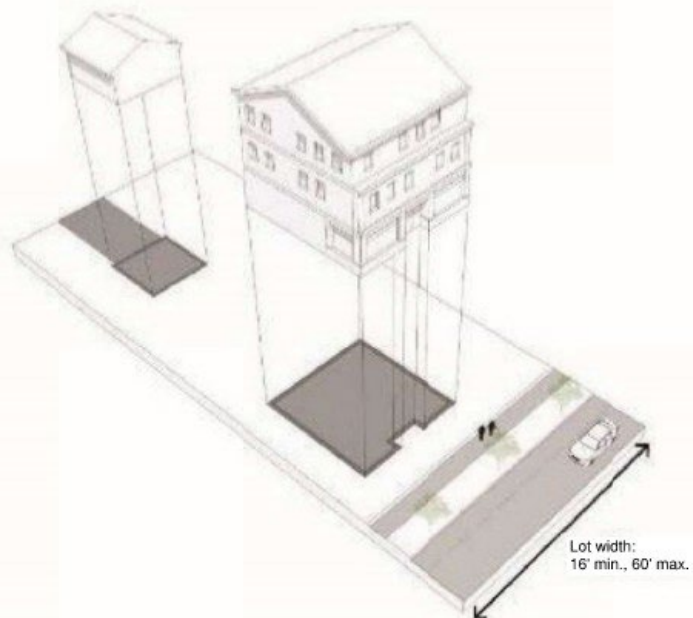
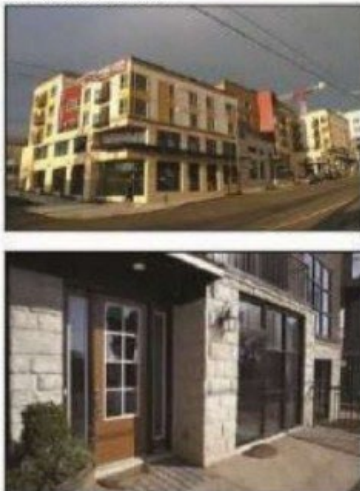


## D. Live-Work Unit Building Lot

### *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:*

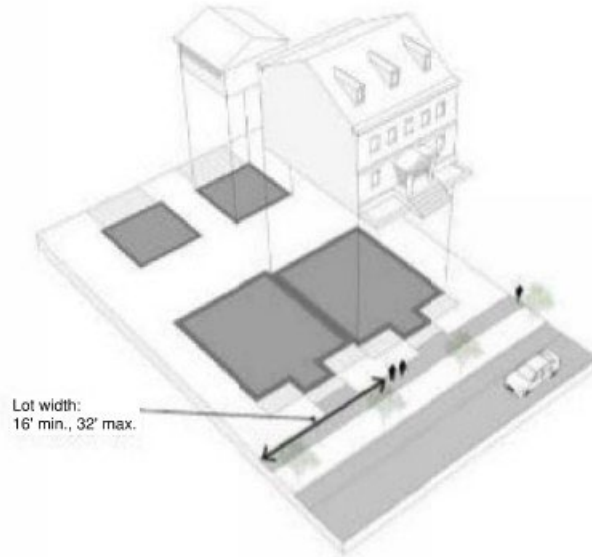


## E. Rowhouse Building Lot

### 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 street/yard and is elevated above the sidewalk with a stoop, porch or landing.

#### Character Examples:

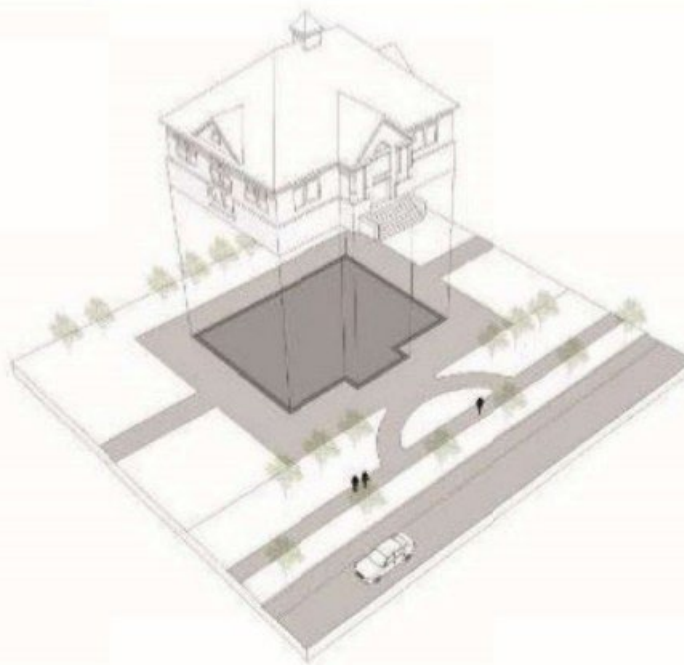


## F. Civic Space and Building Lot

### 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 recreation facilities, and similar civic uses. Open spaces may be a green, square, plaza, park, playground, community garden, above-ground stormwater management area, or natural area worthy of preservation.

#### Character Examples:





## 10.7 Uses of Yards and Setbacks

### 10.7.1 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 the 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).

### 10.7.2 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. Seasonal outdoor dining areas may be extended onto public sidewalks after administrative approval in accordance with the provisions of Section 7.24. Other outdoor activities may be extended onto public sidewalks with a Special Exception from the Planning and Zoning Commission (Commission) where a minimum of 6 feet of unobstructed passage remains for pedestrian use, as shown in the figure below.



### 10.7.3 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:

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

#### 10.7.4 Site and Building Dimensional Standards

| Building Lot Type                      | Height <sup>c</sup> |                                   |                 | Lot Area     |              | Lot Width    |              | Frontage Occupati<br>on | Lot Cover<br>age | Street Yard  |              | Side Yard<br>A | Rear Yard<br>B |
|--|---------------------|-----------------------------------|-----------------|--------------|--------------|--------------|--------------|-------------------------|------------------|--------------|--------------|----------------|----------------|
|  | Min.<br>(stories)   | Max.<br>(stories)<br><sub>D</sub> | Max.<br>(ft)    | Min.<br>(sf) | Max.<br>(sf) | Min.<br>(ft) | Max.<br>(ft) | Min. (%)                | Max.<br>(%)      | Min.<br>(ft) | Max.<br>(ft) | Min.<br>(ft)   | Min.<br>(ft)   |
| Liner Building Lot (LBL)               | 1                   | 4                                 | 48 <sup>E</sup> | —            | —            | —            | 250          | 75                      | 100              | 5            | 20           | 0              | 0              |
| Mixed-Use Building Lot (MUBL)          | 1                   | 4                                 | 48              | —            | —            | —            | 250          | 75                      | 100              | 5            | 20           | 0              | 0              |
| Multiple Residence Building Lot (MRBL) | 2                   | 5                                 | 65              | 4,000        | —            | —            | 250          | 75                      | 100              | 5            | 20           | 0              | 0              |
| Live-Work Building Lot (LWL)           | 2                   | 3                                 | 45              | 2,000        | 7,500        | 16           | 60           | 75                      | 80               | 5            | 10           | 0              | 15             |
| Rowhouse Lot (RHL)                     | 2                   | 3                                 | 45              | 2,000        | 4,000        | 16           | 32           | 75                      | 80               | 5            | 10           | 0              | 15             |
| Civic Space and Building Lot (CSBL)    | 1                   | 2                                 | 36              | —            | —            | —            | —            | N/A                     | N/A              | N/A          | N/A          | N/A            | N/A            |

Key: N/A = Not Applicable, Dash (—) = No minimum or maximum.

- A. 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.
- B. 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).
- C. Buildings must comply with both maximum heights, as measured in stories and in feet; One-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.
- D. Above the third story, buildings must be setback or stepped back from all Primary Streets in accordance with the requirements of Section 10.12.6.
- E. One-story commercial liner buildings must have a front façade elevation of at least 18 feet facing the street yard.

## 10.8 Use Standards

The following standards shall be applicable to allowed uses in the FBZ (see Sections 4.2 and 5.2 for a comprehensive list of allowed uses).

### 10.8.1 Accessory Dwelling Unit

Shall be exempt from dimensional requirements of 10.7.4.

### 10.8.2 Bank

- A. Drive-thru ATMs are prohibited.
- B. A drive-thru window is allowed by Special Exception except within the Frontage Zone.

### 10.8.3 Clinic, Dental or Medical

The sale of merchandise is allowed as an accessory use.

### 10.8.4 Contractor Shop

All contractor 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 that are hazardous by reason of potential fire, explosion, radiation, or similar hazard.

### 10.8.5 Farmstand and Farmer's Market

Allowed as an accessory use on all private lots and on public civic lots with permit from the Town.

### 10.8.6 Hotels and Inns

- A. Hotels may include a restaurant, guest-related retail and consumer services, and convention or conference centers.
- B. Inn: The Commission may allow a restaurant as a second principal use, along with lodging related consumer services as accessory uses.

### 10.8.7 Live/Work Quarters

- A. Work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.
- B. Artist's Loft or live/work unit may be used in combination with an Art Gallery (See definition and functional standards below).
- C. 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.

### 10.8.8 Mixed-Use

- A. 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 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 10.9.
- B. Percent of Uses: New construction must include at least 33% residential uses of total floor area and a minimum of a two-story building.

### 10.8.9 Multi-Family Residential (Attached Single-Family Dwellings)

- A. 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 3 attached dwelling units. All driveways serving townhouses shall be privately owned and maintained.
- B. Connected Units: Each townhouse or rowhouse project shall consist of buildings of connected units. There shall be at least 3, and no more than 9, connected units in each building.
- C. 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 10.16.8. Side and rear yards shall be enclosed by a wall or solid fence, not less than 6 feet in height, along the side and rear lot lines where private yards adjoin and where public or private streets adjoin.

### 10.8.10 Multi-Family Residential

- A. Dwelling Types: Multi-residence buildings in the FBZ may include a variety of different building types and dwelling forms.
- B. 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, workspace, recreational, and public gathering spaces available to residents.
- C. Lot Size: The minimum lot area shall be 12,000 square feet or 1,000 square feet multiplied by the number of sleeping rooms, whichever is greater.
- D. 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.
- E. Building Space: Each building shall be separated from other such buildings by a minimum of 20 feet and have no fewer than 3 dwelling units.
- F. Setbacks: A perimeter green space of not less than 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.
- G. 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.

### 10.8.11 Packaging & Delivery Service

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.

### 10.8.12 Repair Shop

All work and storage to be conducted within a building.

### 10.8.13 Research & Development

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.

### 10.8.14 Retail Store

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.

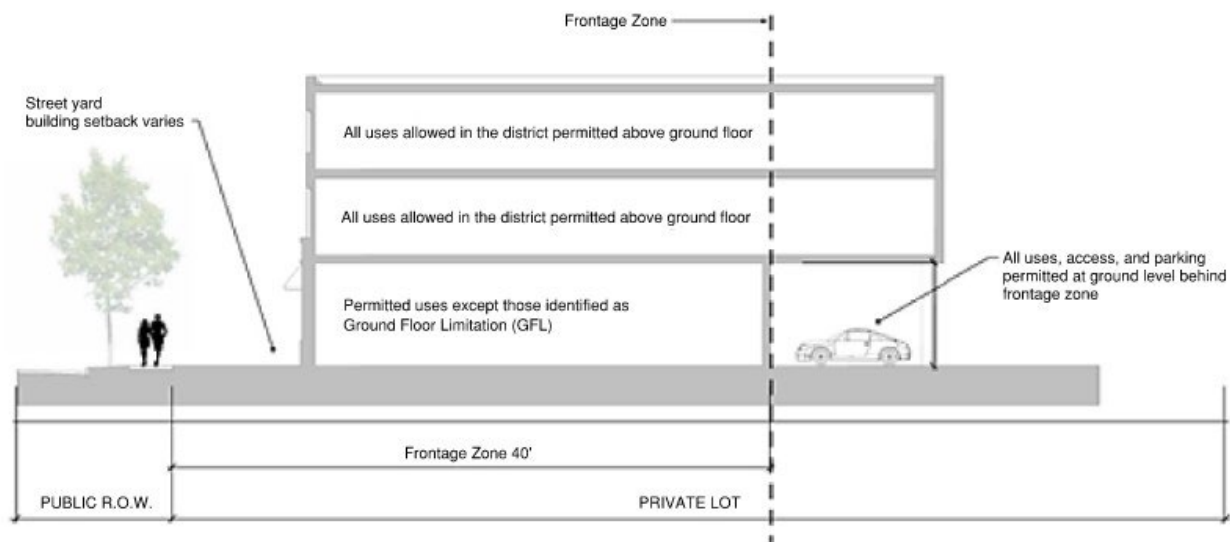
- A. Arts & Crafts Store: All work and storage to be conducted within a building.
- B. Convenience Store
  - 1. May be used in combination with gas stations where permitted.
  - 2. Illumination of the store shall be limited to hours of operation, except for security purposes.
  - 3. For the sale of prepared and packaged food or beverages. Display & sales to be primarily conducted within the building.
- C. Dry Cleaner: Laundry and dry-cleaning shall processed off-site and not within the FBZ.

### 10.8.15 Restaurant and Retail Food Establishment

No drive-thru facilities or services are permitted.

## 10.9 Frontage Zones

There are Frontage Zones delineated in Section 10.2. 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 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 described in Section 10.10.





## 10.10 Ground Floor Limitations

Within FBZ Frontage Zones certain uses are denoted by a “GFL” in the table below. These uses shall not occupy the ground floor in the portion of a building within the 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 Section 10.9. 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 Commission may grant an exception to GFL use restrictions for those uses denoted by “GFSE” in the table below.

| Use   | Ground Floor Limitation (GFL) or Special Exception Requirement (GFSE) |
|---|---|
| Accessory Apartment Unit                    | GFL   |
| Adult Day Care Center                       | GFL   |
| Child Care Center and Group Child Care Home | GFL   |
| Contractor Shop                             | GFL   |
| Educational Institution or Facility         | GFL   |
| Live/Work Quarters                          | GFL   |
| Multi-Family                                | GFSE  |
| Multi-Family (Attached Single-Family)       | GFL   |
| Research and Development                    | GFL   |

## 10.11 General Lot Development Standards

### 10.11.1 Appearance of a Development Lot

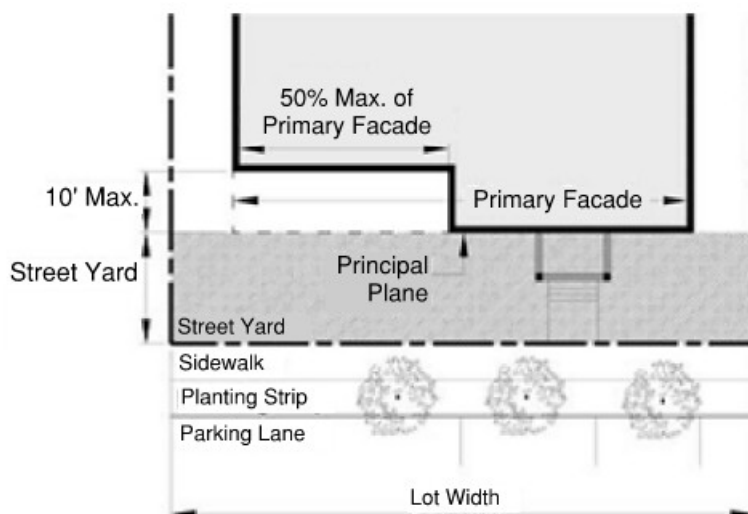
The character, layout and general composition of the lot, including but not limited to the type, color and texture of materials used in plantings, paving, lighting, furnishing, signage, utility structures and all other appurtenant elements should harmonize with the building design.

### 10.11.2 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. Section 10.7.4 provides minimum frontage occupation percentages for each lot type.

- A. 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.
- B. 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.

- C. The width of a porte cochere shall be counted as part of the primary facade.



### 10.11.3 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:

- A. 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.
- B. 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.
- C. Driveways shall serve as access to a minimum of 3 dwelling units and may not exceed 12 feet in width except at the garage entrance.

## 10.12 General Building Development Standards

### 10.12.1 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 one foot or more in depth, made using 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.

### 10.12.2 Building Separation

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

### 10.12.3 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.

### 10.12.4 Incorporate Architectural Features

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

### 10.12.5 Transparency

- A. 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.

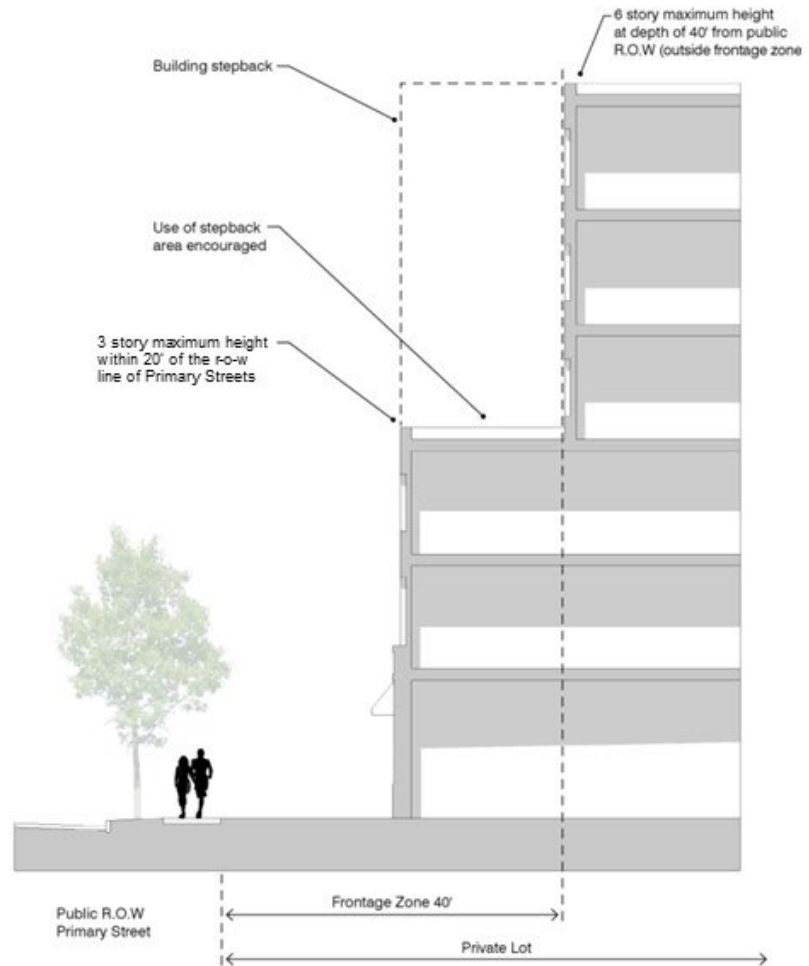
| Front of Building Transparency Requirements |                     |                           |
|---|---------------------|---------------------------|
| Building Lot Type                           | Ground Floor (min.) | Above Ground Floor (min.) |
| Liner Building Lot (LBL)                    | 40%                 | 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                        |

- B. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
- C. 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.
- D. 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 4 feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
- E. Street-fronting, street-level windowpane surface area shall allow views into the ground story use for a depth of at least 6 feet. Windows must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted).
- F. 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.

### 10.12.6 Building Height

A. Building height is measured as defined in [Section 23](#) – 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 [Section 10.7.4](#). Where permitted, new and altered single story buildings shall provide façade improvements and front elevations that are at least 18 feet in height above street elevation and constructed in styles consistent with applicable Building Lot Standards in [Section 10.7.4](#).

B. Building Height Stepback on Primary Streets - The maximum building height within 20 feet of the right-of-way 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 above). 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).



### 10.12.7 Roof Features

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

### 10.12.8 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 4 over 12-inch pitch or greater.

### 10.12.9 Rooftop Equipment

Accessory rooftop equipment shall not extend more than 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 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.

#### 10.12.10 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.

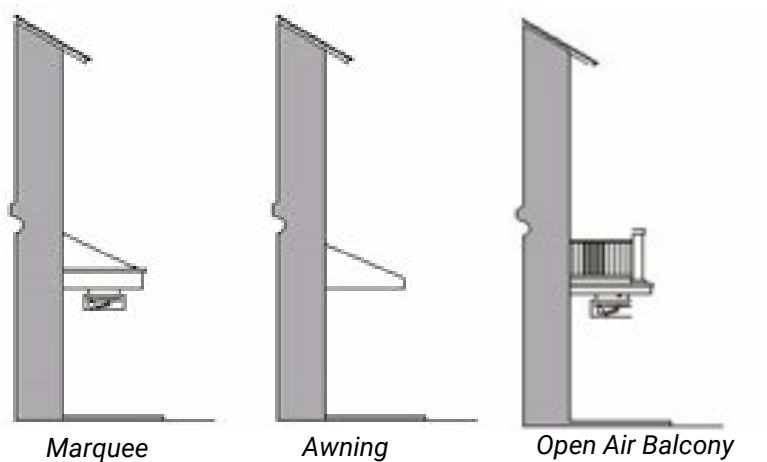
#### 10.12.11 Residential Floor Heights

Residential buildings must have their first habitable floor raised at least 2.5 feet above the adjacent sidewalk on a public street. 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.

### 10.13 Building Overlaps onto Public Frontages

#### 10.13.1 Protruding Building Elements

- A. Allowable protruding building elements include awnings, marquees, balconies, and projecting signs (see figure below). These building structures are allowed to protrude up to 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 8 feet above the ground.



#### 10.13.2 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:

- 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.
- 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.
- 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.

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

## 10.14 Public and Private Open Spaces

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. As such, the following types of open space are allowed in the FBZ in accordance with the following:

### 10.14.1 Outdoor Amenity Space (OAS) Types

Permitted outdoor Amenity Spaces include the following types:

- A. 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.
- B. 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.
- C. Private Open Space (POS): Private Open Space is associated with individual dwelling units or businesses and is not intended for public access.

### 10.14.2 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.

### 10.14.3 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.

- A. Civic Spaces and buildings shall be designed to physically express their prominence and community orientation.
- B. 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 Section 10.6.6.F).
- C. Open Space Requirements
  - 1. Individual property owners shall be required to dedicate 5% of their lot to Outdoor Amenity Spaces in one of the types identified in Section 10.14.1. For commercial and mixed-use lots, Outdoor Activity Zones located in the front and side setback areas are eligible types of Outdoor Amenity Spaces.
  - 2. 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.

## 10.15 Off-Street Parking and Loading

### 10.15.1 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 [Section 16](#) unless otherwise indicated below.

### 10.15.2 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 10.16.4](#).
- C. The vehicular entrance to a parking lot shall be no wider than 24 feet.

### 10.15.3 Required Parking Spaces

Where on-site or controlled parking is necessary and required, the applicant shall provide the required number of spaces as prescribed 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 Commission as a Special Exception under [Section 10.15.4](#).

| 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 per 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   |
| Multi-Residential Building or Multiple Home Building          | 1 space per dwelling unit with 1 bedroom or less, 2 spaces per dwelling unit with 2 bedrooms or more. Spaces shall be located within 300 feet of the dwelling unit. |
| Dwelling Units in Mixed-Use Buildings                         | 1 space per bedroom   |

- A. Non-Defined Parking – Where uses and parking requirements are not defined above, the applicant shall provide an amount equal to 50% of the required spaces under [Section 16](#). 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.



- B. Fractional Spaces – When the number of required parking spaces for a particular use or building results in a fractional space, the fractional number shall be rounded to the nearest whole number.
- 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 provided there is:
  - 1. No increase in gross square footage of the building;
  - 2. No reduction in existing required parking spaces; and
  - 3. Parking space requirements for residential dwelling units shall be 1 parking space per unit.
- D. Required Bicycle Facilities - One bicycle parking space shall be provided for every 25 off-street vehicular parking spaces. Bicycle racks shall be provided within the public or private frontage in a convenient and visible location.

