

ARTICLE II ZONING USES

Section 8

COMPREHENSIVE URBAN DEVELOPMENT ZONE¹

8.01 Purpose

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

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

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

8.02 Permitted Uses

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

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

8.02.02 Personal service shops.

8.02.03 Office, including professional.

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

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

8.02.06 Hotel, motel.

8.02.07 Radio and television broadcasting studio.

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

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

8.02.10 Research and development facilities, data processing and laboratories.

8.02.11 Medical clinic, hospitals, medical offices.

¹ Repealed and replaced with new version 09/29/2016, effective 10/21/2016

- 8.02.12 Telecommunications services and facilities.
- 8.02.13 Accessory uses.
- 8.02.14 Family day care homes conducted in a dwelling unit.²
- 8.02.15³
- (a) Wireless telecommunication antennas located on buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All wireless telecommunications facilities shall be in accordance with the requirements of Article IV, Section 19.⁴
- 8.02.16⁵ Elderly Housing Development as permitted in Article II, Section 20.
- 8.02.17⁶ Gasoline Service Stations incidental to, operated by, and located on the same lot as a wholesale or retail store in excess of 100,000 square feet, subject to the following:
- (a) Such uses shall be limited to the sale of motor vehicle fuels (including gasoline, diesel, ethanol, and bio-fuels) and incidental automotive products, and shall not include automotive repairs.
 - (b) Such uses shall be exempt from (i) the requirements set forth in Article IV, Section 5.
 - (c) Approval by the Commission for such use shall operate as a certificate of approval of the location for such use.
 - (d) No Gasoline Service Station building shall be closer than 200 feet to any residential dwelling.
 - (e) No gasoline pumps may be located closer than 25 feet to any lot line.
- 8.02.18 Accessory use of yards, walkways and parking lots as allowed under Article II Sections 9.13.02, 9.13.03 and 9.13.04.⁷

² Rev. 12/04/89

³ Rev. 10/20/97, effective 11/11/97

⁴ New 11/03/03, effective 11/28/03

⁵ Rev. 04/20/98, effective 05/12/98

⁶ Rev. 01/21/09, effective 2/11/09

⁷ New 02/13/17, effective 03/01/17

8.03 Special Exceptions

Certain uses are deemed appropriate in the "CUD" zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission (unless authorization by the Zoning Board of Appeals is designated) after a public hearing. Special exception uses shall be subject to the provisions of the Special Exception Criteria in Article IV, Section 20.⁸

8.03.01^{9 10} All uses which include development on a site which is four (4) acres or larger in size.¹¹

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

~~8.03.03~~ All uses which require loading docks or bays in excess of seven (7).

8.03.~~03~~04¹² Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

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

⁸ Rev. 11/03/03, effective 11/28/03

⁹ Rev. 7/21/14, effective 8/1/14

¹⁰ Rev. 07/06/16, effective 07/20/16

¹¹ Rev. 11/03/03, effective 11/28/03

¹² New 02/13/17, effective 03/01/17

¹³ Rev. 05/20/19, effective 06/07/19

- ii. Each residential story in excess of four – 125 square feet for each 1 residential unit.
 - iii. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants
 - 1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, common balconies, rooftop gardens or patios, or similar common areas.
 - 2. Open space dedicated for residential tenants shall be located no greater than 100’ from the nearest residential building or mixed use building containing residential units.
 - iv. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.
 - 1. Such open space may include but not necessarily be limited to common plazas and sitting areas, central entertainment spaces, outdoor dining areas, and other spaces as the commission deems appropriate to satisfy the intent of this subsection.
 - 2. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.
4. Parking: Parking shall be provided in accordance with Article IV Section 9 except as follows:
- i. For residential units on sites within a one half mile radius of existing mass transit and where the unit mix consists of 50% or more one bedroom units the minimum parking ratio shall be 1 space per dwelling unit.
 - ii. For all other residential sites, minimum parking shall be 1 space per studio or one-bedroom dwelling unit and 1.5 spaces per dwelling unit with two or more bedrooms.¹⁴
 - iii. No more than 1.5 spaces per dwelling unit may be reserved for the exclusive use of residential tenants.
 - iv. Parking for all other site uses shall comply with the CUD zone.
 - v. The commission may approve a maximum 15% reduction in total required onsite parking if the site is within one quarter mile of existing mass transit and upon the preparation and review by the commission of a parking plan prepared by a traffic engineer licensed in the State of Connecticut.
 - vi. Site driveways shall be completely connected and integrated between all site uses and features. Residential circulation shall not

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

be disconnected from overall site vehicular circulation and parking areas.

5. Building Design Standards:

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

3. All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.
4. Ground level parking under buildings is prohibited within 20' of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3' high wall from ground level. Transparency shall be between 20% and 70% of the ground floor façade facing public spaces, primary drives and where visible from a public street. Openings may consist of open façade walls, grills, grates or other semi open architectural features. Other site screening elements such as berms, fences and landscape shall be employed where appropriate.

8.03.~~04~~05 Outdoor entertainment provided that:

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

8.03.~~05~~06 The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture, and Hydroponics.¹⁵

8.03.~~06~~07 Banquet Hall¹⁶

8.03.~~07-08~~ Conference Center¹⁷

8.03.~~08-09~~ Places of worship and schools. Day care facilities conducted in a church, a municipally owned building, or in a building used primarily for public recreation

¹⁵ New 05/20/19, effective 06/07/19

¹⁶ New 05/20/19, effective 06/07/19

¹⁷ New 05/20/19, effective 06/07/19

or education shall not be subject to the provisions of Article IV, Section 10.¹⁸

8.03.~~09~~10¹⁹ Industrial and technical uses with a principal character of light industrial including the manufacture and/or treatment of finished and semi-finished products from previously prepared materials, processing and assembly, wholesale trade and storage, warehousing, and research.

- (a) Such activities shall be conducted wholly within an enclosed building.
- (b) Storage of materials, products, or finished or semi-finished goods or products shall be inside the building only.
- (c) Transportation/distribution of the finished products produced at the site are allowed as part of this use.
- (d) No industrial use or process that is injurious, noxious, offensive or hazardous by reason of odor, dust, fumes, smoke or other pollutants, noise and vibration shall be approved for this zone.
- (e) The processes and uses enumerated in Article II, Section 16.17 (c-k) of these regulations are specifically prohibited.

8.03.~~10~~11²⁰ Cannabis retailer, dispensary facility, or hybrid retailer provided that:

- (a) No cannabis establishment shall be located within 500 feet of the property line of any property containing a school, or within 200 feet of the property line of any property containing a religious institution, charitable institution, hospital, or veterans' home.
- (b) No cannabis establishment shall operate beyond the hours of 8:00am to 10:00pm Monday through Saturday and 10:00am to 6:00pm on Sundays.

8.03.~~11~~12²¹ Cannabis cultivator or micro-cultivator provided that:

- (a) No cannabis establishment shall be located within 500 feet of the property line of any property containing a school, or within 200 feet of the property line of any property containing a religious institution, charitable institution, hospital, or veterans' home.
- (b) No cannabis establishment shall operate beyond the hours of 8:00am to 10:00pm Monday through Saturday and 10:00am to 6:00pm on Sundays.

