

Proposed Zoning Regulation amendment for compliance with PA 22-25 and PA 23-142

PA 22-25 (Connecticut Clean Air Act) Section 5(c) –

On and after January 1, 2023, a municipality shall require each new construction of a commercial building or multi-unit residential building with thirty or more designated parking spaces for cars or light duty trucks to include electric vehicle charging infrastructure that is capable of supporting level two electric vehicle charging stations in at least ten per cent of such parking spaces.

Proposed Regulation Amendment

Art. IV, Sec. 9 (Parking):

Add section 9.02.11 under “Vehicle Parking Areas, Design & Construction” to include this requirement.

PA 23-142 Section 1(a) –

No zoning regulation shall treat any family child care home [registered] or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to [section 17b-733] chapter 368a, in a manner different from single or multifamily dwellings.

Proposed Regulation Amendments

Art. I, Sec. 2 (Definitions):

- Replace the following terms and revise definitions to be in line with State definitions:
Day Care Center, Child → Child Care Center
Day Care Home, Family → Child Care Home, Family
Day Care Home, Group → Child Care Home, Group

Art. IV, Sec. 9 (Parking) and Art. IV, Sec. 10 (Child Care Centers):

- Replace terms as per above
- Specify that these requirements apply to Group Child Care Homes that are not located in a residence

Multiple Sections (Uses by Zone):

- Replace terms as per above
- Revise so that Family Child Care Homes and Group Child Care Homes that are located in a residence are permitted by right wherever dwellings are permitted by right
- Revise so that a special exception is required only for Child Care Centers and Group Child Care Homes that are not located in a residence

TOWN OF MANCHESTER, CONNECTICUT ZONING REGULATIONS

TABLE OF CONTENTS

ARTICLE I	GENERAL
Section 1	INTRODUCTION
Section 2	DEFINITIONS
Section 3	ZONES
Section 4	APPLICATION REQUIREMENTS
Section 5	PUBLIC HEARING NOTIFICATION REQUIREMENTS
 ARTICLE II	 ZONING USES
Section 1	GENERAL REQUIREMENTS FOR RESIDENTIAL ZONE
Section 2	RURAL RESIDENCE ZONES
Section 3	RESIDENCE AA ZONE
Section 4	RESIDENCE A ZONE
Section 5	RESIDENCE B ZONE
Section 6	RESIDENCE C ZONE
Section 7	PLANNED RESIDENTIAL DEVELOPMENT ZONE
Section 8	COMPREHENSIVE URBAN DEVELOPMENT ZONE
Section 9	GENERAL REQUIREMENTS FOR BUSINESS ZONES
Section 10	BUSINESS I ZONE
Section 11	BUSINESS II ZONE
Section 12	BUSINESS III ZONE
Section 13	RESERVED
Section 14	BUSINESS V ZONE
Section 15	CENTRAL BUSINESS DISTRICT
Section 16	INDUSTRIAL ZONE
Section 17	OFF STREET PARKING ZONE
Section 18	HISTORIC ZONE
Section 19	FLOOD PLAIN ZONE
Section 20	ELDERLY HOUSING DEVELOPMENT (EHD) ZONE
Section 21	PROHIBITED USES
Section 22	SPECIAL DESIGN COMMERCIAL BUSINESS ZONE
Section 23	NEIGHBORHOOD BUSINESS ZONE
Section 24	GENERAL BUSINESS ZONE
Section 25	DESIGN OVERLAY ZONE
Section 26	FORM BASED ZONE
 ARTICLE III	 AREA AND HEIGHT REGULATIONS
Section 1	NONCONFORMING LOTS OF RECORD
Section 2	MAIN STREET FRONT YARDS
Section 3	IRREGULAR SHAPED LOTS
Section 4	CLUSTER SUBDIVISION REGULATIONS
Section 5	UNIT OWNERSHIP
Section 6	REAR LOTS
Section 7	LOT MERGER

ARTICLE IV

GENERAL PROVISIONS

- Section 1 FLOOR AREA OF RESIDENCES
- Section 2 RESERVED
- Section 3 ZONE INTERSECTIONS
- Section 4 CORNER VISIBILITY
- Section 5 GARAGE OR SHOP
- Section 6 SOLAR ENERGY SYSTEMS
- Section 7 NONCONFORMING USES
- Section 8 ALCOHOLIC LIQUORS
- Section 9 AUTOMOBILE PARKING AND LOADING AREA REQUIREMENTS
- Section 10 CHILD ~~DAY~~ CARE CENTERS AND GROUP ~~DAY~~ CHILD CARE HOMES NOT LOCATED IN A RESIDENCE
- Section 11 EARTH EXCAVATION
- Section 12 CENTRAL FUEL DISTRIBUTION SYSTEMS
- Section 13 SIGNS
- Section 14 THE KEEPING OF HORSES
- Section 15 MORATORIUM
- Section 16 CARNIVALS AND CIRCUSES
- Section 17 RESERVED/MULTI-FAMILY HOUSING MORATORIUM
- Section 18 ADULT DAY CARE CENTER
- Section 19 WIRELESS TELECOMMUNICATIONS FACILITIES
- Section 20 SPECIAL EXCEPTION CRITERIA & APPLICATION REQUIREMENTS
- Section 21 LIVE/WORK QUARTERS
- Section 22 FINANCIAL GUARANTEE REQUIREMENTS
- Section 23 SEASONAL OUTDOOR DINING AREAS AND VESTIBULES
- Section 24 ELECTRIC VEHICLE CHARGING STATION

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

- Section 1 INTERPRETATION
- Section 2 COMPLETION OF EXISTING BUILDINGS
- Section 3 ENFORCEMENT
- Section 4 CERTIFICATE OF ZONING COMPLIANCE
- Section 5 ZONING BOARD OF APPEALS

ARTICLE VI

AMENDMENTS AND VALIDITY

- Section 1 CHANGES IN REGULATIONS
- Section 2 VALIDITY OF REGULATIONS

ARTICLE VII

SCHEDULE OF AREA, HEIGHT & BULK OF BUILDINGS AND STRUCTURES

ARTICLE I GENERAL

Section 2 DEFINITIONS

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

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

A¹ Accessory Apartment or Accessory Dwelling Unit (ADU)² – a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations.

Accessory Use³ - An accessory use shall be a use which is clearly incidental to and customarily found in connection with and clearly subordinate to the principal use including, but not limited to, parking and parking structures, signs, refuse containers, drainage and utility structures, landscaping, fences, maintenance buildings, solar energy systems, and radio or television antennae.

Accessory Structure – A subordinate structure located on the same lot as a principal building.⁴

Adult Bookstore:⁵ an establishment having a substantial or significant portion (more than 25%) of its stock and trade in books, films, video cassettes, or magazines and other periodicals, alone or in combination, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas and in conjunction therewith have facilities for presentation of adult material as defined herein including adult-oriented films, movies, or live entertainment for observation by patrons therein.

Adult Cabaret:⁶ an establishment such as but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of sexual anatomical areas or by sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or relating to sexual activities or sexual anatomical areas for observation by patrons therein.

¹ Rev. 10/20/86

² Adopted 11/15/2021; effective 12/06/2021

³ Rev. 01/17/18, effective 02/02/18

⁴ Rev. 01/07/13, effective 01/28/13

⁵ Adopted 9/6/2006, effective 9/14/2006

⁶ Adopted 9/6/2006, effective 9/14/2006

Adult Entertainment:⁷ any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of sexual anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Adult Material:⁸ Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas as defined herein.

Adult Motion Picture Theater:⁹ an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or sexual anatomical areas, as defined herein, for observation by patrons therein.

Adult Oriented Establishment:¹⁰ shall include, without limitation, adult bookstores, adult cabarets, adult motion picture theaters, sex shops, and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Agriculture:¹¹ see Connecticut General Statutes Section 1-1(q), or as amended.

Agri-Tourism:¹² an activity conducted on a farm of 2 acres or greater intended to attract visitors to a farm that members of the general public or special interest groups are allowed to view or participate in, for recreational, entertainment, or educational purposes including, but not limited to, farming, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.

⁷ Adopted 9/6/2006, effective 9/14/2006

⁸ Adopted 9/6/2006, effective 9/14/2006

⁹ Adopted 9/6/2006, effective 9/14/2006

¹⁰ Adopted 9/6/2006, effective 9/14/2006

¹¹ Adopted 1/23/2019, effective 2/8/2019

¹² Adopted 1/23/2019, effective 2/8/2019

Low-Impact Agri-tourism:¹³ Activities that attract visitors to a farm to engage in an agricultural activity or to participate in an activity that utilizes an agricultural commodity as an exhibit.

High-Impact Agri-tourism:¹⁴ Activities that attract visitors to a farm for a function or service that is not in and of itself an agricultural activity but may be enhanced by the farm setting or agricultural commodity. Such activities are considered high-impact as they may require site improvements to accommodate large numbers of vehicle parking, structures not directly used for agricultural purposes or the use of a plant or animal for purposes other than the production of a commodity. High-impact Agri-tourism activities may include, but are not limited to, Health and Wellness, Farm to Table Dinners, Farm Brewery, Festivals, Farmers Markets, Weddings and similar events, Farm Winery and Farm Store or retail sales exceeding capacity of farm stand.

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

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

Aquaculture¹⁵ – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics¹⁶ – The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

Attached Individual Dwelling Units - A dwelling unit intended for occupancy by a single-family, attached to two or more such dwelling units by one or two common vertical walls. "Vertical wall" shall include "common dividing wall".¹⁷

Awning¹⁸ – A protective, roof-like covering, as over a window or storefront.

- B Banquet Hall¹⁹ – A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event or function, that is not open to the general public, whether or not a fee is charged.

¹³ Adopted 1/23/2019, effective 2/8/2019

¹⁴ Adopted 1/23/2019, effective 2/8/2019

¹⁵ Adopted 01/21/15, effective 02/13/15

¹⁶ Adopted 01/21/15, effective 02/13/15

¹⁷ Rev. 3/19/85

¹⁸ Adopted 01/17/18, effective 02/02/18

¹⁹ Adopted 05/01/17, effective 05/17/17

Bed and Breakfast Inn²⁰ - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

Brewery²¹ – A facility where beer is manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on the premises tastings in accordance with Article IV Section 8.

Brewpub²² – A facility where beer is manufactured, stored, bottled, sold at wholesale or at retail in sealed bottles or other sealed containers for consumption off premises or sold to be consumed on the premises in a room that is ancillary to the production of beer, with or without the sale of food, and in accordance with Article IV Section 8.

Brewpub/restaurant²³ – A restaurant where beer is manufactured, stored, bottled, sold to be consumed on the premises in accordance with Article IV Section 8.

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

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

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

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

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

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

- C Cannabis establishment²⁴ – a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

²⁰ Rev. 10/17/94, effective 11/8/94

²¹ Adopted 01/21/15, effective 02/13/15

²² Adopted 01/21/15, effective 02/13/15

²³ Adopted 01/21/15, effective 02/13/15

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

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

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

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

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

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

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

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

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

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

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

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

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

Cemetery²⁵ - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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

Character²⁶ – The sum of the objective qualities of a neighborhood, district, or property as defined by its physical characteristics, including but not limited to building height and size, building placement and lot coverage, natural features and open spaces, mix of land uses, and architectural style.

Child Care Center – A facility licensed by the State of Connecticut in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis.

Child Care Home, Family – A private family home in which care is provided for not more than six (6) children including the provider's own children not in school full time, without the presence of an assistant or substitute staff member approved by the State present and assisting the provider, or not more than nine (9) children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member, and for not less than three (3) nor more than twelve (12) hours during a twenty-four hour period and where care is given on a regularly recurring basis. An additional three (3) school age children may be cared for before and after school hours only in the regular school year, including school vacations but excluding summer recess. The provider's own school age children are included in this account, except that if the provider has more than three (3) school age children, all of the provider's own children shall be permitted.

²⁵ Rev. 8/15/94

²⁶ Adopted 11/15/2021; effective 12/06/2021

Child Care Home, Group – A facility licensed by the State of Connecticut in which care is provided for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis, or which meets the definition of a Family Child Care Home except that it operates in a facility other than a private family home.

Clinic – An establishment licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions or chronic diseases or injuries where patients are not lodged overnight.²⁷

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

Community Garden or Urban Farm:²⁹ A garden or farm located in a municipal park or on land otherwise open to the public with individual plots or with crops cultivated to support the community or for educational purposes.

Conference Center³⁰ – A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations may include sleeping, eating, and recreation.

Convenience Store - A retail store opened for business for extended hours with less than 3,000 square feet of floor area offering a limited selection of grocery items and other goods.³¹

Convenience Store / Gas Facility - A building / lot used for the retail sale of gasoline and other automotive fuels used in conjunction with the operation of a convenience store.³²

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

Correctional Facilities – publicly or privately operated facilities housing persons awaiting trial or person serving a sentence after being found guilty of a criminal offense. Correctional facilities shall include custodial care facilities, juvenile detention facilities, and alternative incarceration centers.³³

County Soil and Water Conservation District means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22A-315 of the General Statutes.³⁴

²⁷ Rev. 7/9/03, effective 7/29/03

²⁸ Rev. 10/1/85

²⁹ Adopted 1/23/19, effective 2/8/19

³⁰ Adopted 5/20/19, effective 6/7/19

³¹ Adopted 5/3/99, effective 6/7/99

³² Adopted 5/3/99, effective 6/7/99

³³ Adopted 7/9/03, effective 7/29/03

³⁴ Rev. 10/1/85

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

Craft Café – A facility where alcoholic spirits and food are served at retail for consumption on the premises, which may be ancillary to an approved distillery, and need not necessarily have a dining room or kitchen.³⁵

- D Day Care Center, Adult - A facility for disabled adults and the frail elderly which provides a structured program of health, social and rehabilitative services in a supportive group setting that is designed to serve adults outside their own homes on a regular basis for part of the twenty-four hours in one or more days in a week.³⁶

~~Day Care Center, Child – A facility licensed by the State of Connecticut³⁷ in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis for part of the twenty-four hours in one or more days of the week.³⁸~~

- ~~— Day Care Home, Family – A private family home in which care is provided for not more than six (6) children including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. An additional three (3) school age children may be cared for before and after school hours only in the regular school year, including school vacations but excluding summer recess. The provider's own school age children are included in this count.³⁹~~

~~Day Care Home, Group – A facility licensed by the State of Connecticut⁴⁰ (generally within a dwelling unit) in which care is provided for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four hours in one or more days in the week.⁴¹~~

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

Developer shall mean the legal or beneficial owner or owners of land included in a development, including the holder of an option or contract to purchase, or other enforceable proprietary interests in such land. Developer shall include agents, successors and assigns.⁴²

³⁵ Adopted 8/21/23, effective 9/11/23

³⁶ Rev. 12/4/89

³⁷ ~~Rev. 4/19/99, effective 5/7/99~~

³⁸ ~~Rev. 10/2/89~~

³⁹ ~~Rev. 12/4/89~~

⁴⁰ ~~Rev. 4/19/99, effective 5/7/99~~

⁴¹ ~~Rev. 12/4/89~~

⁴² Rev. 10/1/85

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.⁴³

Distillery – A facility where alcoholic spirits are manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on the premises tastings in accordance with Article IV Section 8.⁴⁴

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.⁴⁵

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

E Electric Vehicle Charging Station - An electric vehicle supply equipment station in a private or public parking space which delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle.⁴⁶

Electric Vehicle Charging Position shall mean one exclusive use, standard parking space adjacent and assigned to an Electric Vehicle Charging Station per number of vehicles said Station may simultaneously charge or otherwise transfer electric energy to.⁴⁷

Operator shall mean the electric vehicle charging kiosk owner and/or designee, responsible for the installation, maintenance, management and operation of Electric Vehicle Charging Station(s).⁴⁸

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.⁴⁹

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

F⁵⁰ Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center⁵¹ - A facility which provides training and skill development for families and children including parent education and family management classes, family literacy programs, child development training skills for parents and day care providers, and parent-child oriented training

⁴³ Rev. 10/1/85

⁴⁴ Adopted 8/21/23, effective 9/11/23

⁴⁵ Rev. 10/1/85

⁴⁶ Adopted 02/17/21, effective 03/10/21

⁴⁷ Adopted 02/17/21, effective 03/10/21

⁴⁸ Adopted 02/17/21, effective 03/10/21

⁴⁹ Rev. 10/1/85

⁵⁰ Rev. 5/15/00 (deleted floor area definition)

⁵¹ Rev. 9/3/97, effective 9/23/97

and recreational activities, and may provide referrals to other service agencies for specific needs.