#### 10.15.4 Parking Adjustment Methods

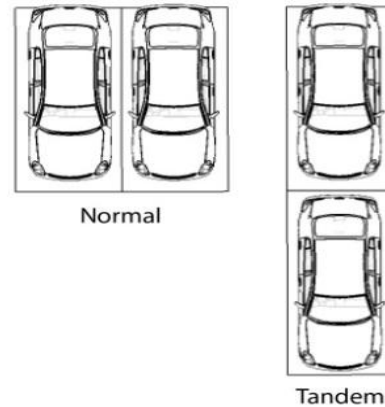
In order to minimize paved surfaces and eliminate the need to construct unnecessary parking spaces, the Planning and Zoning Commission may approve adjustments to required parking spaces quantities as defined below:

- A. Off-Site Parking Credit - Parking requirements may be reduced by up to 50% with a Special Exception by the Commission 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
  - 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



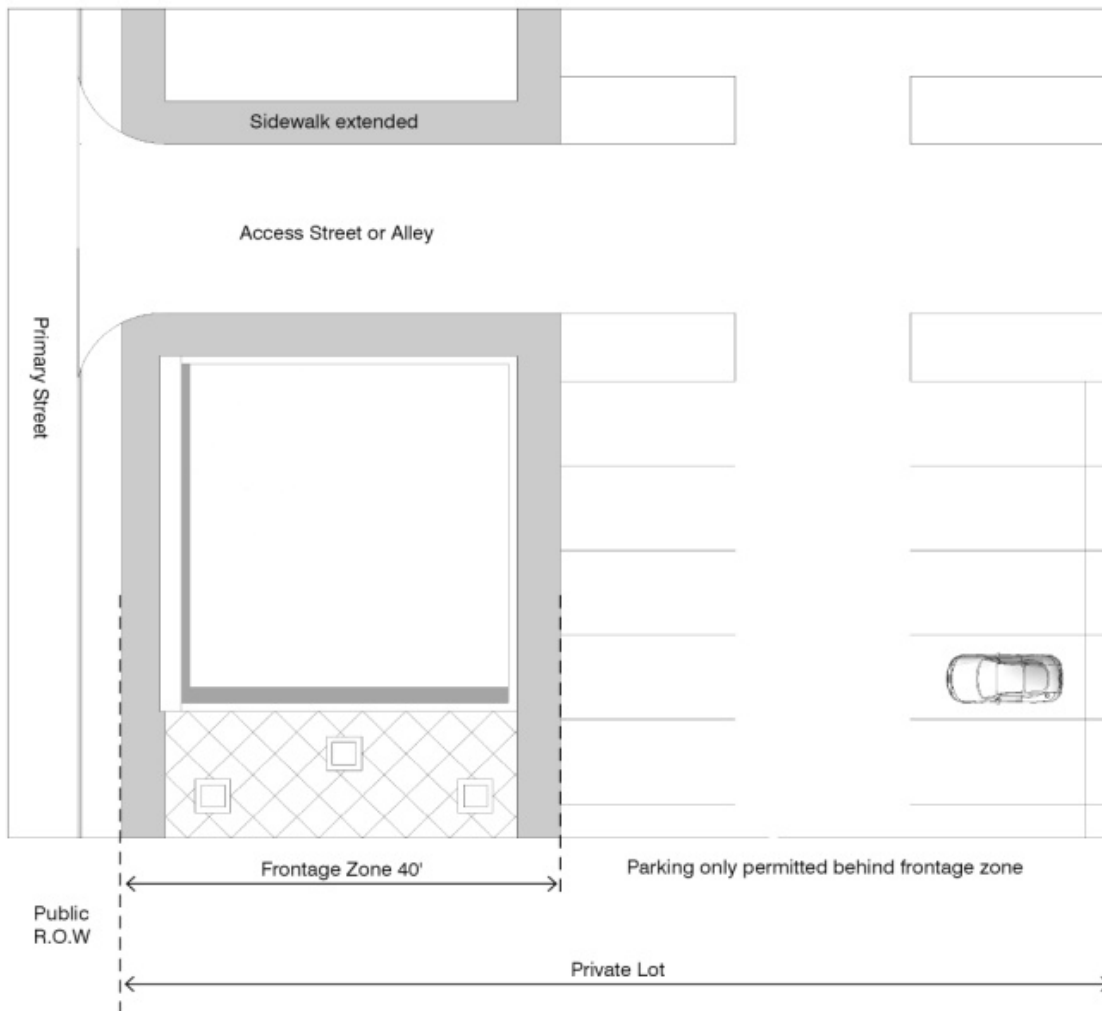
automatically terminated, and a new agreement shall be made between all parties in the development, which shall be executed and filed on the land records.

- D. Car-Sharing Program: The Commission 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 Commission 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 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 Commission.
- F. Tandem Parking: The Commission 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 be identified with appropriate signage.



### 10.15.5 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 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 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.



- B. Curb Cuts 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 curb cuts shall be no wider than 16 feet for one-way traffic flow and 24 feet for two-way traffic flow.
  2. New curb cuts on Primary Streets shall only be allowed where the curb cut leads to parking for at least 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.
  - c. Through designated public loading spaces on-street or in existing municipal lots.

#### 10.15.6 Parking Facility Use and Design Standards

- A. Parking Space and Lot Design Standards – The parking design standards described in [Section 16](#) 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 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 Item [B below](#), 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 10.6](#) apply to all parking structures and to any story of a principal structure used to park vehicles. Parking structures may contain up to 2 levels below grade and 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 [Section 10.7.4](#).

### 10.15.7 Loading Areas

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

| Use             | Minimum Loading Spaces Required   |
|-----------------|-----------------------------------|
| Residential     | 1 space per 20 – 99 units         |
|                 | 2 spaces per 100 or more units    |
| Non-Residential | 1 space per 10,000 – 50,000 sf    |
|                 | 2 spaces per 50,001 – 100,000 sf  |
|                 | 3 spaces per 100,001 – 150,000 sf |
|                 | 4 spaces per 150,001 sf 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 12 feet by 30 feet, exclusive of platforms and piers, and a clear vertical space 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 2 or more buildings or uses may be made, upon the approval of the Commission, 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.

## 10.16 Landscaping, Screening, Lighting Standards, Signs, and Sustainable Design

### 10.16.1 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.

### 10.16.2 Public Frontages

As specified in Section 10.4.2, the Public Frontage shall include trees planted in a regular spacing pattern of varied native species with shade canopies that at maturity generally reach 3 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.

### 10.16.3 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 10 feet.
- D. Residential Lots - Private Frontage landscaping shall be required for all residential properties for the first 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-inch 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.

#### 10.16.4 Parking Lot Landscaping

- A. Interior Space - One 3-inch 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 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 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 that increases the parking requirements by 5 or more spaces according to the standards of Section 10.15, 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.

#### 10.16.5 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 6 feet high with a solid front gate, 6 feet high, which shall be kept closed. Trash compacters shall be enclosed to minimize noise.

#### 10.16.6 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 with 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 that 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 Item L below.
- G. Fixture Height - Lighting fixtures shall not exceed 30 feet in height above parking areas. Lighting fixtures may not be less than 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 to 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.

#### 10.16.7 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 the 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 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 details 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.

#### 10.16.8 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 unbuilt property lines that 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 3.5 feet and shall be semi-opaque. In the side and rear 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 3.5 feet and shall be semi-opaque. In the side and rear yards, not to exceed 6 feet (8 feet when abutting a non-residential district) from the grade plane.

#### 10.16.9 Signs

See Section 17.4.4.

#### 10.16.10 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.

### 10.17 Administration

#### 10.17.1 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 Section 18.7.
  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 Section 18.1. All applications for Site Plan review shall follow the requirements of Section 18.1 and be accompanied by a Detailed Plan in compliance with Section 18.7 unless it is determined by the Director of Planning & Economic Development 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 Section 18.1 and be accompanied by a Preliminary Plan in compliance with Section 18.5 and a Detailed Plan in compliance with Section 18.7 unless it is determined by the Director of Planning & Economic Development 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. 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 Section 19 of these regulations.

### 10.17.2 Applications for Approval

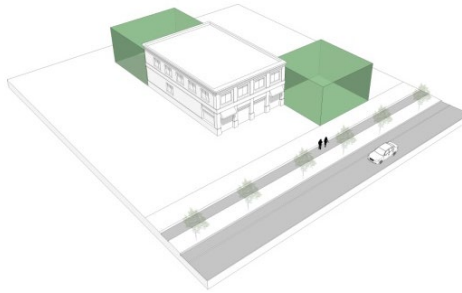
- A. Permitted Uses: Applications for Site Plan approval that meet all requirements of this Section and propose 50,000 square feet or less of gross floor area shall be approved by the Zoning Enforcement Officer and the Director of Planning & Economic Development after their review of the application either as submitted or with modifications that the applicant finds acceptable.
- B. 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 Commission. An applicant may submit a Master Plan in the form of a Preliminary Site Development Plan as per Section 18.5 prior to submission of a full Detailed Plan per Section 18.7. The Commission or Director of Planning & Economic Development may grant modifications to an approved Site Plan in accordance with the procedure that governed its original approval.
- C. Special Exception: Applications that require a Special Exception under the Section or seek alternative compliance under Section 10.5 must receive a Special Exception approval from the Commission in accordance with the requirements of Section 18.10 and below:
  - 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 Commission, when considering these characteristics, shall rely on established plans, policies and programs as such may exist regarding such items as energy conservation, low impact development practices including stormwater management, light imprint stormwater design practices, specifically including stormwater quality and quantity management and the furtherance of applicable goals in the adopted Manchester Plan of Conservation and Development.
- D. Planning and Zoning Commission Action on a Special Exception
  - 1. The Commission 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 Commission. The Commission 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.

### 10.17.3 Alterations or Additions to Nonconforming Structures

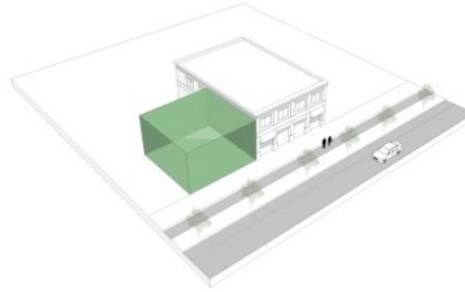
For structures that exist in the zone as of March 30, 2012 the following provisions shall apply:

- 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.

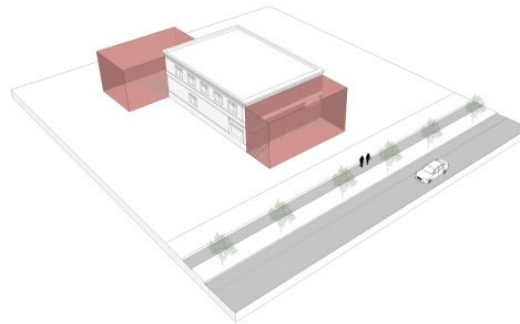
1. Front and Rear Additions - Any addition to the front must be placed within the street setback area. Rear additions are allowed because the extension is not increasing the degree of the existing nonconformity.



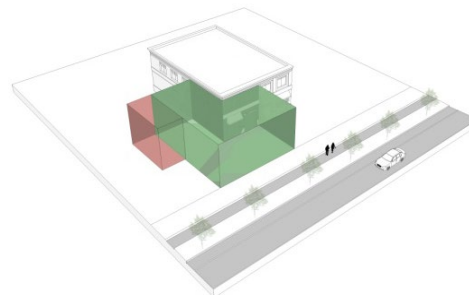
2. Side Additions - Any addition to the side of the building must be placed within the street setback area.



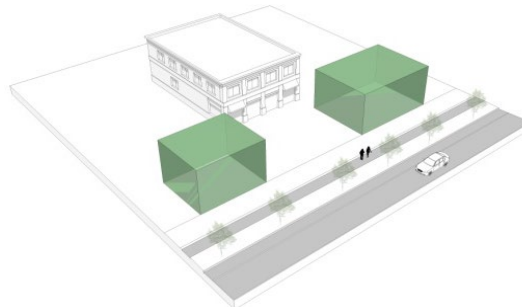
3. Additions Outside of the Front and Rear Setback Area - Additions outside of the setback area are not allowed until the maximum setback requirements for the site have been met.



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.



# Article IV – Special Zoning District Standards

## Section 11. Floating Zones

### 11.1 Elderly Housing Development Zone

#### 11.1.1 Purpose

See Section 2.3.1.

#### 11.1.2 Establishment of an EHD

- A. The minimum site area for establishment of an EHD zone shall be two acres excluding wetlands.
- B. Establishment of an EHD shall require a zone change application to be submitted in accordance with the requirements of Section 18.5.

#### 11.1.3 Changes to Plans

- A. Any proposed change to an approved Preliminary Plan that would change the elderly housing type, building type, unit mix, building locations, or parking and circulation plans shall not be permitted unless such plans are approved after a public hearing is held by the Planning and Zoning Commission. Applications to the Commission for such changes shall follow the requirements set forth in Section 18.5.
- B. Minor changes in an approved Site Development Plan may be made in accordance with Section 18.9.

#### 11.1.4 Approval Criteria for Projects in the EHD Zone

Development is permitted in an EHD zone provided the Planning and Zoning Commission, in review of the required application, finds that the following standards and criteria have been met:

- A. Public water and sanitary sewer systems must be provided for the development.
- B. Except for senior housing developments, public transportation or adequate municipally provided transportation specifically for and used by the elderly must be available to the site. This requirement may be waived provided the applicant submits satisfactory evidence of sufficient commitment to provide convenient transportation as a service to the residents of the facility. Transportation must provide service to facilities including but not limited to shopping, personal care establishments, health care establishments or practices, adult day care and places of worship.
- C. Residency requirements shall be imposed by the developer and run with the land limiting the occupancy of elderly housing units consistent with the requirements of the Fair Housing Act "Housing for Older Persons" exemption and as follows:
  - 1. All assisted living and congregate housing units shall be occupied by persons at least 62 years of age who desire or require residential accommodations or support services. For double occupancy at least one occupant must be age 62 and the other at least age 50. A unit may be occupied by the surviving member of a household, regardless of age, if the other household member at the time of death met the age requirements for occupancy.
  - 2. Deed restricted independent living units shall be occupied by at least one person 55 years of age or older. A unit may be occupied by the surviving member of a household, regardless of age, if the other household member at the time of death met the age requirements for occupancy.
  - 3. Senior multi-family units shall be occupied by persons at least 62 years of age or older. A unit may be occupied by the surviving member of a household, regardless of age, if the other household member at the time of death met the age requirements for occupancy.

- D. Affidavits stating the developer shall impose and enforce the required age restrictions for occupancy in the project and listing all services that will be provided to the occupants, and such restrictions shall be filed on the land records before a building permit is issued and shall run with the land.
- E. Reasonable traffic circulation exists to and from the site taking into consideration roadway capacities and level of service, access to parking and access to the site by emergency or other public safety vehicles.
- F. The proposed housing development shall be reasonably compatible in scale and character with the neighborhood for which it is proposed and shall not adversely affect adjacent properties.

#### 11.1.5 Site Requirements

##### A. Site and Development Requirements

1. The maximum number of multi-family elderly units or congregate units shall not exceed 15 units per acre, for assisted living shall not exceed 20 units per acre, and for nursing facility shall not exceed 25 beds per acre. Density calculations shall be based on total site acreage excluding wetlands and slopes exceeding 15%. This provision shall not apply to CBD and Historic zone sites when existing buildings are converted to elderly housing.
2. For all housing types except single family and duplex independent living the following site development standards must be met:
  - a. Each site shall contain at least 30% of the total lot area as permanent open space, which shall not include land devoted to streets or parking areas but may include land within the minimum setback areas required herein if approved by the Commission. This provision shall not apply to existing buildings converted to elderly housing where the preexisting zone was the CBD or Historic zone.
  - b. Included within the open space requirement above, the Commission shall require the development of outside recreation areas suitable to serve the occupants. Such recreation area shall contain at least 150 square feet of lot area for each unit proposed with a minimum of 6,000 square feet of landscaping providing benches, paved walkways, site lighting and beneficial views, shielded from heavy traffic. Where the preceding zone was the CBD or Historic zones the Commission can approve a combination of indoor and outdoor recreation space to meet this requirement.
  - c. All utilities shall be underground.
  - d. All outside utilities and mechanical areas shall be fenced and screened from view by suitable shrubbery and/or construction of a closed picket or screen-type fence or other approved enclosure. All dumpsters are to be located on a concrete pad and enclosed with a privacy structure at least the height of the dumpster.
  - e. Buildings shall be residential in appearance and sensitive to surrounding properties. No wing of the building shall exceed a length of 300 feet; no wall of the building shall exceed 100 feet in length in an unbroken plane without an offset of at least 3 feet. Buildings should be compatible in scale with surrounding buildings but shall not exceed 40 feet in height. Building coverage shall not exceed 30% of total lot area. This provision shall not apply to CBD and Historic zone sites when existing buildings are converted to elderly housing.
  - f. Maintenance and storage sheds or similar accessory buildings are permitted when clearly incidental to the principal building and when they do not distract from neighboring property. No accessory building shall exceed 18 feet in height or be located within any minimum setback areas.
  - g. Exterior illumination shall be provided where necessary for safe lighting of buildings, walkways, parking areas and driveways. All such lighting shall be subject to the approval of the Commission and be so located and of such design as to prevent direct light rays from extending beyond any point of the boundaries of the property.



3. Off-street parking shall be provided as required by [Section 15](#) and parking areas shall be designed and constructed in accordance with the provisions set forth in [Section 16.2](#).
4. The circulation system shall provide for safe and convenient passenger boarding on and off of mass transit or public transit vehicles.
5. Sidewalks and pedestrian paths shall be provided as follows:
  - a. Sidewalks shall be provided on at least one side of all roadways and private driveways to provide a continuous pedestrian network. Sidewalks must be 5 feet wide and constructed of cement concrete unless an alternative surface is approved by the Commission. The Commission may require sidewalks on both sides of the roadways if it is deemed necessary for public safety.
  - b. Pedestrian paths are encouraged as an amenity to residents in conjunction with passive recreation areas, or to connect recreation or open space areas, or to provide additional recreational opportunities for residents. The provision of pedestrian paths to provide supplemental circulation options internal to the site does not replace the requirement for provision of sidewalks.
  - c. The Commission may waive the requirement for sidewalks if the configuration of the site is such that public safety concerns and pedestrian circulation needs are better met in a clearly proposed alternative manner.
6. The development shall be landscaped to preserve or develop natural vegetation for beauty, recreation, screening and shade.
7. Screening shall be provided as specified in [Section 14.13.4](#).
- B. Setback Requirements. This provision shall not apply to existing buildings converted to elderly housing where the preexisting zone was the CBD or Historic zone.
  1. Minimum frontage: 60 feet.
  2. No building or structure shall be built within 30 feet of the property line of the site, or a distance equal to the height of the building or structure, whichever is greater.
  3. Minimum front yard: 60 feet.
  4. The minimum space between buildings shall be:
    - a. 50 feet where both facing walls contain a window(s).
    - b. 30 feet where only one of the facing walls contain a window(s).
    - c. 15 feet where neither facing wall contains a window.
- C. Fire Protection
  1. Fire hydrants shall provided as specified in [Section 14.5.B](#).
  2. Fire lanes shall be provided as specified in [Section 14.5.A](#).
- D. Permitted Building Types. Buildings with common areas an private rooms, apartments, duplex-housing, single-family detached housing, rowhouses/townhouses, and group dwellings are permitted building types.

## 11.2 Off-Street Parking Zone

### 11.2.1 Purpose

See Section 2.3.2.

### 11.2.2 Establishment of an Off-Street Parking Zone

Establishment of an Off-Street Parking zone shall require a zone change application to be submitted in accordance with the requirements of Section 18.5.

### 11.2.3 Permitted Uses

The following uses are permitted in the Off-Street Parking Zone:

- A. The outdoor or outside parking of motor vehicles of customers, visitors and employees of the uses conducted upon the premises adjacent to the zone, and for which the parking use is appurtenant.
- B. The outdoor or outside loading and unloading of goods, supplies, merchandise, equipment or products to be used, sold, made or processed upon the premises that the zone abuts, and for which the parking use is appurtenant.
- C. Carnivals and circuses may be held upon the granting of a Special Exception by the Zoning Board of Appeals.
- D. Accessory uses may include:
  1. Traffic directional signs not exceeding two square feet in area per sign.
  2. Lighting fixtures for illuminating the parking area, provided that the source of light for any part of the premises, or any sign thereon, is suitably shaded and so arranged that the lighting facilities will neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.
  3. One shelter for an attendant that is not larger than 50 square feet, nor higher than 8 feet, outside dimensions.
  4. One free-standing identification sign, situated at or near each entrance, will be permitted, provided that no portion of the same is higher than 8 feet above ground level and no dimension thereof exceeds 4 feet.

### 11.2.4 Prohibited

- A. There shall be no visible display of waste, trash or scrap, nor open storage of any material of any kind in this zone.
- B. Flashing lights are prohibited.

### 11.2.5 Certificate of Occupancy

- A. Before a Certificate of Occupancy shall be issued by the Zoning Enforcement Officer for the use of any land within the zone, an application for a Certificate of Occupancy shall be made to the Commission showing:
  1. The size and shape of the land within the zone, drawn to scale 1"=40', and the size, shape and location of each sign, the proposed method of discharging storm water runoff, and size, shape and location of each building upon the premises, for which the parking use is appurtenant.
  2. The area and location to be used for customer, visitor, and employee parking and for loading and unloading.
  3. That the location and width of all access and service drives connecting with the principal traffic street or streets are located and designed so as not to create or result in unsafe or hazardous movement of vehicles and pedestrians to, from and within the zone.

4. The existing and proposed finished grades, sufficient to indicate surface flow within the parking area and method of grade connection to streets and abutting properties.
  5. The location and size of all buffer strips, signs, the attendant's shelter, the area to be paved, the type and location of wheel or bumper guards and the height and location of all lighting fixtures, a plan for the movement of vehicles and pedestrians to within and from the area, the location and size of all traffic directional signs, and the size and location of all entrances and exits.
  6. The location of all traffic lights or other traffic directional devices, if needed, provided they are approved by the Town Traffic Authority and State Traffic Commission (as required). The installation of all traffic lights and other traffic directional devices shall be the responsibility of the owner(s) of the property involved.
- B. If the application for a Certificate of Occupancy complies with the requirements of Item A above, and the location, width, design and plan of access and service drives, the movement of vehicles and pedestrian traffic, and the finished grades are reasonable and safe in the opinion of the Town Traffic Authority, and the storm water drainage discharge has been approved by the Department of Public Works, the Commission shall approve the application and a Certificate of Occupancy shall be issued after completion, provided that the entire project is in conformity with the application for a Certificate of Occupancy, as finally approved.
  - C. An application for a Certificate of Occupancy may be amended by the Commission upon the filing of a new or amended application before completion of the work.
  - D. Any change in the layout or completed work or use that is different from the approved application for Certificate of Occupancy shall be cause for the Zoning Enforcement Officer to revoke the Certificate of Occupancy, or to take any other method authorized by law to remedy or enforce any violation thereof.
  - E. It shall be a violation of the Zoning Regulations to use any land situated in an off-street parking zone without first having obtained a Certificate of Occupancy therefore or a violation of these regulations to use any land situated in an off-street parking zone not in accordance with the Certificate of Occupancy as approved by the Commission.
  - F. The Commission may permit a temporary Certificate of Occupancy to be issued where circumstances amounting to a hardship may prevent or hinder an applicant from completing all of the work that would be required by the Certificate of Occupancy as finally approved. No temporary Certificate will be issued before the Commission has approved an application for a Certificate of Occupancy that meets all requirements of this section of the Zoning Regulations in all other respects, except that all of the work need not have been completed. In lieu of the completion of all the work, the Commission may accept 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 [Section 19](#) of these regulations.
  - G. The application for a Certificate of Occupancy required by Item A above or any amendment thereto, shall be considered to be a part of any Certificate of Occupancy approved by the Commission.

#### 11.2.6 Landscaping, Maintenance, and Buffer Requirements

- A. There shall be a landscaped buffer strip consisting of a solid screen of evergreens at least 4 feet in height at the time of occupancy, or a solid fence at least 5 feet in the height along each boundary line that abuts or faces a residential zone. Such buffer strip or fence shall be suitably and neatly maintained by the owner and/or lessee, and/or occupant at all times.
- B. All areas used for parking and driveways within the zone, except the buffer strip and any other planting strip, shall be provided with a dust free, all weather surface, and all areas shall provide a method of discharging storm water runoff that has been approved by the Department of Public Works.

- C. The perimeter of all parking areas that abut any required buffer strip, another property line or a street line shall be provided with wheel or bumper guards, so situated, designed and maintained, that no part of any vehicle parked therein will extend beyond the zone or street line or into the buffer strip. The Planning and Zoning Commission may also require guards or fences within the area for the regulation of traffic and the alignment of parked vehicles or for either purpose.

### 11.3 Planned Residential Development Zone (PRD)

#### 11.3.1 Purpose

See Section 2.3.3.

#### 11.3.2 Establishment of a PRD

- A. Establishment of an PRD shall require a zone change application to be submitted in accordance with the requirements of Section 18.5.
- B. A Planned Residence Development zone shall be established with a view toward conserving the value of buildings and land, encouraging the most appropriate use of land, and with reasonable consideration as to the character of the neighborhood. A Planned Residence Development zone shall allow a mixture of housing types and a development density that is suitable for the particular site. The design elements of the proposed development shall be attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and the proposed use will not adversely affect property values in the neighborhood.

#### 11.3.3 Revocation

The PRD zone will be effective for the duration of its associated Preliminary Plan. If the Preliminary Plan expires and construction of buildings and facilities has not begun the parcel or parcels of land designated as PRD zone shall revert to the previous zoning district and shall be so regulated.

#### 11.3.4 Site Development

- A. Subdivisions: Except for parcels that contain only multi-family dwellings, all development shall be subject to subdivision requirements and shall be on lots that are designated on an approved and recorded plan of subdivision and that meet the minimum requirements of Section 8.1. A plan of subdivision shall clearly indicate the area or lots that are to be developed for single-family houses, duplex houses, and multi-family dwellings. No building permit shall be issued unless the proposed building or buildings are located on a lot or area so specified on the recorded plan of subdivision.
- B. Roadways and Driveways. Shall be constructed in accordance with the requirements of Section 14.2.
- C. Utilities
1. Except as provided in Item 2 below, all uses shall have public sanitary sewer and public water. There shall be no privately-owned community water systems in any development constructed in accordance with this section.
  2. Where public sanitary sewer is not available to the site and the site is not located within a public water supply watershed as determined in writing by the superintendent, Manchester Water Department, a site may have private septic systems subject to the following requirements:
    - a. The density of multi-family dwelling units shall be such that there are no more than 15 bedrooms per acre.
    - b. The site shall not exceed one acre in area.
    - c. The Director of Health shall determine that the characteristics of the soil on the site are such that the site can adequately support the private septic system. The Director of Health may require that the applicant provide adequate percolation tests to assist in this determination.