8.03.~~12~~13²² The following land uses may be permitted by special exception in a "CUD" zone with approval of the Zoning Board of Appeals:

¹⁸ New 05/20/19, effective 06/07/19

¹⁹ New 08/17/2020, effective 09/01/2020

²⁰ New 12/13/2021, effective 01/03/2022

²¹ New 12/13/2021, effective 01/03/2022

²² Rev. 08/05/02, effective 08/30/02

(a) Carnivals and circuses in accordance with Article IV, Section 16.²³

(b) Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.²⁴

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

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 10. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.²⁵

(d) Signage associated with electric vehicle charging stations in accordance with the provisions of Article IV, Section 24.02.²⁶

8.04 Minimum "CUD" Zone Area

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

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

8.05 Site Development Criteria

8.05.01 All roads which are proposed to become town-owned streets and all improvements which are constructed within public rights-of-way or which are to be dedicated to the Town shall be constructed in accordance with the Town of Manchester "Public Improvement Standards"²⁷ whether or not subdivision approval is required.

²³ Rev. 05/16/11, effective 06/13/11

²⁴ Rev. 12/04/89

²⁵ Rev. 12/04/89

²⁶ Adopted 02/17/21, effective 03/10/21

²⁷ Rev. 03/17/97, effective 04/01/97

8.05.02 All developments shall have:

- (a) public sanitary sewer;
- (b) public water supply;
- (c) electric power installed in accordance with the Town of Manchester "Public Improvement Standards"²⁸;
- (d) telephone service installed in accordance with the Town of Manchester "Public Improvement Standards"²⁹.

8.05.03 Area, Height & Bulk:

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

8.05.04 Parking:

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

8.05.05 Landscaping:³⁰

- (a) Street trees at a minimum rate of one tree for every 50 feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three inch caliper measured at 12 inches above ground, and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.
- (b) Bufferyards of sufficient width and with adequate treatment to screen existing or approved residential uses from nonresidential uses shall be provided. Such landscaping shall screen residential uses from visual intrusion of other uses, mitigate noise generated from other uses, and provide separation between residential and nonresidential uses. Bufferyards necessary for required screening shall not be included in the open space ratio unless specifically approved by the Commission. At a minimum bufferyards shall be 30 feet wide but they may be widened or narrowed subject to the approval of the Commission depending upon the amount and type of landscaping treatment in accordance with Illustration One.
- (c) Landscaping shall be provided on all land use areas to provide transitions, including visual and pedestrian connections, between buildings of different size, scale, architecture or use and to provide continuity of urban design. Landscaping shall provide shade and visual interest on pedestrian systems and

²⁸ Rev. 03/17/97, effective 04/01/97

²⁹ Rev. 03/17/97, effective 04/01/97

³⁰ Rev. 07/20/87

pedestrian systems designed for the movement of people between buildings and from buildings to parking shall be lighted to provide safety and security.

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

8.05.06 Entrances and Exits:

Driveway curb cuts along each side of arterial and collector classified public streets shall be spaced not less than 500 feet apart unless otherwise approved by the Commission. Driveways on opposite sides of such streets shall be offset at least 250 feet between center lines. The proposed driveway curb cuts shall be shown on the Preliminary Plan.³¹

8.05.07 Minimum Setback Along Arterial and Collector Streets:

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

8.05.08 Design Review Criteria: ³²

The following design review criteria will be used by the Commission in determining whether the proposed land uses meet the purpose and intent of the regulation as set forth in sections 8.01.01 and 8.01.02:³³

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

³¹ Rev. 05/16/11, effective 06/13/11

³² Rev. 07/20/87

³³ Rev. 05/16/11, effective 06/13/11

accessible to the site from public streets.