Farm:⁵² A tract of land used principally for agriculture, with or without an associated residential dwelling.

Farm Brewery:⁵³ any place or premises that is located on a farm in which beer is manufactured and sold in accordance with Public Act 17-160. A Farm Brewery may include the offering and tasting of beer manufactured by the farm brewery for consumption on the premises.

Farm Stand:⁵⁴ as provided in Zoning Regulations Article II, Section 1.03(n): A temporary roadside stand for sale of agricultural produce grown on the premises.

Farm Winery:⁵⁵ any place or premises, located on a farm in which wine is manufactured and sold in accordance with Public Act No. 08-187, as amended. A Farm Winery may include the offering and tasting of wine manufactured by the farm winery for consumption on the premises.

Farmers' Market:⁵⁶ In accordance with Connecticut General Statutes Section 22-6r, as amended a "Farmers' Market" is "a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income."

Floor Area, Gross – The gross area or floors within the exterior perimeter of the outside walls of the building without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. The term floor area, when found in these regulations, shall have the same meaning as gross floor area unless otherwise noted.⁵⁷

Floor Area, Gross Leasable – The area of a building measured from the exterior perimeter of the outside walls exclusive of common areas of the building such as hallways, vestibules, restrooms, elevators, stairs, mechanical rooms, storage areas, and cafeterias primarily for use by employees.⁵⁸

⁵² Adopted 1/23/19, effective 2/8/19

⁵³ Adopted 1/23/19, effective 2/8/19

⁵⁴ Adopted 1/23/19, effective 2/8/19

⁵⁵ Adopted 1/23/19, effective 2/8/19

⁵⁶ Adopted 1/23/19, effective 2/8/19

⁵⁷ Rev. 5/15/00, effective 6/3/00

⁵⁸ Rev. 5/15/00, effective 6/3/00

Floor Area, Net⁵⁹ – The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

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

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

G⁶⁰ Go-kart – A small, light, low-slung, four-wheeled vehicle, powered by a gasoline or an electric engine, used for racing or recreation.⁶¹

Go-kart Track – A closed, paved racetrack for go-karts.⁶²

Grading means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.⁶³

Group Dwelling - Buildings or building containing family dwelling units, each building containing not less than three and not more than eight dwelling units designed and built in accordance with the group dwelling regulations in effect at the time of construction. Group dwellings shall include garden apartments, town houses and row housing.⁶⁴

H⁶⁵ Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.⁶⁶

Heavy Industrial⁶⁷: The manufacturing or processing of materials or products predominantly from extracted or raw materials, or the manufacturing or processing of materials or products which can reasonably be expected to pose significant risks to public safety, to the quality of life on neighboring properties, or to the clean air and waters of the State of Connecticut; including, but not limited to, the use or involvement of explosives, radioactive materials, poisons or pesticides or similar hazardous materials on the premises, or the emission of smoke, noise, or airborne particles.

⁵⁹ Adopted 11/15/2021, effective 12/06/2021

⁶⁰ Rev. 11/15/2021, effective 12/06/2021 (Gross Floor Area and Gross Leasable Floor Area definitions moved to F)

⁶¹ Adopted 3/6/17, effective 3/23/17

⁶² Adopted 3/6/17, effective 3/23/17

⁶³ Rev. 10/1/85

⁶⁴ Rev. 5/15/00, effective 6/3/00

⁶⁵ Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)

⁶⁶ Adopted 7/9/03, effective 7/29/03

⁶⁷ Adopted 3/1/04, effective 3/20/04

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

Home-Conducted Occupation - Quasi-business uses of a type and magnitude which render them incidental to the primary residential use, carried on entirely within the confines of the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.⁶⁸

Horticulture⁶⁹ - The cultivation of plants for commercial purposes.

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

Hydroponics⁷⁰ - A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool.

- I Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.⁷¹

Inn⁷² - A building in which guest rooms are used to provide overnight accommodations to guests for compensation, which may include accessory uses such as serving of meals, conference facilities and indoor and /or outdoor event facilities for guests and patrons.

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

- J Job Printing - Printing operations occupying 20,000 square feet or more of gross floor area.⁷³

- L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.⁷⁴

⁶⁸ Rev. 07/18/16, effective 08/10/16

⁶⁹ Adopted 3/16/15, effective 4/1/15

⁷⁰ Adopted 01/21/15, effective 02/13/15

⁷¹ Rev. 10/1/85

⁷² Adopted 5/2/16, effective 5/18/16

⁷³ Adopted 5/3/99, effective 6/7/99

Light Industrial⁷⁵ - Uses to include research and development, assembling, testing, and similar processes predominately from previously processed materials or finished products or parts providing all activity of the industry shall be totally contained within a structure or structures, excluding loading facilities.⁷⁶

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

Lot - A parcel of land to be occupied by one principal building or by a group of principal buildings and the accessory buildings or uses incident thereto, including such open spaces as are required by these regulations and such open spaces as are used in connection with the buildings. A lot may or may not be the land shown as a lot on a duly recorded plan. A parcel of land conveyed as part of a "Unit" under the Common Interest Ownership Act, Chapter 828 of the General Statutes of the State of Connecticut, as defined in Section 47-202 (31) thereof, shall not constitute a lot within the meaning of these regulations.⁷⁷

Lot Frontage shall mean:

- (1) The length of a lot line which abuts a street, or
- (2) the length of a line drawn across a lot parallel to the street lot line at the required front yard depth when such method of determination is approved by the Commission for the specific lot.⁷⁸

M Major Automobile Repair⁷⁹ – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Memorial Garden⁸⁰ - Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features which may be incorporated into that use (walls, fountains, mounds, columbaria, etc.).

Minor Automobile Repair⁸¹ – Incidental body and fender work, battery replacement, small part change, tire repair, brake servicing, touch-up painting, oil changing, lubrication, engine tune-up, radio replacement, detailing, and

⁷⁴ Adopted 3/2/15, effective 3/20/15

⁷⁵ Revised 3/1/04, effective 3/20/04

⁷⁶ Adopted 5/3/99, effective 6/7/99

⁷⁷ Rev. 10/20/86

⁷⁸ Rev. 8/7/78

⁷⁹ Rev. 3/3/08, effective 3/22/08

⁸⁰ Rev. 8/15/94

⁸¹ Rev. 3/3/08, effective 3/22/08

similar services to passenger automobiles and trucks not exceeding one ton capacity.

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

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

Nursery School - As used in these regulations, the term "nursery school" shall be included within the definitions of child care center, group day care home and family day care home depending upon the number of children to be enrolled in the nursery school.⁸²

- O Outdoor Entertainment - Provision of entertainment for the pleasure of patrons outdoors or in partially enclosed or screened facilities in conjunction with a permitted principal use on the property. Such entertainment includes but is not limited to vocal and/or instrumental music, dancing, karaoke, motion pictures, theater, comedy and acting. Outdoor entertainment shall exclude the provision of adult entertainment, adult motion pictures and any display of adult material.⁸³

- P Pawn Shop: - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, or loans or advances money on personal property deposited as security thereon, and takes and receives such personal property. This definition shall not apply if such properties deposited with a lender and shall not apply to loans made upon stock, bonds, notes or other written or printed evidence of ownership of property or indebtedness to the holder or owner of such securities.⁸⁴

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

Personal Service - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.⁸⁵

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

Places of Worship - A building or buildings where people regularly assemble for religious worship, services, meetings or other activities.⁸⁶

Principal Structure – A structure in which is conducted the principal use of the lot on which it is located.⁸⁷

⁸² Rev. 12/4/89

⁸³ Adopted 02/13/17, effective 03/01/17

⁸⁴ Adopted 7/9/03, effective 7/29/03

⁸⁵ Adopted 5/3/99, effective 6/7/99

⁸⁶ Adopted 1/17/01, effective 2/6/01

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

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

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

Restaurant - An establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises.⁸⁸

Restaurant - drive-in - An establishment where food or beverages are sold primarily for consumption by customers parked in motor vehicles on the premises, whether or not the establishment also serves customers indoors.⁸⁹

Restrictive Conservation Easement (RCE)⁹⁰ - a limitation in the form of an easement agreement executed by or on behalf of the owner of the land, water, or wetland (the Land) described in the RCE in favor of the Town of Manchester or its agent. The fee simple interest in the Land contained in the RCE area shall remain with the owner of Land, subject to the RCE in favor of the Town. The purpose of the RCE is to retain such land, water or wetland areas predominately in their natural, scenic, or open condition or in their agricultural, farming, forest, or open space use, and to ensure the long term protection and preservation of these areas.

Retail Sales - Establishments engaged in selling goods or merchandise to the general public primarily for personal or household consumption and rendering services incidental to the sale of such goods.⁹¹

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

- S⁹² School or College - A college, public school or a private school giving regular instruction at least five days a week for eight or more months in the year; but not including a school or college giving special or limited instruction, such as business, art, music or dancing college or school.

⁸⁷ Adopted 01/07/13, effective 01/28/13

⁸⁸ Rev. 5/17/93

⁸⁹ Rev. 5/17/93

⁹⁰ Rev. 4/1/02, effective 4/23/02

⁹¹ Adopted 5/3/99, effective 6/7/99

⁹² Rev. 10/3/22, effective 10/24/22 (deleted Sidewalk Cafes definition)

Seasonal Outdoor Dining Area⁹³ – A portion of an eating establishment that is located outdoors temporarily during the permitted months and removed for the remainder of the year, which provides outdoor food and beverage service as an accessory use to the permitted food establishment.

Seasonal Vestibule:⁹⁴ A temporary exterior passage, hall or room adjacent to a building entrance.

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.⁹⁵

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.⁹⁶

Sex Shop:⁹⁷ an establishment offering goods for sale or rent and that meets any of the following: (i) The establishment offers for sale or rent items from any two or more of the following categories: (1) adult media including printed books, magazines, video cassettes, DVD's or similar material, (2) lingerie, or (3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; (ii) More than 5 percent of its stock in trade consists of sexually oriented toys or novelties; (iii) and more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

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

Shopping Mall - A building or group of buildings having a gross floor area of 500,000 square feet or more and containing an open or enclosed common pedestrian area serving more than one commercial tenant located within the same building or groups of buildings.⁹⁸

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

Site – The entire lot or parcel of land, or combination of contiguous lots or parcels of land on any portion of which development is proposed or on which

⁹³ Adopted 10/3/22, effective 10/24/22

⁹⁴ Adopted 2/5/18, effective 2/20/18

⁹⁵ Rev. 10/1/85

⁹⁶ Adopted 5/3/99, effective 6/7/99

⁹⁷ Adopted 9/6/2006, effective 9/14/2006

⁹⁸ Rev. 10/20/86

a building, operation or use or combination of buildings, operations or uses are located.⁹⁹

Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.¹⁰⁰

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.¹⁰¹

Solar Energy Systems¹⁰² - solar collection system consisting of linked series of photovoltaic modules and all components thereof, with the primary purpose to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site or to be delivered to a power grid to offset the cost of energy on-site.

Solar Energy Systems:

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

Roof-mounted - A solar energy system that includes integrated solar shingles, tiles or panels as the surface layer of the roof or awning structure with no apparent change in relief or project, or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.

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

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

Story - That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. The first story of a building shall be the lowermost story entirely above the grade plane (which is

⁹⁹ Adopted 11/03/03, effective 11/28/03

¹⁰⁰ Rev. 10/1/85

¹⁰¹ Rev. 10/1/85

¹⁰² Adopted 01/17/18, effective 02/02/18

the average of finished ground level adjoining the building at all exterior walls).¹⁰³

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

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

Studio: The workshop of an artist, sculptor, photographer or craftsman.¹⁰⁴

Surety means a corporate surety company licensed to do business in the State of Connecticut.¹⁰⁵

T Tattoo Parlor/Body Piercing Studio – an establishment whose principal business activity is the practice of placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in permanent coloration of the skin and/or creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.¹⁰⁶

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

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

W Warehousing¹⁰⁷ - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

¹⁰³ Rev. 5/15/78

¹⁰⁴ Adopted 5/3/99, effective 6/7/99

¹⁰⁵ Rev. 10/1/85

¹⁰⁶ Adopted 7/9/03, effective 7/29/03

¹⁰⁷ New 10/04/06, effective 10/25/06

ARTICLE II ZONING USES

Section 2 RURAL RESIDENCE ZONES

2.00 In a Rural Residence zone, no building or land shall be used and no building shall be erected or altered except for the following uses:

2.01 Permitted Uses

The following uses shall be permitted uses in Rural Residence zones:

2.01.01 Dwelling for single-family occupancy subject to the following requirements except as permitted in 2.01.01 (a)

Maximum building density	1.3 houses per acre
Maximum building height	35 feet
Maximum buildable area of lot	30%
* Minimum lot area	30,000 square feet
* Minimum lot frontage	150 feet
* Minimum building-line dimension	150 feet
Minimum front yard	50 feet
Minimum rear yard	30 feet
Minimum side yard	15 feet
Minimum total habitable floor area for houses	1100 sq. feet
Minimum habitable ground floor area for two-story houses	750 sq. feet

* Except as provided in 2.01.01 (a)

- (a) The minimum lot area, building line dimension and lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with Section 2.01.01 (b) and (c).
- (b) Where adverse geographical conditions or difficult site configuration exist the Commission may reduce the minimum requirements for area, building line dimension and lot frontage by amounts not to exceed 15% provided the maximum density is not increased.
- (c) In the event the Commission requires a plan of subdivision to include provisions for additional future access roads to lands not included in the subdivision, or for tracts for public utility uses or park and playground purposes, such provisions shall not cause a reduction of the permitted building density, and lot areas, building line dimensions and lot frontages may be reduced by amounts exceeding 15% so that a building density of 1.3 houses per acre is maintained.