- d. Any lot containing a single-family house or a duplex house shall have a minimum lot area of 30,000 square feet.
- D. Site Drainage
1. The site shall be adequately drained to carry off stormwater. The stormwater drainage system shall be approved by the Town Engineer.
  2. Roof drainage pipes shall not discharge onto or across sidewalks, driveways, roadways or parking areas.
- E. Site Preservation and Landscaping. The site shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, aesthetics, and soil stabilization in accordance with the following:
1. 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 systems both on and off the site. Disturbed areas shall be kept to a minimum and seeded as soon as is practicable. All disturbed areas that will not receive final grading and seeding shall be temporarily seeded during the fall to prevent erosion during the winter and early spring. Erosion/sedimentation controls shall be used as required by the Soil Erosion and Sediment Control Plan.
  2. There shall be provided a landscaped border of not less than 15 feet in width adjacent to and parallel to all sides of the site except points of entry. The landscaped border shall be appropriately planted with a mixture of evergreen and deciduous trees and shrubs in such a manner as to develop a natural screen. The Commission may waive this requirement if it finds that existing foliage or natural conditions are sufficient to provide the landscaping intent of this requirement or for borders that abut public streets.
  3. All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings.
  4. Usable recreation area(s) developed for either active or passive recreation purposes shall be provided at a rate of not less than 500 square feet per dwelling unit. Except for age-restricted housing development, for every bedroom in excess of two per dwelling unit, there shall be provided an additional usable recreation area at a rate of 250 square feet per each said room.
  5. Usable recreation area(s) may be centrally located or distributed throughout the development so as to be readily accessible to the largest number of residents.
  6. At minimum, recreation areas shall be improved with grass, either through seeding or sodding, or may be left in a natural state if pathways and/or sitting and observation areas are developed to provide access to the natural area. Recreation areas may be improved for active recreation suitable to residents' needs and may include playscapes, courts, swimming pools and similar uses or areas used for picnic tables, lawn furniture or barbecue stands and the like are suitable uses for passive recreation areas.
- F. Sidewalks and Pedestrian Paths
1. Sidewalks shall be provided on at least one side of all roadways and private driveways to provide a continuous pedestrian network. Sidewalks must be 5 feet wide and constructed of cement concrete unless an alternative surface is approved by the Commission. The Commission may require sidewalks on both sides of roadways and driveways if it is deemed necessary for public safety.
  2. Pedestrian paths are encouraged as an amenity to residents in conjunction with passive recreation areas, or to connect recreation or open space areas, or to provide additional recreational opportunities for residents. The provision of pedestrian paths to provide supplemental circulation options internal to the site does not replace the requirement for provision of sidewalks.

3. The Commission may waive the requirement for sidewalks if the configuration of the site is such that public safety concerns and pedestrian circulation needs are better met in a clearly proposed alternative manner.

G. Yards and Building Spacing

1. The distance between any building (except single-family houses, and duplex houses, and attached multi-family units on separate subdivided lots) and a lot line shall not be less than 30 feet. No building of more than 2 stories shall be erected within 100 feet of the boundary of a multi-family dwelling site.
2. Minimum space between building faces (except for single family houses and duplex houses on subdivided lots) shall be as follows:
  - a. For attached individual dwelling units in a rowhouse or townhouse building, or attached single-family homes on the same lot, the minimum side yard between end building faces shall be 20 feet.
  - b. For other multi-family buildings the minimum space shall be:
    - Where both facing walls contain a window: 50 feet
    - Where only one facing wall contains a window: 30 feet
    - Where neither facing wall contains a window: 15 feet
  - c. For single family and duplex homes not on a subdivided lot the minimum spacing shall be:
    - Minimum building setback from any property line: 30 feet
    - Minimum building setback from any access drive or private street: 25 feet
    - Minimum separation between buildings: 20 feet (side), 60 feet (rear)
3. Attached single-family homes on their own subdivided lot, which front on a public road shall have a minimum side yard space between end building faces of 20 feet, where both facing walls contain a window(s).

H. Fire Protection

1. Fire hydrants shall be provided as specified in Section [14.5.B](#).
2. Fire lanes shall be provided as specified in Section [14.5.A](#).



## Section 12. Overlay Districts

### 12.1 Floodplain Zone

**12.1.1 Purpose:** See Section 2.4.1.

#### 12.1.2 Context

The special flood hazard areas of the Town of Manchester are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

#### 12.1.3 Methods of Reducing Flood Losses

In order to accomplish its purposes, this section includes methods and provisions for:

- A. restricting or prohibiting uses that are dangerous to health, safety and property due to water or erosion hazards or that result in damaging increases in erosion or in flood heights or velocities;
- B. requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. controlling filling, grading, dredging, and other development that may increase flood damage; and
- E. presenting or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### 12.1.4 Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

**Adversely Affects:** The cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

**Area of Special Flood Hazard:** The land in the flood plain within a community subject to a one per cent or greater chance of flooding in any given year.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the 100-year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

**Base Flood Elevation (BFE):** The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the flood plains of coastal and riverine areas.

**Basement:** Any area of the building having its floor below ground level on all sides.

**Building:** See definition for "Structure".

**Cost:** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials, interior finishing elements, structural elements, utility and service equipment; sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**Development:** Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, clearing and grubbing, paving, excavation or drilling operations located within the area of special flood hazard.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).

**Finished Living Space:** Includes, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. These spaces can only to be used for parking, building access or limited storage.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland waters, and/or the unusual and rapid accumulation or runoff of surface waters of any source.

**Flood Plain Zone:** That area within the 100-year flood plain (including the floodway and floodway fringe) as shown on the Flood Insurance Rate Map as areas of special flood hazard.

**Flood Insurance Rate Map (FIRM):** The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year flood plain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

**Flood Insurance Study (FIS):** The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Functionally Dependent Use or Facility:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**Highest Adjacent Grade (HAG):** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

**Manufactured Home Park or Subdivision:** A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

**Market Value:** Market value of the structure shall be determined by the cost approach.

**Mean Sea Level (MSL):** The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**New Construction:** Structures for which the start of construction commenced on or after August 16, 1982 and includes any subsequent improvements to structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of August 16, 1982, of the flood plain management regulation adopted by the community.

**Recreational Vehicle:** A vehicle that is 1) built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area (SFHA):** The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**Start of Construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure:** A walled and roofed building that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Damage:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value as determined by the cost approach to value the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.

**Trailer (Manufactured Home):** A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include 'recreational vehicle'.

**Variance:** A grant of relief by a community from the terms of the flood plain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation:** Failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plain of coastal or riverine areas.

#### 12.1.5 General Provisions

- A. This section shall apply to all areas of special flood hazard within the jurisdiction of the Commission.
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Hartford County, Connecticut" dated September 26, 2008, with accompanying "Flood Insurance Rate Maps" and other supporting data and any revision thereto are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendment is obtained. The Flood Insurance Study is on file in the office of the Town Clerk and the office of the Planning & Economic Development Department in Manchester, Connecticut.
- C. No structure or land within the areas of special flood hazard shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section.
- D. Where this section and another regulation, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. In the interpretation and application of this section all provisions shall be considered as minimum requirements and deemed neither to limit nor repeal any other powers granted under the Connecticut General Statutes.
- F. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas create liability on the part of the Town of Manchester or any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.
- G. The Flood Plain zone is intended to overlay existing zoning designations. All uses that are permitted in the existing underlying zoning classifications are intended to remain as permitted uses subject to the restrictions and requirements in this section.
- H. Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

#### 12.1.6 Administration

- A. Development Permit: A development permit shall be obtained from the Zoning Enforcement Officer after the approval of the Detailed Site Development Plan (Detailed Plan) by the Commission and before construction or development begins within any area of special flood hazard as defined in Section 12.1.5B. Application for Detailed Plan approval shall be made on forms furnished by the Commission and be in accordance with Sections 18.7.2 and 18.7.8.
- B. The Commission shall approve, modify and approve, or deny Detailed Plan application within the Flood Plain zone in accordance with the provisions of this section. In making such decisions, the Commission's duties shall include:
  - 1. Plan Review: Review all Detailed Plan applications required by this section:
    - a. to determine that the requirements of this section have been satisfied;

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| TOC | Article I | Article II | Article III | Article IV<br>Special Zoning District Standards | Article V | Article VI | Article VII | App-<br>endix |
|-----|-----------|------------|-------------|---|-----------|------------|-------------|---------------|

- b. to assure that all necessary permits have been obtained from those federal, or state governmental agencies from which prior approval is required;
  - c. to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard;
  - d. to determine if plans for walls to be used to enclose space below the base flood level are in accordance with Section 12.1.7;
  - e. to determine whether proposed building sites will be reasonably safe from flooding.
2. Maintain for public inspection all records pertaining to the provisions of this section.
3. Notify adjacent communities and the Connecticut Department of Environmental Protection prior to any decision by the Commission regarding the alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that the flood carrying capacity within an altered or relocated portion of a watercourse is maintained.
5. Maintain the flood proofing certifications required by Section 12.1.7B.2.c for all non-residential, new or substantially improved flood proofed structures.
- C. The Zoning Enforcement Officer shall:
  1. Issue development permits in accordance with Detailed Plans approved by the Commission;
  2. Obtain (or require an applicant for a building permit to obtain) and record the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;
  3. Verify (or require an applicant for a building permit to verify) and record the actual elevation, in relation to mean sea level, of all new or substantially improved flood proofed structures;
  4. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards;
  5. Issue a Certificate of Compliance upon completion of development in accordance with the permit and the recording of data required by Items 2 and 3 above. A copy of the certificate shall be provided to the Commission.
- D. Variance procedures:
  1. In hearing and passing upon any application for a variance from the requirements of this section, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other paragraphs of this section, and:
    - a. the danger that materials may be swept onto other lands to the injury of others;
    - b. the danger to life and property due to flooding or erosion damage;
    - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - d. the importance of the services provided by the proposed facility to the community;
    - e. the necessity to the facility of a waterfront location, where applicable;
    - f. the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
    - g. the compatibility of the proposed use with existing and anticipated development;
    - h. the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
    - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
    - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effect of wave action, if applicable, expected at the site; and



- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the requirements of Item 1 above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance shall increase.
3. Variances shall be issued only upon:
  - a. A determination that the variance is the minimum necessary considering the flood hazard to afford relief;
  - b. A showing of good and sufficient cause; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public as identified in Item 1 above or conflict with existing local laws or ordinances.
4. Variances shall not be issued by the Zoning Board of Appeals within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result from the activity from which the variance is requested.
5. The Zoning Board of Appeals shall maintain the records of all appeal actions and shall report any variances to the Federal Emergency Management Agency upon request.
6. An applicant to whom a variance of this section is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### 12.1.7 Provisions for Flood Hazard Reduction

- A. In all areas of special flood hazards the following standards are required:
  1. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  2. Construction materials and methods:
    - a. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
    - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - c. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.
    - d. Electrical, heating, plumbing, ventilation and other mechanical systems and service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the system or any of its components during conditions of flooding.
  3. Utilities:
    - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
    - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
    - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- d. Above-ground storage tanks (oil, propane, etc.) that are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
4. Trailers (Manufactured Homes): All trailers as permitted in these regulations or used as a temporary office on construction sites shall be elevated so that the lowest floor is above the base flood elevation. They shall be placed on a permanent foundation, which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include but not be limited to the use of over the top or frame ties to ground anchors.
5. Recreational Vehicles placed on sites within Zones A-1-30, AH and AE shall either 1) be on the site for fewer than 180 consecutive days; 2) be fully licensed and ready for highway use; or 3) meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" of Item 4 above.
- B. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 12.1.5.B the following standards are required:
  1. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
  2. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
    - a. be designed so that below the base flood level the structure is watertight with wall substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - c. be certified by a registered professional engineer or registered architect that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification shall be provided to the Commission.
  3. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  4. Designs for complying with this requirement must either be certified by a professional engineer or architect and meet the following minimum criteria:
    - a. provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b. the bottom of all openings shall be no higher than one foot above grade; and
    - c. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  5. Pursuant to these regulations, in special flood hazard area Zone A where base flood elevations have been determined but before a floodway is designated, no new development (including fill) shall be permitted that will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
  6. The Town may request of the applicant floodway data and adopt a regulatory floodway pursuant to that data. The regulatory floodway shall be based on the principle that the floodway must be

able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

- C. Located within areas of special flood hazard are areas designated as floodways on the Flood Insurance Rate Map. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - 1. Prohibit encroachments, including fill, new construction, substantial improvements and other development within the floodway, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - 2. If Item 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 12.1.7.
- D. Portion of Structures in Flood Zone – if any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- E. Structures in Two Flood Zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.
- F. Compensatory Storage – The water holding capacity of the flood plain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the flood plain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- G. Equal Conveyance – Within the flood plain, except those areas that are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels base flood elevation. Work within the flood plain and the land adjacent to the flood plain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

#### 12.1.8 Enforcement

The Zoning Enforcement Officer and the Commission shall maintain a record of the information regulations of the National Flood Insurance Program. Each Flood Plain Permit shall authorize, as a condition of approval, the Zoning Enforcement Officer or designated agents to make regular inspections of the subject property. The Zoning Enforcement Officer or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place. If the Zoning Enforcement Officer finds that any person is undertaking

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| TOC | Article I | Article II | Article III | Article IV<br>Special Zoning District Standards | Article V | Article VI | Article VII | Appendix |
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any construction, substantial improvement, filling, or any other activity or maintaining a condition that is in violation of these regulations, the Zoning Enforcement Officer shall:

- A. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either proceed to obtain a Flood Plain Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
- B. Notify the Chief Building Inspector and request that any permit(s) in force be revoked or suspended and that a stop work order be issued.
- C. The Zoning Enforcement Officer may suspend or revoke a Flood Plain or Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Zoning Enforcement Officer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
- D. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 1.1.
- E. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Enforcement Officer may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 19 of this regulation, or may direct the Director of Public Works or appropriate agent to cause such work to be done and to place a lien against the property.
- F. Any person subjected to enforcement action pursuant to this regulation may appeal any requirement, decision, or determination of the Zoning Enforcement Officer to the Zoning Board of Appeals, in accordance with Section 12.1.6D of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning Enforcement Officer was in error or unwarranted.
- G. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

## 12.2 Design Overlay Zone

**12.2.1 Purpose:** See Section 2.4.2.

### 12.2.2 Applicability

The provisions of this section shall apply to the construction of new buildings, and changes and additions or alterations to existing buildings, and to new accessory structures or alterations or additions to existing accessory structures that are visible from the street. The repair or replacement of exterior materials or architectural features with the same materials or architectural features are not subject to these regulations.

The Commission may waive the front yard requirements of the overlay zone to reinforce the prevailing front yard dimensions of the street. The front yard shall be the same as the greatest existing yard front yard dimension on abutting properties unless otherwise approved by the Commission.

### 12.2.3 General Standards for Rehabilitated or Altered Structures

- A. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- B. Deteriorated architectural features shall be repaired or replaced to the extent practical. In the event replacement is necessary, the new material should match the material being replaced in composition, design, and texture when feasible.
- C. Design shall be generally compatible with size, scale, material, and character of the original structure and with the standards established in Section 12.2.4.

### 12.2.4 General Standards for New Construction

- A. Buildings should be built to a height compatible with existing adjacent buildings and should be built with the same number of stories. The Commission may approve variations in height of buildings if it finds the variation can still meet the design review and general criteria.
- B. The relationship of the building width to the height should be similar to and compatible with adjacent buildings as seen from the public street and publicly accessible areas. Structures designed so that their apparent horizontal and vertical scale reflects the scale of principal structures on the same block and on the block face across the street are preferred. The scale of a structure is (1) the apparent size and bulk of the structure and its components compared to the size of adjacent buildings and to the human scale and (2) the apparent size and bulk of the structure compared to the components of the facade. Discretion in scale is permitted with appropriate building massing.
- C. The building or addition should be similar in form, complexity and ornamental detail to adjacent buildings. This assessment will be made against the dominant characteristics of buildings within the district.
- D. The roofs of new buildings or additions that are visible from the public street and public areas should relate in pitch, shape and material to the roofs of existing adjacent buildings, and buildings within the district.
- E. Entrances, porches, porticos, and other projections to be incorporated into new buildings should relate to the pattern of existing adjacent buildings and the street in such a manner as to reinforce the prevailing form.
- F. Directional expression of facades should be compatible with that of existing adjacent buildings and buildings along the street within at least 250 feet. The dominant directional expression, either horizontal or vertical, is determined by the structural form of the building, the shapes of the openings (windows and doors) and architectural detailing and ornament.
- G. The ratio of the width to the height of the buildings, windows and doors should relate to and be compatible with existing adjacent buildings where these features are visible from the street or public areas. Likewise, the relationship between the walls (e.g., solids) and voids (e.g., windows) should be compatible with adjacent buildings and buildings within the district.
- H. The exterior facade materials for new developments should be compatible with and reinforce the prevailing building materials of adjacent buildings and the buildings along the street. Alternate materials may be used but should follow the prevailing directional expression (horizontal or vertical) of adjacent buildings.
- I. The exterior facade materials for an addition or alteration or renovation should either be the same as the existing building, or a material that simulates the existing or compatible material. Alternative materials may be used if they are consistent with the prevailing building materials of buildings within the district.

### 12.2.5 Approval Process

- A. If the proposed rehabilitation, alteration or new construction complies with the general standards established in the overlay zone, the plans will be reviewed and approved administratively. The Director of Planning & Economic Development and the Planning and Zoning Commission Chair or their designees will review the development for compliance to these standards.
- B. If the proposed rehabilitation, alteration, or new construction is found not to comply with the general standards by the Director of Planning & Economic Development or the Planning and Zoning Commission Chair, the application will be referred to the full Planning and Zoning Commission for plan review. Also, an applicant may request a review before the full Planning and Zoning Commission instead of the administrative approval of the Director of Planning & Economic Development and Planning and Zoning Commission Chair.

### 12.2.6 Application Requirements

An application subject to this section shall include the following:

- A. Site Plan – a plan having a scale of not less than 1" = 40' showing existing and proposed structures, existing and proposed driveway and sidewalk locations, existing and proposed vehicle parking areas with number of spaces, and existing and proposed landscaping including clearing limits for development impacting existing wooded areas.
- B. Building Elevations – a plan drawn to scale showing existing and proposed elevations for all building facades. Existing and proposed materials, including composition and color, must be identified on all building elevations.
- C. Other relevant information the applicant may wish to submit, or that the Director or Chair may request, to determine compliance with Section 12.2.3.
- D. Any of the application requirements of Items A, B, or C above may be waived at the discretion of the Director of Planning & Economic Development if the application requirement is not relevant to the specific proposal.



## Article V – Regulatory Standards

### Section 13. Lot Standards

#### 13.1 Lots Requirements for Dwellings

- A. All dwelling houses shall be erected on legally recorded lots or parcels not less in size or dimensions than is required in the zoning district in which the house is erected and in accordance with the requirements set forth in Sections 8.1, 9.1, 10.7.4 and elsewhere in these Regulations except that a dwelling house may be erected on nonconforming lots of record as defined in Section 13.2. In all cases the required yards and building lines shall be observed.
- B. Not more than one dwelling house shall be erected upon any lot or parcel unless otherwise directly and distinctly stated in regulations governing the zoning district in which the lot or parcel is located.

#### 13.2 Nonconforming Lots of Record

- A. No building shall hereafter be erected, altered, enlarged or rebuilt, except in conformity with these Regulations; except that:
  - 1. The provisions covering the minimum lot area and minimum lot frontage shall not prevent the construction of a single-family dwelling as a matter of right on smaller lots of record.
  - 2. On smaller lots of record located in zoning districts that permit two family houses, the provisions covering the minimum lot area and minimum lot frontage shall not prevent the construction of two-family house provided a Special Exception by the Planning and Zoning Commission pursuant to the provisions of Section 18.10.3 of these regulations and after a public hearing has been held is approved.
- B. Smaller lots of record for the purpose of this section are:
  - 1. Smaller lots of record in the office of the Town Clerk on or before August 1, 1945.
  - 2. Smaller lots of record in the office of the Town Clerk between August 1, 1945, and November 4, 1950, that met the requirements of the Zoning Regulations in effect during said dates, covering the minimum size of lot.
  - 3. Smaller lots in a subdivision, duly approved by the agency of the Town authorized to make such approvals and filed in the office of the Town Clerk, on or before November 4, 1950.
  - 4. Smaller lots of record filed in the office of the Town Clerk between November 4, 1950, and December 1, 1956, that met the requirements of the Zoning Regulations in effect during said dates.
  - 5. Lots in a subdivision, duly approved by the agency of the Town authorized to make such approvals and filed in the office of the Town Clerk on or before December 1, 1956, provided that all requirements for yards and building area specified in the schedule are observed.
- C. For such smaller lots of record no building permit shall be issued for construction of a principal building unless such lot has frontage on a street or highway accepted by the Town or on a street open for vehicular travel on March 1, 1946, or the director of public works shall certify that all work required by the Town of Manchester "Public Improvement Standards" and the approved development plan is installed and acceptable, or a financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality in accordance with Section 19.

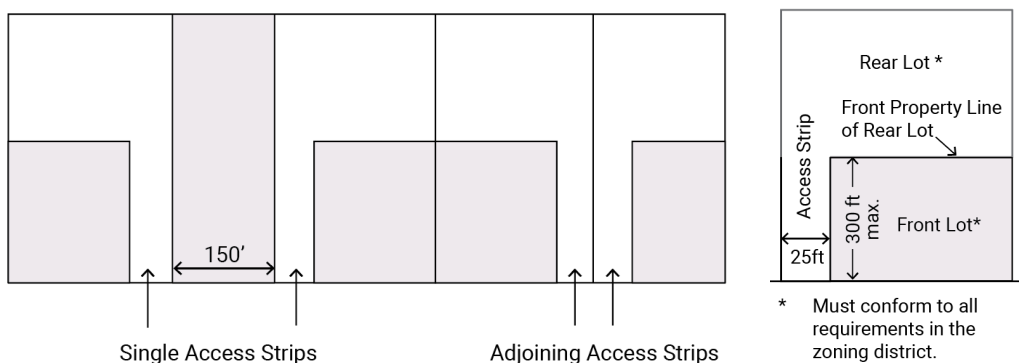
### 13.3 Irregular Shaped Lots

On an irregular shaped lot having sufficient area to meet the requirements of the zone in which it is located (the mean width of which is equal to or exceeds the minimum width specified for lots in that zone), a permit for erection of buildings thereon may be granted if the width of the lot at the street line is 80% or more of the minimum width of the lot required in the schedule, and if the minimum width of that part of the lot, back from the street line a distance equal to the specified minimum width of lots in that zone, equals or exceeds the minimum width specified for lots in that zone.

### 13.4 Rear Lots

This section is intended to permit the creation of rear lots for residential purposes in the following zones: Rural Residence, Residence AA, Residence A, Residence B, Residence C and the Planned Residence Development.

- A. A lot of record, as of December 1, 1986, may be divided into a rear lot subject to the granting of a Special Exception by the Commission. The Commission shall not grant an approval unless it finds that the location is suitable for the intended use, given the character of the district, the conservation of property values, the proximity of intersecting streets, the width of highway and effect on public travel, and the rear lot will not imperil the safety of the public
- B. All rear lots shall adhere to the following minimum requirements:
  1. Only one rear lot may be created from a lot of record.
  2. Both front and rear lots must conform to all minimum lot, area, yard and other requirements prescribed for the zone in which the lots are located.
  3. The rear lot shall include an access strip that is owned in fee and:
    - a. Which is a minimum of 25 feet wide along a public street from the street line to the rear lot's front property line.
    - b. Which is not longer than 300 feet;
    - c. Which shall not be included in computing lot size requirements; and
    - d. Which shall be designed so as to adequately provide for watercourses, wetlands and stormwater runoff.
  4. All travel ways within the access strip must be treated with an all-weather material, including but not limited to processed gravel, trap rock, or bituminous concrete.
  5. When issues concerning access strips such as, but not limited to, safety and adequacy are raised, the Commission may require a width more than 25 feet to ensure proper design and public safety.
  6. The front property line of the rear lot is defined as the rear property line of the front lot.
  7. The maximum number of adjoining rear lot access strips shall not exceed two.



**13.5 Lot Merger**

A parcel of land, buildable or not, is considered merged if by action of title holder, owner, occupant or agent or previous title holder, owner, occupant or agent, action was taken to legally merge two or more lots into one legal description, which is recorded on the land records; or one or more principal structures have been constructed on or across the common property line of the two or more lots.

**13.6 Abutting Zones**

If a lot in a business or industrial zone shares a side or rear lot line with a lot in a residential zone, any new business or industrial building must have a yard along that shared line that meets the residential zone's setback requirements.

## Section 14. Site and Environmental Standards

### 14.1 Drainage

- A. All sites shall be adequately drained to carry off storm water. The storm water drainage system shall be designed in accordance with the Town of Manchester Public Improvement Standards and approved by the Town Engineer, unless the Town Engineer grants a waiver, in writing, if the applicant demonstrates that the stormwater goals and objectives have been met.
- B. If drainage of a premises requires provision of off-site drainage improvements the developer shall install and pay for such improvements as required by the Director of Public Works.
- C. Roof drainage pipes shall not be discharged onto or across sidewalks, driveways, roadways or parking areas.

### 14.2 Corner Visibility

On any corner lot, no fence or similar structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained so as to cause danger to traffic by obstructing the view.

### 14.3 Driveway, Roadway, and Access Standards

- A. All roads that are proposed to become Town-owned streets and all improvements that are constructed within public rights-of-way, or that are to be dedicated to the Town, shall be constructed in accordance with the Town of Manchester "Public Improvement Standards".
- B. All roadways and driveways 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. Approved by and subject to modifications recommended by the Fire Marshall and the Traffic Authority as may be required by the Commission.
  - 3. Provide access to the premises from existing public streets that abut the premises.
- C. Unless otherwise required elsewhere in these regulations, private roadways and driveways designed for vehicular traffic shall meet the following minimum requirements and no parking within these required minimum widths or radii shall be permitted:
  - 1. Two-way traffic: 24 feet wide
  - 2. One-way traffic: 16 feet wide
  - 3. One-way traffic with 45-degree parking on one or both sides: 16 feet wide
  - 4. One-way traffic with 60-degree parking on one or both sides: 18 feet wide
  - 5. One-way traffic with 90-degree parking on one or both sides: 24 feet wide
  - 6. Inside turning radius: 30 feet
- D. Within the Industrial and Business zones:
  - 1. Access to the premises shall be from existing public streets that abut the premises or from streets that 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.
  - 2. 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 the turnabout of emergency vehicles.
- E. Within the Industrial zone, no exit or entrance driveway shall be closer than 100 feet to a road intersection unless a lesser distance is approved by the Planning and Zoning Commission.

#### 14.4 Fences and Visibility in Residential Zones

- A. No fence shall exceed a height of 6 feet above ground level.
- B. No fence shall include barbed wire.
- C. No fence shall be erected on property demarcation lines unless by agreement between adjoining owners.
- D. All fence posts shall be faced towards the property of the erector.
- E. No object, fence, hedge, shrub, or tree shall be installed or maintained at a height that obstructs visibility for automobiles.