8.06 Financial Guarantee Requirements³⁴

8.06.01 A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.³⁵

8.07 Use Variances

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

³⁴ Rev. 06/03/13, effective 06/21/13

³⁵ Rev. 06/03/13, effective 06/21/13

ILLUSTRATION ONE: BUFFER YARDS AND BERMS

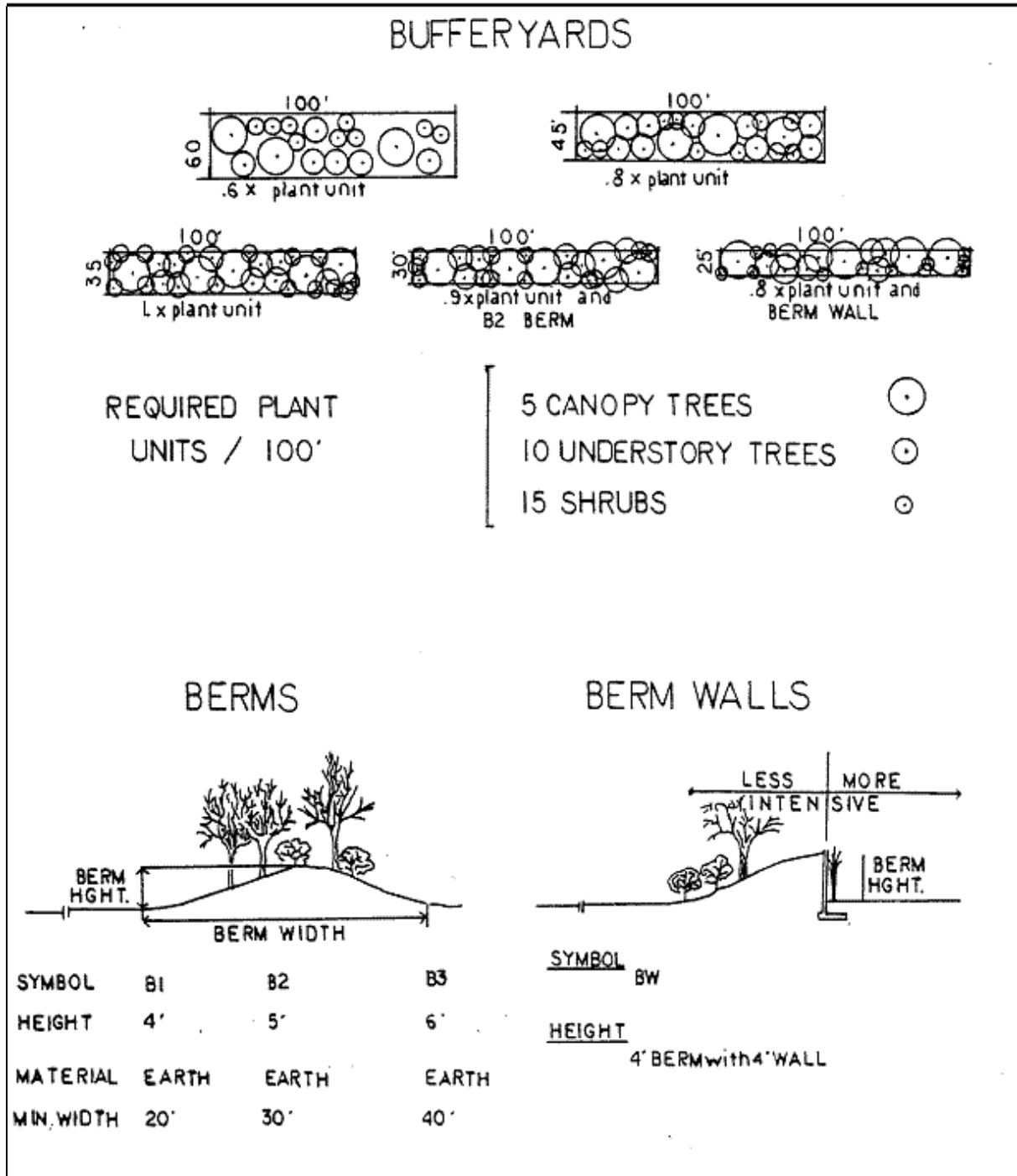


TABLE II 8-1 AREA, HEIGHT & BULK CRITERIA

Land Use	Height (maximum) Feet *	Floor Area Ratio** (maximum)	Lot Open Space Ratio (minimum)	Lot Yards*** (minimum in feet)****		
				Front*****	Side	Rear
Retail sales, Personal Service Shop, Restaurant, Alcoholic Liquor Sales, Bowling Alley, Museum, Theater, Cultural and/or Social Community facilities and similar Amusement Enterprises, Radio/TV Studio, Places of Worship ³⁴ , Schools, Medical Clinic, Land Sales/Construction facility, Carnivals and Circuses, Indoor and Outdoor Recreation facilities	60	.5	.10	25	15	25
Office & Motel/Hotel	70	1.0	.20	30	15	15
Public, quasi-public, and utility buildings, structures, and uses	no limit	.50	none	30	15	15
research/data processing and development facilities and laboratories	50	.40	.10	30	15	15
Multi-family dwellings ³⁵	As provided in Art II Sec 8.03.03	.30	As provided in Article II Section 8.03.03	40	15	15
Telecommunications services and facilities	40	.40	10	40	15	15
Elderly Housing Development ³⁶	as permitted in Article II, Section 20					
Gasoline Sales ³⁷	30	.40	.10	60	25	30
* Height in feet shall not include roof mounted equipment or their enclosures, mechanical, mechanical penthouses, or other non-habitable floor area. ** Does not include structures used solely for vehicle parking.				*** No parking in any front yards **** In planned multi-building projects such as, but not limited to, connected office and/or hotel buildings or shopping malls, no yard or setback is required between the connected buildings when the land upon which the buildings are located is divided. ***** There shall be a minimum front yard setback along all arterial and collector public streets within a "CUD" zone of 40 feet for buildings and 15 feet for parking provided, however, that parking shall be separated from any such arterial or collector street by a landscape buffer.		

³⁴ Adopted 01/17/01, effective 01/06/01

³⁵ Rev. 02/13/17, effective 03/01/17

³⁶ Rev. 04/20/98, effective 05/12/98

³⁷ Rev. 01/21/09, effective 2/11/09

ARTICLE II ZONING USES

Section 9

GENERAL REQUIREMENTS FOR BUSINESS ZONES¹

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

9.01 Uses

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

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

9.02 Compliance with Zoning

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

9.03 Building Permits

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

9.04 Provision of Public Improvements

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

9.04.02 In the event that the vehicle surface of the highway is not constructed up to the curb installed by the developer, the developer shall construct that part of the vehicle surface to town standards so that the vehicle surface abuts the curb, unless such requirement is waived or deferred by the Commission.

9.05 Noise Abatement

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

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

9.06 Yard Requirements When Abutting Residential Zones

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

9.07 Residential Zone Screening

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

The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening.

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

Fencing shall be required when landscaping and grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. Fences shall be installed in accordance with the requirements of Article II, Section 1.03.05². The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted.

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

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

9.08 Yard and Building Lighting

² Rev. 10/04/06, effective 10/25/06

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

9.09 Access to Premises

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

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

9.10 Automobile Parking

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

9.11 Alcoholic Liquor Sales

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

9.12 Public Sanitary Sewer and Water

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

9.13 Accessory Uses

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

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

³ Rev. 07/06/16, effective 07/20/16

⁴ Rev. 01/17/18, effective 02/02/18

- Solar energy systems in accordance with Article IV Section 6
- Electric vehicle charging stations in accordance with Article IV, Section 24.⁵

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

9.13.03⁷ Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in a business zone, provided the vendor has the permission of the property owner, obtains a vending permit from the Town of Manchester, and meets the following requirements:

1. Vendors may not obstruct sidewalks, impede traffic, or create a traffic hazard.
2. All items offered for sale shall be maintained within the tent, booth, cart or vehicle designated for such purpose, and signs must be on or inside the tent, booth, cart or vehicle.
3. All vendor tents, booths, carts, vehicles or any appurtenant structures must be self-contained as far as water, sanitary or other facilities and no connections to such facilities shall otherwise be permitted.
4. All vendor tents, booths, carts, vehicles or any appurtenant structures shall be removed from the property when the vendor is not in operation. The operation of any such business at any location shall not be conducted before 7:00 a.m. or after 9:00 p.m. on any day.

9.13.04⁸ Yards, walkways, or parking lots may be used by business tenants of a business zoned property or vendors for seasonal or special sales for a period not to exceed a total of 24 days annually, provided the tenant or vendor has the permission of the property owner and locates the display and sales area in a manner that does not impede traffic flow, and provides for the safe movement of pedestrians. Vendors who are not tenants will also need to obtain a Town of Manchester Vendor Permit.

9.14 Special Exception Uses

9.14.01 Certain uses are deemed appropriate in business zones but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission or by the Zoning Board of Appeals as designated in the zoning district regulations. Special exception uses shall be subject to the Requirements of the Special Exception Criteria and Application Requirements of Article IV, Section 20.

9.14.02^{9 10} The following uses shall require special exception approval from the Planning and

⁵ Adopted 02/17/21, effective 03/10/21

⁶ Rev. 07/06/16, effective 07/20/16

⁷ Rev. 07/06/16, effective 07/20/16

⁸ Rev. 07/06/16, effective 07/20/16

⁹ Rev. 7/21/14, effective 8/1/14

¹⁰ Rev. 07/06/16, effective 07/20/16

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

- (a) All uses which include development on a site which is four (4) acres or larger in size.¹¹
- (b) All uses which require automobile parking spaces in excess of 60.
- (c) All uses which require loading docks or bays in excess of seven (7).
- (ed) Outside storage of merchandise, or other use of an open lot, shall require the area of storage or use to be developed in a manner required for parking lots in conformance with Article IV, Section 9, except that a fully bermed landscaped border not less than eight feet wide shall be constructed along all sides of any lot which abuts a public street.
- (de) Wireless telecommunication facilities in accordance with the provisions of Article IV, Section 19.
- (ef) Ground-mounted solar energy systems that exceed 600 sq. ft.¹²

9.14.03 Multi-family historic mill conversion special exception

- (a) Purpose
 - 1) The purpose of this special exception is to allow development which will protect, preserve, and enhance the unique historical and architectural qualities of historic mill structures and provide a redevelopment potential for residential uses.
 - 2) A multi-family mill conversion special exception shall be established with a view toward conserving and preserving the value of historic mill buildings, and encouraging the most appropriate use of those structures, and with reasonable consideration as to the character of the neighborhood. The multi-family mill conversion special exception shall allow for a multi-family use and a development density which is suitable for the particular site.
 - 3) Such development shall promote the educational, cultural, economic, and general welfare of the citizens of Manchester through the preservation and protection of the distinctive characteristics of mill buildings significant to the history of the Town of Manchester and through the maintenance and improvement of sites for such buildings and places. 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

¹¹ Rev. 11/03/03, effective 11/28/03

¹² Rev. 01/17/18, effective 02/02/18

the public health, safety, and welfare.