2.01.02¹ Single-family accessory uses:

- (a) Accessory uses as set forth in Article II, Section 1.03.
- (b) The keeping of pigeons provided no pigeon house shall be within 100 feet of an abutting dwelling.
- (c) The keeping of bees provided no hive shall be within 100 feet of an abutting dwelling.
- (d) The keeping of rabbits provided that housing for rabbits in excess of 3 shall not be within 100 feet of an abutting dwelling.
- (e) The keeping of horses subject to Article IV Section 14.

2.01.03 Farming, including dairy.

2.01.04 Livestock raising.

2.01.05 Agriculture.

2.01.06 Horticulture.

2.01.07 Municipal facility buildings, parks and playfields²

2.01.08 ~~Day-Child~~ care ~~facility-center or group child care home conducted~~ located in a place of worship³ or municipal building⁴.

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

2.01.10 Renting of rooms and furnishing of table board for not more than 3 persons within a home, provided that the renter or furnisher shall permanently reside in the home.

2.01.11 The keeping of horses: subject to Article IV Section 14.

2.01.12 The traditional outdoor sales of Christmas trees and wreaths shall be permitted only during the months of November and December.

2.01.13 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.

¹ Rev. 3/2/15, effective 3/20/15

² Rev. 9/15/08, effective 10/05/08

³ Adopted 1/17/01, effective 2/06/01

⁴ Rev. 12/04/89

2.01.14 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.⁵

- 2.01.15⁶
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁷

2.01.16⁸ Low-Impact Agri-Tourism Activities

Low-Impact Agri-Tourism activities shall be permitted on a farm subject to the following general criteria. A site plan and accompanying narrative shall be prepared in sufficient detail to describe the activity and potential impacts on surrounding neighbors and public rights-of-way. Application materials shall be submitted to the Zoning Enforcement Officer for review and approval.

- (a) The farm shall be a minimum of 2 acres.
- (b) Access from the public street shall have adequate line of sight for visitor traffic entering and exiting the site.
- (c) Adequate internal access thereto and sufficient parking shall be provided in a designated area to accommodate projected visitors. Pervious drive aisles and parking areas are permitted.
- (d) It is the responsibility of the applicant to ensure that proposed activities are in compliance with all local, state and federal regulations.

2.02 Special Exception Uses

All special exceptions are subject to the requirements of Article IV Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II Section 1.00.02.⁹

2.02.01 House conversion to two-family occupancy

⁵ Rev. 12/04/89

⁶ Rev. 10/20/97, effective 11/11/97

⁷ New 11/03/03, effective 11/28/03

⁸ New 1/23/19, effective 2/8/19

⁹ Adopted 1/17/01, effective 2/06/01

A single-family house may be converted to house two families at the discretion of the Planning and Zoning Commission.

Before approval the Commission shall find that the house to be converted is no longer suitable for single-family occupancy because of its size and that a house converted to two-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.

Special requirements for two-family conversion:

- (a) The house shall not have been increased in size during the last five years prior to the public hearing.
- (b) The lot area shall be not less than 30,000 square feet.
- (c) If private sanitary sewer is used the sewer system shall be suitable for two-family use and shall be certified by the director of health.
- (d) No additional family unit shall have less than 700 square feet of private living area.
- (e) The original living area shall not be reduced to less than 1100 square feet.
- (f) No exterior structural changes shall be made except for suitable egress for each family.
- (g) No outside stairway shall be constructed on the front or sides of the building.
- (h) On corner lots, all stairways shall be contained inside the building.
- (i) On-site vehicle parking shall be provided for each family on properly constructed bituminous or cement concrete areas.

2.02.02 Schools¹⁰ and places of worship in accordance with the requirements of Article II, Section 1.00.02 and with the following Special Requirements:¹¹

- (a) The minimum lot size to contain the place of worship shall be one acre.
- (b) The lot shall have frontage on a public street of not less than 200 feet.

2.02.03 Reserved¹²

2.02.04 Hospital, medical clinic (excluding veterinary)

Special requirements:

¹⁰ Rev. 9/15/08, effective 10/05/08

¹¹ Adopted 01/17/01, effective 02/06/01

¹² Rev. 04/20/98, effective 05/12/98

- (a) The minimum lot size to contain the use shall be two acres.
- (b) The lot shall have frontage on a public street of not less than 200 feet.
- (c) The development shall have public sanitary sewer and public water.
- (d) Vehicle parking shall be in accordance with the requirements set forth in Article IV, Section 9.
- (e) The site shall be suitably landscaped.
- (f) 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.
- (g) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.05 Veterinary premises

Special requirements:

- (a) The minimum lot size to contain the use shall be one acre.
- (b) No part of the site shall be within 400 feet of a residential dwelling.
- (c) The site shall be suitably landscaped.
- (d) 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.
- (e) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.06 Cemetery¹³

May be developed at the discretion of the Planning and Zoning Commission.

Special requirements:

- (a) No cemetery shall be developed until the State Department of Health has approved the tract for cemetery purposes.
- (b) 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

¹³ Rev. 11/22/82

from excessive glare.

- (c) Site development plans shall be submitted to the Planning and Zoning Commission for approval. ¹⁴

2.02.07 Golf course, golf driving range, golf instructional facility (excluding miniature)¹⁵

Special requirements:

- (a) No entrance to a golf course or driving range or golf instructional facility shall be within 200 feet of a residential dwelling.
- (b) No automobile parking area shall be within 200 feet of a residential dwelling.
- (c) Vehicle parking shall be in accordance with the requirements set forth in Article IV, Section 9.
- (d) All greens and fairways shall be located so that golf balls will not be played into residential premises.
- (e) 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.
- (f) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.08 Sport and athletic clubs

Special requirements:

- (a) The minimum lot area to contain the use shall be four acres.
- (b) The development shall have public sanitary sewer and public water if the Commission finds that the nature of use is such that private systems are unsuitable.
- (c) No part of the site shall be within 400 feet of a residential dwelling or within 400 feet of a recorded single-family subdivision.
- (d) The nature of use and incidents of the use shall not cause nuisance from noise, odor or lighting.
- (e) The site shall be suitably landscaped.
- (f) All flood lighting and all other types of lighting which are intended to

¹⁴ Rev. 11/22/82

¹⁵ Rev. 11/19/90

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.

- (g) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.09 Child ~~day~~-care center ~~and or~~ group ~~day-child~~ care home not located in a residence
¹⁶

May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV Section 10 of these regulations.

2.02.10 Reserved¹⁷

2.02.11 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.

2.02.12 Supervised group homes for mentally retarded citizens¹⁸

- (a) Definitions: A supervised group home is a dwelling house owned or operated by a social or private agency, and staffed by appropriately trained persons who reside on the premises, in which a maximum of ten (10) mentally retarded citizens who are involved in vocational rehabilitation programs in the Town of Manchester reside.
- (b) Supervised group homes for mentally retarded citizens owned or operated by an agency properly licensed by the Department of Mental Retardation of the State of Connecticut may be conducted by permission of the Planning and Zoning Commission.
- (c) Maximum occupancy - every room occupied for sleeping purposes shall contain the minimum usable square footage required by the Town of Manchester Housing Code.
- (d) Development of premises and construction and remodeling of principal buildings shall be compatible with the residential character of the surrounding neighborhood. No enlargement of the structures nor construction of an additional structure shall be permitted on the premises unless approved by the Planning and Zoning Commission at the initial granting of the special exception or subsequently as a new special exception approval under this section.

¹⁶ Rev. 12/04/89

¹⁷ Rev. 04/20/98, effective 05/12/98

¹⁸ Rev. 06/04/79

- (e) The principal building or buildings shall be constructed and remodeled so as to remain usable and saleable for dwelling use if the group home facility use is terminated.
- (f) Adequate fire exits shall be provided to ensure the safety of the occupants. No outside stairway shall be constructed on the front or sides of the house. On corner lots, all stairways shall be contained inside the building.
- (g) No site of a supervised group home shall be within 1,000 feet of the site of another supervised group home.
- (h) The loss of any state license by any supervised group home facility shall be deemed to be an automatic revocation of the special exception granted under this ordinance.
- (i) Building plans showing all rooms, room sizes, intended uses of each room, and alterations to the building shall be submitted with the application to the Planning and Zoning Commission for approval.¹⁹

2.02.13 Municipal utility buildings and structures²⁰

- (a) May be developed after approval by the Planning and Zoning Commission for public water and sewer utilities.
- (b) Special requirements:
 - 1. No part of the building or structure shall be within 150 feet of an existing residential dwelling.
 - 2. The building or structure shall conform to zoning requirements of the zone in which the site is located as to maximum buildable area and minimum yards.
 - 3. The site shall have street frontage or access to a public street through an easement to the Town.
 - 4. Evergreen plantings (at least four feet high and four foot on center) and fencing (at least 6 feet high) shall be installed to create visual screening from adjacent residential dwellings unless waived by the Commission due to existing topography, existing vegetation, site configuration or location or the type of utility use.
 - 5. Site development plans shall be submitted to the Commission for approval.

2.02.14 Supervised group homes for children with special needs²¹

¹⁹ Rev. 11/03/03, effective 11/28/03

²⁰ Rev. 01/26/81

Purpose: A special exception for supervised group homes for children with special needs is intended to provide a location which offers a safe, secure, homelike environment for the children; to secure proper individual treatment for each child; to provide an environment which will aid in the development of educational, vocational and independent living skills; and to assist the home's residents in establishing a more permanent living situation with their family, a foster family, or in independent living. Such homes shall be located with due consideration being given to the adequacy of the building to support the use, to the character of the neighborhood, to the ability of the proposed group home to look and function as if it were a single-family unit, and to the concern for the health, safety and welfare of both the residents of the home and the residents of the immediate neighborhood.

(a) Definitions:

1. A supervised group home for children with special needs is a dwelling (1) owned or operated by a public agency or a private non-profit organization properly licensed by the Department of Children and Youth Services of the State of Connecticut and (2) staffed by appropriately trained persons who reside on the premises.
2. A "child with special needs" is a child between ages 13 and 18 requiring residential care but who has not been involved in violent crime, is not overly aggressive, is not self-destructive and is not a known substance abuser.

- (b) Supervised group homes for such children may be conducted after approval by the Planning and Zoning Commission which may in its discretion limit the use of the special exception to the applicant.
- (c) The special exception authorized under this regulation shall be automatically revoked in the event that the supervised group home facility (1) loses its license from the State Department of Children and Youth Services or (2) ceases to be used as a supervised group home for children with special needs for more than one year. The operator shall notify the Planning and Zoning Commission in writing of the date the facility ceases to be so used, within 30 days of the day of cessation.
- (d) The Planning and Zoning Commission shall set minimum floor areas, but in no event shall they be less than the minimum floor area requirements of the Town of Manchester Housing Code for sleeping and other habitable areas. In no event shall a group home provide housing for more than eight children with special needs and two resident staff.
- (e) The group home shall look and function as if it were housing a single-family unit. Any development of the premises or construction and remodeling of principal or accessory buildings shall be compatible with the residential

²¹ Rev. 11/30/84

character of the surrounding neighborhood.

- (f) The principal building or buildings shall be constructed and remodeled so as to remain usable and saleable as a single-family dwelling if the group home facility use is terminated. No enlargement of the structure or construction of an additional structure shall be permitted on the premises unless approved by the Planning and Zoning Commission at the initial granting of the special exception or subsequently as a new special exception approval under this section.
- (g) Adequate fire exits as determined by the chief building official and cognizant fire marshal shall be provided to ensure the safety of the occupants. No outside stairway shall be constructed on the front or sides of the dwelling. On corner lots all stairways shall be contained inside the building.
- (h) No site of a supervised group home for children with special needs shall be within 1,000 feet of the site of another supervised group home.
- (i) Parking requirements:
 - 1. Parking spaces shall be provided to serve residents and visitors, but a minimum of two off-street parking spaces shall be provided. Parking spaces within a garage shall be credited towards this parking requirement. All parking surfaces shall be paved. No parking surface other than an entrance drive shall be permitted in the front yard.
 - 2. Plans for parking areas shall include landscaping and fencing sufficient to assure the residential character of the premises and to minimize the intrusion of vehicular lights onto adjacent residential property.
 - 3. The stormwater management aspects of the site development shall comply with the Town of Manchester "Public Improvement Standards" unless the Public Works Director/Town Engineer or designee grants a waiver, in writing, if the applicant demonstrates that the proposed development does not increase the site's impervious area or alter the site's existing drainage patterns in any way.²²
- (j) Outdoor recreation facilities shall not be substantially different from those which serve a single-family dwelling. The parcel shall include at least 1,500 square feet of passive recreation area, unless, for good cause shown, the Planning and Zoning Commission approves a smaller passive recreation area.
- (k) Building plans showing all rooms, room sizes, intended uses of each room, and alterations to the building shall be submitted with the application to the Planning and Zoning Commission for approval.²³

²² Rev. 11/03/03, effective 11/28/03

²³ Rev. 11/03/03, effective 11/28/03

- (l) Any alteration or additions to the structure or construction of an additional structure shall comply with the area, yard and bulk requirement for the respective zone for single-family dwellings.
- (m) The Planning and Zoning Commission may, based on reasonable and minimum standards, impose such additional conditions and modifications as it finds necessary to protect the public health, safety and welfare.

2.02.15 Reserved²⁴

2.02.16 Adult day care center²⁵

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

2.02.17²⁶ Wireless telecommunication facilities

May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.

2.02.18²⁷ Bed and Breakfast Inns may be permitted subject to meeting the following standards:

- (a) The lot shall meet the minimum lot area of 30,000 square feet.
- (b) The operator of the inn must be the owner of the property and reside in the principal dwelling where the inn will be.
- (c) The establishments shall not contain more than six guest sleeping rooms.
- (d) The only meal provided to guests shall be breakfast, and it shall only be served to guests of the establishment.
- (e) Individual rooms to be rented to guests shall not contain cooking facilities.
- (f) Guest stays shall not exceed 14 consecutive calendar days.
- (g) Full bathrooms shall be provided at a minimum rate of one per two guest sleeping rooms.
- (h) Parking will be provided in accordance with provisions of the Article IV Section 9.03.25

2.02.19²⁸ High-Impact Agri-Tourism Activities

²⁴ Rev. 04/20/98, effective 05/12/98

²⁵ Rev. 12/04/89

²⁶ Rev. 10/20/97, effective 11/11/97

²⁷ New 07/15/13, effective 08/01/13

²⁸ New 1/23/19, effective 2/8/19

High-Impact Agri-tourism activities may be permitted on a farm subject to the following:

- (a) The farm meets the general criteria listed 2.01.16;
- (b) The Commission shall consider the impacts of a proposal on the ability for the land to remain a productive farm;
- (c) The Commission may set restrictions to mitigate the potential for noise and light to impact surrounding properties. Limitations may include, but are not limited to, hours of operation, buffering of parking or facilities, limitations on the type of outdoor entertainment, and use of sound amplification equipment.
- (d) The provisions of Article IV, Section 20.

ARTICLE II ZONING USES

Section 3 RESIDENCE AA ZONE

3.00 In a Residence AA zone, no building or land shall be used and no building shall be erected or altered except for the following uses:

3.01 Permitted Uses

The following uses shall be permitted in Residence AA zones:

3.01.01 Dwellings for single-family occupancy subject to the following requirements except as permitted in 3.01.01 (a):

Maximum building density	2.0 houses per acre
Maximum building height	35 feet
Maximum buildable area of lot	30%
* Minimum lot area	18,000 square feet
* Minimum lot frontage	120 feet
* Minimum building-line dimension	120 feet
Minimum front yard	40 feet
Minimum rear yard	30 feet
Minimum side yard	15 feet
Minimum total habitable floor area for houses	1250 square feet
Minimum habitable ground floor area for two-story houses	850 square feet

* Except as provided in 3.01.01 (a).