#### 14.5 Fire Protection

- A. Fire lanes shall be provided as required by the Fire Marshal.
- B. Where required, 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.

#### 14.6 Garbage Storage in Residential Zones

All projects located in residential zones requiring a Special Exception shall locate facilities for the storage of refuse and garbage 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.

#### 14.7 Landscape Requirements

See also Section 14.13 Screening Requirements.

##### 14.7.1 Special Exception Projects within Business Zones

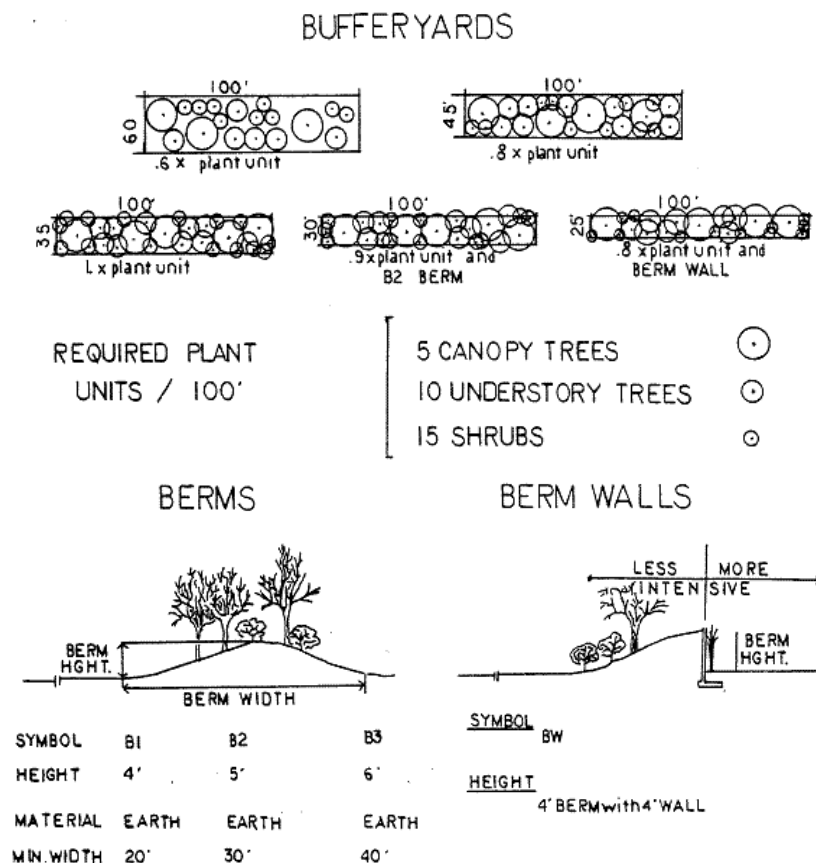
Special Exception projects within business zones require the following:

- 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-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.

### 14.7.2 CUD and SDCB Zone Requirements

All projects within the CUD and SDCB Zones shall require the following:

- A. Street trees at a minimum rate of one tree for every 50 feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum 3-inch caliper and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to ensure the desired effect is achieved subject to the approval of the Commission.
- B. Parking shall be separated from any such arterial or collector street by a landscape buffer.
- C. Bufferyards of sufficient width and with adequate treatment to screen existing or approved residential uses from nonresidential uses shall be provided. Such landscaping shall screen residential uses from visual intrusion of other uses, mitigate noise generated from other uses, and provide separation between residential and nonresidential uses. Bufferyards necessary for required screening shall not be included in the open space ratio unless specifically approved by the Commission. At a minimum bufferyards shall be 30 feet wide but they may be widened or narrowed subject to the approval of the Commission depending upon the amount and type of landscaping treatment in accordance with the illustration below.



- D. Landscaping shall be provided on all land use areas to provide transitions, including visual and pedestrian connections, between buildings of different sizes, scale, architecture or use and to provide continuity of urban design. Landscaping shall provide shade and visual interest on pedestrian systems and pedestrian systems designed for the movement of people between buildings and from buildings to parking shall be lighted to provide safety and security.



- E. All accessory uses, such as utility structures, dumpsters, storage facilities, loading or parking areas or similar uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- F. In order to meet the above requirements, landscaping elements may include, but are not limited to, a variety and combination of trees, shrubs, groundcover, earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture and lighting.

#### 14.7.3 Historic Zone Requirements

- 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 2.5-inch caliper measured one foot above the root crown when planted and all evergreen trees shall be not 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. Special landscape treatment shall be required of those sites that abut or are included in areas that are designated in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District as proposed open spaces and green belt areas. Such site development shall have landscaping that is in conformance with the development objectives of said Preservation and Development Plan and is complementary to landscaping designs for the areas of the Elm Street Green, Hartford Road access area, Hop Brook areas, etc.
- E. Multi-family housing sites
  - 1. 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.
  - 2. A landscaped border not less than 8 feet in width shall be provided adjacent and parallel to all sides of the site except points of entry. This requirement may be waived by the Commission for borders that abut public streets, that have existing adequate landscaping, or that are determined to be incompatible with good site planning.
  - 3. Landscaped areas shall be provided that area suitable for the safe play of children or quiet relaxation of adults within the development.

#### 14.8 Noise Abatement

Within all business zones, industrial zones, and the Historic Zone, all machinery and devices such as ventilation fans, drying fans, air compressors, air-conditioning units, etc. shall be shielded and insulated in a manner that shall deaden noise and deflect sound waves away from abutting premises.

#### 14.9 Off-Street Parking and Loading

See [Section 16](#).

#### 14.10 Outdoor Laundry

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

#### 14.11 Outdoor Lighting

All flood lighting and all other types of lighting that are intended to illuminate buildings 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.

#### 14.12 Outside Storage of Merchandise

Within business zones, the outside storage of merchandise, or other use of an open lot, shall require the area of storage or use to be developed in with [Section 14.13.8](#), except that a fully bermed landscaped border not less than 8 feet wide shall be constructed along the sides of the lot that abut a public street.

#### 14.13 Screening Requirements

See also [Section 14.7 Landscape Requirements](#)

##### 14.13.1 Business Zones Developments Adjoining Residential Zones

Developed business premises in business zones shall provide screening adjoining residential zones in accordance with the screening standards of [Section 14.13.8](#)

##### 14.13.2 Industrial Zones

- A. The front yard shall be landscaped sufficiently to provide a pleasing appearance. At minimum, a 10-foot-wide landscaped area will be provided along the street frontage. This area shall be landscaped at the rate of one shade or ornamental tree and 5 shrubs per 50 linear feet of frontage excluding driveway openings.
- B. An 8-foot-wide minimum landscaped border shall be provided along all side and rear lot lines in accordance with the screening standards of [Section 14.13.8](#).
- C. When adjoining a residential zone, the required landscaped border shall include a landscaped berm at least 4 feet high along all parking areas and drives abutting the zone. The berm shall be constructed in accordance with the standards of [Section 14.13.8](#).

#### 14.13.3 Historic Zone

- A. Commercial and industrial sites: In addition to the general required landscaped treatment of a site, a buffer shall be provided with evergreen trees, deciduous trees and shrubs in combination with grading and existing structures to create a landscaped screen that will provide reasonable visual and sound separation from adjoining properties and will aesthetically screen industrial and business uses from abutting sites. Flexibility and individuality in design, rather than rigid adherence to a standard buffer design, shall be permitted provided the Commission finds that the intent of screening is adequately met. The Commission, based on the use of the site, may require a fixed width for said buffer, additional landscape screening and fencing.
- B. Screening for specific accessory uses and structures:
  - 1. Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public. Fencing and/or landscaping shall be used as a method of screening.
  - 2. Air conditioning and other mechanical equipment shall be screened from public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings. Screening for roof top equipment shall be designed as an integral part of the building.
- C. Residential zone screening: Developed industrial and business premises shall screen adjoining zones by a fully bermed landscaped border of not less than 8 feet in width and installed in accordance with the standards of Section 14.13.8.

#### 14.13.4 Elderly Housing Zone

A 15-foot-wide minimum landscaped border shall be provided adjacent and parallel to all sides of the site except points of entry in accordance with the standards of Section 14.13.8.

#### 14.13.5 Educational Institutions or Facilities and Places of Worship

An 8-foot-wide minimum landscaped border shall be provided in accordance with the standards of Section 14.13.8

#### 14.13.6 Multi-Family Mill Conversions

- A. An 8-foot-wide minimum landscaped border shall be provided adjacent and parallel to all sides of the site except points of entry. This requirement may be waived by the Commission for borders that abut public streets, that have existing adequate landscaping, or that are determined to be incompatible with good site planning.
- B. When adjoining a residential zone, the required landscaped border shall include a landscaped berm at least 4 feet high. The berm shall be constructed in accordance with the standards of Section 14.13.8.

#### 14.13.7 Multi-Family School Conversions in Residential Zones

Screening of all parking lots, loading areas, driveways, refuse collections areas, mechanical equipment such as generators and air conditioning condensers, and maintenance buildings shall be provided from adjoining residential properties in the form of a landscaped border not less than 8 feet wide in accordance with the standards of Section 14.13.8.

#### 14.13.8 Screening Standards

As required by Section 14.13.1 through 14.13.7 and as required elsewhere in these Regulations, screening shall be provided as follows unless otherwise specified in these Regulations:

- A. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property and to prevent automobile headlights from

causing a nuisance to adjoining residents. Appropriate evergreen species shall be planted at least 4 feet in height and spaced appropriately to allow for growth of the planting and visual screening.

- B. If a landscaped berm, masonry wall or combination thereof at least 4 feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission. Slopes associated with such berms shall not exceed 3:1. 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.
- C. 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, 4 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 Section 14.4. The ZEO, Director of Planning & Economic Development, or Planning and Zoning Commission as may be applicable, may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.
- D. All trees, shrubs, walls and fences shall be maintained at a height of no more than 3 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.
- E. The landscaped border for parking area and drive screening shall not be counted towards the landscape area requirement of Section 16.2.D.

#### 14.13.9 Waiver or Modification of Requirements

The Planning and Zoning 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.

### 14.14 Sidewalk and Curb Requirements

- A. No lot, parcel, or site shall be developed by the construction of a principal building or structure unless plans for such construction show compliance with Section 279-31 of the Manchester Code of Ordinances as may from time to time be amended.
- B. When a site is developed for a business use, the developer shall construct sidewalks and curbs to Town standards along all sides of the developed site that abut a public highway, unless a sidewalk meeting Town standards exists or the requirements are waived or deferred by the Commission.
- C. 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.

### 14.15 Soil Erosion and Sediment Control

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. Construction and related activity for single-family homes that are not a part of a subdivision of land shall be exempt from this requirement.

## Section 15. Earth Excavation

### 15.1 Purpose

The purpose of this section is to preserve a vegetative cover on the land to prevent erosion, and to control any excavation operations that may create a hazard or detriment to the immediate neighborhood, and to promote the public health, safety and welfare of the inhabitants of the Town of Manchester.

### 15.2 Definitions

Words and phrases used in this section are defined for the purpose hereof, as follows:

**Earth Products:** Topsoil, loam, gravel, stone, sand, dirt, clay, peat and any other minerals found beneath the surface of the earth.

**Borrow Pit:** An area where earth products are excavated and are removed but not processed.

**Commercial Pit:** An area where earth products are processed and/or stockpiled in one form or another.

**Excavation Permit:** A special permit obtained from the Planning and Zoning Commission granting permission for an excavation and removal operation as outlined in this section.

### 15.3 Excavation and Removal of Earth as Part of Construction, Landscape or Agricultural Operation

- A. Unless otherwise provided in this section, there shall be no excavation and removal of earth products from the premises, in any zone, except for the following purposes:
1. Normal foundation, trench excavation, grading and landscaping in connection with work on the premises for which a building permit is obtained.
  2. Normal agricultural operations.
  3. Normal landscaping operations for an existing structure.
  4. Normal construction of improvements and the changing of contours in accordance with subdivision plans and contour maps approved by the Commission for the premises provided no crushing or processing of rock or earth material is permitted, except the screening of soil to be used on the development premises, unless a permit is obtained under Section 15.7.
  5. Normal site preparation and grading for future developments, provided that such work will not involve an area greater than two acres or require the removal of earth products from the premises. If such work will involve an area greater than two acres or require the removal of earth products from the premises, an excavation permit will be required, and plans for such work must be submitted to the Commission for approval. If, in the opinion of the Commission, such an operation will constitute a borrow pit, the applicant must follow the procedure as set forth in Section 15.4.
- B. No builder or owner of property in Manchester shall cause to remain, in any zone, denuded land caused by, or in connection with, any construction, landscape or agricultural operation, for a period of more than one year. Application may be made to the Commission for an extension of this period.

#### 15.4 Excavation and Removal of Earth Products from Borrow Pits

- A. Topsoil or loam - In a situation not related to a construction, landscape or agricultural operation, an excavation permit for the excavation and removal of topsoil or loam, in any zone, may be secured from the Commission, subject to the following conditions:
  1. The premises shall be re-covered with not less than 4 inches of topsoil or loam and the entire area shall be re-seeded or put to cultivation. The area, if reseeded, should be sowed with a seed similar to rye grass, at a rate of two pounds of seed for every 1,000 square feet of area covered.
  2. It shall be the responsibility of the applicant to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.
  3. A Certificate of Agreement, listing the conditions under which the application has been approved, shall be signed by the applicant and the Commission.
  4. 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 [Section 19](#) of these regulations.
  5. An excavation permit, issued under this section, shall continue in effect for not more than 6 months. The Commission may, upon request, extend an excavation permit for additional 6-month periods.
- B. Earth products, other than topsoil or loam:
  1. The Commission may, after a public hearing, grant an excavation permit for the excavation and removal of earth products in any zone, only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:
  2. The applicant shall submit an application and plans, drawn to scale 1"=40', showing topography and contours of the area, both existing and proposed, with contour intervals of not less than two feet, or more than 5 feet, as determined by the Department of Public Works. Such plans shall show the adjoining area of land within 100 feet of the property lines and shall also show any natural watercourse or existing utilities or easements on the property.
  3. The applicant shall provide for proper drainage of the area during the operation to prevent the collection and stagnation of water, and to prevent harmful effects upon surrounding properties. The detailed plan shall provide for proper drainage upon completion of the operation.
  4. No bank shall exceed a slope of 2:1 (horizontal: vertical). In any case, the acceptable slope will be determined by the Commission. No removal shall take place within 50 feet of any property line except by mutual agreement of adjoining property owners. Excavation below the established grade of a street will not be permitted within 75 feet of any road or highway.
  5. Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
  6. No buildings shall be erected on the premises except as may be permitted in the Zoning Regulations or except as temporary shelter for machinery and field office, subject to approval by the Commission.
  7. Truck access to the excavation area shall be arranged to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation, being within 500 feet of a street or highway, shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the Department of Public Works.
  8. No fixed machinery shall be erected or maintained on the premises, and no screening, sifting, washing, crushing, or other forms of processing shall be conducted on the premises.



9. In determining the extent of excavation, and the final contour of the area, the Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.
10. At the conclusion of the operation, or any substantial portion thereof, the exposed area, where removal takes place, shall be covered with at least 4 inches of topsoil or loam, and seeded with a suitable cover crop, similar to rye grass. The seed that is used as a cover crop must be sowed at a rate of two pounds of seed for every 1,000 square feet of area covered.
11. A Certificate of Agreement, listing the conditions under which the application has been approved, shall be signed by the applicant and the Commission.
12. A financial guarantee to ensure the timely and adequate completion of the work following excavation, pursuant to the conditions as set forth in the Certificate of Agreement shall be required in accordance with [Section 19](#) of these regulations.
13. The premises shall be excavated and graded in conformity with the plans as approved. Nothing herein shall prevent the applicant from filing a revised plan, modifying or reducing the scope of work originally approved. The Commission may modify the plan, with or without a public hearing, as they deem fit. The Department of Public Works shall have the authority to allow, during the operation of the project, such deviations from the approved plan that may be required for normal operation of field equipment, provided that such deviations will not affect the final results of the approved plan. Any significant deviations from the approved plan, not approved by the Commission, shall be cause for the Commission to revoke the excavation permit.
14. The Commission may grant a permit to the applicant for a limited period of time, not exceeding 5 years. In granting such permit, and fixing the period of time for completion, the Commission shall consider the size and location of the area upon which the excavation is to take place, and the overall magnitude of the operation. The Commission shall have the authority, upon application to it, to extend the time limit for completion specified in the original permit.
15. It shall be the responsibility of the applicant to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused by the earth removal operation.

### 15.5 Commercial Pits

A commercial pit shall be allowed only in an industrial zone and shall be subject to the following conditions:

- A. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- B. No excavation shall take place within 50 feet of any property line except by mutual agreement of adjoining property owners. There shall be no excavation below the established grade of the street within 75 feet of any road or highway. At the conclusion of the operation, no bank shall exceed a slope of 2:1 (horizontal: vertical).
- C. There shall be no stockpiling of materials or erection or maintenance of fixed machinery within 300 feet of a residential zone. The Commission may modify these requirements by setting up a designed buffer area, or other precautionary measures that will not be detrimental to the immediate neighborhood.
- D. Truck access to the operation shall be arranged to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation, being within 500 feet of a street or highway, shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the Department of Public Works.
- E. It shall be the responsibility of the operator to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused by the earth removal operation.

- F. No natural watercourse shall be altered in any way until the relocation plans have been referred to and approved by the Department of Public Works.
- G. At the abandonment of the operation, the exposed area where removal takes place shall be covered with at least 4 inches of topsoil or loam and seeded with a suitable groundcover similar to rye grass. Seeds must be sowed at a rate of two pounds of seed for every 1,000 square feet of area covered.

#### 15.6 Existing Borrow Pits and Commercial Pits

- A. These regulations shall not be applicable to borrow pits or commercial pits existing at the time of adoption of these regulations, provided that the owner(s) of an existing borrow pit or commercial pit shall file with the Commission by March 1, 1962 a plan showing the boundaries or the extent of his/their operation.
- B. Such plan shall show existing water courses, easements and utilities that may exist on the premises. Any extension beyond these boundaries must conform to the regulations of this section.
- C. The Commission shall have the right to reject any area so filed, if sufficient proof is not presented to warrant the area as an existing borrow pit or commercial pit.

#### 15.7 Crushing and/or Processing of Rock or Earth Material in Approved Subdivisions

The Commission may, after a public hearing, grant a permit for crushing and or processing of rock or earth material in approved subdivisions in any zone, only when it is satisfied that the following conditions will be complied with:

- A. The applicant shall submit an application and plans, drawn to scale 1"=40', showing topography and contours of the area, both existing and proposed, with contour intervals of not less than two feet, or more than 5 feet, as determined by the Director of Public Works. Such plans shall show the adjoining area of land within 100 feet of the property lines and shall also show any natural watercourse or existing utilities or easements on the property. The proposed hours of operation for crushing and or processing of rock or earth material will accompany the application.
- B. No screening, sifting, washing, crushing, or other forms of processing shall be conducted within 300 feet of any property line and no fixed machinery shall be erected or maintained within 300 feet of any property line unless approved by the Commission.
- C. No structures associated with crushing and or processing of rock or earth material shall be located on the premises except as a temporary shelter for machinery and a field office, subject to approval by the Commission.
- D. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling of processed material upon the site and modification of the proposed hours of operation of crushing and or processing of rock or earth material.
- E. Truck access to the area of the crushing or processing operation shall be arranged to minimize danger to traffic and nuisance to surrounding properties. That portion of the access road within the area of operation within 500 feet of a street or highway shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the Director of Public Works.
- F. It shall be the responsibility of the applicant to immediately repair any damage to abutting town sidewalks, curbs, or surface water drain, or other infrastructure that resulted from the crushing or processing operation.

## Section 16. Off-Street Parking and Loading

Any lot or building hereafter used, altered or developed for any use shall be provided with adequate space suitably located for the loading and unloading of goods and materials and the parking of vehicles in accordance with this section. See Section 10.15 for parking requirements specific to the Form-Based Zone.

### 16.1 General Requirements

- A. All off-street parking spaces required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Commission as part of an approved Detailed Plan.
- B. Off-street loading space shall not be used to satisfy the off-street parking requirement.
- C. The collective use of off-street parking areas or facilities for two or more structures or uses is permitted provided that the total of such off-street parking spaces supplied collectively is not less than the sum of the requirements for the various structures or uses computed separately, except as may otherwise be permitted by Section 16.3.
- D. The number of off-street parking spaces required by these regulations may be reduced or shall be increased at the time that the use of a building or lot is changed to a new use that would require fewer or more off-street parking spaces.

### 16.2 Vehicle Parking Areas, Design & Construction

- A. All vehicle parking areas shall be constructed of bituminous or masonry concrete and maintained in a smooth, well-graded condition. Alternative surfacing materials, including but not limited to paving units, pervious concrete (bituminous or masonry), clean asphalt millings, pervious pavers, and interlocking grid systems, may be permitted with approval from the Director of Planning & Economic Development or their designee following review by appropriate Town staff, subject to the following conditions:
  - 1. Each vehicle parking space shall contain a rectangular area not less than 9 feet by 18 feet.
  - 2. All ADA requirements for accessible parking spaces and associated pathways shall be met;
  - 3. No pervious pavements shall be located within a designated Aquifer Protection Area;
  - 4. Pervious paving systems shall be designed in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines;
  - 5. An acceptable impervious material in accordance with the Manchester Public Improvement Standards shall be used for driveway aprons within the Town right of way or easements between the roadway and the street line, and onto the parcel as necessary to achieve a minimum length of 20 feet of impervious material from the roadway;
  - 6. 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;
  - 7. Parking spaces constructed of pervious materials that will be used routinely by customers or visitors to the site shall incorporate delineation of individual spaces via painted stripes, change in color or material, or other effective means of delineation. Pervious parking areas intended only for use by the property owner or tenant, or for overflow parking only, may be constructed without such delineation;
  - 8. Selected materials shall comply with the drainage requirements for stormwater runoff set forth in the Manchester Public Improvement Standards; and

9. In areas where pervious material is proposed, the receiving area must be adequate to accept the projected volume of stormwater that is designed to permeate the surface. Demonstration of the volumetric capacity of the receiving area should include one or more of the following:
  - a. Detailed mapping of the soil drainage classifications based on recent field studies (not historic soil mapping); or
  - b. A percolation test to adequately map the hydraulic capacity of on-site soils; or
  - c. Piezometer testing to adequately map the depth to groundwater on site.
10. All vehicle parking areas shall be well drained, and all drainage systems shall be approved by the Town engineer.
- B. All driveways shall be constructed in accordance with town standards and in accordance with the requirements of Section 14.2.
- C. All vehicle parking areas shall include landscaped sections and islands wherever possible designed to relieve the monotony of large areas of bituminous concrete, etc. All landscaped sections and islands shall contain appropriate evergreen shrubs, trees and plantings.
- D. All parking lots shall contain a landscaped area at the ratio of not less than 20 square feet for each parking space.
- E. In vehicle parking lots the traffic lanes shall facilitate traffic movement and maneuverability, especially for ambulances and fire fighting vehicles. Traffic lanes leading to parking stalls shall be constructed to accepted standards.
- F. Vehicle parking stalls shall be constructed so that no part of a vehicle extends beyond the property lines.
- G. Notwithstanding Item F above, no vehicle parking shall be provided in the front yard unless separated from the public right-of-way by a fully bermed landscape border of not less than 8 feet. This area shall be landscaped with appropriate trees, shrubs, and plantings. In selecting the types of plantings, consideration shall be given to maintaining adequate sight lines to provide safe access to the property.
- H. No vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.
- I. In accordance with State law, any new construction of a commercial building or multi-unit residential building with 30 or more designated parking spaces for cars or light duty trucks shall include electric vehicle charging infrastructure that can support level two electric vehicle charging stations in at least 10% of such parking spaces.

### 16.3 Shared Parking within the Industrial and General Business Zones

Within the Industrial and General Business Zones, shared parking may be allowed in accordance with the following:

- A. The shared use of the same off-street parking facilities by two or more establishments on the same lot where the total capacity of such facilities is less than the sum of the spaces required for each use may be approved by Town staff, provided that it is adequately documented that those uses have different, non-competing times of operation, and that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments.

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

#### 16.4 Number of Parking Spaces Required

The amount of required vehicle parking will depend on the nature of the land use and varies for different uses. When a specific use is not listed in these regulations, reference shall be made to the most current edition of "Parking Generation" by The Institute of Transportation Engineers, and other professional reference sources as may be available, to aid in determining the required amount of parking.

##### 16.4.1 Industrial Uses

Sufficient parking spaces shall be provided to accommodate personnel and customers based on the nature of the business.