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

9.14.03 (b) Criteria for Approval of the Special Exception

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

1. An historic mill structure within the Town of Manchester shall have previously been recognized by the United State Department of Interior and/or the office of State Historic Preservation of the State of Connecticut, or is recognized by the Town of Manchester in its General Plan of Development as a historic mill structure.
2. The proposed plan of development shows a more appropriate and beneficial use of the land and structure thereon.
3. The proposed use shall be compatible with the character of the neighborhood.
4. The proposed use shall allow the land and structures thereon to retain the historic qualities which allow the Town to maintain a significant reference to its past.
5. This special exception shall apply to only those historic structures as herein defined containing 10,000 square feet or more of useable space.
6. The Commission shall further consider the basic design of the proposed use, buildings or development; the relationship between the buildings and the land; the relationship between the use and between buildings or structures; the overall physical appearance of the proposed use, building or development; and its subsequent compatibility with surrounding development and the neighborhood.
7. The Commission shall also consider the type, size and intensity of the proposed use and compatibility with the adopted town Plan of Development, adjacent zones, and the neighborhood.
8. This special exception shall apply only to a multi-family use and may or may not be deemed appropriate at every or any location therein or without restrictions or conditions being imposed. The Commission may impose reasonable conditions by reason of the natural location and incidence of the use. In addition to the standards imposed in any referenced section of these regulations as to this particular use, the

applicant must comply with these additional conditions as they may apply to the specific use proposed:

- a. The use will not create or aggravate a traffic hazard, fire hazard, or panic hazard.
- b. The use will not block or hamper the town pattern of highway circulation.
- c. The use will not tend to depreciate the value of property in the neighborhood, or its residences or alter the neighborhood's essential characteristics.
- d. The use will not obstruct light or air.
- e. The use will not create the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities.
- f. The extent, nature and arrangement of parking facilities, entrances, and exits are appropriate for the use.
- g. There is adequate public sanitary sewer and water available.
- h. The use conforms with the Town of Manchester's Plan of Development and other applicable laws, codes or ordinances.

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

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

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

9.14.03 (c) Building Rehabilitation Criteria

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

rehabilitation:

1. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed unless specifically approved by the Commission. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
2. All buildings, structures and sites shall be recognized as products of their own time.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and shall be recognized and respected as such.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site as determined by the Commission shall be treated with sensitivity.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities to the extent possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
7. Modifications and additions to existing buildings shall not be discouraged when such modifications and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color and material of the structure and character of the property, neighborhood or environment.
8. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

9.14.03 (d) Site Development Criteria

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

Since prior building development has determined the character of the site, land development shall be consistent and shall be in harmony with the established physical relationship of existing buildings to land area. Such site

area may be developed and used for the special exception use provided that the Commission finds that the site development plan for the lot or site area has been formulated and integrated in a proper manner with the adjacent developed lots with respect to height, building coverage, building line and building placement on the site and takes into consideration the criteria set forth in the following provisions:

1. Required Lot/Site Area

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

2. Height

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

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

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

3. Minimum Yards

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

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

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

4. Site Development Requirements of the Multi-Family Structure

A. Residential unit minimum floor area

Units in a multi-family dwelling:

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

150 square feet.

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

C. Laundry facilities

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

5. Sidewalks and Curbs

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

6. Site Drainage

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

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

7. Roadways, Driveways

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

- (1) designed to facilitate traffic circulation and emergency vehicle movement including the provision of cul-de-sacs at all dead end drives;
- (2) subject to modifications recommended by the cognizant fire chief and the traffic authority and required by the Commission.

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

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

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

- Two-way traffic 24 foot width
- One-way traffic 16 foot width
- One-way traffic with 45 deg. parking on one side 16 foot width
- One-way traffic with 60 deg. parking

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

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

8. Vehicle Parking, Off Street Parking and Loading

A. There shall be provided on the building site, one vehicle parking space for each studio or one-bedroom residential unit and 2 vehicle parking spaces for each residential unit with two or more bedrooms.¹³

- (1) The vehicle parking area may be within the building, underground, elevated, or at grade level. Underground parking may be beneath open spaces.
- (2) All driveways serving the parking areas shall be designed for safety and traffic maneuverability.
- (3) Vehicle parking in the front yard shall be separated from the public sidewalk by a landscaped area not less than ten feet in width.

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Multi-family Units	1 space per studio or one-bedroom unit; 2 spaces per unit with two or more bedrooms ¹⁴
Elderly/handicapped	As required by Article II, Section 20.04.03 of these regulations.

B. Off-street vehicle parking requirements

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

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

¹³ Rev. 11/15/2021, effective 12/06/2021

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

site development plan and provided the following requirements are met.

- (1) All parking areas shall be located and designed to ensure a 15-foot distance between parked vehicles and principal buildings. The Commission may modify this requirement provided separation is provided through other means (planting, etc.) and approved by the Commission.
- (2) Off-street loading space shall not be construed as supplying any required off-street parking space.
- (3) Off-street parking spaces shall not occupy any part of a minimum yard abutting a public right-of-way unless specifically permitted by the Commission and separated from the public right-of-way by a fully bermed landscaped border of not less than eight feet in width.

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

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

(1) Ingress and egress

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

(2) Walkways

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

(3) Screening and landscaping

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

(4) Lighting

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

(5) Collective provision

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

(6) Mixed occupancies and uses

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

(7) Joint use of off-street parking spaces

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

D. Off-street loading requirements

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

9. Fire Protection

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

10. Noise Abatement

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

11. Utilities

- A. This special exception use shall have public sanitary sewer and public water.
- B. If improvements to the town water, sanitary or drainage system are necessary to accommodate sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the site development plan.
- C. All on site utilities such as electric power and cable television shall be underground.
- D. All engineering and construction shall be in accordance with the requirements of the Town of Manchester "Public Improvement Standards" current at the time of application for site development approval.

12. Proof of Land Interest/Restrictions

- A. The applicant or applicants seeking approval of a site development plan shall submit evidence of his interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.
- B. The developer will be responsible to obtain any covenants, easements or other provisions necessary for the development of the site prior to the application for a building permit or Certificate of Zoning Compliance.
- C. Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the Town of Manchester on said lands.
- D. All easements which are granted to the Town of Manchester shall be not less than 20 feet wide.

13. Landscaping, Screening and Site Preservation

- A. Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and site preservation is to enhance the visual quality of the area, to protect the integrity of the uses, and to preserve the historic environment. The development of a site shall be designed with adequate landscaping to complement the intended use of the site and to provide screening to adjacent existing and potential uses.
- B. Landscape treatment shall consist of shrubs, ground cover, and trees. Existing trees shall be conserved and integrated into the landscape plan wherever possible. Small or inaccessible areas should be planted with a ground cover other than grass. On large sites the use of knolls, berms, etc. to visually break up large flat areas is encouraged. All new deciduous trees shall be a minimum of 2 to 2" inch caliper measured on foot above the root crown when planted and all evergreen trees shall not be less than 6 feet in height when planted unless otherwise noted or required by the Commission. All plant materials shall be selected on the basis of hardiness and appropriateness to its intended use. The landscaping on each site shall be maintained in good order, repair and condition.
- C. Landscaping shall be designed to complement site areas such as pedestrian access, off-street loading areas, parking areas, the building perimeter, etc. All accessory uses and structures shall be landscaped appropriately to integrate those elements into an attractive plan of development. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of a developed site not covered by buildings, structures or paving shall be landscaped with ground cover, shrubs and trees.
- D. Such multi-family mill conversion dwelling sites shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, and soil stabilization in addition to the other pertinent landscaping requirements.
 - (1) There shall be provided a landscaped border not less than eight feet in width adjacent and parallel to all sides of the site except points of entry. This requirement may be waived by the Commission for borders which abut public streets, which have existing adequate landscaping, or which are determined to be incompatible with good site planning.
 - (2) A minimum of ten percent of the total acreage, to include all yard areas if specifically approved by the Commission, shall be provided as landscaped areas suitable for the safe play of children and/or the quiet relaxation of adults within the

development. The Commission shall require the open area to be landscaped appropriately, taking into consideration the existing structure, the proposed use, the surrounding environment, and the open space available after development.