- (a) The minimum lot area, building line dimension and lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with Section 3.01.01 (b) and Section 3.01.01 (c).
- (b) Where adverse geographical conditions or difficult site configurations exist the Commission may reduce the minimum requirements for area, building line dimension and lot frontage by amounts not to exceed 15% provided the maximum building density is not increased.
- (c) In the event the Commission requires a plan of subdivision to include provisions for additional future access roads to lands not included in the subdivision, or for tracts for public utility uses or park and playground purposes, such provisions shall not cause a reduction of the permitted building density, and lot areas, building line dimensions and lot frontages may be reduced by amounts exceeding 15% so that a building density of 2.0 houses per acre is maintained.

3.01.02 Residential Accessory Uses

3.01.03 Public libraries including customary accessory uses.¹ Day care facilities conducted in a place of worship², a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.³

3.01.04 Municipal parks, playgrounds and recreational buildings (including customary accessory uses).

3.01.05 Renting of rooms and furnishing of table board for not more than 3 persons within a home, provided that the renter or furnisher shall permanently reside in the home.

3.01.06 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.⁴

3.01.07 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.⁵

3.01.08⁶ (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.

(b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.

(c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁷

3.02 Special Exception Uses

All special exceptions are subject to the requirements of Article IV Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II Section 1.00.02.⁸

3.02.01 Schools⁹ and places of worship¹⁰ in accordance with the requirements of Article II, Section 1.00.02.

¹ Rev. 9/15/08, effective 10/05/08

² Adopted 01/17/01, effective 02/06/01

³ Rev. 12/04/89

⁴ Rev. 01/18/82

⁵ Rev. 12/04/89

⁶ Rev. 10/20/97, effective 11/11/97

⁷ New 11/3/03, effective 11/28/03

⁸ Adopted 01/17/01, effective 02/06/01

⁹ Rev. 9/15/08, effective 10/05/08

¹⁰ Rev. 04/20/98, effective 05/12/98

- 3.02.02 Carnivals and circuses
- May be held at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.
- 3.02.03 Supervised group homes for mentally retarded citizens¹¹
- Subject to the restrictions and requirements of Article II, Section 2.02.12 of these regulations.
- 3.02.04 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹²
- 3.02.05 Supervised group homes for children with special needs¹³
- Subject to the restrictions and requirements of Article II, Section 2.02.14 of these regulations.
- 3.02.06 Reserved¹⁴
- 3.02.07 Adult day care center ¹⁵
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18.
- 3.02.08 Child ~~day~~-care center or group child care home not located in a residence¹⁶
- May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV Section 10.
- 3.02.09 Wireless telecommunication facilities¹⁷
- May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.
- 3.02.10¹⁸ Bed and Breakfast Inns may be permitted subject to meeting the following standards:
- (a) The lot shall meet the minimum lot area of 18,000 square feet.

¹¹ Rev. 06/04/79

¹² Rev. 01/26/81

¹³ Rev. 11/30/84

¹⁴ Rev. 04/20/98, effective 05/12/98

¹⁵ Rev. 12/04/89

¹⁶ Rev. 12/04/89

¹⁷ Rev. 10/20/97, effective 11/11/97

¹⁸ New 07/15/13, effective 08/01/13

- (b) The operator of the inn must be the owner of the property and reside in the principal dwelling where the inn will be.
- (c) The establishments shall not contain more than six guest sleeping rooms.
- (d) The only meal provided to guests shall be breakfast, and it shall only be served to guests of the establishment.
- (e) Individual rooms to be rented to guests shall not contain cooking facilities.
- (f) Guest stays shall not exceed 14 consecutive calendar days.
- (g) Full bathrooms shall be provided at a minimum rate of one per two guest sleeping rooms.
- (h) Parking will be provided in accordance with provisions of the Article IV Section 9.03.25

ARTICLE II ZONING USES

Section 4 RESIDENCE A ZONE

4.00 In a Residence A zone, no building or land shall be used and no building shall be erected or altered except for the following:

4.01 Permitted Uses

The following uses shall be permitted in Residence A zones:

4.01.01 Dwellings for single-family occupancy subject to the following requirements except as provided in 4.01.01(a).

Maximum building density	3.0 houses per acre
Maximum building height	35 feet
Maximum building area of lot	30%
Minimum lot area*	12,000 square feet
Minimum lot frontage*	100 feet
Minimum building-line dimension*	100 feet
Minimum front yard	25 feet
Minimum rear yard	25% of lot depth or 30 feet
Minimum side yard	10 feet
Minimum total habitable floor area for houses	1100 square feet
Minimum habitable ground floor area for two-story houses**	750 square feet

* except as provided in 4.01.01 (a)

** except as provided in Article IV Section 1.01.01

- (a) The minimum lot area, building line dimension and lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with Section 4.01.01 (b) and Section 4.01.01 (c).
- (b) Where adverse geographical conditions or difficult site configuration exist the Commission may reduce the minimum requirements for area, building line dimension and lot frontage by amounts not to exceed 15% provided the maximum building density is not increased.
- (c) In the event that the Commission requires a plan of subdivision to include provisions for additional future access roads to lands not included in the subdivision, or for tracts for public utility uses or park and playground purposes, such provisions shall not cause a reduction of permitted building density, and lot areas, building line dimensions and lot frontage may be reduced by amounts exceeding 15% so that a building density of 3.0 houses per acre is maintained.

- 4.01.02 Residential accessory uses
- 4.01.03 Public libraries, including customary accessory uses.¹ Day care facilities conducted in a place of worship², a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.³
- 4.01.04 Municipal parks, playgrounds and recreation buildings (including customary accessory uses).
- 4.01.05 Green houses and horticultural nurseries including customary accessory uses.
- 4.01.06 Renting of rooms and furnishing of table board for not more than three persons within a home, provided that the renter or furnisher shall permanently reside in the home.
- 4.01.07 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.
- 4.01.08 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.⁴
- 4.01.09⁵
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁶
- 4.02 Special Exception Use
- All special exceptions are subject to the requirements of Article IV Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II Section 1.00.02.⁷

¹ Rev. 9/15/08, effective 10/05/08

² Adopted 01/17/01, effective 02/06/01

³ Rev. 12/04/89

⁴ Rev. 12/04/89

⁵ Rev. 10/20/97, effective 11/11/97

⁶ New 11/03/03, effective 11/28/03

⁷ Adopted 01/17/01, effective 2/06/01

4.02.01 House conversion to two-family occupancy.

A single-family house may be converted to house two families at the discretion of the Planning and Zoning Commission. Before approval the Commission shall find that the house to be converted is no longer suitable for single-family occupancy because of its size, and that a house converted to two-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.

- (a) The house shall not have been increased in size during the last five years prior to the public hearing.
- (b) The lot area shall be not less than 12,000 square feet.
- (c) No additional family unit shall have less than 700 square feet of private living area.
- (d) The original living area shall not be reduced to less than 1,100 square feet.
- (e) No exterior structural changes shall be made except for suitable egress for each family.
- (f) No outside stairway shall be constructed on the front or sides of the house.
- (g) On corner lots all stairways shall be contained inside the building.
- (h) On site vehicle parking shall be provided for each family on properly constructed bituminous or cement concrete areas.
- (i) The house shall have public sanitary sewer and public water.

4.02.02 Schools⁸ and places of worship⁹ in accordance with the requirements of Article II, Section 1.00.02.

4.02.03 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.

4.02.04 Supervised group homes for mentally retarded citizens.

Subject to the restrictions and requirements of Article II, Section 2.02.12 of these regulations.¹⁰

⁸ Rev. 9/15/08, effective 10/05/08

⁹ Adopted 1/17/01, effective 02/06/01

¹⁰ Rev. 06/04/79

- 4.02.05 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹¹
- 4.02.06 Supervised group homes for children with special needs.
Subject to the restrictions and requirements of Article II, Section 2.02.14, of these regulations.¹²
- 4.02.07 Reserved¹³
- 4.02.08 Adult day care center.
May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 18.¹⁴
- 4.02.09 Child ~~day~~-care center ~~and/or~~ group day care home not located in a residence.
May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV, Section 10.¹⁵
- 4.02.10¹⁶ Wireless telecommunication facilities
May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.
- 4.03 Repealed Uses
As of January 25, 1972, group dwellings may not be built in Residence A zones but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.

¹¹ Rev. 01/26/81

¹² Rev. 11/30/84

¹³ Rev. 04/20/98, effective 05/12/98

¹⁴ Rev. 12/04/89

¹⁵ Rev. 12/04/89

¹⁶ Rev. 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

Section 5 RESIDENCE B ZONE

5.00 In a Residence B zone no building or land shall be used and no building shall be erected or altered except for the following:

5.01 Permitted Uses

The following uses shall be permitted in Residence B zones:

5.01.01 Dwellings for single-family occupancy subject to the following requirements except as permitted in 5.01.01 (a).

Maximum building density	4.0 houses per acre
Maximum building height	35 feet
Maximum buildable area of lot	35%
* Minimum lot area	9,000 square feet
* Minimum lot frontage	75 feet
* Minimum building-line dimension	75 feet
Minimum front yard	20 feet
Minimum rear yard	25% of lot depth or 30 feet
Minimum side yard	8 feet providing the two side yards total 20 feet
Minimum total habitable floor area for houses	850 square feet
Minimum habitable ground floor area for two-story houses	550 square feet

* Except as provided in 5.01.01 (a)

- (a) The minimum lot area, building line dimension and lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with Section 5.01.01 (b) and Section 5.01.01 (c).
- (b) Where adverse geographical conditions or difficult site configuration exists, the Commission may reduce the minimum requirements for area, building line dimension and lot frontage by amounts not to exceed 15% provided the maximum building density is not increased.
- (c) In the event that the Commission requires a plan of subdivision to include provisions for additional future access roads to lands not included in the subdivision, or for tracts for public utility uses or park and playground purposes, such provisions shall not cause a reduction of the permitted building density, and lot areas, building line dimensions and lot frontages may be reduced by amounts exceeding 15% so that a building density of four houses per acre is maintained.

5.01.02 Two-family houses: ¹

Houses designed to contain two separate family residences subject to the provisions of 5.01.01 except as modified herein to allow each residence in a two-family house with a common wall to be located on an individually owned parcel or lot of land.

Minimum lot area per residence	4,500 sq. feet
Minimum lot frontage per residence	37.5 feet
Minimum building line dimension per residence	37.5 feet
Minimum side yard	8 feet providing the two side yards total 20 feet, 0 feet on interior line (being a common vertical wall with the other residence and have a fire-resistance rating required by the Connecticut Basic Building Code.)
Minimum total habitable living area for a residence	850 square feet
Minimum habitable ground floor area for a two-story residence	425 square feet

Minimum parking requirements - at least two paved off-street parking spaces for each unit. Parking shall be provided on each lot created. Parking areas or paving shall not be permitted in front yards and/or directly in front of the residential structure, excluding driveway areas within the side yard dimension.

Certified building plans and/or a written certification signed by a licensed professional engineer shall be submitted which states that the existing or proposed party wall meets the requirements of this section.

Any lot may be subdivided provided the center line of the two-family house erected thereon shall be a portion of the dividing line and the above requirements are satisfied.

5.01.03 Residential accessory uses.

5.01.04 Public libraries, including customary accessory uses.² Day care facilities conducted in a place of worship³, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.⁴

5.01.05 Municipal parks, playgrounds and recreation building including customary

¹ Rev. 06/02/86

² Rev. 9/15/08, effective 10/05/08

³ Adopted 01/17/01, effective 02/06/01

⁴ Rev. 12/04/89

accessory uses.

- 5.01.06 Greenhouses and horticultural nurseries, including customary accessory uses.
- 5.01.07 Clubs except those in which the chief activity is a service carried on as a business.
- 5.01.08 Reserved⁵
- 5.01.09 Hospitals, public and private.
- 5.01.10 Renting of rooms and furnishing of table board for not more than three persons within a home, provided that the renter or furnisher shall permanently reside in the home.
- 5.01.11 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.
- 5.01.12 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.⁶
- 5.01.13⁷
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁸

5.02 Special Exception Uses

All special exceptions are subject to the requirements of Article IV, Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II, Section 1.00.02.⁹

5.02.01 House conversion to two-family, three-family or four-family occupancy:

A single-family house may be converted to house not more than four families at the discretion of the Planning and Zoning Commission.

Before approval the Commission shall find that the house to be converted is no

⁵ Rev. 04/20/98, effective 05/12/98

⁶ Rev. 12/04/89

⁷ Rev. 12/04/89

⁸ New 11/03/03, effective 11/28/03

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

longer suitable for single-family occupancy because of its size, and that a house converted to multi-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.

Special requirements for two-, three-, or four-family conversion in Residence B Zones:

- (a) The house shall not have been increased in size during the last five years prior to the public hearing.
- (b) The house lot shall contain not less than 4,000 square feet for each dwelling unit.
- (c) Each family unit shall have not less than 700 square feet of private living area.
- (d) No exterior structural change shall be made except for suitable egress for each family.
- (e) No outside stairway shall be constructed on the front or sides of the house.
- (f) On corner lots all stairways shall be contained inside the building.
- (g) On-site vehicle parking shall be provided for each family on properly constructed bituminous or cement concrete areas.
- (h) The house shall have public sanitary sewer and public water.

5.02.02 Schools¹⁰ and places of worship¹¹ in accordance with the requirements of Article II, Section 1.00.02.

5.02.03 Carnivals and circuses

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

5.02.04 Supervised group homes for mentally retarded citizens ¹²

Subject to the restrictions and requirements of Article II, Section 2.02.12.

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

5.02.06 Supervised group homes for children with special needs ¹⁴

Subject to the restrictions and requirements of Article II, Section 2.02.14 of these

¹⁰ Rev. 09/15/08, effective 10/05/08

¹¹ Adopted 01/17/01, effective 02/06/01

¹² Rev. 06/04/79

¹³ Rev. 01/26/81

¹⁴ Rev. 11/30/84

regulations.

5.02.07 Reserved¹⁵

5.02.08 Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 18.¹⁶

5.02.09 Child ~~day~~-care center-~~and/or~~ group ~~day-child~~ care home not located in a residence¹⁷

May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV, Section 10.

5.02.10¹⁸ Wireless telecommunication facilities

May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.