##### 16.4.2 Business and Institutional Uses

| Use  | Minimum Parking Requirement   |
|--|---|
| Industrial establishments  | A sufficient number of spaces shall be provided to accommodate personnel and customers based on the nature of the business.   |
| Business establishments  | 1 space for each 250 sf of gross floor area of the building except that increased parking facilities may be required for uses as specified in this Section.   |
| Adult day care center, child care center and group child care home | 1 space for every employee plus two spaces to accommodate visitors. In addition, a drop off space of 10 ft x 20 ft for every 10 enrollees.  |
| Batting Cages  | 2 spaces for each batting cage.   |
| Bed & Breakfast  | 1 space per 1 guest sleeping room plus 2 parking spaces for property owners. Parking shall be located within side and rear yards only. Stacked spaces in driveways may be counted towards the required parking if approved by the Commission. |
| Bowling Alley  | 5 spaces for each bowling lane.   |
| Brewpub  | 1 space for each 3 customer seats and 1 space for each 2 employees on the largest shift.  |
| Car wash establishment   | 50 spaces, including capacity of waiting lanes.   |
| Club   | 1 space for each 50 sf of gross floor area.   |
| Conference Center  | 1 space for each 4 seats or 1 parking space for every 50 sf of assembly area or meeting rooms, whichever is greater.  |
| Convalescent Home  | 1 space each for 3 beds.  |
| Cultural/Social Community Facility                                 | 1 space per 250 gross square feet or 1 per each 3 seats whichever is greater  |

| Use   | Minimum Parking Requirement  |
|---|--|
| Dance Hall  | 1 space for each 25 sf of gross floor area, plus 1 space for each staff member, plus 1 parking space for each 4 seats for any included restaurant or banquet hall.   |
| Drive-in restaurant   | 50 spaces or 1 space for each 3 seats and 1 space for each 2 employees on the largest shift, whichever is the greater number.  |
| Gasoline service station  | 1 space for each 50 sf of gross floor area.  |
| Golf course   | 4 spaces for each hole.  |
| Golf driving range  | 1.5 spaces for each tee for single use facilities (i.e., driving range only). For multi-use facilities, 1 space for each tee plus the required number of spaces for related facilities (but not less than 1.5 spaces per tee in the aggregate), unless otherwise approved by the Commission.   |
| Hospital  | 1 space for each 2 beds.   |
| Hotel or motel  | 1 space for each occupancy unit, plus 1 space for each staff member, plus 1 space for each 4 seats for any included restaurant or banquet hall.  |
| Inn   | 1 space per each room plus 1 space for each employee on the largest shift. In addition, 1 space will be provided for each 3 seats and 1 space for each two employees on the largest shift for meeting/conferences or event parking.  |
| Library, Museum, or Art Gallery   | 1 space per 600 gross square feet  |
| Medical Offices / Clinics   | 1 space per 150 sf of gross leasable floor area.   |
| Miniature Golf  | 2 spaces for each hole.  |
| Place of worship  | 1 space for every 3 seats for the maximum congregation that can be accommodated at one service. When a place of worship includes accessory uses such as day care, schools or assembly halls for non-religious services the parking requirements for these uses shall also be met. These additional requirements may be waived in whole or in part provided it can be demonstrated to the satisfaction of the Commission that sufficient spaces are committed and available on a non-conflicting basis. |
| Recreation Facility   | 1 space per 2 legal occupants based upon occupancy limit established by Fire Marshall.   |
| Restaurant (indoor) and/or banquet hall   | 1 space for each 3 seats plus 1 space for each 2 employees on the largest shift.   |
| Restaurant (indoor) located in a shopping center of equal to or less than 200,000 gross square feet | 1 space for each 4 seats.  |
| Schools   | The number of spaces shall be sufficient to accommodate personnel, students, expected visitors, and service vehicles, depending on the nature of the school.   |
| Self-Storage Facilities   | 6 spaces plus 1 for each employee  |



| Use  | Minimum Parking Requirement   |
|--|---|
| Shopping centers and shopping malls of 500,000 gross square feet or more | 5 spaces for every 1,000 sf of gross leasable area.   |
| Shopping centers and shopping malls of 700,000 gross square feet         | 4.5 spaces for every 1,000 sf of gross leasable area.   |
| Shopping centers of less than 500,000 gross square feet                  | 4 spaces for every 1,000 sf of gross floor area.  |
| Skating rinks  | 1 space for each 100 sf of skating area plus additional spaces in accordance with this section if containing a club, spectator facilities, or other uses that require specific parking provision. |
| Tennis courts and badminton courts                                       | 8 spaces for each court plus additional parking in accordance with this section if containing a club, spectator facilities, or other uses.  |
| Theater, auditorium or stadium   | 1 space for each 3 seats or spectator equivalent.   |
| Visitor Information  | 5 spaces or 1 space per 250 gross square feet.  |

#### 16.4.3 Residential Uses

| Use  | Minimum Parking Requirement  |
|--|--|
| Assisted Living Facility   | 0.5 space per unit plus 1 space for each employee on the largest shift.  |
| Congregate Housing   | 1.25 spaces for every 2 residential units plus 1 for every 5 units for visitors, plus 1 additional space for each employee on the largest shift.   |
| Continuing Care Retirement Community   | Parking shall be provided to meet the requirements of individual housing types per this Section, unless the Commission finds that shared parking arrangements can meet the needs of the various housing types on the site.   |
| Convalescent Home  | 1 space per 3 beds.  |
| Historic Mill Conversion to Multi-Family   | 1 space for each studio or 1-bedroom residential unit and two spaces for each residential unit with 2 or more bedrooms. Parking for senior housing uses shall be provided as specified in this section.  |
| Hotel/Motel Conversion to Multi-Family and School Building Conversion to Residential | <p>1 space for each studio or 1-bedroom residential unit and 2 spaces for each residential unit with two or more bedrooms. Except that residential units within a 0.5-mile radius of existing mass transit and where the unit mix consists of 50% or more 1-bedroom or efficiency units, the minimum parking ratio shall be 1 space per dwelling unit.</p> <p>Visitor spaces shall be provided on site at the rate of 1 visitor space per 4 dwelling units. The applicant may request a decrease in the visitor parking requirement if the applicant can show that such requirement would not be needed for the proposed development.</p> <p>Parking may be provided within the building, underground, elevated or at grade level.</p> |

| Use  | Minimum Parking Requirement   |
|--|---|
| Multi-Family Residential and Live/Work Units (unless otherwise required by this Section) | 1 space per studio or 1-bedroom unit, 2 spaces per unit with 2 or more bedrooms.  |
| Multifamily Residential in the CUD and GB Zones  | <p>For residential units on sites within a 0.5-mile radius of existing mass transit and where the unit mix consists of 50% or more 1-bedroom units the minimum parking ratio shall be 1 space per dwelling unit.</p> <p>For all other residential sites, 1 space per studio or 1-bedroom dwelling unit and 1.5 spaces per dwelling unit with two or more bedrooms.</p> <p>No more than 1.5 spaces per dwelling unit may be reserved for the exclusive use of residential tenants.</p> <p>The Commission may approve a maximum 15% reduction in total required onsite parking if the site is within a 0.25-mile radius 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.</p> |
| Residential Units in the PRD Zone  | <p>1 space per studio or 1-bedroom dwelling unit and 2 spaces per dwelling unit with two or more bedrooms. Visitor spaces shall be provided on site at the rate of 1 visitor space per 4 dwelling units. The applicant may request a decrease in the visitor parking requirement if the applicant can show that such requirement would not be needed for the proposed development.</p> <p>Parking may be provided within the building, underground, elevated or at grade level. All surface parking areas shall be located and designed to ensure a 15-foot unobstructed distance between parked vehicles and principal buildings.</p> <p>The Commission may modify this requirement provided separation is provided through other means (planting, etc.) and approved by the Commission.</p>   |
| Residential Units in Business Zones (unless otherwise required by this Section)          | 1 space per studio or 1-bedroom dwelling unit and 1.5 spaces per dwelling unit with two or more bedrooms.   |
| Residential above General Office in Residence C Zone                                     | 2 spaces per dwelling unit + office requirement   |
| Senior Multi-Family Housing  | 1 space per unit, plus 1 additional space for each employee on the largest shift, plus 1 space for every 5 units for visitors.  |
| Two-Family   | 2 paved off-street parking spaces for each unit. Parking shall be provided on each lot created. Parking areas or paving shall not be permitted in front yards and/or directly in front of the residential structure, excluding driveway areas within the side yard dimension.   |

**16.5    Off-Street Loading**

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

## Section 17. Sign Regulations

### 17.1 Purpose

This regulation recognizes that signs are an appropriate accessory use in all zones and that in certain circumstances, signs that are not accessory in character may also benefit the public at large. The permitted types and areas of signs are deemed sufficient for the uses intended, and the requirements and restrictions on the erection and display of signs are deemed necessary to protect the public safety, convenience and property values

### 17.2 Definitions

#### 17.2.1 Definition by Sign Function

**Billboard Sign:** A sign advertising a service or commodity which service or commodity is not to be found or available on the premises upon which the sign is displayed. Public interest signs, directional signs and construction signs as defined in this section and portable signs as permitted in Section 17.2.2, shall not be considered billboards.

**Business Sign:** A sign which directs attention to a name, use conducted, product or commodity sold or service performed on the premises but not including a roadside sign.

**Construction Sign:** A sign erected on a site which is to be developed or is being developed.

**Directional Sign:** An on premise sign providing guidance to the public and containing no advertising, except as provided for in Sections 17.4.2.U, 17.4.2.V and 17.4.3.E.

**Electronic Message Board:** A sign that uses computer-generated or electronic means to display static advertising copy, messages, or color.

**Identification Sign:** A sign indicating the name or nature of buildings or the nature of land-use displayed on the property identified.

**Nameplate Sign:** A sign indicating the name of the building occupant.

**Temporary Sign:** Any sign intended to be displayed for a short amount of time announcing a seasonal or temporary activity such as a sale, promotion, business opening or special event.

**Public Interest Sign:** A sign informing the public of matters of public interest associated with fraternal, social, charitable, religious or service organizations.

**Real Estate Sign:** A sign offering for sale or lease the property on which it is located. It may include reference to owner or agent.

**Residential Sign:** A sign used to identify a residential structure.

**Roadside Sign:** A sign which directs attention to the sale of agricultural produce grown on the premises.

**Time or Temperature Sign:** A sign with a changing display message consisting of only the current time and temperature information.

### 17.2.2 Definition by Sign Construction

**Architectural Sign:** A sign which is an integral part of the building.

**Canopy Sign:** A sign placed on the vertical panels of a permanent canopy, or a sign erected above and supported by the canopy and extending no higher than the top of a parapet wall or eaves level.

**Free-Standing Sign:** A sign permanently embedded in the ground or supported by a structure permanently embedded in the ground.

**Low-Profile Free-Standing Sign:** A sign, the topmost part of which is not more than 5 feet from the ground, permanently embedded in the ground or supported by a structure permanently embedded in the ground.

**Marquee Sign:** A sign placed on the vertical panels of a permanent roof marquee.

**Mechanical Sign:** A sign which involves motion or rotation of any part or which displays flashing lights or creates an illusion of movement.

**Novelty Sign:** A sign, banner, pennant, valance or advertising display, teardrop banner or portable message center sign, constructed of cloth fabric, cardboard or other light material including air-activated graphics and balloon signs, intended to be displayed for a short period of time.

**Portable Sign:** A free-standing sign not permanently anchored, attached, or secured to the ground including "A" frame or sandwich board signs.

**Projecting Sign:** A sign supported by a building and projecting more than 18 inches.

**Readerboard Sign:** A visual display board that conveys information using changeable letters and/or graphic symbols that must be physically manipulated to change the message.

**Roof Sign:** A sign erected above roof level but not including a sign which does not extend higher than the top of a parapet wall.

**Wall Sign:** A sign placed on a wall of a building but not extending above roof level any higher than the top of a parapet wall.

**Window Sign:** A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excluding merchandise in a window display.

### 17.2.3 Sign Lighting Definitions

**Direct Illumination:** A sign illuminated by devices which project artificial light upon it.

**Internal Illumination:** A sign which has characters, letters, figures, design or an outline of artificial light provided by electricity. Except for readerboard signs, signs that are internally illuminated are prohibited, except when the background is opaque and only the copy or symbols are illuminated.

## 17.3 Sign Requirements

### 17.3.1 General Requirements for All Zones

The requirements of this section apply to all signs in all zoning districts.

- A. Signs other than public interest and directional signs shall be considered “accessory uses”.
- B. No sign shall be permitted in the area of a public right-of-way unless the location is approved by the appropriate authority, except for portable signs as permitted in Section 17.4.2.U.
- C. All sign floodlight sources shall be shielded so that the light will not shine into the eyes of any person external to the premises on which the sign is displayed.
- D. Sign illumination that simulates traffic lights or emergency warning lights is prohibited.
- E. Except for novelty and window signs all new signs should be constructed of durable, rigid, opaque material such as metal, wood or high-quality plastic or vinyl. Corrugated plastic signs are not allowed.
- F. Signs designed for viewing from one side shall be opaque.
- G. Billboard signs are prohibited.
- H. Unless otherwise specifically regulated in this section, nothing in these regulations shall be construed as regulating the installation of signs by a governmental body or political signs expressing political views or supporting candidates for office.
- I. Nothing in this section shall be deemed to prohibit cooperative action between abutting stores or tenants of the same building to combine allocated advertising space.
- J. The area of a sign shall be determined from its outside dimensions. Where a sign consists of individual characters and/or other symbols, the area shall be determined from the smallest rectangle enclosing all of the characters, symbols and design features.
- K. Free standing signs shall provide not less than 7 feet ground clearance if situated in an area where the public may walk. No part of a free-standing sign shall be less than 5 feet from a public right of way except as may be necessary for directional and public interest signs. In no case shall the placement of such signs interfere with sight lines necessary for the safe ingress and egress onto streets.
- L. Window signs shall not occupy more than 25% of the storefront windows to ensure transparency and visibility.
- M. All signs and all parts thereof shall be kept in good state of repair and maintenance.

### 17.3.2 General Requirements for Residential Zones

In addition to the requirements of Section 17.3.1 the following is required in residential zones:

- A. The maximum height of a free-standing sign shall be 5 feet.



### 17.3.3 General Requirements for Business Zones

In addition to the requirements of Section 17.3.1 the following is required in business zones (B1, B2, B3, B5, CBD, GB, NB, and SDC zones):

- A. The maximum sign area for wall, canopy, marquee and roof signs shall be calculated on the basis of 3 square feet for each linear foot of the face of the building supporting such sign. Except in the Central Business District, the area of the sign shall not exceed the following based on the setback of the building face supporting the sign from the right-of-way line of the public street that the sign will face:

| Building Distance from Street | Maximum Sign Area per Tenant |
|-------------------------------|------------------------------|
| 50 feet or less               | 32 sf                        |
| >50 feet to 100 feet          | 64 sf                        |
| >100 feet to 150 feet         | 100 sf                       |
| >150 feet to 250 feet         | 200 sf                       |
| >250 feet                     | 300 sf                       |

- B. Medical clinic, medical office, and medical services building adjoining or abutting across the street a restricted access highway and zoned General Business may erect a wall sign facing the restricted access highway and not exceeding 200 square feet.
- C. The side of the building supporting a sign shall face onto a street or onto a parking lot. When facing a parking lot, the distance between the wall of the building facing such lot and a residential lot line shall be not less than 150 feet.
- D. The maximum height of a free-standing sign shall be 18 feet.

### 17.3.4 General Requirements for Design Overlay Zone

In addition to the requirements of Section 15.3.1 the following is required in the Design Overlay Zone:

- A. The location and the size of proposed signs in the Design Overlay Zone will be in harmony with the orderly development of the area and will not alter the essential characteristics of the area.
- B. The lighting, materials and design elements of the proposed signs in the Design Overlay Zone shall be attractive and suitable in relation to site characteristics and shall be similar and compatible with the architecture of the building. Colors should complement the building and storefront colors and the letters and logos should contrast with the background for easy reading.
- C. All building signs including projecting, wall mounted, and painted or glass storefront signs shall be proportionate to the building and shall not extend above the parapet wall or roofline of the building.
- D. In multi-use buildings wall mounted signs for ground floor uses shall not be located above the height of the ground floor.

## 17.4 Permitted Signs and Specific Standards

### 17.4.1 Signs Permitted in Residential Zones

- A. Identification signs for:
- Golf Courses: not exceeding 50 square feet
  - Group Dwelling Complex: not exceeding 50 square feet
  - Convalescent Home: not exceeding 50 square feet
  - Farm & Agricultural Uses: 50 square feet
  - Municipal Uses: not exceeding 50 square feet

- Residence C zone office building: not exceeding 32 square feet
- Historical Interest: not exceeding 4 square feet
- Places of Worship: not exceeding 50 square feet

All identification signs shall be directly illuminated only. Wall mounted signs are permitted and only one low-profile free-standing sign is permitted.

- B. One nameplate sign not exceeding two square feet per dwelling. The sign may indicate the nature of home occupation or professional use. No artificial illumination is permitted. Signs may be free-standing, wall mounted or projecting.
- C. Temporary signs may be permitted in any residential zone in accordance with the following:
  1. One construction sign not exceeding 32 square feet to advertise a building project. Subcontractors may each display one sign not exceeding 4 square feet.
  2. Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for a period exceeding 18 months. Construction signs shall be directly illuminated only.
- D. One real estate sign not exceeding 4 square feet for each property offered for sale. Real estate signs shall not be displayed after the property has been sold.
- E. One roadside sign limited to a maximum size of 16 square feet per property. Such signs shall not be displayed during seasons when the roadside stand is not open.
- F. Public interest sign– the temporary display of public interest signs for a period not to exceed 3 weeks in locations deemed appropriate for the purpose by the Zoning Enforcement Officer. All such signs must be removed 3 weeks after erection.

#### 17.4.2 Signs Permitted in Business Zones

The following signs are permitted in all business zones (B1, B2, B3, B5, CBD, GB, NB, and SDC zones):

- A. Architectural signs shall be approved by the Planning and Zoning Commission.
- B. Roof signs shall be approved by the Planning and Zoning Commission and will be permitted only if the Commission deems that the location of the building on the lot, or the location of the building relative to adjacent buildings or properties would cause other types of signs to be ineffective in identifying the business on the property.
- C. Projecting signs shall not be erected over a public right of way except within the Central Business District. In the Central Business District signs erected over a public right of way shall not be internally illuminated, must provide a minimum clearance of 7.5 feet from the bottom of the sign to the surface of the sidewalk and shall not extend more than 3 feet from the building facade. The total area of the 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.
- D. Temporary signs may be permitted in any business zone in accordance with the following paragraphs.
- E. One construction sign not to exceed 32 square feet. In addition to a construction sign on a site, subcontractors may each display one sign not exceeding 4 square feet. Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for more than 18 months. Construction signs may be directly illuminated.
- F. One roadside sign limited to a maximum size of 16 square feet per property. Such signs shall not be displayed during seasons when the roadside stand is not open. Roadside signs may be directly illuminated.
- G. One real estate sign not exceeding 24 square feet for each property offered for sale or lease. Real estate signs shall not be displayed after the property has been sold.

- H. A business can display one novelty sign for a period not to exceed 12 weeks per calendar year. Teardrop banners, air-activated graphics and balloon novelty signs will not exceed 3.5 feet at their widest point and 18 feet in height. Other novelty signs will not exceed 32 square feet in area and 18 feet in height.
- I. Public interest sign– the temporary display of public interest signs for a period not to exceed 3 weeks in locations deemed appropriate for the purpose by the Zoning Enforcement Officer. All such signs must be removed 3 weeks after erection.
- J. Business signs are permitted in all business zones, may be illuminated internally or directly and may be displayed as architectural signs, roof signs, wall signs, marquee signs, canopy signs, free-standing signs, or projecting signs in accordance with the standards in Sections 17.3.1, 17.3.3, and 17.3.4 and the following:
  - 1. A business may have a free-standing sign or a projecting sign, but not both.
  - 2. Business premises not contained in a shopping center complex may erect only one free-standing or low profile free-standing sign based on the ground floor area of the building as follows: Up to 1,200 square feet of building ground floor area, a free-standing sign of 12 square feet or 24 square feet for low profile free-standing sign, 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. Alternatively, only one projecting sign not exceeding one square foot for each lineal foot of the building face containing the sign may be erected. Such sign shall not exceed 25 square feet.
  - 3. Shopping centers may erect one free-standing business sign to display the name of tenants in the shopping center building in addition to a permitted identification sign. The sign area ratio shall be 6 square feet for each tenant. Shopping centers occupying less than 6 acres may erect one free-standing business sign not exceeding 100 square feet solely to identify the tenants of the shopping center. Shopping centers occupying 6 acres or more may erect one free-standing business sign not exceeding 200 square feet solely to identify the tenants of the shopping center. Separate business premises within the complex building shall not erect individual free-standing signs.
  - 4. Gasoline service stations may erect one projecting sign not exceeding 32 square feet or one free-standing sign not exceeding 32 square feet.
  - 5. Gasoline service stations adjoining restricted access highways may erect in the rear yard of the station premises one additional free-standing sign not exceeding 200 square feet.
- K. Free standing identification signs are permitted in business zones in accordance with the following paragraphs:
- L. Shopping centers occupying less than 6 acres may erect one free-standing sign not exceeding 100 square feet solely to identify the center. Shopping centers occupying 6 acres or more may erect one free-standing sign not exceeding 200 square feet solely to identify the center.
- M. Motels adjoining restricted access highways may erect one free-standing sign not exceeding 200 square feet solely to identify the motel. Motels in other locations may erect one free-standing sign not exceeding 100 square feet solely to identify the motel.
- N. Shopping malls occupying more than 25 acres may erect one free-standing sign for each point of vehicular egress from a public street provided that no such individual sign shall exceed 200 square feet on each face with a maximum of two faces per sign. In computing the square footage of each face, the square footage of faces or other supporting structures shall not be counted. Such signs shall be used solely to identify the shopping mall.
- O. Identification signs may be internally illuminated or directly illuminated.
- P. Free standing directional signs containing advertising may be erected within a shopping mall site to provide direction to the motorist. No such sign shall be located within 100 feet of a public street right-

of-way or exceed 6 square feet in area. The total area of all such directional signs shall not exceed 200 square feet.

- Q. Free standing directional signs containing advertising may be utilized to provide direction to the motorist. Such signs shall not exceed 3 square feet in area, and any logo or other advertising on such sign shall not exceed one-third of the area of the sign.
- R. Nameplate signs not exceeding two square feet per occupant are permitted. One sign is permitted per occupant. Such signs may be free-standing, wall mounted, or projecting.
- S. Electronic message board signs not exceeding 32 square feet of total allowed sign area. The message shall not change more than two times in a 24-hour period.
- T. Theaters shall be allowed one free-standing sign. For buildings up to 1,200 square feet of building ground floor area, a sign area of 12 square feet shall be permitted. 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 200 square feet or, alternatively, only one projecting sign not exceeding one square foot for each lineal foot of the building face containing the sign to a maximum of 100 square feet.
- U. Portable signs shall be permitted in the public right-of-way in the Central Business District zone subject to the following requirements:
  - 1. Number, Signs, Location of Portable Signs in the CBD
    - a. Only one portable sign shall be permitted for an individual business or establishment, and the sign content must be limited to the business, service, or goods of the establishment immediately adjacent to the sign, or to an establishment located on the upper floors of the building immediately adjacent to the sign.
    - b. Each property shall be entitled to no more than one portable sign for every 20 feet of property frontage on a public street, regardless of the number of businesses in a given property. Properties on corner lots shall only be entitled to count the frontage on Main Street.
    - c. The sign shall not exceed 8 square feet in total area based on the dimensions of a single side and shall not be more than 2.5 feet wide nor more than 4 feet high.
    - d. Signs shall be located either adjacent to the building frontage or a minimum of 18 inches from the curb and shall provide at least 5 feet of unobstructed sidewalk area for pedestrians. Signs shall not obstruct any required means of egress from adjacent buildings.
    - e. Signs shall be located with the message perpendicular to the street.
    - f. Signs may be displayed only when the establishment is open for business and must be removed from the right-of-way when the business is closed.
    - g. Signs must be constructed of durable, weatherproof materials, including wood, metal, or composite wood or synthetic materials. Glass, paper, laminated paper, PVC pipe frames or similar materials are not permitted. Signs may not be illuminated. All signs must be maintained in good repair including the sign frame structure, materials, and lettering and graphics.
  - 2. Permitting and Enforcement of Portable Signs in the CBD
    - a. Anyone wishing to display a portable sign must file an application with the Zoning Enforcement Officer for a Certificate of Use permit. An application form must be completed, and any fee must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
    - b. Portable sign permits shall be issued for an operating period of one year, from January 1 to December 31 except for the year when this section becomes effective, in which case the permit shall be effective from the effective date through December 31 of that year. Thereafter, the Zoning Enforcement Officer may issue a renewal application on an annual basis provided a new Certificate of Use permit is submitted. Applications for renewals will be accepted between 11/30 and 12/30 of each year. Applications made after 1/1 of each year

- shall expire 12/31 of said year. The Zoning Enforcement Officer may deny a permit if the permittee has a history of violations of any of the requirements of this section.
- c. The permittee must provide liability insurance in an amount determined by the Director of Finance and must name the Town an additional insured on that policy. Certificate of Use shall not be issued until the insurance certificate is provided.
  - d. The Zoning Enforcement Officer shall be empowered to notify the permittee of a portable sign that their permit has been revoked if it is found that any of the terms or requirements of this section are not met. The Town is entitled to remove a sign that violates the regulations, and said signs shall not be returned or be located unless all violations are remedied. The Town may charge a pick-up fee in addition to any fines associated with said enforcement.
  - e. The Town reserves the right, acting through the Town Manager or a designee, to prohibit the use of portable signs at any time because of anticipated or actual problems or conflicts in the use of a sidewalk area. These situations include but are not limited to festivals, parades, road races, repairs to the street or sidewalk, or hazardous weather conditions or 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 prohibition is in effect, but failure to give notice shall not affect the right of the Town to prohibit portable signs at any time.
  - f. Any permittee aggrieved by any action of the Zoning Enforcement Officer shall have a right to appeal the Zoning Board of Appeals as set forth in Section 21.2. Any sign subject to an enforcement action must be removed from the sidewalk until the appeal is decided.

#### 17.4.3 Signs Permitted in Industrial Zones

- A. One wall, marquee or projecting sign not exceeding 100 square feet. Signs may be internally illuminated or directly illuminated.
- B. One free-standing identification sign not exceeding 200 square feet. Signs may be internally illuminated or directly illuminated.
- C. One nameplate sign not exceeding 6 square feet for each establishment. Signs may be internally illuminated or directly illuminated.
- D. Electronic message board sign not exceeding 32 square feet of total allowed sign area. The message shall not change more than two times in a 24-hour period.
- E. Free standing directional signs containing advertising may be utilized to provide direction to the motorist. Such signs shall not exceed 3 square feet in area, and any logo or other advertising on such sign shall not exceed one-third of the area of the sign.
- F. Temporary signs may be permitted in Industrial zones in accordance with the following paragraphs:
- G. One construction sign not exceeding 32 square feet to advertise a building project. Subcontractors may each display one sign not exceeding 4 square feet. Signs may be internally illuminated or directly illuminated.
- H. Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for a period exceeding 18 months.
- I. One real estate sign not exceeding 32 square feet for each property offered for sale. Real estate signs shall not be displayed after the property has been sold. No artificial illumination is permitted for real estate signs.
- J. Public interest sign– the temporary display of public interest signs for a period not to exceed 3 weeks in locations deemed appropriate for the purpose by the Zoning Enforcement Officer. All such signs must be removed 3 weeks after erection.