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

E. Screening for specific accessory uses and structures

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

F. Screening

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

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

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

9.14.03 (f) Signs

1. Permitted Signs

- A. No advertising signs shall be permitted other than those approved by the Commission. Unless otherwise specified elsewhere in this section all signs shall pertain to the principal use on the premises on which the sign is located and shall not include advertisement, identification, publicity or notice of goods, services, establishment, enterprises, activities, persons, organizations and facilities which are not located on the premises. Signs offering the site for sale or lease and construction signs shall be the exception. One freestanding construction sign not exceeding 32 sq. ft. to advertise a building project and one sign not exceeding four sq. ft. for each subcontractor shall be permitted. Such construction signs shall be removed immediately after the project has been completed. (In no event shall a construction sign be displayed for a time period exceeding 18 months.) Real estate signs as defined in Article IV Section 13.02 of these regulations offering individual units in a multi-unit project shall not be allowed.
- B. Directional signs, public warning signs, and traffic control signs on a site shall be permitted with approval of the zoning enforcement officer. Signs identifying on-premises traffic, parking or other functional activity, such as lavatory facilities, telephone, signs denoting entrances, office, etc., bearing no commercial advertising shall be permitted. There shall be no more than one sign for each activity and each sign shall not exceed two square feet if wall-mounted and four square feet if freestanding.
- C. A parking facility shall have no signs of any kind other than those specifically designating entrance, exit and conditions of use. Such signs shall not exceed five square feet in area each and an overall height above grade of six feet.
- D. Historical interest signs providing information concerning the historical significance of the structure not exceeding four square feet shall be permitted.
- E. Temporary signs no larger than twelve square feet advertising special events of charitable or public service groups shall be permitted with approval of the zoning enforcement officer provided that such signs shall not be in place for more than three weeks and shall not be mechanical.

- F. Signs on awnings shall be permitted provided that any sign so located shall be affixed flat to the surface thereof. No such sign shall extend vertically or horizontally beyond the limits of said awning or have a total area in excess of one-half a square foot for each lineal foot of the front on the awning. Such signs shall not be mechanical and shall not be illuminated.
2. Signs and identifications on buildings or building sites shall be as approved by the Commission. The design and color of signs shall be encouraged to be architecturally and historically appropriate to the building and of uniform design where appropriate.
3. Sign lighting by means of floodlighting or illumination as defined in Article IV, Section 13.04 shall be approved by the Commission. Light sources which cast light on signs shall be shielded so as not to be visible from off the property where they are located. Light sources and shields which are an integral part of the sign shall be subject to all regulations for the sign itself.
4. Signs, unless otherwise noted in this section or Article IV, Section 24.02, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a site development plan, may, in harmony with the provision of this section, require more stringent limitations for the permitted size, location and height provisions for a particular sign or group of signs. Signs may not revolve, simulate motion, flash, etc. Roof signs are not permitted. All projecting signs may extend a maximum of four feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign which extends over a walkway shall be at least seven feet above said walkway. All freestanding signs shall not extend beyond the property line of the lot on which they are located.¹⁵
5. Residential Signs
 - A. There shall be no more than one residential sign identifying the structure per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).
 - B. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not exceed 16 square feet. No wall-mounted sign shall project above the cornice line of the building on which it is located.
 - C. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential

¹⁵ Rev. 02/17/21, effective 03/10/21

sign shall exceed a height of four feet above grade and shall have a maximum size of 20 square feet. In lieu of a freestanding residential sign, a development that has a mixture of residential, commercial, and/or office uses shall be permitted to have a freestanding sign for identification purposes. Such sign shall not exceed a height of five feet above grade and shall have a maximum size of 25 square feet.

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

9.14.03 (g) Application Procedure and Criteria¹⁶

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

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

2. The Preliminary Plan of Development shall be schematic and shall consist on one or more maps at a scale of not less than 1"=100' prepared by a licensed professional in the appropriate discipline. The accompanying documents shall be in sufficient detail to indicate:
 - A. Existing topography with five-foot contours, existing structures, existing roads and rights-of-way, boundary description of the site, and major topographic features (including wooded and open areas, slopes greater than fifteen percent, and inland wetlands and watercourses).
 - B. The location of all proposed vehicular and pedestrian patterns (including location of driveways, public roads, parking areas, proposed open space and recreation areas and proposals for connection of roads and driveways within the site to the existing public road system. A report shall be included regarding existing traffic conditions and information on traffic generated by

¹⁶ Rev. 11/03/03, effective 11/28/03

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

- C. The proposed general system of utilities (including domestic water supply, fire protection, storm water drainage, and sanitary sewer). A statement of the projected impact on town water supply, drainage, and sanitary sewer systems including the identification of improvements to the system necessary to accommodate the proposed uses. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.
- D. A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
- E. Where development within the site is to be in phases or units, the anticipated location and acreage of such phases or units.
- F. Floor plans of each use and each building. In case of buildings designated for residential development, the floor plan and area of each type of living unit are required.
- G. Exterior building elevations including the treatment of walls and finish materials. Exterior building elevations shall show all proposed utility structures, such as roof air conditioners/solar heating systems, exterior building materials, colors, and screening. The developer shall show compliance with the building rehabilitation criteria as set forth herein.
- H. Proposed exterior physical modifications, additions, or demolition on appropriately scaled drawings of floor plans, elevations and sections shall be submitted. Such drawings shall indicate existing conditions, work to be removed or added and appropriate notes and dimensions. The developer shall show compliance with the building rehabilitation criteria as set forth herein.
- I. A table showing uses, ratios, the square footage of areas designated for those uses, open space requirements and the number of parking spaces for this use, the number of units per building proposed and permitted/required number of dwelling units (type, floor area of units and buildings) and the number of bedrooms per unit.
- J. The design of any sign showing size of the proposed sign, general configuration of lettering and/or symbols, material, color, type of construction, height, illumination, and such descriptive materials as may be necessary to fully explain the intent of the sign.
- K. The details and location of the proposed sign in relation to the building and all property lines and the dimensions of the structures on which the proposed sign is to be located.