5.03 Repealed Uses

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

¹⁵ Rev. 04/20/98, effective 05/12/98

¹⁶ Rev. 12/04/89

¹⁷ Rev. 10/02/89

¹⁸ Rev. 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

Section 6 RESIDENCE C ZONE

6.00 In a Residence C zone no building or land shall be used and no building shall be erected or altered except for the following uses:

6.01 Permitted Uses

The following uses shall be permitted in Residence C zones:

6.01.01 Dwellings for single-family occupancy subject to the following requirements:

Maximum building density	4.8 houses per acre
Maximum building height	35 feet
Maximum buildable area of lot	40%
Minimum lot area	7200 square feet
Minimum lot frontage	60 feet
Minimum building-line dimension	60 feet
Minimum front yard	15 feet
Minimum rear yard	25% of lot depth or 30 feet
Minimum side yard	10 feet
Minimum total habitable floor area for houses	850 square feet
Minimum habitable ground floor area for two-story houses	550 square feet

6.01.02 Two-family houses¹.

Houses designed to contain two separate family residences subject to the provisions of 6.01.01 except as modified herein to allow each residence in a two-family house with a common wall to be located on an individually owned parcel or lot of land:

Minimum lot area per residence	3600 square feet
Minimum lot frontage per residence	30 feet
Minimum building-line dimension per residence	30 feet
Minimum side yard	10 feet on one side, 0 feet on interior lot line (being a common vertical wall with the other residence and having a fire-resistance rating of no less than 3/4 hour or the rating required by the Connecticut Basic Building Code, whichever is greater)
Minimum total habitable living area for a residence	850 square feet

¹ Rev. 07/21/80

Minimum habitable ground floor
area for a two-story residence 425 square feet

Any lot may be subdivided provided the center line of the two-family house erected thereon shall be a portion of the dividing line and the above requirements are satisfied.

6.01.03 Residential accessory uses.

6.01.04 Reserved²

6.01.05 Public libraries, including customary accessory uses.³ Day care facilities conducted in a place of worship⁴, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10. ⁵

6.01.06 Municipal parks, playgrounds and recreation buildings including customary uses.

6.01.07 Greenhouses and horticultural nurseries including customary accessory uses.

6.01.08 Reserved⁶

6.01.07 Clubs except those in which the chief activity is a service carried on as a business.

6.01.10 Hospitals, public and private.

6.01.11 Renting of rooms and furnishing of table board for not more than three persons within a house, provided that the renter or furnisher shall permanently reside in the home.

6.01.12 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.

6.01.13 Business use in residential building.

A business use may be established in a residential building in addition to residential occupancy subject to the following requirements:

- (a) The building shall not be enlarged to accommodate the business use.
- (b) The residential appearance of the building shall be preserved and no structural changes to the exterior shall be made except to provide suitable means of egress.

² Rev. 04/20/98, effective 05/12/98

³ Rev. 9/15/08, effective 10/05/08

⁴ Adopted 01/17/01, effective 02/06/01

⁵ Rev. 12/04/89

⁶ Rev. 04/20/98, effective 05/12/98

- (c) The business uses shall be restricted to offices.
- (d) There shall be no retail or wholesale merchandising.
- (e) Vehicle parking shall be provided in accordance with requirements set forth in Article IV, Section 9.

6.01.14 Family ~~day-child~~care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.⁷

- 6.01.15⁸
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁹

6.02 Special Exception Uses

All special exceptions are subject to the requirements of Article IV Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II Section 1.00.02.¹⁰

6.02.01 House conversion to two-family, three-family or four-family occupancy.¹¹

A single-family house may be converted to house not more than four families at the discretion of the Planning and Zoning Commission.

Before approval, the Commission shall find that the house to be converted is no longer suitable for single-family occupancy because of its size, and that a house converted to multi-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.

Special requirements for 2, 3 or 4-family conversion in Residence C zones:

- (a) The house shall not have been increased in size during the last five years prior to the public hearing.

⁷ Rev. 12/04/89

⁸ Rev. 10/20/97, effective 11/11/97

⁹ New 11/03/03, effective 11/28/03

¹⁰ Adopted 01/17/01, effective 02/06/01

¹¹ Rev. 01/18/82

- (b) The house lot shall contain not less than 4,000 square feet for each dwelling unit.
- (c) Each family unit shall have not less than 700 square feet of private living area.
- (d) No exterior structural change shall be made except for suitable egress for each family.
- (e) No outside stairway shall be constructed on the front or sides of the house.
- (f) On corner lots all stairways shall be contained inside the building.
- (g) On-site vehicle parking shall be provided for each family on properly constructed bituminous or cement concrete areas.

6.02.02 New office building¹²

The Planning and Zoning Commission may, after public hearing, and subject to appropriate safeguards in harmony with the general purpose of these regulations, grant a permit for a new office building subject to the following conditions:

- (a) The Schedule of Area, Height and Bulk of Buildings and Structures for Residence C zone shall be followed except for minimum front yards.

In order to reinforce the prevailing front yard dimensions of the street, front yard dimensions shall be the same as the greatest existing front yard dimension on abutting properties unless a lesser yard is approved by the Commission.¹³

- (b) Residential uses shall be permitted on the second floor in a new office building. Two parking spaces for each unit shall be provided.¹⁴
- (c) Parking shall be provided in accordance with Article IV, Section 9.
- (d) The site shall be determined by the Commission to be a suitable location for office use, including the availability of public water and sewer, the condition of traffic in the streets, the character of the neighborhood, etc. ¹⁵
- (e) New office buildings shall be designed to be oriented towards the public street. Building elevations shall be provided as part of the application for approval demonstrating this design orientation.¹⁶

¹² Rev. 06/20/05, effective 07/18/05

¹³ Rev. 10/02/89

¹⁴ Rev. 10/02/89

¹⁵ Rev. 07/26/82

¹⁶ Rev. 10/02/89

6.02.03 Conversions of a residence to office use or office/residential use.¹⁷

The Planning and Zoning Commission may, after public hearing, and subject to appropriate safeguards in harmony with the general purpose of these regulations, grant a permit for conversion of a residential building to office use or to office and residential use subject to the following requirements:

- (a) The uses shall be restricted to business offices.
- (b) There shall be no retail or wholesale merchandising.
- (c) Vehicle parking shall be provided in accordance with requirements set forth in Article IV, Section 9.
- (d) Residential uses shall be permitted on the second floor. Two parking spaces for each residential unit shall be provided.¹⁸
- (e) The site shall be determined by the Commission to be a suitable location for office use, including the availability of public water and sewer, the condition of traffic in the streets, the character of the neighborhood.
- (f) The residential appearance of the building shall be preserved and any exterior alterations or additions to the building shall be architecturally appropriate to the original structure.¹⁹

6.02.04 Schools²⁰ and places of worship²¹ in accordance with the requirements of Article II, Section 1.00.02.

6.02.05 Carnivals and circuses.

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

6.02.06 Supervised group homes for mentally retarded citizens.²²

Subject to the restrictions and requirements of Article II, Section 2.02.12, of these regulations.

6.02.07 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.²³

¹⁷ Rev. 6/20/05, effective 7/18/05

¹⁸ Rev. 06/20/05, effective 07/18/05

¹⁹ Rev. 06/20/05, effective 07/18/05

²⁰ Rev. 9/15/08, effective 10/05/08

²¹ Adopted 01/17/01, effective 02/06/01

²² Rev. 06/04/79

²³ Rev. 01/16/81

6.02.08 Supervised group homes for children with special needs.²⁴

Subject to the restrictions and requirements of Article II, Section 2.02.14 of these regulations.

6.02.09 Adult day care center.²⁵

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

6.02.10 Child ~~day~~-care center ~~and/or~~ group ~~day~~-child care home not located in a residence²⁶

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

6.02.11 Wireless telecommunication facilities²⁷

May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.

6.03 Repealed Uses

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

²⁴ Rev. 11/30/84

²⁵ Rev. 12/04/89

²⁶ Rev. 12/04/89

²⁷ Rev. 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

Section 7

PLANNED RESIDENTIAL DEVELOPMENT ZONE

7.01 Purpose¹

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

7.01.02 A Planned Residence Development zone shall be established with a view toward conserving the value of buildings and land, encouraging the most appropriate use of land, and with reasonable consideration as to the character of the neighborhood. A Planned Residence Development zone shall allow a mixture of housing types and a development density which is suitable for the particular site. The design elements of the proposed development shall be attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and the proposed use will not adversely affect property values in the neighborhood.²

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

7.02 Permitted Uses

7.02.01 Single-family houses subject to the following requirements, unless otherwise described in Article II, Section 7.04.06 (b) 3³:

Maximum building density	4.0 houses per acre
Minimum lot area	9000 square feet
Minimum lot frontage	75 feet
Minimum front yard	25 feet
Minimum rear yard	30 feet
Minimum side yard	10 feet
Minimum total habitable floor area	850 square feet
Maximum buildable area	35% of the lot area
Maximum building height	35 feet

- (a) Each single-family house shall be on a separate subdivided lot and be intended for private ownership of house and lot except for elderly deed restricted independent living housing which may also be approved as a common interest community.⁴

¹ Rev. 01/26/81

² Rev. 07/06/05, effective 07/29/05

³ Rev. 07/06/05, effective 07/29/05

⁴ Rev. 04/20/98, effective 05/12/98

- (b) The minimum lot area and minimum lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with paragraphs (1) and (2) below.
 - 1. Where adverse geographical conditions or difficult site configuration exist, the Commission may reduce the minimum area and/or lot frontage by an amount not to exceed 15% provided the maximum permitted building density in the subdivision is not exceeded.
 - 2. In the event the Commission requires a plan of subdivision to include provisions for additional future roads to lands not included in the subdivision or for tracts for municipal public utility uses, such provision shall not cause a reduction of the maximum permitted building density and lot areas and lot frontages may be reduced by the Commission provided the maximum permitted building density is not exceeded.

7.02.02 Duplex houses subject to the following requirements, unless otherwise described in Article II, Section 7.04.06 (b) 3⁵:

Maximum building density	4 houses per acre
Minimum lot area for each dwelling	4500 square feet
Minimum lot frontage for each dwelling	40 feet (80 feet for each duplex house)
Minimum front yard	25 feet
Minimum rear yard	30 feet
Minimum side yard	10 feet on one side, 0 feet on interior lot line (being common dividing wall with the other residence)
Minimum habitable floor area for each dwelling	850 square feet (there shall be no mutual floor areas)

- (a) A duplex house shall mean two side-by-side dwellings with a common dividing wall. Each dwelling shall be on a separate subdivided lot intended for private ownership except for elderly deed restricted independent living housing which may also be approved as a common interest community.⁶
- (b) The minimum lot area and minimum lot frontage may be modified by the Commission at the time of the subdivision plan approval in accordance with paragraphs 7.02.01(b)(1) and (b)(2) above.

⁵ Rev. 07/06/05, effective 07/29/05

⁶ Rev. 04/20/98, effective 05/12/98

7.02.03 Multi-family dwellings subject to the following requirements:

- (a) The minimum living area for units in a multi-family dwelling shall be as follows:

Efficiency (no separate 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) The total aggregate of gross floor area contained in a multi-family dwelling shall not exceed 30% of the multi-family dwelling site area for buildings two stories or more in height nor 15% of the multi-family dwelling site area for buildings less than two stories in height.

- (c) The total number of multi-family dwelling units shall not exceed ten (10) per acre of the multi-family dwelling site excluding wetlands and slopes greater than 15%.⁷, except for multi-family elderly units which shall be developed in accordance with Article II, Section 20.04.01 (b).⁸

- (d) The minimum site area for multi-family dwellings shall be 20,000 square feet and the site shall have not less than a 50 foot frontage on an improved and town accepted street.

- (e) No multi-family dwelling shall have more than three habitable stories or exceed forty (40) feet in height. Further, the uppermost story shall have access from an interior stair arrangement which will not require occupants of the uppermost story to traverse more than two stories to gain access at grade level.⁹

- (f) The following requirements are for the purpose of subdivision of three or more attached individual dwelling units in a multi-family site. Each dwelling unit shall be on a separate subdivided lot intended for private ownership.¹⁰

Maximum building density	Same as 7.02.03(c)
Minimum lot area for each unit	2,000 square feet
Minimum lot frontage for each unit	Width of the unit
Minimum front yard	30 feet
Minimum front yard	Except that an attached garage may be located within this minimum front yard provided the garage maintains a minimum front yard of 20 feet. ¹¹

⁷ Rev. 04/20/98, effective 05/12/98

⁸ Amended 06/19/06, effective 07/08/06

⁹ Rev. 04/16/12, effective 05/07/12

¹⁰ Rev. 09/28/81

¹¹ Rev. 05/28/82

Minimum rear yard	30 feet
Minimum side yard (interior)	0 feet
Minimum side yard (end unit)	10 feet

7.02.04 Public libraries.¹²

7.02.05 ~~Day-Child~~ care ~~facility center~~ conducted in a church, place of worship or municipal building.¹³

7.02.06 Reserved¹⁴

7.02.07 Municipal parks, playgrounds and recreation areas (including accessory buildings and equipment).

7.02.08 Municipal public safety structures.

7.02.09 Public utility structures.

7.02.10 Accessory uses.

7.02.11 Family ~~day-child~~ care homes ~~conducted in a dwelling unit and group child care homes located in a residence~~.¹⁵

7.02.12¹⁶ (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.

(b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.

(c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.¹⁷

7.02.13¹⁸ Elderly deed restricted independent living housing which is housing in any of the types in Section 7.02.01, 7.02.02 or 7.02.03 above but whose occupancy is limited to at least one person at least 55 years of age or older, or the surviving spouse of an occupant who is 55 years of age or older. Residency requirements and restrictions for occupancy shall be filed on the land records and run with the land.

¹² Rev. 9/15/08, effective 10/05/08

¹³ Rev. 12/04/89

¹⁴ Adopted 01/17/01, effective 02/06/01

¹⁵ Rev. 12/04/89

¹⁶ Rev. 10/20/97, effective 11/11/97

¹⁷ New 11/03/03, effective 11/28/03

¹⁸ Rev. 04/20/98, effective 01/11/98

7.03 Special Exception Uses

All special exceptions are subject to the requirements of Article IV Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II, Section 1.00.02.¹⁹

7.03.01 Child ~~day~~-care center ~~and-or~~ group ~~day-child~~ care home not located in a residence (new construction) may be developed and operated at the discretion of the Zoning Board of Appeals after a public hearing and subject to the provisions of Article IV, Section 10. The area of the site shall not be less than 12,000 square feet and the lot frontage shall not be less than 100 feet.²⁰

7.03.02 Child ~~Day~~-care center ~~and-or~~ group ~~day-child~~ care home ~~(not conducted-located in a residence)~~ may be conducted at the discretion of the Zoning Board of Appeals after a public hearing and subject to the provisions of Article IV, Section 10.²¹

7.03.03 Schools and²² places of worship²³ in accordance with the requirements of Article II Section 1.00.02.

7.03.04 Adult day care center²⁴

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 18. The area of the site shall not be less than 12,000 square feet and the lot frontage shall not be less than 100 feet.

7.03.05 Wireless telecommunication facilities²⁵

May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.

7.04 Site Development

7.04.01 Subdivision and public improvements:

- (a) Except for parcels which contain only multi-family dwellings, all development shall be subject to subdivision requirements and shall be on lots which are designated on an approved and recorded plan of subdivision and which meet the minimum requirements of paragraphs 7.02.01, 7.02.02, and 7.02.03 (d) herein. A plan of subdivision shall clearly indicate the area or lots which are to be developed for single-family houses, duplex houses, and multi-

¹⁹ Adopted 01/17/01, effective 02/06/01

²⁰ Rev. 12/04/89

²¹ Rev. 12/04/89

²² Rev. 9/15/08, effective 10/05/08

²³ Adopted 01/17/01, effective 02/06/01

²⁴ Rev. 12/04/89

²⁵ Rev. 10/20/97, effective 11/11/97

family dwellings. No building permit shall be issued unless the proposed building or buildings are located on a lot or area so specified on the recorded plan of subdivision.