#### 17.4.4 Signs Permitted in the Form-Based Zone

- A. Sign Standards: In addition to the requirements of Section 17.3.1, the following shall apply:
1. 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.
  2. 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.
  3. Colors should complement the building and storefront colors, and the letters and logos should contrast with the background for easy reading.
  4. Business signs may be either internally or directly illuminated. If internally illuminated the background shall be painted opaque so only the letters appear lit.
  5. The maximum sign area for wall, canopy, and marquee signs shall be calculated on the basis of 3 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 3 square feet for linear foot of storefront.
- B. Permitted Signs:
1. Projecting Signs: Over a public right of way shall be directly illuminated, must provide a minimum clearance of 7.5 feet from the bottom of the sign to the surface of the sidewalk, and shall not extend more than 3 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.
  2. 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.
  3. Construction Sign: One sign not exceeding 100 square feet to advertise a building project. Subcontractors may each display one sign not exceeding 4 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 period exceeding 18 months. Construction signs shall be directly illuminated only.
  4. 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.
  5. Nameplate Sign: One 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.
  6. Real Estate Sign: One sign not exceeding 4 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.
  7. Low-Profile Free-Standing Sign: Business premises may erect one low-profile free-standing sign based on the ground floor area of the building as follows: Up to 1,200 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.



#### 17.4.5 Signs Permitted in Off-Street Parking Zones

- A. An identification sign only may be erected in off-street parking zones with a sign area at a ratio of 16 square feet for each acre of zoned area.

#### 17.4.6 Sign Standards for the Historic Zone and Multi-Family Mill Conversions

In addition to being subject to the requirements of Section 15.3.1, signs are permitted in accordance with the following:

- A. The following sign types are prohibited:
  - 1. Advertising signs other than those approved by the Commission.
  - 2. Real estate signs offering individual units in a multi-unit project shall not be allowed.
  - 3. Signs that revolve, simulate motion, flash, etc.
  - 4. Roof signs.
- B. The following sign types are permitted.:
  - 1. 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 that are not located on the premises. Signs offering the site for sale or lease and construction signs shall be the exception.
  - 2. One freestanding construction sign not exceeding 32 square feet to advertise a building project and one sign not exceeding 4 square feet 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 period exceeding 18 months.
  - 3. Directional signs, public warning signs, and traffic control signs on a site shall be permitted with approval of the ZEO. 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 4 square feet if freestanding.
  - 4. 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 5 square feet in area each and an overall height above grade of 6 feet.
  - 5. Historical interest signs providing information concerning the historical significance of the structure not exceeding 4 square feet shall be permitted.
  - 6. Temporary signs no larger than 12 square feet advertising special events of charitable or public service groups shall be permitted with approval of the Zoning Enforcement Officer provided that such signs shall not be in place for more than 3 weeks and shall not be mechanical.
  - 7. 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 0.5 square feet for each lineal foot of the front on the awning. Such signs shall not be mechanical and shall not be illuminated.
- C. 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.
- D. Sign lighting by means of floodlighting or illumination shall be approved by the Commission. Light sources that 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 that are an integral part of the sign shall be subject to all regulations for the sign itself.
- E. Signs, unless otherwise noted in this section, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a 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. All projecting signs may extend a maximum of 4 feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign that extends over a walkway shall be at least 7 feet above said walkway. All freestanding signs shall not extend beyond the property line of the lot on which they are located.

**F. Residential Signs**

1. 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).
2. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not exceed 16 square feet. No wall-mounted sign shall project above the cornice line of the building on which it is located.
3. A freestanding residential sign shall be permitted if it is located at least 5 feet from any property line. No freestanding residential sign shall exceed a height of 4 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 5 feet above grade and shall have a maximum size of 25 square feet.
4. A projecting residential sign shall not exceed 12 square feet in area.
5. For bed & breakfast establishments, one free standing sign identifying the establishment by name shall be permitted, not to exceed two square feet in area and 3.5 feet in height.

**G. Signs for Other than Residential Use in the Historic Zone**

1. There shall be no more than one freestanding sign or one wall sign per lot used to identify the property. Each individual use on a lot shall be permitted one only wall sign or projecting sign in addition to the above freestanding or wall sign. In the case of covered walks and/or arcades, one additional projecting sign per use is permitted in the walk or arcade with an area not to exceed two square feet per use and denoting only the name of the use and the entrance thereto. Signs shall be in conformance with the requirements for residential signs with regard to location.
2. A wall-mounted sign used to identify the property shall have an area of one square foot per linear foot of building frontage to a maximum size of 50 square feet exclusive of signs under Item 3 below.
3. A wall-mounted or projecting sign for each use within a structure shall have a maximum area of 12 square feet.
4. A freestanding sign shall not exceed a height of 6 feet above grade and shall have a maximum area of 32 square feet.

**17.4.7 Signs for School Building Conversion to Residential**

Only the following sign types are allowed for school buildings that have been converted to residential:

- 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.
- C. A freestanding residential sign shall be permitted if it is located at least 5 feet from any property line. No freestanding residential sign shall exceed a height of 4 feet above grade and shall have a maximum size of 20 square feet.
- D. A projecting residential sign shall have an area not exceeding 12 square feet.

## Article VI – Procedures and Administration

### Section 18. Applications, Certificates, Plans, and Special Exceptions

#### 18.1 Development Applications

Application for development approvals shall be made on forms furnished by the Commission. This section identifies plan submission and related requirements for all applications before the Planning and Zoning Commission. The number of copies of plans and other supporting application documents shall be as prescribed by the Commission on its General Requirements for All Applications to the Planning and Zoning Commission and Inland Wetlands Agency.

#### 18.2 Pre-Application Review

Applicants may request a pre-application review of their proposed zone change, Preliminary or Detailed Site Plan, development plan or Special Exception before the Planning and Zoning Commission. The pre-application review shall be heard as a business item at a regularly scheduled meeting. The purpose of the pre-application review is to provide the applicant with an opportunity to describe the location, type, and intent of the proposed development, and to obtain preliminary comments from the Planning and Zoning Commission members on the concept. The pre-application review shall be non-binding on members of the Planning and Zoning Commission and the applicant.

#### 18.3 Certificate of Occupancy

- A. The issuance of Certificates of Occupancy shall not be allowed until:
  - 1. All public improvements covered by the financial guarantee have been completed to the satisfaction of the Director of Public Works.
  - 2. 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
  - 3. All recreational facilities shown on the approved Detailed Plan are installed.
- B. The issue of Certificates of Occupancy in a multiple dwelling project shall be limited to 80% of the dwelling units, or 80% of the beds if a nursing home, contained therein until the conditions specified in Item A above are satisfied.

#### 18.4 Certificate of Zoning Compliance

##### 18.4.1 Uses and Activities Requiring a Certificate

- A. No business enterprise shall be commenced or changed in character until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer.
- B. No land shall be occupied or used, and no buildings hereafter erected or altered, shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer.
- C. No change or extension of use, and no alterations of use or structures shall be made to a nonconforming use of premises without a Certificate of Zoning Compliance having first been issued by the Zoning Enforcement Officer that such change, extension or alteration is in conformity with the provisions of the Zoning Regulations. A record of all certificates shall be kept on file.

|     |           |            |             |            |           |   |             |          |
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| TOC | Article I | Article II | Article III | Article IV | Article V | Article VI<br>Procedures & Administration | Article VII | Appendix |
|-----|-----------|------------|-------------|------------|-----------|---|-------------|----------|

- D. No permit for excavation for any building shall be issued before a Certificate of Zoning Compliance has been issued.

#### 18.4.2 Application Requirements

All applications for Certificate of Zoning Compliance shall be accompanied by a plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the location of buildings upon the adjacent lots when necessary, the dimensions of all open spaces, the established building lines within the block and such other information as may be necessary to provide for the enforcement of these regulations.

### 18.5 Zone Change Applications

A zone change application for an EHD zone, PRD zone, Off-Street Parking zone, or any other zone shall require the following:

- A. For an EHD and PRD zone application, the applicant shall file with the application for a change of zone, a Preliminary Site Development Plan (Preliminary Plan) in accordance with Section 18.6 for all property located within the proposed zone. A Detailed Site Plan in accordance with Section 18.7 shall be required for Off-Street Parking zone applications.
- B. For an EHD and PRD zone application, the Commission shall hold a public hearing on the Preliminary Plan together with the zone change application. For an Off-Street Parking zone application, the Commission shall hold a public hearing on the Detailed Plan together with the zone change application.
- C. The Commission may approve, deny, or modify and approve the Preliminary Plan (or Detailed Plan in the case of an Off-Street Parking zone application) together with the zone change application.
- D. Applicants for an EHD or PRD zone change may choose to submit the Detailed Site Development Plans (Detailed Plans) at the time of application for a zone change. In instances of a combined Preliminary and Detailed Plan submission the applicant can request a waiver from the Director of Planning & Economic Development to eliminate duplicative application requirements.
- E. Approval of the application shall establish the new zone and shall permit the applicant and/or their assigns to proceed with completion of the development as set forth in the Preliminary Plan (or Detailed Plan as applicable) subject to the provisions of these Regulations, the Subdivision Regulations, and the Town of Manchester Public Improvement Standards as applicable.

## 18.6 Preliminary Site Development Plan

Preliminary Site Development Plans (Preliminary Plans) shall be submitted with applications for PRD and EHD zone changes and Special Exceptions. The Preliminary Plan shall show the overall conceptual layout of the proposed site development in relation to the existing features. It is intended to show that the proposed development meets the general requirements of the Zoning Regulations, Public Improvements Standards and/or Town Ordinances without the detail required for construction level plans.

### 18.6.1 General Preliminary Plan Requirements

- A. A Preliminary Plan shall be prepared and certified by a registered professional engineer or registered landscape architect as appropriate and shall be drawn on 24" x 36" sheets at a scale of not less than 1" = 40' unless a smaller scale is warranted and approved by the Director of Planning & Economic Development .
- B. All plans shall be based on Town control. 40-scale aerial planimetric and topographic mapping is available at the Town of Manchester Engineering Division. When the application requires the location, size and material of existing utilities or existing structures the information may be based on mapping available at the Town Engineering Department or from the best available sources.
- C. When any of the proposed features of an application for development connect to existing public systems more detailed, field verified information shall be provided to demonstrate the feasibility of the proposed connection and the capacity of the existing system to accommodate the proposed development. Examples of this more detailed information include, but are not limited to, size and material of the existing system, invert elevations, and similar information.
- D. Preliminary Plans shall show the following information, if applicable to the proposed development:
  1. Title Block identifying the property address(es), date of plan, plan scale and person who prepared the plan.
  2. Location Map at a scale of 1"=1,000'.
  3. North arrow.
  4. Legend.
  5. Abutting property addresses.
  6. Existing property lines and easements.
  7. All applicable building setback lines.
  8. Location of existing features on site and along the site's property frontage, including but not limited to:
    - a. Existing buildings and accessory structures
    - b. Existing roads, sidewalks, parking lots and driveways
    - c. Existing bridges and retaining walls
    - d. Existing storm drainage, water and sanitary sewer utilities, including size and material
    - e. Existing wells and septic areas
  9. Existing site topography with minimum 2-foot contours. Ground formation contour information shall be based on Town of Manchester Control.
  10. Existing hydrologic and geographic features, including type of ground cover, location of ponds and natural watercourses.
  11. Location of wetlands as depicted on the Town of Manchester Wetlands Map or as field delineated.
  12. Location of proposed:
    - a. Buildings and accessory structures
    - b. Roads, parking lots and driveways

- c. Sidewalks, curbs and pedestrian paths
- d. Water mains, including size and material, or private wells
- e. Sanitary sewer mains, including size and material
- f. Private septic systems, including the approximate location of the septic system and the results of deep test pit and percolation testing in accordance with the Connecticut Public Health Code to demonstrate suitability of the soils for on-site septic systems.
- g. Storm drainage, detention basins and treatment systems
- h. Retaining walls
- 13. Proposed preliminary site grading with minimum 2-foot contours.
- 14. Proposed limits of clearing.
- 15. The width of all landscape areas and buffer yard areas and typical illustrative sections showing planting schemes.
- 16. Open space and recreation areas when applicable.
- 17. Phasing of proposed development, if applicable.
- 18. Sightline distances at proposed curb cuts.
- 19. Standard general notes as provided by the Engineering Division if applicable to the proposed activities.
- 20. A zoning compliance table to include, as appropriate, 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 and floor area ratio.
- 21. A Building Plan indicating:
  - a. Floor plan for each type of unit and each building calling out floor areas in square feet.
  - b. Exterior building elevations identifying the building's finish materials and colors.
  - c. Graphic representations showing the architecture of the proposed building(s) and the physical relationship to the surrounding properties and buildings to demonstrate design compatibility, such as building elevations, cross sections, photographs, or renderings shall be provided.
- 22. Existing areas with slopes in excess of 15%.
- 23. Such other relevant information as the applicant may wish to submit or the Commission may request.
- E. The application will include:
  - 1. A report regarding existing traffic conditions and information on traffic generated by the development of the proposed plan and sidewalk system.
  - 2. A statement of the projected impact on the Town water supply, drainage and sanitary sewer systems.
  - 3. A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.

#### 18.6.2 Supplemental Preliminary Plan Requirements for Multi-Family Mill Conversions

In addition to the general Preliminary Plan requirements in Section 18.6.1 the following supplemental information shall be provided:

- A. A report regarding existing 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.
- B. A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.



- C. Where development within the site is to be in phases or units, the anticipated location and acreage of such phases or units.
- D. Floor plans of each use and each building. In the case of buildings designated for residential development, the floor plan and area of each type of living unit are required.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

## 18.7 Detailed Site Development Plan

Detailed Site Development Plans (Detailed Plans) shall show all existing features and proposed site development to the level of detail required to assure compliance with the regulations and to perform the intended construction.

### 18.7.1 General Requirements

- A. Detailed Site Development Plans (Detailed Plans) shall be approved by the Commission prior to the issuance of a building permit.
- B. Such plans shall be in conformance with the approved Preliminary Plan, these regulations, the Subdivision Regulations if applicable, and the Public Improvement Standards.
- C. A Detailed Plan shall be acted on in the manner prescribed for a Site Plan approval and there shall be no requirement for a public hearing upon submission of the Detailed Plan, unless the Detailed Plan is submitted in conjunction with the Preliminary Plan.

### 18.7.2 Plan General Requirements

- A. A Detailed Plan shall be prepared and certified by a registered professional engineer or registered landscape architect, as appropriate, and shall be drawn on 24" x 36" sheets at a scale of not less than 1" = 40', unless a larger scale is warranted and approved by the Director of Planning & Economic Development.
- B. Detailed Plans shall include a separate "Existing Conditions Plan" showing only the existing site conditions. This plan shall comply with the requirements of an Improvement Location Survey and shall be certified by a land surveyor licensed in the State of Connecticut. All plans shall be based on Town control.
- C. Detailed Plans shall show the following information, at a minimum:
  - 1. Title Block showing the property address(es), plan date, plan scale and person who prepared the plan.

2. Location map at a scale of 1"= 1000'.
3. North arrow.
4. Legend.
5. Property addresses of the site and abutting parcels.
6. Map references.
7. An accurate A-2 boundary description of the site, prepared by a land surveyor licensed in the State of Connecticut.
8. Existing monumentation.
9. Location and description, including volume and page, of all existing easements, including dominant and subservient tenants.
10. All applicable building setback lines.
11. Location and description of existing planimetric features, including:
  - a. Buildings and accessory structures
  - b. Roads, curb, sidewalk, parking lots and driveways
  - c. Retaining walls
  - d. Fences and guide rails
  - e. Traffic signs
  - f. Traffic signals and appurtenant features
12. Location and description of existing overhead and underground utilities on the site and along the property frontage including:
  - a. Utility poles, lighting, cabinets, vaults, etc.
  - b. Water main, valves, hydrants, and services
  - c. Wells, if applicable
  - d. Sanitary sewer main, including size and material, and sanitary manhole structures and laterals, including top of frame and invert elevations.
  - e. Septic system, if applicable
  - f. Storm drainage pipes and structures, including top of frame and invert elevations.
  - g. Electrical, gas and telecommunications utilities
  - h. Well and/or septic system on adjacent properties if any part of the site is within the separating distances to these facilities established by the Connecticut Public Health Code based on the best available sources.
13. For all areas proposed for construction activity, the existing and proposed site topography with minimum 2' contours, augmented with spot elevations and a minimum of two benchmarks, certified by a land surveyor licensed in the state of Connecticut with a minimum certification of T-2 shall be provided. For all undisturbed areas Town topography of 2' contours shall be provided.
14. Existing hydrologic and geographic features, including type of ground cover, location of ponds and natural watercourses.
15. Location of wetlands and limits of regulated areas in accordance with the Town of Manchester Inland Wetlands regulations.
16. Location and boundaries of floodplain, floodway, stream channel encroachment lines or any other regulatory boundary line, if present on the site based on the best available sources of information.
17. Location of:
  - a. Exploratory soil borings or test pits with supporting information, if applicable.
  - b. Proposed buildings, including finished floor elevations.
  - c. Proposed dumpster pads and/or loading docks.
18. Location and description of proposed:

- a. Lot lines, including proposed monumentation.
- b. Easements, including dominant and subservient tenants.
- c. Roads, curb, sidewalk, parking lots and driveways.
- d. The location fire lanes and all fire lane signs and markings as required by the Fire Marshal's Office of the appropriate Fire District. 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.
- e. Retaining walls, including top of wall elevations.
- f. Fences, guide rails, etc.
- g. Signs and outdoor lighting.
- h. Traffic signal equipment, if applicable.
- i. Utilities, including:
  1. Lighting
  2. Water mains, valves, hydrants and services.
  3. Wells, if applicable, with the protective radius as required by the Connecticut Public Health Code.
  4. Sanitary sewer mains, including size and material; and proposed sanitary manhole structures, cleanouts and laterals, including top of frame and invert elevations.
  5. Septic system, if applicable, including tank, leaching area, reserve area and minimum clearances.
  6. Storm drainage pipes and structures, including top of frame and invert elevations.
  7. Detention basins, water quality basins or other components of the site's proposed storm drainage system.
  8. Oil/water and/or grease separators.
  9. Electrical, gas and telecommunications utilities, if available.
- j. Erosion and sedimentation control measures, including silt fence, hay bales, topsoil stockpile areas, sediment traps and basins, construction entrances, etc.
- k. Landscaping, including plant size, type, quantity and spacing.
19. Profile plans of proposed water, sanitary sewer and storm drainage facilities are required when they are located in public streets.
20. Proposed phasing lines, if applicable.
21. Standard general notes as provided by the Engineering Division if applicable to the proposed activity.
22. Construction details for all public improvements (available from the Engineering Division) and for critical components of the proposed site improvements.
23. A stormwater management report as required in the "Town of Manchester Public Improvement Standards".

### 18.7.3 Proof of Land Interests/Restrictions

- A. The applicant or applicants for approval of a Detailed Plan shall submit evidence of his interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.
- B. The developer will be responsible for obtaining any covenants, easements or other provisions necessary for the development of the site.
- C. Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the Town of Manchester on said lands.

D. All easements that are granted to the Town of Manchester shall be not less than 20 feet wide.

#### **18.7.4 Supplemental Requirements for all Detailed Plans**

In addition to the requirements of Section 18.7.1, the Planning and Zoning Commission may require additional information, including but not limited to the following:

- A. Plan showing vehicle turning movements for the largest expected vehicle accessing the site.
- B. Sightline triangles with distances at proposed curb cuts onto existing roads.
- C. Profile views of proposed water mains or services, sanitary sewer mains or laterals, and/or storm drainage within the site.
- D. Cross sections at critical locations.
- E. Such other relevant information as the applicant may wish to submit or the Commission may require.

#### **18.7.5 Supplemental Requirements for Detailed Plans in the PRD Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. 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 and floor area ratios, distance between the buildings and lot line, and the distance between buildings.
- B. A Building Plan indicating:
  - 1. Floor plan for each type of unit and each building calling out floor areas in square feet.
  - 2. Exterior building elevations identifying the building's finish materials and colors.

#### **18.7.6 Supplemental Requirements for Detailed Plans in the CUD Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. A table of ratios indicating the proposed uses, floor areas, parking, floor area ratios, distance between buildings and lot lines, the distance between buildings, lot coverage, open space ratios, height of buildings and lot sizes.
- B. Landscaping plans prepared and sealed by a registered landscape architect.
- C. Conceptual architectural plans, building elevations, and other details necessary to show the size, scale, height, building materials and colors for proposed building. Buildings should be of an architectural design that visually reduces the scale and impact of large buildings and constructed of materials which in color and texture are not incompatible with adjacent buildings and would not negatively impact upon property values in the "CUD" zone as determined by the Commission.

#### **18.7.7 Supplemental Requirements for Detailed Plans in the Historic Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. Building/Sign Detail Plans, prepared by a registered architect, drawn to scale, showing:
  - 1. Floor plans for each use and each building. In the case of buildings designated for residential development, the floor plan and area of each type of living unit are required.
  - 2. Exterior building elevations indicating the treatment of walls and finish materials. Exterior building elevations shall show all proposed utility structures, such as roof air conditioning/solar heating systems, exterior building materials and colors, and screening.
  - 3. Where any exterior physical change, addition, or demolition is proposed, 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.
- B. A table showing uses, ratios, the square footage of areas designated for those uses, and the number of parking spaces for the various uses. If residential development, the number of units per building and the number of bedrooms per unit.

- C. 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.
- D. The 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.

#### **18.7.8 Supplemental Requirements for Detailed Plans in the Flood Plain Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. Plans drawn to a scale of not less than 1" = 40' showing the nature, location, dimensions and elevations of the area for which a permit is requested; existing and proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- B. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures.
- C. Elevation, in relation to mean sea level, to which any structure has been flood proofed.
- D. Certification by a registered professional engineer or registered architect that the flood proofing methods for a non-residential structure meet the flood proofing criteria of Section 12.1.7.B.2, such certification must be provided on the plans.
- E. Plans for any walls to be used to enclose space below the base flood level.
- F. When base flood elevation data has not been provided in accordance with Section 12.1.5.B, the Commission shall obtain (or require an applicant to obtain), review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to assure compliance with the terms and requirements of Sections 12.1.7.B.1 and 12.1.7.B.2.

#### **18.7.9 Supplemental Requirements for Detailed Plans in the EHD Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. 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 and floor area ratios, distance between the buildings and lot line, and the distance between buildings.
- B. A statement concerning the availability of public transportation or municipally operated transportation specifically intended for use by the occupants, or a statement, including probable schedules and eligible destination for such services. When the developer is providing transportation services for occupants the same information shall be provided.
- C. Affidavits stating the developer shall impose and enforce the required age restrictions for occupancy in the project and listing all services that will be provided to the occupants, and such restrictions shall be filed on the land records before a building permit is issued and shall run with the land.
- D. A Building Plan indicating:
  - 1. Floor plan for each type of unit and each building calling out floor areas in square feet.
  - 2. Floor plan differentiating between private and semi-private spaces and residential and communal facilities/service areas drawn to scale and dimension.
  - 3. Exterior building elevations identifying the building's finish materials and colors.

#### **18.7.10 Supplemental Requirements for Detailed Plans in the SDC Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and impacts on the road system. For drive through facilities traffic impact analyses shall describe peak hours of operation, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service on adjacent streets.

- B. The proposed general system of utilities (including domestic water supply, fire protection, stormwater drainage, and sanitary sewer). A statement on the projected impact of the project on public water supply, drainage and sanitary sewer systems. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.
- C. A table of ratios indicating parking, floor area ratios, distance between buildings and lot lines, the distance between buildings, building heights, total landscaped area and parking lot landscaped area;
- D. A Building Plan indicating:
  - 1. Floor plan for each building.
  - 2. Exterior building elevations showing the building's finish materials and colors.
  - 3. A table indicating building height and roof style of all buildings on abutting properties.

#### **18.7.11 Supplemental Requirements for Detailed Plans in the FBZ Zone**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. The proposed thoroughfares labeled by thoroughfare type.
- B. All proposed building types and lot layouts by location.
- C. The proposed use of yards and setbacks.
- D. Location of all frontage zones and ground floor limitations.
- E. Proposed building elevations and architectural features including awnings, turrets, towers, porches, fenestration and transparency, roof types, building height, and proposed exterior materials.
- F. The location and type of proposed open space and civic spaces.
- G. A parking table showing the proposed uses, parking requirement, shared parking and parking calculations used to determine the proposed number of spaces.
- H. Designated loading and parking areas.
- I. A table showing the total site acreage and the percentage of land devoted to various types of civic or open space.

#### **18.7.12 Supplemental Requirements for Detailed Plans for Multi-Family Historic Mill Conversions**

In addition to the requirements of Section 18.7.1, the Detailed Plan shall include:

- A. Building Plan - a plan indicating:
  - 1. floor plan for each type of unit and each building
  - 2. exterior building elevations showing the building finish materials and colors.
- B. The Commission may require additional maps, plans, perspective drawings and other relevant documents and information deemed necessary.
- C. A traffic report regarding existing traffic conditions and projected traffic generation shall be required, or a certification shall be provided by a licensed traffic engineer stating that traffic conditions have not changed from the date of approval of the Preliminary Plan of Development.
- D. A report containing any findings that 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.

#### **18.7.13 Electronic Submittal Requirement**

Electronic copies of Detailed Plans shall be submitted in accordance with the "Town of Manchester, CT Geographic Information System, Policies and Rate Schedules" as adopted by the Board of Directors, January 21, 2003, and as amended.