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3. Subsequent to approval of the Preliminary Plan the applicant shall submit the Detailed Plans which shall be approved by the Commission prior to the issuance of a building permit. Such plans shall be in conformance with the approved Preliminary Plan of Development, these regulations, the subdivision regulations, and the "Public Improvement Standards". An application for approval of a Detailed Plan shall include the following:¹⁷
- A. Site Information and Engineering Plan and Profile - a plan having a scale of not less than 1"=40' on 24" x 36" sheets showing:
- an accurate description of the site prepared by a registered land surveyor
 - existing topographic and geographic features including contour lines at two foot intervals
 - existing structures and easements
 - proposed grading and contours at two foot intervals
 - proposed storm water drainage design and details
 - sanitary sewer and water details including connection points to existing systems
 - proposed septic system design and details
 - hydrant locations, existing and proposed
 - roadway and driveway locations and details
- B. Location Plan - a plan having a scale of not less than 1" = 40' on 24" x 36" sheets showing:
- location of all principal buildings and accessory structures
 - roadway and driveway layout with proposed names
 - vehicle parking areas with number of spaces
 - landscaping with plant types, sizes and quantities
 - a table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings) parking, floor area ratios, distance between buildings and lot line, and the distance between buildings
 - circulation and access to building areas
 - sidewalks, pedestrian ways
 - exterior lighting and signs
- C. Building Plan - a plan indicating:
- (1) floor plan for each type of unit and each building
 - (2) exterior building elevations showing the building finish materials and colors.

¹⁷ Rev. 05/16/11, effective 06/13/11

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

4. Simultaneous with the filing of the Detailed Plan, the applicant when appropriate shall file a report containing any findings which concern the discovery of any archaeological resources. This report shall include but not be limited to descriptions of the items discovered, and the proposed means of preserving the items.¹⁸

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

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

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

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

9.14.03 (h) Application Review Process

Preliminary Consideration

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

9.14.03 (i) Financial Guarantee Requirements¹⁹

1. A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the

¹⁸ Rev. 05/16/11, effective 06/13/11

¹⁹ Rev. 06/03/13, effective 06/21/13

municipality shall be required in accordance with Article IV Section 22 of these regulations.²⁰

9.14.03 (j) Control of Issue of Certificates of Occupancy

1. The issue of Certificates of Occupancy shall not be allowed until:
 - A. All public improvements covered by the financial guarantee have been completed to the satisfaction of the Director of Public Works.²¹
 - B. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the director of public works, and
 - C. All recreational facilities shown on the approved Detailed Plan are installed.²²
2. The issue of Certificates of Occupancy in a multi-family project shall be limited to 80 percent of the dwelling units contained therein until those conditions as set forth in Section 9.14.03(j)1.A., B., and C are satisfied.

9.14.03 (k) Affordable Housing

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

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

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

²⁰ Rev. 06/03/13, effective 06/21/13

²¹ Rev. 06/03/13, effective 06/21/13

²² Rev. 05/16/11, effective 06/13/11

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

9.14.04²³ (a) Special Requirements for schools and places of worship

1. New facilities shall be located²⁴ only on streets designated arterial or collector streets in the Plan of Conservation and Development.
2. Vehicle parking shall be in accordance with the requirements set forth in Article IV Section 9.
3. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. Mechanical equipment, dumpsters and other unsightly places shall be screened by the use of walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.
4. Schools and places of worship shall screen adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening.

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

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

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

²³ Rev. 9/15/08, effective 10/05/08

²⁴ Rev. 10/20/09, effective 11/11/09

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

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

The Commission may waive all or any requirements in this section or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or that such screening is not feasible and not necessary due to site configuration or location.²⁵

- (b) In addition to the special exception requirements in Article II Section 9.14.04, before approving a school as a special exception use, the Commission shall make the following findings:
1. That the specific type of school use will be compatible with uses on adjacent properties and other uses on the site if applicable; and
 2. That adequate provisions have been made to ensure the safety of students, staff, and visitors, including such as may arise from uses on adjacent properties or other uses on the site; and
 3. That the internal site circulation plan for the school provides adequate area for the delivery and retrieval of students at the school; adequate parking for students, faculty, visitors, aides, and others as appropriate to the specific type of school; and sufficient driveways, queuing areas, and parking areas to accommodate automobiles and buses, so that vehicles do not disrupt traffic on the public streets, or interfere with adjacent uses on the site; and
 4. That outdoor areas on the site for safe active and/or passive recreation as appropriate to the specific type of school are adequate for the number and ages of students expected to attend the school; or if off site, are located to ensure the safety of the students and faculty; and that screening, fencing and other buffers are provided to ensure the safe play of children, and to provide visual and aural screening from adjacent residential uses; and
 5. That lighting for the property is adequate for the normal hours of school, including any after school activities, and does not shine off of the property.
- (c) In addition to any other application requirements for a special exception, applications for schools and places of worship shall include sufficient plans and narrative documentation to enable the Commission to make the findings

²⁵ Rev. 12/7/20, effective 12/21/20

listed above.

9.14.05²⁶ Multi-family hotel/motel conversion special exception

- (a) Purpose: To allow for the redevelopment of existing hotels or motels to multi-family ~~apartment~~ use and development; the nature of multi-family hotel/motel conversion is such that design and development may vary for different sites; multi-family hotel/motel conversion is subject to the requirements set forth in this section.
- (b) Criteria for special exception: Prior to approval of a special exception, the applicant must demonstrate that the special exception, proposed use and proposed plan of development shall comply with the Special Exception criteria set forth in Article IV, Section 20 of these regulations.
- (c) Site development criteria: Since prior building development will have determined the general layout of the site, the conversion and any future land development shall be consistent and in harmony with the established physical relationship of existing buildings to land area, taking into consideration the criteria set forth in the following provisions:
 - 1. Required lot/site area: Every lot to be utilized for this special exception conversion shall have a minimum lot area no less than that required for the zone in which the property is located or, in the event none is provided, then no less than three (3) acres.
 - 2. Height: New buildings or additions/renovations to existing buildings shall comply with the height requirements for the zone in which the property is located.
 - 3. Minimum yards: New buildings or additions/renovations to existing buildings shall comply with the minimum yard requirements for the zone in which the property is located.
 - 4. Minimum floor areas: The minimum living area for units in a multi-family dwelling shall be as follows:

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

And for each bedroom in excess of 2, add an additional 150 square feet.
 - 5. Site drainage: The site shall be adequately drained and include a storm water drainage system that prioritizes on-site infiltration and/or detention, and all new drainage facilities shall be designed in accordance with the Town of

²⁶ Rev. 07/07/21, effective 08/01/21

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

6. Utilities: Public sanitary sewer and public water shall be required. Completion of the multi-family hotel/motel conversion may require the installation of additional domestic water services, fire water services, water meters and/or sanitary sewer laterals to serve individual units or buildings in accordance with Town and Eighth Utilities District requirements. All new water and sewer facilities shall be in accordance with the criteria and requirements set forth in the Manchester Water and Sewer Department Rules and Regulations.
7. Roadways and driveways:
 - a. All private roadways, driveways and parking areas shall be designed to facilitate traffic circulation and emergency vehicle movement;
 - b. Notwithstanding any provision elsewhere in these regulations, private roadways and driveways designed for vehicular traffic shall have the following minimum requirements:
 - Two-way traffic — 24 foot width;
 - One-way traffic with 45 degree parking on one or both sides — 16 foot width;
 - One-way traffic with 60 degree parking on one or both sides — 18 foot width;
 - One-way traffic with 90 degree parking on one or both sides — 24 foot width;
 - Inside turning radius — 30 feet.
 - c. Fire lanes shall be provided as required by the Fire Marshal’s Office of the appropriate Fire District. The applicant shall indicate on the plan the location of such lanes and shall provide all fire lane signs and markings as required. Fire apparatus turning demonstration(s) specific to one or more responding vehicles shall be submitted upon request by the Fire Marshal’s Office or the Town.
8. Vehicle parking:
 - a. There shall be provided on the building site, one vehicle parking space for each studio or one-bedroom residential unit and two vehicle parking spaces for each residential unit with two or more bedrooms. Notwithstanding the foregoing, for residential units within a half (½) mile radius of existing mass transit and where the unit mix consists of 50% or more one- bedroom or efficiency units, the minimum parking ratio shall be one (1) space per dwelling