- (b) 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”²⁶ whether or not subdivision approval is required.

7.04.02 Utilities:

- (a) Except as provided in sub-paragraph (b) below, all uses shall have public sanitary sewer and public water. There shall be no privately-owned community water systems in any development constructed in accordance with this section.
- (b) Where public sanitary sewer is not available to the site and the site is not located within a public water supply watershed as determined in writing by the superintendent, Manchester Water Department, a site may have private septic systems subject to the following requirements:
 - 1. The density of multi-family dwelling units shall be such that there are no more than 15 bedrooms per acre.
 - 2. The site shall not exceed one (1) acre in area.
 - 3. The director of health shall determine that the characteristics of the soil on the site are such that the site can adequately support the private septic system. The director of health may require that the applicant provide adequate percolation tests to assist in this determination.
 - 4. Any lot containing a single-family house or a duplex house shall have a minimum lot area of 30,000 square feet.

7.04.03 Site preservation and landscaping:

- (a) The development of a site shall be designed and developed in such a manner as to preserve its natural state insofar as is practicable by:
 - 1. Minimizing soil and tree removal.
 - 2. Designing grade changes which will blend harmoniously with the natural and undisturbed landscape.
 - 3. Not creating steep slopes by regrading.

²⁶ Rev. 03/17/97, effective 04/01/97

4. Treating disturbed surfaces to encourage plant growth and soil stabilization by providing top soil and the planting of appropriate trees, shrubs and grass.
 5. Preserving natural features such as steep slopes, rock outcrops, wetlands, vistas, etc.
 6. Implementing measures to minimize soil erosion and to prevent the pollution of watercourses.
- (b) A multi-family dwelling site or sites developed as age restricted housing²⁷ shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, aesthetics, and soil stabilization.

- 1.²⁸ There shall be provided a landscaped border of not less than 15 feet in width adjacent to and parallel to all sides of the site except points of entry. The landscaped border shall be appropriately planted with a mixture of evergreen and deciduous trees and shrubs in such a manner as to develop a natural screen. The Commission may waive this requirement if it finds that existing foliage or natural conditions are sufficient to provide the landscaping intent of this requirement or for borders that abut public streets.

All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings.

- 2.²⁹ Usable recreation area(s) developed for either active or passive recreation purposes shall be provided at a rate of not less than 500 square feet per dwelling unit. Except for age-restricted housing development, for every bedroom in excess of two per dwelling unit, there shall be provided an additional usable recreation area at a rate of 250 square feet per each said room.

Usable recreation area(s) may be centrally located or distributed throughout the development so as to be readily accessible to the largest number of residents.

At minimum, recreation areas shall be improved with grass, either through seeding or sodding, or may be left in a natural state if pathways and/or sitting and observation areas are developed to provide access to the natural area. Recreation areas may be improved for active recreation

²⁷ Rev. 07/06/05, effective 07/29/05

²⁸ Amended 06/19/06, effective 07/08/06

²⁹ Amended 05/05/2014, effective 05/23/14

suitable to residents' needs and may include playscapes, courts, swimming pools and similar uses or areas used for picnic tables, lawn furniture or barbecue stands and the like are suitable uses for passive recreation areas.

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

- (c) Development of all sites shall be designed in such a manner as to minimize erosion from the site both during construction and after development and to prevent sedimentation of watercourses and storm drainage systems both on and off the site. Disturbed areas shall be kept to a minimum and seeded as soon as is practicable. All disturbed areas which will not receive final grading and seeding shall be temporarily seeded during the fall to prevent erosion during the winter and early spring. 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.

7.04.04 Site drainage:

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

7.04.05 Roadways, driveways and off-street vehicle parking:

- (a) All 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 and roads constructed in accordance with the "Public Improvement Standards"³⁰;
 2. Approved by the cognizant fire chief and the traffic authority;
 3. Interconnected where possible on sites with only one vehicular point of entry.
- (b) All roadways which are proposed to become town-owned streets shall be constructed in accordance with the "Public Improvement Standards"³¹. Roadways shown in the town's Plan of Development which are on the site shall be shown and constructed to the appropriate town standards based upon

³⁰ Rev. 03/17/97, effective 04/01/97

³¹ Rev. 03/17/97, effective 04/01/97

the classification for said roadways in the Plan of Development.³²

- (c) All private driveways designed for vehicular traffic shall have the following minimum requirements:

1. Two-way traffic 24 foot width
2. One-way traffic 16 foot width
3. One-way traffic with 45 degree parking on one side 16 foot width
4. One-way traffic with 60 degree parking on one side 18 foot width
5. One-way traffic with 90 degree parking on one side
or with parking on both sides 24 foot width
6. Inside turning radius 30 feet
7. No parking within these minimum widths or radii shall be permitted

- (d) Off-street vehicle parking:

1. Parking spaces shall be provided on site at the rate of one space per studio or one-bedroom dwelling unit and two spaces per dwelling unit with two or more bedrooms as outdoor parking, indoor parking, garages or carports. Visitor parking spaces shall be provided on site at the rate of one visitor space per four 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.^{33 34}
2. All parking areas and driveways shall be constructed of bituminous or masonry concrete and shall be adequately drained by a storm drainage system approved by the town engineer.
3. Lighting which is intended to illuminate the parking areas, driveways or yards shall be arranged so that they will not shine into the eyes of any persons external to the site or cause a nuisance from excessive glare.
4. All parking areas shall be located and designed to ensure a 15-foot unobstructed 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.

- (e) Sidewalks and pedestrian paths:³⁵

1. Sidewalks shall be provided on at least one side of all roadways and private driveways to provide a continuous pedestrian network. Sidewalks must be 5' wide and constructed of cement concrete unless an alternative

³² Rev. 10/02/89

³³ Rev. 07/06/05, effective 07/29/05

³⁴ Rev. 11/15/2021, effective 12/06/2021

³⁵ Rev. 10/04/06, effective 10/25/06

surface is approved by the Commission. The Commission may require sidewalks on both sides of roadways and driveways if it is deemed necessary for public safety.

2. Pedestrian paths are encouraged as an amenity to residents in conjunction with passive recreation areas, or to connect recreation or open space areas, or to provide additional recreational opportunities for residents. The provision of pedestrian paths to provide supplemental circulation options internal to the site does not replace the requirement for provision of sidewalks.
3. The Commission may waive the requirement for sidewalks if the configuration of the site is such that public safety concerns and pedestrian circulation needs are better met in a clearly proposed alternative manner.

7.04.06 Yards and building spacing:

- (a) The distance between any building (except single-family houses, and duplex houses, and attached multi-family units on separate subdivided lots) and a lot line shall not be less than 30 feet. No building of more than 2 stories shall be erected within 100 feet of the boundary of a multi-family dwelling site.³⁶
- (b)³⁷ Minimum space between building faces (except for single family houses and duplex houses on subdivided lots) shall be as follows:
 1. For attached individual dwelling units in a rowhouse or townhouse building, or attached single-family homes on the same lot, the minimum side yard between end building faces shall be 20 feet.
 2. For other multi-family buildings the minimum space shall be:
 - a. Where both facing walls contain a window 50 feet
 - b. Where only one facing wall contains a window 30 feet
 - c. Where neither facing wall contains a window 15 feet
 3. For single family and duplex homes not on a subdivided lot the minimum spacing shall be:
 - a. Minimum building setback from any property line 30 feet
 - b. Minimum building setback from any access drive 25 feet or private street

³⁶ Rev. 04/16/12, effective 05/07/12

³⁷ Rev. 04/20/98, effective 05/12/98

- | | |
|---|----------------------------------|
| c. Minimum separation between buildings | 20 feet (side)
60 feet (rear) |
|---|----------------------------------|

- (c) Attached single-family homes on their own subdivided lot, which front on a public road (defined in Article II, Section 7.02.03 (f)) shall have a minimum side yard space between end building faces of 20 feet, where both facing walls contain a window(s). ³⁸

7.04.07 Fire protection:

- (a) Fire hydrants shall be installed so that no portion of a building is more than 250 feet from a hydrant or installed in accordance with requirements of the cognizant fire chief.
- (b) 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 as required.

7.04.08 Acoustic control:

- (a) Dwelling units shall be designed to provide an acoustically controlled environment in relation to exterior noise and noise from adjacent dwelling units and public spaces.
- (b) Sound Transmission Class (STC) shall be determined in accordance with ASTM E90 and ASTM E413. Impact Insulation Class (IIC) shall be determined in accordance with ASTM E492-73T.
- (c) Dwelling units shall be provided with acoustic separation in accordance with the following:

	<u>STC</u>	<u>IIC</u>
1. Partitions between units, between dwelling unit and corridor (carpeted), and between dwelling unit and public space of average noise (lobbies, storage rooms, stairways, etc.)	45	
2. Partition between dwelling unit and corridor (uncarpeted) and between dwelling unit and public space or service area of high noise (boiler room, mechanical equipment room, elevator shaft, laundry, incinerator shaft, garage, etc.)	50	
3. Floor/ceiling between dwelling units and		

³⁸ Rev. 05/07/84

	<u>STC</u>	<u>IIC</u>
between dwelling unit and public space of average noise	45	45
4. Floor/ceiling between dwelling units and public space or service area of high noise (including corridor floors over dwelling unit)	50	50

(d) The architect shall certify compliance with these requirements on the building plan submitted with the Detailed Plans.

7.04.09 Laundry facilities:

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

7.05 Application Procedure

7.05.01³⁹ The applicant shall file with the application for a change of zone, a Preliminary Site Development Plan (Preliminary Plan) for all of the property located within the proposed Planned Residence Development zone. The Commission shall hold a public hearing on the Preliminary Plan together with the zone change application as provided by the Connecticut General Statutes. Applicant can choose to combine the Preliminary and Detailed Plan into a single submission. The Commission may approve, deny, or modify and approve the Preliminary Plan together with the zone change application. Approval of the application shall establish a Planned Residence Development zone and shall permit the applicant and/or his assigns to proceed with completion of the development as set forth in the Preliminary Plan subject to the provisions of these Regulations, the Subdivision Regulations and the "Public Improvement Standards".

7.05.02⁴⁰ The Preliminary Plan shall be in accordance with the Article I Section 4.02 and Section 4.03.01 of these regulations.

7.05.03⁴¹ A Detailed Site Development Plan (Detailed Plan) 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, these regulations, the Subdivision Regulations, and the "Public Improvement Standards"⁴². A Detailed Plan shall be acted on in the manner prescribed for a site plan approval and there shall be no requirement for a public hearing upon submission of the Detailed Plan, unless the Detailed Plan is submitted in conjunction with the Preliminary Plan. In

³⁹ Rev. 05/16/11, effective 06/13/11

⁴⁰ Rev. 05/16/11, effective 06/13/11

⁴¹ Rev. 05/16/11, effective 06/13/11

⁴² Rev. 03/17/97, effective 04/01/97

either case, the Detailed Plan shall be submitted in accordance with Article I Section 4.04 and Section 4.05.01 of these regulations.

- 7.05.03 (a) In instances of a combined Preliminary and Detailed Plan submission the applicant can request a waiver from the Director of Planning to eliminate duplicative application requirements. If the two plans are submitted together, then there shall be a public hearing on the plans in accordance with the requirements of Article I Section 4.02 and Section 4.03.01.
- 7.05.03 (b) Minor changes in an approved Detailed Plan may be made with the concurrence of the chairman of the Planning and Zoning Commission and the Director of Planning, provided such changes shall in no way affect the overall layout, design or density, of the site development plan. Such minor changes may include, but are not limited to, the relocation of sidewalks, driveways, and other such physical improvements due to unforeseen topographical or surface or subsurface geological features; siting and screening of trash disposal and mechanical facilities; slight alterations of finished contours; minor rearrangement of lighting fixtures, benches, and other incidental street furniture, minor landscaping changes, location or relocation of accessory structures when not visible from the street, and minor exterior building elevation changes.⁴³ A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the chairman and director. Following approval of a minor revision, the applicant shall submit within ten days one Mylar copy and four paper copies, signed and sealed by the design professional, of the amended plan. Any changes in an approved site development plan which is not considered to be a minor change by the chairman or director shall be processed as a formal amendment to the approved site development plan and shall require the preparation of amended plans and the approval of the Commission.⁴⁴
- 7.05.03 (c)⁴⁵ Major changes to the detailed plan, including, but not limited to, overall site layout, design, density and building design, shall constitute an amended application which shall require new preliminary and detailed plans which are to be approved by the Commission after a public hearing is held and in the same manner as any new PRD application as outlined in Section 7.05.01.
- 7.05.04⁴⁶ Financial Guarantee Requirement
- (a) A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.
- 7.05.05 Control of issue of Certificates of Occupancy:

⁴³ Rev. 10/03/12, effective 10/19/12

⁴⁴ Rev. 05/16/11, effective 06/13/11

⁴⁵ New 03/19/18, effective 04/05/18

⁴⁶ Rev. 06/03/13, effective 06/21/13

The issue of Certificates of Occupancy shall be limited to 80% of the dwelling units contained in the project until:

- (a) All public improvements covered by the financial guarantee have been completed to the satisfaction of the Director of Public Works.⁴⁷
- (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.
- (c) All recreational facilities shown on the approved Detailed Plan are installed.⁴⁸

7.05.06 Where a conflict between paragraphs 7.05.03, 7.05.04 and 7.05.05 above and the Subdivision Regulations occur for development of a site or a portion thereof for single-family houses or duplex houses, the provisions of the Subdivision Regulations shall apply.

7.05.07 Development of all sites zoned Residence M between January 25, 1972, and January 26, 1981, shall be developed in accordance with the Residence M zone regulations in effect on January 26, 1981. All Residence M zone developments approved prior to January 26, 1981, or which are approved in accordance with the Residence M zone regulations pursuant to this paragraph shall be legal and conforming.

7.06⁴⁹ Revocation

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

⁴⁷ Rev. 06/03/13, effective 06/21/13

⁴⁸ Rev. 05/16/11, effective 06/13/11

⁴⁹ New 03/19/18, effective 04/05/18

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.

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

- 8.02.11 Medical clinic, hospitals, medical offices.
- 8.02.12 Telecommunications services and facilities.
- 8.02.13 Accessory uses.
- 8.02.14 Family ~~day-child~~ care homes ~~conducted in a dwelling unit and group child care homes located in a residence~~.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

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

Sections 9.13.02, 9.13.03 and 9.13.04.⁷

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

8.03.01⁹ 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.

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

8.03.04¹³ 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:¹⁴

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.

⁷ New 02/13/17, effective 03/01/17

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 06/06/22, effective 06/27/22

¹³ New 02/13/17, effective 03/01/17

¹⁴ Rev. 05/20/19, effective 06/07/19

- i. Up to four residential stories – 250 square feet for each residential unit
 - ii. Each residential story in excess of four – 125 square feet for each residential unit.
 - iii. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants
 1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, 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.¹⁵
 - 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

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

licensed in the State of Connecticut.

- vi. Site driveways shall be completely connected and integrated between all site uses and features. Residential circulation shall not be disconnected from overall site vehicular circulation and parking areas.