18.7.14 Detailed Plan Approval

- A. A Detailed Plan shall be approved by the Commission prior to the issuance of a building permit. Such plan shall be in conformance with the approved Preliminary Plan, these regulations, the Subdivision Regulations if applicable, and the Public Improvement Standards.
- B. A Detailed Plan shall be acted on in the manner prescribed for a Site Plan approval and there shall be no requirement for a public hearing upon submission of the Detailed Plan, unless the Detailed Plan is submitted in conjunction with the Preliminary Plan. In either case, the Detailed Plan shall be submitted in accordance with Section 18.7 of these regulations.

18.8 Soil Erosion and Sediment Control Plan

18.8.1 Activities Requiring a Certified Erosion and Sediment Control Plan

- A. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.
- B. Construction and related activity for single-family homes which are not part of a subdivision of land shall be exempt from the provisions of these regulations.

18.8.2 Plan Requirements

To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. All plans shall be developed in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2024), as amended. Alternative principles, methods and practices may be used with approval of the Commission. The plan shall include:

- A. A narrative describing:
  - 1. The development.
  - 2. The schedule for grading and construction activities, including
    - a. Start and completion dates.
    - b. Sequence of grading and construction activities.
    - c. Sequence for installation and/or application of soil erosion and sediment control measures.
    - d. Sequence for final stabilization of the project site.
  - 3. The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 4. The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 5. The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 6. The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 7. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

- B. The stamp and/or signature of a registered engineer, landscape architect, or certified soil scientist and including a statement certifying that the plan is in compliance with the Town of Manchester Soil Erosion and Sedimentation Control Regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 2024, as amended, including the following certification signature block:

|  |
|--|
| <p>"The Planning and Zoning Commission certifies that the Soil and Erosion and Sedimentation Control Plan complies with the requirements of the Town of Manchester Regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 2024, as amended".</p> <p>Signature _____</p> <p>Date of Approval _____</p> |
|--|

### 18.8.3 Issuance or Denial of Certification

- A. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as submitted for filing, complies with the requirements of this regulation or deny certification when the development proposal does not comply with these regulations. Nothing in this certification action shall imply that the Commission is acting in a design or engineering capacity or guaranteeing the measures approved shall eliminate erosion or sedimentation; it certifies only that the plan submitted meets the minimum requirements of these regulations for a soil erosion and sediment control plan.
- B. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- C. Prior to certification, any plan submitted to the municipality may be reviewed by the North Central Conservation District or by a consultant engaged by the Town at the expense of the developer, either of whom may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- D. The Commission may also forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

### 18.8.4 Installation and Initiation of Work

- A. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan, and one copy of the certified plan shall be on the project site during construction.
- B. Site development shall not begin unless the soil erosion and sediment control plan is certified, control measures and facilities required in the plan that are scheduled for installation prior to site development are installed and functional and the required financial guarantee posted with the Department of Public Works.

### 18.8.5 Modification of Plans and Measures

- A. The Planning and Zoning Commission shall designate agents who shall have the authority to order and/or approve changes to certified plans in the event of unforeseen field conditions that require immediate remedial measures to improve the effectiveness of certified plans.
- B. If the developer wishes to make any changes to the certified plan, the developer shall submit a revised plan to the Commission. Minor modifications may be made in accordance with Section 18.9.

The Planning and Zoning Commission shall, after a review of the revised plan, either certify or deny certification in accordance with the provisions of Section 18.8.6B.

#### 18.8.6 Maintenance

- A. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- B. The developer shall correct erosion or sedimentation problems in the field and take appropriate measures to avoid such problems. If the erosion and sediment control measures certified by the Planning and Zoning Commission do not function to prevent erosion and sedimentation, either through inadequate design, emergency conditions, or unforeseen field conditions, the Commission shall direct the developer to revise the plan to correct and/or eliminate any deficiencies in the erosion and sedimentation control measures, and to install and maintain new measures. The developer shall promptly comply with the directions of the Commission.

#### 18.8.7 Financial Guarantee

The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a financial guarantee in accordance with Section 19.

#### 18.8.8 Inspection

An inspection shall be made by the Planning and Zoning Commission or its designated agents during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The contractor shall verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. Progress reports shall correspond to the construction/installation sequence of the certified plan.

### 18.9 Minor Modifications to Approved Plans

Minor changes to an approved Detailed Plan or a previously certified Erosion and Sediment Control Plan may be made with the concurrence of the Chair of the Planning and Zoning Commission and the Director of Planning & Economic Development, provided such changes shall in no way affect the overall layout or design of the site development plan or building architecture and in accordance with the following:

- A. Such minor changes may include, but are not limited to:
  1. The relocation of sidewalks, driveways, and other such physical improvements due to unforeseen topographical or surface or subsurface geological features.
  2. Siting and screening of trash disposal and mechanical facilities
  3. Slight alterations of finished contours
  4. Minor rearrangement of lighting fixtures, benches, and other incidental street furniture
  5. Minor landscaping changes, location or relocation of accessory structures when not visible from the street
  6. Landscaping and minor exterior building elevation changes.
- B. A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the Chair and Director.
- C. Following approval of a minor revision, the applicant shall submit within 10 days one Mylar copy and one paper copy, signed and sealed by the design professional, of the amended plan.
- D. Any change to an approved Detailed Plan or a previously certified Erosion and Sediment Control Plan that is not considered to be a minor change by the Chair or Director shall be processed as a formal modification to the approved Detailed Plan or previously certified Erosion and Sediment Control Plan and shall require the preparation of modified plans and the approval of the Commission. Major

amendments requiring Commission approval may include, but are not limited to, reduction of landscaping; expansion, demolition, or reconstruction of buildings; alteration of building materials or colors; addition of signs or lighting; reduction of parking; significant changes in grading or drainage; and so forth.

## 18.10 Special Exception Applications and Criteria

### 18.10.1 Applications

Applications shall include the following:

- A. A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and impacts on the road and sidewalk system. For drive through facilities traffic impact analyses shall describe peak hours of operation, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service on adjacent streets.
- B. A statement on the projected impact of the project on public water supply, drainage and sanitary sewer systems.
- C. The proposed Restrictive Conservation Easement agreement if one is proposed by the applicant.
- D. A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation and an Erosion and Sediment Control Plan meeting the requirements of Section 18.8.1.
- E. A Preliminary Plan meeting the requirements of Section 18.5.
- F. A Detailed Plan meeting the requirements of Section 18.7.

### 18.10.2 Public Hearing

The Commission shall hold a public hearing on the Preliminary Plan together with the Special Exception application. The applicant can choose to combine the Preliminary and Detailed Plan into a single submission.

### 18.10.3 Criteria for Approval

The Planning and Zoning Commission or the Zoning Board of Appeals, in acting upon any application for a Special Exception shall, after a public hearing, determine compliance with the conditions in the following paragraphs. The Commission or the Board may attach reasonable conditions of approval to Special Exception applications, to include necessary off-site improvements, to ensure compliance with the criteria of this Section.

- A. Suitable Location for Use. That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area, compatible with other existing uses, and, if applicable, further the goals and objectives of the Plan of Conservation and Development.
- B. Suitable Structures for Use. That the kind, size, location and height of structure and the nature and extent of landscaping on the lot are appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
- C. Neighborhood Compatibility. That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood. In determining neighborhood compatibility, the Commission /Board may refer to the Design Review Guidelines contained in the Rules of Procedure for the Planning and Zoning Commission/Zoning Board of Appeals.

- D. Adequate Parking and Access. That the parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.
- E. Adequate Streets for Use. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use, and the proposed use will not impede the implementation of the Transportation and Circulation recommendations of the Plan of Conservation and Development.
- F. Adequate Emergency Access. That the proposed use and/or site shall have proper accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.
- G. Adequate Public Utilities. That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
- H. Environmental Protection and Conservation. That the proposed plans have provided for the reasonable conservation of natural features to include the preservation of specimen trees, the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site. To ensure that the proposed plans provide for the reasonable conservation of natural features or environmentally sensitive areas, the applicant may propose, or the Commission may require as a condition to approval of the plan, a Restrictive Conservation Easement (RCE) as a way to conserve the natural features or environmentally sensitive area in question. The RCE may be established to:
  - 1. preserve, protect, and/or provide for recreation areas, farmland, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, landforms, or any other natural features, as well as scenic or historic resources;
  - 2. supplement existing open space and/or recreational areas, as well as any other existing condition in Item 1 above;
  - 3. promote the development of land in a way that is sensitive to the environment;
  - 4. promote the development of land in a way that is compatible with surrounding areas;
  - 5. preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion, and water pollution;
  - 6. control the extent to which steep slopes and problem soils are utilized for roadways, sewage disposal systems and other aspects of development;
  - 7. meet the objectives and goals of the Town Plan of Conservation and Development.
- I. Consistent with Purposes. That the proposed use will not have any detrimental effects upon the public health, safety, welfare, or property values, and that the proposed use will not conflict with the purposes of the Regulations.
- J. Compatibility with Plans: That the proposed use is compatible with plans adopted by the Town of Manchester including but not limited to the Plan of Conservation and Development, and other plans such as the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District where applicable.
- K. Integration of Use. For proposed multi-family residential applications in the GB and CUD zones the location and design of residential buildings on the site shall be completely integrated with the existing retail/commercial uses. Proposed residential shall be located and developed so as to create walkable, pedestrian friendly connectivity for all site uses.
  - 1. Pedestrian walkways and open space systems shall connect and integrate all site land uses and features.
  - 2. On site sidewalks shall be developed to access existing or potential off-site paths, walkways or bikeways connecting mass transit or public parking to the subject property.

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| TOC | Article I | Article II | Article III | Article IV | Article V | Article VI<br>Procedures & Administration | Article VII | Appendix |
|-----|-----------|------------|-------------|------------|-----------|---|-------------|----------|

3. Site driveways and parking fields shall be completely connected and integrated between all site land uses and features. Residential units shall not be disconnected from the overall vehicular circulation of the site.

#### **18.10.4 Minor Changes to Approved Special Exception**

- A. Minor changes to approved Special Exceptions may be made with the approval of the Chair of the Planning and Zoning Commission and the Director of Planning & Economic Development, provided such changes shall in no way affect the overall layout or design of the site development plan or building architecture.
- B. Such minor changes may include, but are not limited to:
  1. The relocation of sidewalks, driveways, and other such physical improvements due to unforeseen topographical or surface or subsurface geological features.
  2. Siting and screening of trash disposal and mechanical facilities.
  3. Slight alterations of finished contours.
  4. Minor rearrangement of lighting fixtures, benches, and other incidental street furniture.
  5. Minor landscaping changes.
  6. Relocation of accessory structures when not visible from the street.
  7. Minor exterior building elevation changes.
- C. A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the Chair and Director.
- D. Following approval of a minor revision, the applicant shall submit within 10 days one Mylar copy and one paper copy, signed and sealed by the design professional, of the amended plan.
- E. Any change to an approved Detailed Plan that is not considered to be a minor change shall be conducted in accordance with Section [18.9D](#).

## Section 19. Financial Guarantee Requirements

The Town shall require a financial guarantee in accordance with CGS §8-3g as amended to ensure installation of required soil erosion and sedimentation control measures and timely and adequate completion of any site improvements that will be conveyed to or controlled by the Town.

### 19.1 Financial Guarantee for Soil Erosion and Sediment Control Measures

- A. Site development shall not begin unless the soil erosion and sediment control plan is certified, control measures and facilities required in the plan that are scheduled for installation prior to site development are installed and functional and the required financial guarantee posted with the Director of Public Works.
- B. The Director of Public Works, on behalf of the Commission, may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit is acceptable to the Commission.
- C. The amount of financial guarantee shall be the estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan approved by the Commission plus a contingency amount not to exceed 10% of such cost.
- D. In the event that a developer fails to perform the work within the time limits specified in a certified plan or fails to perform any work in accordance with a certified plan, the Commission or its agent, the Director of Public Works, shall advise the developer and the provider of the financial guarantee in writing of this fact and direct that any necessary work be completed within a specified time. If the developer and/or the provider of the financial guarantee do not comply with the directions of said Commission or its designated agent, the Commission or its agent may arrange for said necessary work to be done by the Town or a person or entity employed for such work by the Town and recover the cost thereof from the developer and/or the provider of the financial guarantee.

### 19.2 Financial Guarantee for Public Improvements

- A. The Director of Public Works, on behalf of the Commission, may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit is acceptable to the Commission.
- B. The financial guarantee shall be in the amount that is allowed under CGS §8-3g to fully cover the anticipated cost of completing the construction of public improvements plus contingency amount not to exceed 10% of such cost. The amount of financial guarantee will be estimated by the applicant and approved by the Commission or its agent, the Director of Public Works. Said estimate shall be made and delivered to the Director of Public Works in accordance with CGS §8-3g as amended. 25% up to a maximum of \$100,000 of the estimated bond must be provided in cash, passbook, or letter of credit.
- C. If the person posting a financial guarantee requests a release of all or a portion of such financial guarantee, the Director of Public Works may release the financial guarantee if the Director approves the completed improvements. The financial guarantee release will be conducted in accordance with CGS §8-3g as amended. The cash, passbook, or letter of credit shall be the last portion of the financial guarantee to be released.
- D. When the developer petitions the Town of Manchester to accept the public improvements, the developer shall agree to place with the Town a financial guarantee equal to 10% of the original approved estimate of the cost of construction and installation of public improvements. Said financial

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| TOC | Article I | Article II | Article III | Article IV | Article V | Article VI<br>Procedures & Administration | Article VII | Appendix |
|-----|-----------|------------|-------------|------------|-----------|---|-------------|----------|



guarantee shall secure to the Town protection against faulty construction for a one-year period after the Town accepts the public improvements. When the public improvement is accepted by the Town, the Director of Public Works shall release remainder of the financial guarantee in accordance with CGS §8-3g as amended.

## Section 20. Procedures

### 20.1 Public Hearing Notification Requirements

For all applications and appeals requiring public hearings of the Planning and Zoning Commission and/or the Zoning Board of Appeals, the applicant or appellant shall be responsible for posting a sign or signs on the subject property notifying the public of any scheduled public hearing.

The sign will be provided by the Planning & Economic Development Department. The sign posting shall comply with the following:

- A. Sign(s) shall be placed on the property that is the subject of the public hearing (NOTE: the sign may not be placed within the public right-of-way between the curb or edge of pavement and the front property line).
- B. All signs shall be located so that their message is clearly visible and legible from each street abutting the subject property.
- C. Sign(s) shall be posted for at least 10 days prior to the public hearing.
- D. Prior to commencement of the public hearing, the applicant shall submit evidence that the sign was posted as required above.

### 20.2 Completion of Existing Buildings

Nothing in these regulations shall require any change in the location, construction, or designated use of a building, for which a building permit has been issued, or plans for which are on file with the building inspector, at the time of the adoption of these regulations, and the construction of which, in either case, has been diligently prosecuted within 6 months of the date of such permit, and the ground story framework of which, including the second tier of beams, has been completed within 6 months, and which entire building has been completed, according to such plans as filed, within one year from date of the adoption of these regulations.

### 20.3 Enforcement

These regulations shall be enforced by the appointed Zoning Enforcement Officer who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found in violation of any provisions of these regulations. The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed or shall exist; or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist; or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation shall have been committed or shall exist; shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues.

## Section 21. Zoning Board of Appeals

### 21.1 Powers and Duties

- A. Hear and decide appeals where it is alleged there is error in any order, requirements, or decision made by the Zoning Enforcement Officer in the enforcement of these regulations.
- B. Where a zoning boundary line divides a lot in single ownership, authorize an extension of either zoning uses into the abutting zone for not more than 25 feet from the zoning boundary line.
- C. Adopt, from time to time, such rules and procedures as may be deemed necessary to carry into effect the provisions of these regulations.
- D. Authorize on appeal, variances from the strict application of the provisions of these regulations to a specific lot or piece of property where, by reason or exceptional shape, exceptional topography or other exceptional situation or conditions, unusual difficulty or unreasonable hardship would result to the owners of said property; provided that relief can be granted without impairment of the integrity of these regulations and without substantial detriment to the public welfare. Before any variance is granted, it shall be shown that special circumstances attach to the property, which do not generally apply to other property in the same neighborhood.
- E. Hear and decide all matters including Special Exceptions upon which it is required to pass the specific terms of the Zoning Regulations.

### 21.2 Appeals

Every appeal taken under this section, and every application for variance, and request for Special Exception, shall be made on forms especially provided, which shall include all the data required by the Board. Such forms shall be filed in duplicate with the Board.

### 21.3 Determinations and Decisions

- A. All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these regulations. In addition to this general rule of guidance, and to particular requirements, hereinbefore specified in these regulations, no permit for Special Exceptions shall be issued by the board unless it finds in each case that the proposed building or structure of the proposed use of land:
  - 1. Will not create or aggravate a traffic hazard, fire hazard, or panic hazard.
  - 2. Will not block or hamper the town pattern of highway circulation.
  - 3. Will not tend to depreciate the value of property in the neighborhood, or its residences, or alter the neighborhood's essential characteristics.
- B. Whenever the Board grants or denies a Special Exception or variance or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the zoning regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

### 21.4 Certification

No variance or Special Exception granted shall be effective until a certified record containing a description of the premises to which it relates, specifying the nature of such variance or Special Exception including the regulation that is varied or to which a Special Exception is granted, and stating the name of the owner of record, is recorded by the applicant in the land records of the Town Clerk's office.

# Article VII – Definitions

## Section 22. Word Use and Acceptable References

### 22.1 Word Use

For the purposes of these regulations, certain terms and words used herein shall be used, interpreted, and defined as set forth in this section.

- A. The word "person" includes an individual, a corporation, a partnership, and an unincorporated association.
- B. The word "shall" is always mandatory.
- C. The word "may" is permissive.
- D. "Town" means the Town of Manchester, Connecticut.
- E. "State" means the State of Connecticut.
- F. "Commission" means the Planning and Zoning Commission of the Town of Manchester, unless otherwise specified.
- G. Any agency, commission, board or department is that of the Town of Manchester, unless otherwise specified.
- H. "Use", "used", or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied" as the primary purpose or activity of the premises.
- I. Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.
- J. The words "zone", "zoning district", and "district" shall have the same meaning.
- K. The phrase "these regulations" shall refer to the entire Zoning Regulations of the Town of Manchester.
- L. The word "Section" shall refer to a section of these regulations, unless otherwise specified.

### 22.2 Acceptable References for Definitions

Words used in these regulations shall be determined to have the meanings as defined in this Article. Doubt as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission after reference to:

- A. The Connecticut General Statutes
- B. Black’s Law Dictionary
- C. The Illustrated Book of Development Definitions, Fourth Edition
- D. Webster’s Third New International Dictionary

## Section 23. Zoning Terminology Definitions

See [Section 24](#) for Use Definitions.

**Abutting:** Separated by no intervening private property; properties separated by a public or private street shall be deemed to be Abutting.

**Accessory Use:** A use that is clearly incidental to and customarily found in connection with and located on the same zoning lot as the principal use and clearly subordinate to the principal use.

**Addition:** An extension or increase in floor area or height of a building or other structure or an increase in building coverage.

**Adjoining:** Having a common boundary or edge; touching.

**Agent:** An individual specifically authorized to act on behalf of or in the place of the property owner of record at time of the application.

**Alcoholic Liquor:** Beer, spirits and wine as defined in Chapter 545 of the Connecticut General Statutes, as amended, known as the "Liquor Control Act".

**Alteration:** As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to - produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

**Antenna:** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

**Apartment:** A building containing more than two separate dwelling units designed and built in accordance with the apartment regulations in effect at the time of construction.

**Aquifer:** A geologic formation or deposit that contains a considerable amount of obtainable groundwater, in particular, stratified drift areas having a saturated thickness greater than 10 feet, which are located near large surface water bodies capable of supplying water to the Aquifer by induced filtration.

**Archaeological Resources** – Objects, ruins and structures of prehistoric, historic and industrial significance.

**Arterial, Major or Minor:** As delineated on CT DOT's Functional Classification Map.

**Automobile:** A vehicle typically with passenger registration or any vehicle with motorcycle registration. For the purpose of these regulations the term "automobile" shall not be construed to include commercial vehicles, construction equipment, or equipment designed to carry freight and goods.

**Awning:** A protective, roof-like covering, as over a window or storefront.

**Basement:** Any area of the building having its floor below ground level on all sides.

**Bedroom:** An area within a residential building having the potential to be utilized as a sleeping area on a consistent basis and which provides privacy to the occupant. Entry is through a door from a common area, not through a room already deemed a bedroom. It normally contains at least one egress window and a closet. Dens, home offices, libraries, and the like are not considered bedrooms.

**Berm:** An earthen bank used to provide a visual or noise buffer, control stormwater, or to provide other separation between uses, structures, or parcels.

**Buffer:** An area within a required yard that contains trees, shrubs, walls, fences, rocks, berms and other landscaping materials and whose primary function is to provide effective visual, noise, and odor insulation from adjacent property and roadways.

**Buildable Area:** The share of a lot that may be covered by structures.

**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 that may be occupied by buildings.

**Building Coverage:** The share of a lot covered by all buildings.

**Building Footprint:** The total area, measured on a horizontal plane, of the principal building.

**Building Height:** 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.

**Building Line:** An imaginary line across a lot over which no building shall encroach towards the street. For the purpose of building permit issue a building line shall be: (1) A line across a lot parallel to the street at the minimum front yard depth, or (2) A line shown to be a building line on an approved plan of subdivision, which line may differ from (1), or (3) An imaginary line established for certain streets by the Planning and Zoning Commission by authority of the charter.

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

**Bulk:** Bulk includes regulations dealing with floor area ratio, floor area, building height, lot area, lot coverage, lot lines, or other similar standards relating to the size, location, and scale of development on a site.

**Business Zones:** For the purposes of these regulations, references to Business Zones shall include only the B1, B2, B3, B5, CBD, GB, NB, and SDC zones.

**Caliper:** The diameter of a tree trunk measured 4 feet from the top of the root crown of an established tree and 1 foot from the top of the root crown of nursery specimen or newly planted tree.

**Certificate of Occupancy (CO):** A document issued by the Building Official that allows the occupancy or use of a building and certifies that the structure has been constructed in compliance with applicable codes and ordinances.

**Certification:** A written statement by the appropriate officer that required constructions, inspections, test, or notices have been performed and comply with applicable requirements.

**Certificate of Zoning Compliance:** A letter or document as issued by the Zoning Enforcement Officer stating that a specified use or structure is in conformance with all zoning regulations or is a valid nonconforming use.

**Change of Use:** Any proposed use that differs from the existing use of a building, structure or lot.

**Character:** 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.

**Class A-2 Survey:** A horizontal control survey that establishes points on a horizontal coordinate system to a standard of accuracy as defined in Section 20-300b-11 of the Regulations of Connecticut State Agencies - Standards for Surveys and Maps.

**Commercial Vehicle:** Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating it is intended for use other than personal and/or recreational transportation.

**Commission:** The Planning and Zoning Commission of the Town of Manchester.

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

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

**Cul-De-Sac:** A street with only one means of ingress and egress and ending in a turnaround.

**Deck:** An accessory structure consisting of one or more horizontal surfaces attached to and extending from the dwelling and used for accessory residential uses.

**Department of Public Works** – The Town of Manchester Department of Public Works.

**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.

**Development:** See Section 12.1.4 of the Flood Hazard Regulations.

**Disturbed Area:** An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**Drainage:** The controlled removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development, to maximize groundwater recharge, and to prevent or alleviate flooding.

**Driveway:** Any access from a street used, designed, or intended to be used for vehicular ingress and egress to any building, structure, use or lot.

**Driveway, Common:** A driveway serving more than one lot.

**Dwelling:** A self-contained housing unit used by one household including facilities for cooking, bathing, room or rooms for living, sleeping and eating, and its own separate entrance.

**Easement:** A right, established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

**Enlargement:** Any addition to the floor area or volume of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

**Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

**Expansion:** Any increase in the size or capacity of a structure or use beyond its original dimensions or scope.

**Extension:** An increase or amplification of an existing building, structure, or use. Includes any increase in the normal days or hours of operation or any increase in the scope of services offered of any nonconforming, non-residential use of land, buildings, or structures.

**Family:** An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

**Fence:** See Use Definitions.

**Finished Grade:** The final elevation of the ground level resulting from improvements to a site.

**Floor:** The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

**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.

**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.

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

**Floor Area Ratio (FAR):** The gross floor area of all buildings on a lot divided by the total area of the lot.

**Forecourt:** A private open space where a portion of the façade 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.

**Front Yard:** An open minimum space across the full width of a lot that 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.

**Garage:** A detached accessory structure or portion of a principal building for the primary purpose of the parking and storage of automobiles.

**Grade:** The elevation of the ground or pavement surface.

**Grading:** 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.

**Ground Cover:** Plant materials generally not in excess of 24 inches in height and used for decorative purposes or for their soil stabilization characteristics. Such materials include but are not necessarily limited to ivy, pachysandra, crown vetch, ground pine, and similar materials.

**Habitable Floor:** Any floor usable for living purposes or readily convertible for such purposes, including: working, sleeping, eating, cooking, recreation, or a combination thereof, in part or whole.

**Hazardous Material:** Any substance that because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in the Town of Manchester; any substance designated a



hazardous material by any federal, state or local agency having jurisdiction shall also be deemed a hazardous material for purposes of these regulations.

**Height of Telecommunications Tower:** means the vertical distance measured in feet from the average existing ground elevation surrounding the tower and within 10 feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of the application. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

**Human Occupancy:** The use of an enclosed space having means of egress, light, ventilation and access to sanitary facilities by any person or persons for the purpose of living, working or playing.

**Impervious:** Impenetrable by surface water.

**Interior Lot Line:** As applied to a two-family duplex residence shall mean a common vertical wall with the other residence and having a fire-resistance rating of no less than 3/4 hour or the rating required by the Connecticut Basic Building Code, whichever is greater.