unit.²⁷

- b. Visitor parking spaces shall be provided on site at the rate of 1 visitor space per 4 dwelling units. The applicant may request to decrease the visitor parking requirement if the applicant can show that such requirement would not be needed for the proposed development.
 - c. The vehicle parking area may be within the building, underground, elevated or at grade level.
9. Fire protection: Fire hydrants shall be installed so that no portion of a building is greater than 250 feet from a hydrant or otherwise in accordance with recommendations by the Fire Marshal's Office of the appropriate Fire District and the Town.
10. Landscaping and screening:
- a. The development of the site shall be designed with adequate landscaping or screening to provide visual screening of all pedestrian accessways, parking areas and building perimeters from adjacent existing and potential uses. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of the developed site not covered by buildings, structures (including amenities) or paving shall be landscaped with ground cover, shrubs and trees.
 - b. Notwithstanding any provision elsewhere in these regulations, the Commission may, as part of the Special Exception review, modify or waive landscaping requirements relative to parking lots if the Commission finds that (i) the proposed parking lot design is consistent with the prevailing parking lot design on neighboring properties; and (ii) the proposed parking lot design will not adversely affect the general health, welfare or safety of the Town; or (iii) The Commission may waive all or any requirements in this section or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or that such screening is not feasible and not necessary due to site configuration or location.
11. Garbage storage: Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to the general public view with suitable materials to harmonize with the building. Such materials may include, but not be limited to, fencing and plantings.

²⁷ Rev. 11/15/2021, effective 12/06/2021

12. Lighting: All flood lighting and all other types of lighting which are intended to illuminate the buildings, parking areas or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises or cause a nuisance from excessive glare.
13. Recreation areas: An area equal to not less than 20% of the gross floor area on the site shall be developed for usable recreation area(s) for either active or passive recreation purposes. Not less than 50% of the minimum required recreation areas shall consist of outdoor areas or facilities. Indoor facilities may include, without limitation, a clubhouse, community room or fitness center. Outdoor areas shall be improved with grass or pavers or may be left in a natural state, or may be improved for active recreational purposes, such as walking paths, playscapes, courts and swimming pools, or similar areas used for picnic tables, lawn furniture, fire pits or barbeque stands.

(d) Application procedure and criteria:

1. The applicant shall file an application for a multi-family hotel/motel conversion special exception, and a Preliminary Plan of Development, for all of the property located within the proposed multi-family conversion special exception site. The Preliminary Plan shall include the information set forth in Article I, Sections 4.02 and 4.03.04 of these regulations. The Commission shall hold a public hearing on the application as provided by the Connecticut General Statutes.
2. A Detailed Site Development Plan shall be approved by the Commission prior to the issuance of a building permit. Such plan shall be in conformance with the Preliminary Plan and Article I, Section 4.04 of these regulations.
3. The applicant can choose to combine the Preliminary and Detailed Plan into a single submission. In instances of a combined Preliminary and Detailed Plan, the applicant can request a waiver from the Director of Planning to eliminate duplicative application requirements.

ARTICLE II ZONING USES

Section 16 INDUSTRIAL ZONE

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

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

16.01 Preservation of Landscape - Site Preparation

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

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

16.02 *Reserved*

16.03 Compliance with Zoning

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

16.04 Building Permits

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

16.05 Provision of Public Improvements

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

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

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

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

16.06 Residential Zone Screening

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

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

For a distance of 25 feet from the street property line, the trees shall be maintained at a height of three feet for visibility purposes. The berm containing the landscaped border shall be placed to prevent automobiles from damaging the trees.

- 16.06.02 The Planning and Zoning Commission may waive all or any requirements in 16.06.01² or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or for any other good reason.

16.07 Noise Abatement

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

16.08 Yard and Building Lighting

¹ Rev. 10/02/89

² Rev. 02/20/13; effective 03/18/13

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

16.09 Automobile Parking³

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

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

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

16.10 Access to Premises

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

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

16.11 Area, Height & Bulk of Principal Buildings and Structures

16.11.01 For permitted uses:

³ Rev. 04/20/2020; effective 05/04/2020

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

16.11.02⁷ For special exception uses:

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

16.12⁸ General Requirements

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

16.13 Permitted Uses⁹

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

⁴ Rev. 02/20/13; effective 03/18/13

⁵ Rev. 02/20/13; effective 03/18/13

⁶ New 02/20/13; effective 03/18/13

⁷ Rev. 02/20/13; effective 03/18/13

⁸ Rev. 02/20/13; effective 03/18/13

⁹ Rev. 10/04/06, effective 10/25/06

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

- (a) Light industrial uses.¹⁰
- (b) Manufacturing, processing and assembly of materials, compounding, treatment and similar uses.¹¹
- (c) Wholesale trade and storage.
- (d) Warehousing
- (e) Construction including building and special trade contractors.
- (f) Business service offices such as advertising, credit reporting and collection, mailing, reproduction, and stenographic services, computer and data processing services.
- (g) Engineering and management services such as engineering and architectural services, accounting and auditing, research, testing and management and public relations.
- (h) Corporate headquarters and/or offices associated with business or industry otherwise permitted in the Industrial zone.
- (i) Public utility buildings, structures and uses.¹²
- (j) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.¹³
- (k) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.¹⁴
- (l) Radio and television broadcasting studios,¹⁵ or studios for audio or video production, recording, editing or related activities.¹⁶
- (m) All facilities described in (k) and (l) above shall be in accordance with the requirements of Article IV, Section 19.

¹⁰ Rev. 3/1/04, effective 3/20/04

¹¹ Rev. 3/1/04, effective 3/20/04

¹² Rev. 10/02/89

¹³ Rev. 10/20/97, effective 11/11/97

¹⁴ Rev. 10/20/97, effective 11/11/97

¹⁵ Rev. 07/06/04, effective 07/27/04

¹⁶ Rev. 08/09/10, effective 09/01/10

- (n) Restaurant¹⁷
- (o) Tennis and badminton courts - indoor and outdoor, including club and spectator facilities.¹⁸
- (p) Skating rinks - indoor and outdoor, including club and spectator facilities.¹⁹
- (q) Health and recreation facilities and clubs – indoor and outdoor.²⁰
- (r) Hotel and motel with not less than 16 rentable sleeping accommodations. Hotels and motels may include one or more of the following facilities if developed as a complex on a lot of single ownership:²¹
 - 1. Restaurant
 - 2. Banquet hall
- (s) Golf driving ranges - indoor and outdoor, including related facilities. All greens and fairways shall be located so that golf balls will not be played into residential premises.²²
- (t) Miniature golf and/or batting cages - indoor and outdoor, including related facilities.²³
- (u) Self storage facilities²⁴
- (v) Brewery, brewpub and brewpub/restaurant²⁵
- (w) The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture²⁶, and Hydroponics.²⁷