5. Building Design Standards:

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

finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

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

8.03.05 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.

8.03.06 The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture, and Hydroponics.¹⁶

8.03.07 Banquet Hall¹⁷

8.03.08 Conference Center¹⁸

¹⁶ New 05/20/19, effective 06/07/19

¹⁷ New 05/20/19, effective 06/07/19

- 8.03.09 Places of worship and schools. ~~Day-Child~~ care ~~facilities-centers and group child care homes conducted-located~~ in a church, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.¹⁹
- 8.03.10²⁰ 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.
- 8.03.11²¹ 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.
- 8.03.12²² 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

¹⁸ New 05/20/19, effective 06/07/19

¹⁹ New 05/20/19, effective 06/07/19

²⁰ New 08/17/2020, effective 09/01/2020

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

²² New 12/13/2021, effective 01/03/2022

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

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

(a) Carnivals and circuses in accordance with Article IV, Section 16.²⁴

(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 8-1.²⁵

(c) Child ~~day~~-care center ~~and or~~ group ~~day-child~~ care home not located in a residence

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. ²⁶

(d) Signage associated with electric vehicle charging stations in accordance with the provisions of Article IV, Section 24.02.²⁷

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

²³ Rev. 08/05/02, effective 08/30/02

²⁴ Rev. 05/16/11, effective 06/13/11

²⁵ Rev. 12/04/89

²⁶ Rev. 12/04/89

²⁷ Adopted 02/17/21, effective 03/10/21

- 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"²⁸ whether or not subdivision approval is required.
- 8.05.02 All developments shall have:
- (a) public sanitary sewer;
 - (b) public water supply;
 - (c) electric power installed in accordance with the Town of Manchester "Public Improvement Standards"²⁹;
 - (d) telephone service installed in accordance with the Town of Manchester "Public Improvement Standards"³⁰.
- 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:³¹
- (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

²⁸ Rev. 03/17/97, effective 04/01/97

²⁹ Rev. 03/17/97, effective 04/01/97

³⁰ Rev. 03/17/97, effective 04/01/97

³¹ Rev. 07/20/87

accordance with Illustration One.

- (c) Landscaping shall be provided on all land use areas to provide transitions, including visual and pedestrian connections, between buildings of different size, scale, architecture or use and to provide continuity of urban design. Landscaping shall provide shade and visual interest on pedestrian systems and pedestrian systems designed for the movement of people between buildings and from buildings to parking shall be lighted to provide safety and security.
- (d) All accessory uses, such as utility structures, dumpsters, storage facilities, loading or parking areas or similar uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- (e) In order to meet the above requirements, landscaping elements may include, but are not limited to, a variety and combination of trees, shrubs, groundcover, 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.³²

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: ³³

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 8.01.02:³⁴

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

³² Rev. 05/16/11, effective 06/13/11

³³ Rev. 07/20/87

³⁴ Rev. 05/16/11, effective 06/13/11

be provided to the site from arterial or collector roads, and that a pedestrian system shall provide safe and convenient access inside the site between buildings and uses and to and from the site and abutting pedestrian systems.

3. Internal circulation system shall be designed to accommodate the movement of public transit vehicles and provide areas for transit stops inside the site or accessible to the site from public streets.

8.06 Financial Guarantee Requirements³⁵

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.³⁶

8.07 Use Variances

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

³⁵ Rev. 06/03/13, effective 06/21/13

³⁶ Rev. 06/03/13, effective 06/21/13

ILLUSTRATION ONE: BUFFER YARDS AND BERMS

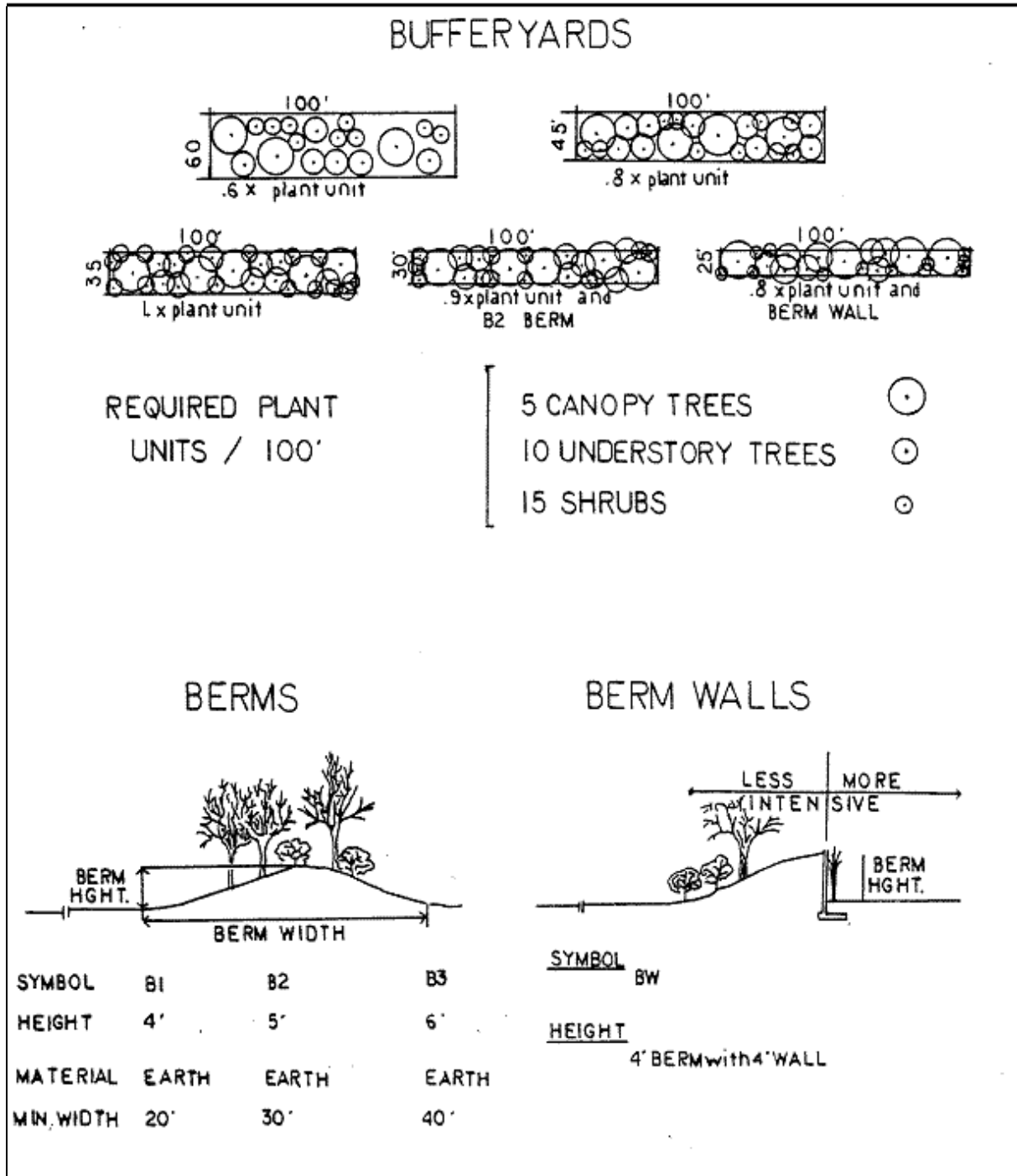


TABLE II 8-1 AREA, HEIGHT & BULK CRITERIA

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 10 BUSINESS I ZONE

10.00 A Business I zone is a commercial retail trade area designed to allow convenient but limited shopping facilities in a residential neighborhood. In a Business I zone no building or land shall be used and no building shall be erected or altered except in accordance with the uses set forth in this section.

10.01 Permitted Uses

10.01.01 Retail shop - shop where goods are sold at retail including shops where articles are made or repaired and sold at retail on the premises.

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

10.01.03 Office - including professional.

10.01.04 Restaurant.

10.01.05¹ Residential units above the first story provided there shall be a maximum of 4 (four) residential units or the combined maximum gross floor area of all residential units shall not exceed 5,000 square feet, provided that:

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

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

(b) ² The number of parking spaces required for residential uses shall be:

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

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

(d) Public water and sewer shall be provided.

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

¹ Rev. 1/20/10, effective 2/10/10

² Rev. 11/15/2021, effective 12/06/2021

10.01.07 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.³

10.01.08 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.⁴

10.01.09⁵ (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.

(b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.

(c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁶

10.02 Use Provisions

10.02.01 All uses shall be subject to the provisions of Article II, Section 9, and any other provisions of these regulations which may be pertinent and applicable.

10.02.02 Any business permitted in this zone shall not be construed to include a use which is mentioned for the first time in Article II, Section 11, Business II zone.

10.02.03 Not more than two persons shall be engaged in making goods to be sold on the premises.

10.02.04 Except as herinafter provided in Section 10.04.06, alcoholic liquor sales shall be limited to grocery store beer permit only, subject to the provisions of Article IV, Section 8 of these regulations. ⁷

10.03 Height, Stories and Area

Maximum stories in building	3
Maximum height of principal building	40 feet
Maximum height of accessory building or structure	18 feet
Minimum front yard	25 feet
Minimum side yard (each side)	15 feet

10.04 Special Exception Uses

³ Rev. 10/14/85

⁴ Rev. 12/04/89

⁵ Rev. 10/20/97, effective 11/11/97

⁶ New 11/03/03, effective 11/28/03

⁷ Rev. 02/17/99, effective 03/11/99

- 10.04.01⁸ Residential units above the first story when there are 5 (five) or more dwelling units or the combined maximum gross floor area of all residential units exceeds 5,000 square feet, provided that:
- (a) The floor area of each residential unit, exclusive of public hallways, corridors, etc. shall be not less than:

Efficiency Unit	400 square feet
One Bedroom Unit	650 square feet

 and thereafter 150 square feet for each additional bedroom;
 - (b) ⁹ The number of parking spaces required for residential uses shall be as follows:

Efficiency or one-bedroom Unit	1 space
Two or more Bedrooms	1.5 spaces
 - (c) There shall be provided on the site landscaped areas at a ratio of one hundred (100) square feet for each residential unit. Balconies, rooftops and similar spaces may meet this requirement provided they are designed and built to serve that purpose. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement; and
 - (d) Public water and sewer shall be provided.
- 10.04.02 Carnivals and circuses
- May be conducted at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.
- 10.04.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹⁰
- 10.04.04 Adult day care center¹¹
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18.
- 10.04.05 Child ~~day~~-care center ~~and-or~~ group ~~day-child~~ care home not located in a residence¹²
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.
- 10.04.06¹³ Alcoholic liquor sales under a restaurant permit for beer only, restaurant permit for beer and wine only, and restaurant permit shall be permitted after public hearing

⁸ Rev. 1/20/10, effective 2/10/10

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

¹⁰ Rev. 01/26/81

¹¹ Rev. 12/04/89

¹² Rev. 12/04/89

¹³ Rev. 02/17/99, effective 03/11/99

and approval by the Planning and Zoning Commission under the following provisions, and those provisions of Article IV, Section 8 of these regulations not inconsistent herewith:

The Planning and Zoning Commission shall not give approval unless it finds that the location is suitable, due consideration being given to the character of the district, the particular suitability of the district for the particular use, the conservation of property values, the proximity of schools, churches, libraries, theaters or playhouses or other places of public gathering, the intersection of streets, traffic conditions, width of the highway and effect on public travel, and that such use will not imperil the health, general welfare and safety of the public and in the case of a restaurant permit that the property line of the proposed use is at least 1000 feet from the property line of any other property where a restaurant permit exists.

The Planning and Zoning Commission may impose such special conditions as it finds necessary to protect the public safety, health, general welfare, convenience and property values, including but not limited to restrictions on hours of operation, restrictions on type of entertainment, by area devoted to music, dance, or performance, time of performance, advertising of the availability of alcoholic beverages visible from the exterior of the premises, notwithstanding any provisions to the contrary within the requirements of this section.

Buildings or premises (as defined in Article IV, Section 8.04 of these regulations) must contain at least 2,000 square feet of indoor space used for customer service or assembly.

The use of any bar in the restaurant premises must be confined to a service bar only, in an area where patrons are not allowed to produce or obtain drinks at said service bar.

The part of such building or premises must be at least 100 feet from any residentially zoned dwelling.

On-site vehicle parking must be in accordance with the provisions of Article IV, Section 9 of these regulations.

10.04.07¹⁴ 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;

¹⁴ New 02/13/17, effective 03/01/17

- (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.

ARTICLE II ZONING USES

Section 11 BUSINESS II ZONE

11.00 A Business II zone is a commercial trade area for general public shopping convenience. The uses allowed in a Business II zone are by virtue of being permitted uses or special exceptions as defined in these regulations, and no building or land shall be used and no building shall be erected or altered except in accordance with the provisions and uses set forth in this section.

11.01 Permitted Uses

11.01.01 Uses permitted in Business I zone.

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

11.01.03 Restaurants, taverns, grills.¹

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

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

11.01.06 Newspaper and job printing.

11.01.07 Radio and television broadcasting studio.

11.01.08 Funeral parlor.

11.01.09 Clubs and fraternal organizations.

11.01.10 Public utility building, municipal building and uses.

11.01.11 Public parking lot.

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

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

11.01.14 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.²

11.02 Special Exception Uses

¹ Rev. 10/03/22, effective 10/24/22

² Rev. 12/04/89

- 11.02.01³ Automobile sales - new and/or used.
- Automobile repair and service garage or shop.
- Subject to the requirements of Article IV, Section 5, of these regulations, gasoline service stations deleted January 24, 1972.
- A gasoline service station legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.
- 11.02.02 Automobile wash establishment subject to the requirements of Article IV, Section 5, of these regulations.⁴
- 11.02.03 As of January 25, 1972, group dwellings may not be built in Business II zones but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.
- 11.02.04 Reserved⁵
- 11.02.05 Carnivals and circuses
- May be conducted at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.
- 11.02.06 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.⁶
- 11.02.07 Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.⁷
- 11.02.08 Adult day care center
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18.⁸
- 11.02.09 Child ~~day~~-care center ~~and-or~~ group ~~day-child~~ care home not located in a residence
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.⁹

³ Rev. 05/07/12, effective 05/30/12

⁴ Rev. 05/07/12, effective 05/30/12

⁵ Rev. 04/20/98, effective 05/12/98

⁶ Rev. 01/26/81

⁷ Rev. 10/02/89

⁸ Rev. 12/04/89

⁹ Rev. 12/04/89

11.02.10¹⁰ Schools¹¹ and places of worship may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

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

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

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

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

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

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

(d) Public water and sewer shall be provided.

11.02.12¹⁴ Outdoor entertainment provided that:

(a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;

(b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;

(c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

11.03 Use Provisions

¹⁰ Rev. 9/15/08, effective 10/05/08

¹¹ Rev. 03/17/97, effective 04/01/97

¹² New 1/20/10, effective 2/10/10

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

¹⁴ New 02/13/17, effective 03/01/17

All uses shall be subject to the following:

- (a) Article II, Section 9, of these regulations;
- (b) Any business permitted in this zone shall not be construed to include a use which is mentioned for the first time in Article II, Section 12, Business III zone;
- (c) Not more than four persons shall be engaged in making goods to be sold on the premises;
- (d) No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

11.04 Height, Stories and Area

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

ARTICLE II ZONING USES

Section 12 BUSINESS III ZONE

12.00 A Business III zone is a commercial trade area for general public shopping convenience similar to a Business II zone except for department stores. The uses allowed in a Business III zone are by virtue of being permitted uses or special exceptions as defined in these regulations, and no building or land shall be used, and no building shall be erected or altered except in accordance with the provisions and uses set forth in this section.