**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.

**Junk:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use of disposition.

**Kitchen:** A room, place or space within a structure equipped for the preparation and/or cooking of food.

**Landscaping:** The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation, planting of new vegetation, and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

**Livestock:** Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.

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

**Loading Space:** An off-street area or berth for the loading or unloading of bulk goods from commercial vehicles.

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

**Lot Area:** The area of a horizontal plane bounded by all lot lines.

**Lot Frontage:** (1) The length of a lot line that 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.

**Lot Line, Rear:** The shortest single straight lot line, which is roughly opposite of, and farthest from, the front lot line.

**Lot Line, Side:** Any lot line not a front lot line or a rear lot line extending directly or indirectly from the front lot line.

**Lot of Record:** A lot for which a deed has been recorded in the Office of the Town Clerk of the Town of Manchester that met the requirements of these Regulations and, as applicable, the Manchester Subdivision Regulations, at the time of such recording.

**Manufactured Home:** A structure able to be transported in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

**Motor Vehicle:** A motor vehicle as defined per Connecticut General Statutes Section 14-1 as amended.

**Multi-Family Units:** Three or more residential units contained within a single structure including apartments, townhouses, or attached single-family dwellings.

**Nonconforming Lot:** A lot of record that does not currently conform to one or more aspects of these regulations.

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

**Occupy:** To take possession or enter upon for the purpose of using. When applied to a dwelling unit, see the definition of “human occupancy”.

**Parking Area:** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**Parking Structure:** A multi-level parking facility.

**Paved Area:** An area covered with a surface to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, streets, parking lots, driveways, loading areas, sidewalks, or impervious surface drainage swales.

**Person:** Any person, firm, partnership, association, corporation, company or organization.

**Plaza or Square:** 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.

**Porch:** A portion of a building that has a roof and a floor and is not enclosed by full walls.

**Poultry:** Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat or eggs.

**Premises:** Attached land or adjuncts.

**Principal Structure:** A structure in which is conducted the principal use of the lot on which it is located.

**Professional Architect, Engineer, Surveyor:** An architect, engineer, or surveyor licensed by the State of Connecticut.

**Public Parking Lot:** A principal use of a lot, or portion thereof, used for the parking, standing, or storage of registered motor vehicles owned by persons other than the owner or occupants of the premises and offered for use to the general public.

**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.

**Recreational Vehicle:** See Section 12.1.4 of the Flood Hazard Regulations.

**Refuse:** Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

**Residence:** One or more dwelling units for permanent occupancy located in a permanent structure or building.

**Restrictive Conservation Easement (RCE):** 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.

**Retaining Wall:** A wall or similar structural device used at a grade change to hold soil and/or other earth material at a higher position. Retaining walls may be attached to or independent from other structures.

**Right-of-Way:** An area not contained within a parcel or lot primarily intended for transportation but may also be associated with utility infrastructure.

**Screen or Screening:** Dense vegetation or other landscape materials, or a combination thereof, that provide effective year-round visual insulation from adjacent property for a minimum of 6 feet in height.

**Sediment:** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Setback:** The shortest distance between any part of the building or structure and the nearest property line.

**Shade Tree:** A deciduous tree with an expected mature height of 35 feet or greater.

**Shed:** A relatively small accessory structure that is often prefabricated and used primarily for storage of goods for use outdoors. Typically, not a heated structure or serviced by plumbing.

**Shrub:** A woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground.

**Side Yard:** An open minimum space that 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.

**Sight Distance Triangle:** Defined in the Town of Manchester "Public Improvement Standards."

**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.

**Site Improvement:** The alteration of existing features of a site pursuant to the construction, reconstruction, conversion, structural alteration, relocation, enlargement of any structure, or of any mining, and any change in the use of any building, or other structure, or land, or extension of the use of land, excepting agricultural land uses not requiring a Building Permit or Zoning Permit.

**Soil:** Any unconsolidated mineral or organic material of any origin.

**Soil Erosion and Sediment Control Plan:** A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Soil Scientist:** An individual duly qualified in accordance with standards set by the United States Civil Service Commission.

**Special Exception:** A use of land and buildings that may be subject to special requirements and that 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).

**Street:** 1) Any Town or State highway, except limited access State or Interstate highways; 2) any public or private street shown on a subdivision plan approved by the Manchester Planning Commission and filed in the Land Records of the Town of Manchester, which approval has not lapsed in accordance with Conn. Gen. Stats. § 8-26c; or, 3) any street owned and maintained by a legally constituted association.

**Street Line:** The dividing line between the street and the lot.

**Structure:** See Section 12.1.4 of the Flood Hazard Regulations.

**Subdivision:** A division of a tract or parcel of land into 3 or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes and includes resubdivision.

**Surety:** A corporate surety company licensed to do business in the State of Connecticut.

**Tenant:** The occupant, whether temporary or permanent, of premises.

**Terrace:** Surfaced area adjacent to a building, which serves as an outdoor extension of the use of that building, which is open both vertically and horizontally.

**Through Lot:** An interior lot that extends through the block from street to street.

**Tower:** means a structure that is specifically intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

**Use:** Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied, or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

**Vegetation:** The natural and traditional plant life of a region legally existing as of the adoption of these Standards, and not to include grass, gardens, and ornamental shrubs and trees.

**Water Supply:** Water supplied by all regulated water companies.

**Wetlands:** Those areas identified as defined in Section 22a-32 and 22a-38 of the Connecticut General Statutes, as amended.

**Wireless Telecommunication Services:** Licensed communications including, but not necessarily limited to, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**Yard, Required:** The minimum unoccupied space open to the sky on the same lot as the subject building or structure having those minimum dimensions prescribed by these Regulations.

## Section 24. Use Definitions

See [Section 23](#) for Zoning Terminology Definitions

**Accessory Alcohol Sales:** The sale of alcohol for on-premises consumption as accessory to the principal use.

**Accessory ATM:** An Automated Teller Machine located outside or as a separate structure from the principal building or use.

**Accessory Building or Structure:** A subordinate structure located on the same lot as a principal building.

**Accessory Child Care Center:** An establishment, that is accessory to the principal use, that offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis.

**Accessory Dwelling Unit:** 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 Office:** Office space that is subordinate to and supportive of the principal use.

**Accessory Retail:** Retail sale of goods or supplies that are either manufactured or processed on site provided said retail sale is subordinate and incidental to the permitted use in all respects, including but not limited to the proportion of space and resources devoted to said accessory use.

**Adult Day Care Center:** A facility for disabled adults and the frail elderly that 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 24 hours in one or more days in a week.

**Adult-Oriented Establishment:** Includes, 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:** The primary production of products of the soil, involving the cultivation of the land and the raising and harvesting of these products, including, but not limited to, nurseries, horticulture, forestry, livestock, and poultry, as further defined by Connecticut General Statutes Section 1-1(q). May include structures accessory and incidental to agricultural use including barns, silos, greenhouses, solar and energy conservation equipment, and other out-buildings.

**Agritourism - High Impact:** 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.

**Agritourism - Low Impact:** 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.

**Antennae or Dish:** Wall, chimney, or roof mounted devices for the reception of radio, television, or internet signals.

**Assisted Living Facility:** A managed residential community, which provides private residential units and nursing, housekeeping and maintenance services, security, on site management, 3 meals daily, and laundry service for residents, intended to assist residents with activities of daily living while maintaining a maximum level of independence.

**Auction Gallery:** An auction house or a commercial space where items are sold through an auction process.

**Auto Sales:** Sale or lease of new or operable used automobiles, light trucks, and motorcycles together with associated maintenance and repair services and parts sales. Does not include automobile brokerage and other establishments that solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

**Auto Service:** Any building, place or location primarily providing motor vehicle repairs or service, or installation of motor vehicle-related components, including but not limited to mufflers, transmissions, brakes, lubrication, body work, and sound systems, but not including motor vehicle detailing.

**Bank:** A financial service business that primarily provides person-to-person retail banking services at that location including cash deposits and withdrawals using tellers and secondarily other banking services including personal business and mortgage loans and other financial services and is chartered and/or licensed as a bank by an agency of the Federal Government or Connecticut Department of Banking.

**Banquet Hall:** A building, facility, room, or portion thereof, that 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 & Breakfast:** An owner-occupied single-family detached home, or portion thereof, where short-term lodging and meals are provided.

**Brewery or Distillery:** A facility where beer or alcoholic spirits are manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on the premises tastings.

**Broadcasting or Recording Studio:** Facility hosting radio or television broadcasting, audio or video production, recording, editing or related activities.

**Bulk Oil Storage:** A facility for the storage and distribution of fuel oil and heating fuel.

**Cannabis 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.

**Cannabis Dispensary:** A place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f of the Connecticut 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.



**Cannabis Hybrid Retailer:** A person or entity that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

**Cannabis 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 10,000 square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection.

**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.

**Cannabis Transporter:** A person or entity licensed to transport cannabis between cannabis establishments, laboratories and research programs.

**Car Wash:** An establishment engaged in the washing, waxing, or cleaning of automobiles or similar light vehicle exteriors and/or interiors.

**Caretaker Dwelling:** A dwelling unit located on the grounds of a cemetery that provides housing for the caretaker of the cemetery and the caretaker's family and may include an office for the cemetery.

**Carnival, Circus, or Exposition:** A temporary event, held indoors or outdoors, for the purpose of entertainment or celebration.

**Cemetery:** 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.

**Central Fuel Distribution System:** A central underground tank and pipes used for the distribution of fuel to individual buildings.

**Child Care Center:** An establishment that offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis.

**Christmas Tree Sales:** The seasonal outdoor sales of Christmas trees as an accessory to a principal use or on a vacant or undeveloped site.

**Community Building:** A building shared by residents of a residential facility or development for the purpose of supporting social interaction, activities, programming, or serving of meals.

**Community Residence:** A residential structure housing 8 or fewer persons with intellectual disability and necessary staff persons and is licensed by the State of Connecticut -or- any child care residential facility that houses 6 or fewer children with mental or physical disabilities and necessary staff persons and is licensed by the State of Connecticut -or- any community residence that houses 6 or fewer persons receiving mental health or addiction services and necessary staff persons, which is paid for or provided by the Connecticut Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health.

**Conference Center:** A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations may include sleeping, eating, and recreation.

**Congregate Housing:** Specially planned, designed, and managed multi-unit rental housing designed to provide supportive environments but also to accommodate a relatively independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities, may be provided.



**Continuing Care Retirement Community:** A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing, assisted living, and nursing facility.

**Contractor Shop:** A building used for the storage of tools and equipment commonly used in the contractor trades, which may include the outside parking of commercial vehicles. Contractor shops may be used for on-site work but are generally not used for the purposes of conducting sales. Excludes the outdoor storage of materials and supplies.

**Contractor Yard:** A lot, with or without buildings, that may be used to store equipment and vehicles commonly used in construction, landscaping, or other trade work. It may also be used for the temporary storage of materials and supplies for future use at other locations.

**Convalescent Home:** A facility providing a full range of 24-hour direct medical, nursing, and other health services. Registered nurses, licensed practical nurses, and nurse's aides provide services prescribed by a resident's physician. Nursing care and restorative physical, occupational, speech, and respiratory therapies may also be provided.

**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.

**Craft Café:** A facility where alcoholic spirits and food are served at retail for consumption on the premises as permitted by a Craft Café license. Such facility need not necessarily have a dining room or kitchen.

**Cultural Institution:** Museums, historic societies, or similar facilities of non-profit educational or cultural organizations.

**Data Processing:** An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form.

**Dormitory:** A building intended or used principally for sleeping accommodations where such building serves an educational institution.

**Drive-Thru:** An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles for establishments such as restaurants and banks.

**Driving Range:** A limited area on which patrons drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

**Dry Cleaner:** An establishment that launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

**Educational Institution or Facility:** A public or private institution that provides educational instruction to students.

**Electric Vehicle Charging Station:** An electric vehicle supply equipment station in a private or public parking space, which delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle.

**Equipment Rental or Leasing:** A facility that rents or leases heavy equipment typically used in construction and property maintenance activities.

**Family Child Care Home:** A private family home in which care is provided for not more than 6 children including the provider's own children not in school full time, without the presence of an assistant or substitute staff member approved by the State present and assisting the provider, or not more than 9

children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member, and for not less than 3 nor more than 12 hours during a 24-hour period and where care is given on a regularly recurring basis. An additional 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 account, except that if the provider has more than 3 school age children, all of the provider's own children shall be permitted.

**Family Resource Center:** A facility that 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.

**Farmers' Market:** 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."

**Farmstand:** A temporary roadside stand for sale of agricultural produce grown on the premises.

**Fence:** A structure, solid or otherwise, that acts as a barrier to mark a boundary, control access, provide concealment, and/or for decorative purposes.

**Fitness Club:** Multi-purpose fitness facility that may include a gym, ball courts, group fitness space, swimming pool, and spa functions.

**Fleet Parking:** Off-street parking area for a fleet of vehicles, which may or may not include an on-site building or structure.

**Funeral Parlor:** An establishment specializing in the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation in accordance with Chapter 385 of Connecticut General Statute.

**Gas Station:** Any building, place or location primarily engaged in the retail sale of vehicular fuels and which may sell other motor vehicle-related merchandise and/or perform minor repair work.

**General Office:** Offices that involve the transaction or provision of financial, professional, or business services, or the operation of service organizations. Office uses include but are not limited to accounting services, advertising agencies, business consultants, design professionals, financial institutions, investment companies, law firms, non-profit or social work agencies, public relations firms, offices of professional persons, sales agencies, technology professionals, etc. Office uses are characterized by having limited storage consisting of office supplies or the like, but not stock for resale.

**Golf Course:** A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf. Includes country clubs with golf courses.

**Government Building or Use:** Administrative offices or buildings of the state or federal government.

**Group Child Care Home:** A facility licensed by the State of Connecticut in which care is provided for not less than 7 nor more than 12 related or unrelated children on a regular basis, or which meets the

definition of a Family Child Care Home except that it operates in a facility other than a private family home.

**Health and Therapeutic Care Facility:** Facilities accessory to a senior housing facility or development that provide health and therapeutic care to the residents of that facility development.

**Heavy Industrial:** 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.

**Historic Mill Conversion to Multi-Family:** The conversion of an historic mill to a multi-family use.

**Hobby Auto Restoration:** Auto restoration work conduct as an accessory use to a residence.

**Hobby Kennel:** One pack or collection of dogs kept under one ownership on a single premise bred for pleasure, show, sports or sale as an accessory use to a residential property.

**Home Occupation:** A business use incidental and subordinate 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.

**Horse Farm or Stable:** The keeping of horses for commercial purposes including breeding, boarding, riding schools, or livery stables.

**Hospital:** A facility with medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions, including injuries, on an inpatient and outpatient basis. Includes general hospitals, special hospitals, long-term hospitals, and hospice facilities as defined by Chapter IV of the Public Health Code of the State of Connecticut. Does not include facilities to which persons may be involuntarily committed.

**Hotel:** 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, restaurant, fitness facilities, conference facilities, and indoor and /or outdoor event facilities for guests and patrons.

**Hotel/Motel Conversion to Multi-Family:** The conversion of a hotel or motel to a multi-family residence.

**Independent Living Facility:** Facilities for older residents where residents live independently in apartments, attached housing, or single-family homes and where communal meals, housekeeping, social activities, and other services may be provided.

**Incinerator:** A furnace or similar apparatus for burning waste, trash, or garbage.

**Indoor Entertainment Facility:** Entertainment facilities that are entirely enclosed, including billiard rooms, bowling alleys, and other forms of amusement.

**Indoor Farming:** May include one or more of the following activities:

Aquaculture: The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics: The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

Hydroponics: 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.

Horticulture: The cultivation of plants for commercial purposes.

**Indoor Recreation Facility:** An establishment or use where indoor recreation activity is conducted including, but not limited to, batting cages, athletic courts, ball fields, and skating rinks. Excludes fitness clubs.

**Industrial Office:** A corporate headquarters and/or office associated with business or industry otherwise permitted in the industrial zone.

**Inn:** 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.

**Keeping of Bees:** The keeping of bees as accessory to a residential property.

**Keeping of Hens:** The keeping of hens as accessory to a residential property.

**Keeping of Horses:** The keeping and stabling of horses as accessory to a residential property.

**Keeping of Livestock:** The raising and keeping of livestock as accessory to an agricultural use.

**Keeping of Pigeons:** The keeping of pigeons as an accessory use to a residential property.

**Keeping of Rabbits:** The keeping of rabbits as an accessory use to a residential property.

**Laundromat:** An establishment providing washing, drying, or dry-cleaning machines on the premises on a pay-per-use basis to the general public.

**Library:** A public, nonprofit, community-centered space that provides access to a wide range of physical and digital resources, including books, multimedia, internet access, and educational programs, which may also function a hub for learning, collaboration, and social engagement.

**Light Industrial:** 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.

**Light Manufacturing:** The production, assembly, or processing of small-scale or non-hazardous goods and products, typically involving limited environmental impacts, minimal noise, and no heavy industrial machinery.

**Live Entertainment or Dancing:** Live comedy, storytelling, music performances, or dancing conducted accessory to a restaurant.

**Loading Area:** An off-street area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, supplies, merchandise, equipment or products for delivery to or from an on-site or adjacent principal use.

**Manufacturing:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such.

**Medical Clinic:** An establishment licensed by the State Department of Health (consistent with Title 19, Section 19-13-D45 of the Regulations of Connecticut State Agencies) as an Outpatient Clinic, which as defined by such Section, is an establishment operated by a municipality or a corporation other than a hospital, which provides ambulatory medical or dental care for diagnosis, treatment and care of persons with chronic or acute conditions which do not require overnight care, or medical or dental care to well persons including preventive services and maintenance of health.

**Medical Office:** A professional space where licensed healthcare practitioners, such as doctors, dentists, or therapists, provide outpatient medical consultations, examinations, and treatments. Unlike a medical clinic, a medical office is not licensed as an outpatient clinic.

**Membership Organization:** A building, structure or use operated by a business or professional association; labor or political organization; or recreational, fraternal, political, civic, social or athletic organization on a not-for-profit basis for its members or guests accompanying them.

**Memorial Garden:** Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features that may be incorporated into that use (walls, fountains, mounds, columbaria, etc.).

**Mixed-Use Development:** A building or property with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, restaurants, and personal service establishments.

**Municipal Building or Facility:** Any Town of Manchester building, structure, or public safety facility.

**Municipal Office:** Building containing offices of the Town of Manchester.

**Municipal Park or Playground:** Town of Manchester parks, playgrounds, and recreational areas and facilities including customary accessory uses, buildings, and equipment.

**Municipal Parking:** Off-street parking facilities owned and operated by the Town of Manchester for public use.

**Nursery:** Land devoted to the commercial raising and sale of trees, plants, flowers or shrubs and which may include greenhouses.

**Off-Street Parking:** Parking area located off of a public right-of-way.

**Outdoor Dining:** A portion of an eating establishment that is located outdoors, which provides outdoor food and beverage service as an accessory use to the permitted food establishment.

**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.

**Outdoor Go-Kart Track:** A closed, paved racetrack for go-karts.

**Outdoor Recreation Facility:** Outdoor facility designed and equipped for the conduct of sports and other customary leisure activities. Includes but is not limited to outdoor athletic courts and fields, skating rinks, miniature golf, batting cages, and similar uses. May include accessory structures supporting the outdoor use. Excludes golf courses or driving ranges.

**Outdoor Storage:** The outdoor storage of materials, supplies, or equipment.

**Outdoor Vending:** Sales conducted outside from a tent, booth, cart, or vehicle.

**Outside Parking or Storage of Boats:** The parking or storage of boats on dry land.

**Outside Recreational Vehicle Parking:** The off-street parking of a recreational vehicle or a towable trailer outside an enclosed structure.

**Package Store:** A store holding a State of Connecticut Package Store Liquor Permit, which conducts the retail sale of alcoholic liquor in sealed bottles or containers not to be consumed on the permit premises.

**Personal Service Establishment:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods, apparel, or pets. Includes salons, barber shops, tailors, animal grooming establishments, etc.

**Place of Worship:** A building or buildings where people regularly assemble for religious worship, services, meetings or other activities.

**Playground Equipment:** Swings, slides, climbing apparatus, playhouses, or similar structures and devices typically built and installed for the use of children.

**Printing Establishment:** Printing operations occupying 20,000 square feet or more of gross floor area.

**Public Utility Building or Structure:** Buildings or structures that facilitate the operation, transmission, distribution, or maintenance of a public utility including but not limited to communications, electricity, water, sewer, and/or natural gas service.

**Renting of Rooms:** The renting of rooms and furnishing of table board for not more than 3 persons within a home, by the leaseholder or owner of the home who permanently resides in the home.

**Repair Shop:** Establishments primarily engaged in the provision of repair services of personal or household goods brought to the establishment. Typical uses include: small appliance or electronic repair shops, computer or digital device repair, shoe repair, watch or jewelry repair, or repair of musical instruments.

**Research and Development:** A facility or establishment engaged in research, development, and testing of material, products, or processes as the principal activity.

**Residential Conversion to Office:** The conversion of a residential structure to an office use, which may also include residential units.

**Residential, Live/Work:** A dwelling designed to accommodate a residence and business activities within the same unit. These units typically feature flexible space that allows residents to conduct small-scale commercial, professional, or artistic work while maintaining their primary residence on the premises. Live/work units are intended to support home-based businesses, offering a combination of living and working areas that meet local zoning standards for both uses.

**Residential, Multi-Family:** A building containing more than two separate dwelling units. Includes attached residential structures such as townhouses.

**Residential, Senior Multi-Family:** Multi-unit rental housing designed and constructed for occupancy by residents 55 years of age or older as enabled and defined by the Fair Housing Act "Housing for Older Persons" exemption, intended for independent living, and providing limited common areas for the use of the residents.

**Residential, Single-Family:** A free-standing residential building comprised of one dwelling unit.

**Residential, Two-Family:** A house that contains two separate family residences, built originally as such.

**Restaurant:** An establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises. Includes brewpubs.

**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.

**Retail Food Establishment:** An establishment or use whose principal business is the retail sale of a limited number and type of food or beverage products for consumption either on or off the premises,



including but not limited to baked goods; ice cream and similar frozen desserts; candy and similar confections; and coffee, tea and other non-alcoholic beverages. Includes delicatessens, bakeries, confectionary stores, and similar establishments.

**Retail Store:** An establishment 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.

**School Building Conversion to Residential:** The conversion of a school building to residential use.

**Seasonal Vestibule:** A temporary exterior passage, hall or room adjacent to a building entrance.

**Self-Storage Facility:** A warehouse facility open to the general public consisting of individual, leased, storage units.

**Senior Housing Development:** Dwellings designed and constructed for occupancy by residents 55 years of age or older as enabled and defined by the Fair Housing Act "Housing for Older Persons" exemption.

**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.

**Single-Family Conversion to Multi-Family:** The conversion of a single-family house to up to a 4-family residence.

**Single-Family Conversion to Two-Family:** The conversion of a single-family house to a two-family residence.

**Sign:** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, this is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by means of words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**Solar Energy System:** 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.

**Sports Court:** An outdoor paved surface designed and constructed for sports use including but not limited to basketball courts, pickleball courts, tennis courts, and futsal courts.

**Swimming Pool:** A water-filled structure, above or below ground and permanently constructed or temporary, having a depth of more than 2 feet and a water surface area of more than 80 square feet, used for wading or swimming.

**Tag Sale:** The temporary use of land or the building thereon for the purpose of the public sale of used personal household goods by the owner or the resident thereof in conjunction with the clean-out or vacating of the residential premises. In no way does the term "tag sale" encompass the sale of goods brought to the premises for the purpose of public sale at one location. The term "tag sale" shall include garage sale, yard sale, attic sale and similar term or activity.

**Telecommunications Facility:** Any facility, and its accessory uses or structures, utilized for the broadcast or reception of electro-magnetically transmitted information, except those facilities as are defined as noncommercial telecommunication sites.



**Theater:** A building or part of a building whose principal use is to show motion pictures or dramatic, dance, musical, or other live performances. Such establishments may include related services such as food, beverage sales, and other concessions.

**Veterinary Clinic:** A commercial facility where animals are brought in for medical care or treatment and may remain for observation or further treatment or recuperation but are not boarded.

**Warehousing:** A use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

**Wireless Telecommunication Antenna:** An antenna and associated mechanical equipment that is used for a wireless communications network.

**Wholesale Establishment:** An establishment engaged in the sales of food, home goods, commercial or industrial products, or other products typically in bulk quantities to the public or on a business-to-business basis. Includes wholesale membership clubs and building and contractor supply businesses that primarily serve contractors and tradespersons.

**Wireless Telecommunication Facility:** A Federal Communications Commission licensed facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communications devices and equipment.

Section 25. Abbreviations

- ADU:** Accessory Dwelling Unit
- BFE:** Base Flood Elevation
- CGS:** Connecticut General Statutes
- §:** Section of the Connecticut General Statutes
- CTDOT:** Connecticut Department of Transportation
- FAA:** Federal Aviation Administration
- FEMA:** Federal Emergency Management Agency
- FIRM:** Flood Insurance Rate Map
- FT:** Feet
- N/A:** Not Applicable
- NFIP:** National Flood Insurance Program
- POCD:** Plan of Conservation and Development
- SF:** Square Feet
- ZEO:** Zoning Enforcement Officer

# Appendix: Record of Amendments

This appendix provides a record of amendments made to the regulations subsequent to the 2025 Comprehensive Rewrite. Refer to the Town of Manchester, Connecticut Zoning Regulations (as amended December 30, 2024) for a comprehensive record of the regulations as they existed prior to the 2025 rewrite including the adoption/effective dates of amended items.

| Effective Date | Section # | Description  |
|----------------|-----------|--|
| 6/30/25        | 16.3      | Amended to allow the use of shared parking in the General Business Zone. |
| 9/1/25         | 10.2      | Amended Form Based Zone Regulating Plan.                                 |