16.14 Retail Sales Restriction

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

16.15 Special Exception Uses

¹⁷ Rev. 02/20/13; effective 03/18/13

¹⁸ Rev. 02/20/13; effective 03/18/13

¹⁹ Rev. 02/20/13; effective 03/18/13

²⁰ Rev. 02/20/13; effective 03/18/13

²¹ Rev. 02/20/13; effective 03/18/13

²² Rev. 02/20/13; effective 03/18/13

²³ Rev. 02/20/13; effective 03/18/13

²⁴ Rev. 02/20/13; effective 03/18/13

²⁵ Rev. 01/21/15, effective 02/13/15

²⁶ Rev. 03/16/15, effective 04/01/15

²⁷ Rev. 01/21/15, effective 02/13/15

Certain uses are deemed appropriate in industrial zones but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission or by the Zoning Board of Appeals as designated after a public hearing and a finding that the use is appropriate at the proposed location. Said Commission or Board may impose reasonable safe-guarding conditions on any special exception use by reason of the nature, location and incidence of the particular use. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.²⁸

16.15.01²⁹ Uses set forth in 16.15.01 shall require approval from the Zoning Board of Appeals after a public hearing.

(a) Carnivals and circuses

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

(b)³⁰ Day care centers

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

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

16.15.02³¹ Uses set forth in 16.15.02 shall require approval from the Planning and Zoning Commission after a public hearing.

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

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

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

~~(e)~~ Schools³² and places of worship³³ may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

~~(e)~~ School bus parking³⁴

Before approving a use of school bus parking, the Planning and Zoning

²⁸ Rev. 11/03/03, effective 11/28/03

²⁹ Rev. 02/20/13; effective 03/18/13

³⁰ Rev. 12/04/89

³¹ Rev. 02/20/13; effective 03/18/13

³² Rev. 11/23/96

³³ Rev. 09/15/08, effective 10/05/08

³⁴ Rev. 10/04/06, effective 10/25/06

Commission shall find that the use will not cause traffic congestion in the streets, traffic hazards or nuisance to residential areas.

Special requirements for school bus parking use:

The minimum lot size shall be three acres.

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

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

(ef) Multi-family historic mill conversion in accordance with the requirements of Article II, Section 9.14.03.³⁵

(fg) Wireless telecommunications sites in accordance with the provisions of Article IV, Section 19.³⁶

(gh) Heavy industrial uses³⁷

(hi) Adult-Oriented Establishments³⁸

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

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

³⁵ Rev. 10/02/89

³⁶ Rev. 10/20/97, effective 11/11/97

³⁷ New 3/01/04, effective 3/20/04

³⁸ Adopted 9/06/2006, effective 9/14/2006

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

³⁹ Rev. 05/07/12, effective 05/30/12

⁴⁰ Rev. 05/07/12, effective 05/30/12

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

(~~k~~l)⁴² Automobile repair and service garage or shop

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

(~~h~~m)⁴³ Banquet Hall

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

(~~m~~n)⁴⁴ Outdoor entertainment under a permitted Banquet Hall use provided that:

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

(~~h~~o)⁴⁵ Cannabis cultivator or micro-cultivator provided that:

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

⁴¹ Rev. 10/04/06, effective 10/25/06

⁴² Rev. 05/07/12, effective 05/30/12

⁴³ New 05/01/17, effective 05/17/17

⁴⁴ New 05/01/17, effective 05/17/17

⁴⁵ New 12/13/2021, effective 01/03/2022

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

16.16 Accessory Uses

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

- (a) Vehicle parking in accordance with Article IV, Section 9.
- (b) Garages
- (c) Maintenance buildings
- (d) Radio Antennae
- (e) Signs in accordance with Article IV, Section 13.
- (f) Child day care centers in accordance with Article IV, Section 10.01.03 through 10.01.06. As an accessory use, a child care center shall only enroll children of employees or provide day care services for the tenants or clients of the principal use.⁴⁶
- (g)⁴⁷ The sale of alcoholic beverages indoors in specially permitted recreation facilities under a restaurant permit, café permit or club permit as defined by Connecticut Statutes. Any such facility serving alcoholic beverages shall have parking spaces as required under Article IV Section 9 of these regulations relating to the area of customer service or assembly for restaurants and shall comply with the applicable requirements of Article IV Section 8 of these regulations.
- (h) Accessory Outdoor Storage of Materials or Products provided that:⁴⁸
 - 1. No materials, supplies or equipment (including trash removal facilities) shall be stored within a front yard.
 - 2. No materials, supplies or equipment (including trash removal facilities) shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials acceptable to the Director of the Planning Department and Chairman of the Planning and Zoning Commission , or within a chain-link fence enclosed with evergreen plantings sufficient to visually screen such areas so that the stored items are not visible to a person standing on any part of immediately adjacent sites or an adjacent public street at an elevation no greater than the elevation of the base of the items being viewed.

⁴⁶ Rev. 12/04/89

⁴⁷ Rev. 4/21/08, effective 5/15/08

⁴⁸ New 02/20/13; effective 03/18/13

3. The area of storage must be developed in manner required for parking lots in conformance with Article IV Section 9.

(i)⁴⁹ Walkways may be used for the sale and display of merchandise by business tenants of properties in the Industrial zone provided the location of the displays does not impede pedestrian movement by maintaining a minimum 4-foot clear pathway.

(j)⁵⁰ Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in an Industrial zone, provided the vendor has the permission of the property owner, obtains a vending permit from the Town of Manchester, and meets the following requirements:

1. Vendors may not obstruct sidewalks, impede traffic, or create a traffic hazard.
2. All items offered for sale shall be maintained within the tent, booth, cart or vehicle designated for such purpose, and signs must be on or inside the tent, booth, cart, or vehicle.
3. All vendor tents, booths, carts, vehicles or any appurtenant structures must be self-contained as far as water, sanitary or other facilities and no connections to such facilities shall otherwise be permitted.
4. All vendor tents, booths, carts, vehicles, or any appurtenant structures shall be removed from the property when the vendor is not in operation. The operation of any such business at any location shall not be conducted before 7:00 a.m. or after 9:00 p.m. on any day.

(k)⁵¹ Yards, walkways, or parking lots may be used by business tenants of an Industrial zoned property or vendors for seasonal or special sales for a period not to exceed a total of 24 days annually, provided the tenant or vendor has the permission of the property owner and locates the display and sales area in a manner that does not impede traffic flow, and provides for the safe movement of pedestrians. Vendors who are not tenants will also need to obtain a Town of Manchester Vendor Permit.

(l) Solar Energy Systems in accordance with Article IV, Section 6.⁵²

16.17 Prohibited Uses

The following processes and uses are specifically prohibited:

(a) Residential use except as provided in Article II, Section 16.15.02 (e).⁵³

(b) Gasoline service stations.⁵⁴

⁴⁹ Rev. 07/06/16, effective 07/20/16

⁵⁰ Rev. 07/06/16, effective 07/20/16

⁵¹ Rev. 07/06/16, effective 07/20/16

⁵² Rev. 01/17/18, effective 02/02/18

⁵³ Rev. 02/20/13; effective 03/18/13

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

⁵⁴ Rev. 02/20/13; effective 03/18/13