12.01 Permitted Uses

12.01.01 Uses permitted in Business II zone

12.01.02 Department stores

12.01.03 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence. ¹

12.02 Special Exception Uses

12.02.01² Automobile sales - new and/or used

Automobile repair and service garage or shop

Subject to the requirements of Article IV, Section 5, of these Regulations.
Gasoline service station deleted January 24, 1972.

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

12.02.02 Automobile wash establishments subject to the requirements of Article IV, Section 5, of these Regulations.³

12.02.03 As of January 25, 1972, group dwellings may not be built in a Business III zone but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.

12.02.04 Reserved⁴

12.02.05 Carnivals and circuses

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

12.02.06 Municipal utility buildings and structures in accordance with the requirements of

¹ Rev. 12/04/89

² Rev. 05/07/12, effective 05/30/12

³ Rev. 05/07/12, effective 05/30/12

⁴ Rev. 04/20/98, effective 05/12/98

Article II, Section 2.02.13.⁵

12.02.07 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 18.⁶

12.02.08 Child ~~day~~-care center ~~and-or~~ group ~~day-child~~ care home not located in a residence

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.⁷

12.02.09 Schools⁸ and places of worship⁹ may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

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

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

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

(b) ¹¹ The number of parking spaces required for residential uses shall be as follows:

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

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

(d) Public water and sewer shall be provided.

12.02.11¹² Outdoor entertainment provided that:

⁵ Rev. 01/26/81

⁶ Rev. 12/04/89

⁷ Rev. 12/04/89

⁸ Rev. 11/23/96

⁹ Rev. 9/15/08, effective 10/05/08

¹⁰ New 1/20/10, effective 2/10/10

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

- (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.

12.03 Use Provisions

All uses shall be subject to the following:

- (a) Article II, Section 9, of these regulations;
- (b) Not more than four persons shall be engaged in making goods to be sold on the premises;
- (c) No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

12.04 Maximum Height and Stories

Minimum Front Yard	25 feet ¹³
Maximum stories in building	3
Maximum height of principal building	40 feet
Maximum height of accessory building or structure	18 feet

¹² New 02/13/17, effective 03/01/17

¹³ Rev. 10/02/89

ARTICLE II ZONING USES

Section 15 CENTRAL BUSINESS DISTRICT¹

15.00 Purpose

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

15.01 Permitted Uses

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

- 15.01.01^{2, 3}
- a) Retail uses to include shops where articles are made or repaired and sold at retail on the premises.
 - b) Personal services and personal service shops.
 - c) Restaurants, brewpub/restaurants⁴, brewpubs, breweries,⁵ cafes, taverns and grills.⁶
 - d) Theaters for the visual or performing arts, and health and recreation clubs.
 - e) Banks and similar financial institutions providing retail banking services to customers.
 - f) Bakeries, groceries, and similar establishments
 - g) Public libraries and municipal offices.
 - h) Hotels with not less than 16 rentable sleeping accommodations.
 - i) Clubs and fraternal organizations.
 - j) Schools and related training facilities.
 - k) Office uses.
 - l) Wholesale sales for food, furniture, hardware, and office supplies

¹ Revised July 9, 2003, effective 7/29/2003

² Revised November 17, 2003, effective 12/6/2003

³ Revised 7/20/09, effective 8/8/09

⁴ Revised 01/21/15, effective 02/13/15

⁵ Revised 8/13/18, effective 8/20/18

⁶ Revised 2/5/18, effective 2/20/18

- m) Artist or commercial live/work quarters subject to Article IV, Section 21 and residential units on the second floor and above.
- n) Family ~~day-child~~ care homes and group child care homes located in a residence.⁷
- o) Self storage of furniture, documents and records, data processing equipment, office supplies and equipment, and retail merchandise or similar items provided such storage is limited to basement levels of buildings existing at the time of the adoption of these regulations and no loading or access to the self-storage use shall be provided from Main Street.
- p) Alcoholic liquor sales subject to Article IV, Section 8.
- q) Alcoholic liquor sales shall be subject to the requirements of Article IV, Section 8 of these regulations.
- r) Gasoline service stations legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.
- s) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- t) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- u) All facilities described in (t) and (u)⁸ above shall be in accordance with the requirements of Article IV, Section 19.⁹
- v) Seasonal vestibules subject to Article IV Section 23.^{10, 11}

15.02¹² Special Exception Uses

15.02.01 Elderly Housing Development¹³ as permitted in the elderly housing development zone at Article II Section 20 when that housing is proposed for an existing structure.

15.02.02 Carnivals and circuses may be conducted at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.

⁷ Revised 07/02/07, effective 7/22, 2007

⁸ Revised 07/02/07, effective 7/22, 2007

⁹ New 11/03/03, effective 11/28/03

¹⁰ New 2/5/18, effective 2/20/18

¹¹ Revised 10/03/22, effective 10/24/22

¹² Revised 07/02/07, effective 7/22, 2007

¹³ Rev. 04/20/98, effective 5/12/98

15.02.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹⁴

15.02.04¹⁵ Outdoor entertainment provided that:

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

15.03 Use Provisions

All uses shall be subject to the following:

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

15.04¹⁶ Building, Design and Parking Requirements

15.04.01¹⁷ Maximum height of principal building - 75 feet

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

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

15.04.02¹⁸ Exterior architecture visible from the public street for all new buildings, and all renovations to existing buildings, shall conform to the Downtown Manchester Architectural Design Guidelines dated June 2019.¹⁹ Design plans for building renovation visible from street and new construction exterior design plans shall be approved by the Director of Planning and the chair of the Planning and Zoning Commission before a Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer.

¹⁴ Rev. 01/26/81

¹⁵ New 02/13/17, effective 03/01/17

¹⁶ Revised 7/20/09, effective 8/8/09

¹⁷ Revised 02/17/21, effective 03/10/21

¹⁸ Revised 01/03/18, effective 01/19/18

¹⁹ Revised 06/03/19, effective 06/21/19

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

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

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

15.04.04^{21 22} Automobile parking for all uses shall be subject to the requirements of Article IV, Section 9, of these regulations except that the availability of public spaces and shared or off-site parking shall be considered in meeting the parking requirements. Specific and appropriate shared off-street parking within the zone may be permitted in response to a particular development situation, only if a written agreement between the parties involved clearly stipulates the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

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

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

15.05²³ Prohibited Uses

The following uses are prohibited in the CBD:

- a. No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.
- b. Correctional facilities.
- c. Halfway houses.
- d. Pawn Shops.
- e. Clinics.

²⁰ Revised 7/20/09, effective 8/8/09

²¹ Revised 7/20/09, effective 8/8/09

²² Revised 11/15/2021, effective 12/06/2021

²³ Revised 02/17/21, effective 03/10/21

ARTICLE II ZONING USES

Section 18 HISTORIC ZONE¹

18.01 Purpose

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

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

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

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

18.02 Permitted Uses⁴

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

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

² Rev. 09/18/89

³ Rev. 09/18/89

⁴ Rev. 10/17/94, effective 11/8/94

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

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

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

18.02.01 Multi-family dwellings:

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

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

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

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

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

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

18.02.06 Visitor information center.

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

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

18.02.09 Public utility buildings, structures and uses.

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

⁶ Rev. 09/18/89

⁷ Rev. 04/20/98, effective 05/12/98

⁸ Rev. 12/21/92

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

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

Radio and television antennae; signs in accordance with Article II, Section 18.05.12 of these regulations; maintenance buildings; vehicle parking areas and parking structures for residents, customers, visitors and employees of the uses conducted and for which the parking use is appurtenant; recreational facilities such as tennis, badminton, racquet ball courts (indoor and outdoor club and spectator facilities) except at bed and breakfast inns¹⁰; health and recreation facilities including indoor and outdoor pools except at bed and breakfast inns; solar energy systems in accordance with Article IV, Section 6.05;¹¹ and electric vehicle charging stations in accordance with Article IV, Section 24.¹²

18.02.11 Single-family dwellings in the Silk Mill area¹³ existing as of October 2, 1989 may continue to be utilized on lots conforming to the following minimum requirements:¹⁴

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

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

18.02.13 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.¹⁵

- 18.02.14¹⁶
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) Wireless telecommunication antennas located on multi-family buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the principal or accessory buildings.

¹⁰ Rev. 10/17/94, effective 11/08/94

¹¹ Rev. 01/17/18, effective 02/02/18

¹² Rev. 01/19/22; effective 02/09/22

¹³ Rev. 10/17/94, effective 11/08/94

¹⁴ Rev. 09/18/89

¹⁵ Rev. 12/04/89

¹⁶ Rev. 10/20/97, effective 11/11/97

- (d) All facilities described in (a), (b) and (c) above shall be in accordance with the requirements of Article IV, Section 19.¹⁷

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

18.03 Special Exception Uses

Certain uses are deemed appropriate in this zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use. Such uses and their required development plans shall require approval by the Commission after a public hearing. Site development shall be in accordance with these regulations. The Commission in approving a special exception use may stipulate such conditions as appear to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety and welfare, zoning principles, proper land use, site planning and land development, and better overall neighborhood compatibility. Such conditions shall apply to the relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design and architectural treatment. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.¹⁹

18.03.01 Commercial uses:

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

(a) Retail shop:

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

(b) Personal service shop:

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

(c) Restaurant, brewpub/restaurant²⁰:

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

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

¹⁷ New 11/03/03, effective 11/28/03

¹⁸ Rev. 11/21/11, effective 12/07/11

¹⁹ Rev. 05/16/11, effective 06/13/11

²⁰ Rev. 01/21/15, effective 02/13/15

18.03.02 Industrial establishments:

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

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

1. light manufacturing
2. processing and assembly
3. wholesale trade and storage
4. warehousing
5. research
6. breweries and brewpubs²¹

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

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

18.03.03 Child ~~day~~-care centers and group ~~day-child~~ care homes not located in a residence shall meet the requirements of Article IV, Section 10.²²

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

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

18.03.06 Adult day care centers subject to the provisions of Article IV, Section 18 and Article II, Section 18.05.01 (Schedule of Area, Height, Yards and Bulk of Buildings and Structures).²³

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

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

²¹ Rev. 07/18/16, effective 07/29/16

²² Rev. 12/04/89

²³ Rev. 12/04/89

²⁴ Rev. 10/17/94, effective 11/8/94

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

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

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

18.04 Building Construction/Rehabilitation Criteria²⁶

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

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

²⁵ New 5/2/16, effective 5/18/16

²⁶ Rev. 09/18/89

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

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

appropriate materials, colors, style, etc. intended to maintain the historical integrity of the architectural character of the area and of adjacent structures within the zone.²⁷

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

18.05 Site Development Criteria

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

Since prior building development has determined the character of the area, land development shall be consistent and shall be in harmony with the established physical relationship of existing buildings to land area. Such lot or site area as defined in Section 18.05.01 (a) may be developed and used for a permitted use or special exception use provided that the Commission finds that the Detailed Plan for the lot or site area has been formulated and integrated in a proper manner with the adjacent developed lots with respect to height, building coverages, building line and building placement on the site and takes into consideration the criteria set forth in these provisions.²⁸

(a) Required Lot/Site Area

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

(b) Height

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

²⁷ Rev. 09/18/89

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

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

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

(c) Minimum Yards

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

Side yard	15 feet
Rear yard	30 feet

(d) Yard requirements when abutting residential zones:

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

18.05.02 Sidewalks and curbs:

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

18.05.03 Site drainage:

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

18.05.04 Roadways, driveways:

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

traffic authority and required by the Commission.

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

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

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

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

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

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

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

All off-street parking spaces required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Commission as part of an approved Detailed Plan.²⁹

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

²⁹ Revised 05/16/11, effective 06/13/11

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

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

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

1. Ingress and egress:

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

2. Walkways:

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

3. Screening and landscaping:

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

4. Lighting:

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

(c) Collective provision:

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

(d) Mixed occupancies and uses:

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

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

Specific and appropriate joint use of off-street parking spaces within the zone may be permitted by the Commission in response to a particular development situation, only after it has received a written agreement stipulating the terms of the joint use of the parking spaces, and that such spaces are available to the respective users on a non-conflicting basis. For Inns, the Commission may permit off-site event parking located either inside or outside of the Historic zone when the applicant can show the existing parking arrangement with an off-premise parking site and demonstrate to the Commission that shuttling patrons to and from the site will not add significant traffic to area streets and intersections.³⁰

(f) Change of parking spaces:

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

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

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Multi-family units	1 space per studio or one-bedroom unit; 2 spaces per unit with two or more bedrooms ³¹
Library, museum, art gallery	1 space per 600 gross square feet
Adult and child day care center and group day care homes	Per Article IV, Section 9.03.20 ³²
Educational	10 per classroom
Cultural/social community facility	1 space per 250 gross square feet or 1 per each 3 seats whichever is greater

³⁰ Rev. 5/2/16, effective 5/18/16

³¹ Rev. 11/15/2021, effective 12/06/2021

³² Rev. 12/04/89

Visitor information	5 spaces minimum or 1 space per 250 gross square feet
Recreation facility (except those uses in Article IV, Section 9)	1 space per two legal occupants as defined by the Conn. Basic Building Code.
Bed and breakfasts ³³	Two spaces for the main residence and one space for each guest room. Stacked spaces in driveways may be counted towards the required parking if approved by the Commission.
Inn ³⁴	Inn – one (1) parking space per each room plus one (1) parking space for each employee on the largest shift. In addition, one parking space will be provided for each three (3) seats and one space for each two employees on the largest shift for meeting/conferences or event parking. Vehicle parking areas shall be constructed of bituminous concrete pavement, masonry concrete, pervious pavement, and pervious pavers or crushed stone. When requested by the applicant an alternative parking surface material may be approved if the Commission finds the proposed material is suitable.

(h) Off-street loading requirements:

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

18.05.06 Fire protection:

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

³³ Rev. 10/17/94, effective 11/8/94

³⁴ Rev. 5/2/16, effective 5/18/16

required by the Commission.

18.05.07 Noise abatement:

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

18.05.08 Utilities:

- (a) All uses shall have public sanitary sewer and public water.
- (b) If improvements to the town water, sanitary or drainage system are necessary to accommodate increased sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the Detailed Plan.³⁵
- (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"³⁶ current at the time of application for site development approval unless specifically waived or deferred by the Commission for any good reason.

18.05.09 Proof of land interest/restrictions:

- (a) The applicant or applicants for approval of a Detailed Plan shall submit evidence of his interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.³⁷
- (b) The developer will be responsible to obtain any covenants, easements or other provisions necessary for the development of the site.
- (c) Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the Town of Manchester on said lands.
- (d) All easements which are granted to the Town of Manchester shall be not less than 20 feet wide.

18.05.10 Landscaping, screening and site preservation:

- (a) Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and

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

³⁶ Rev. 03/17/97, effective 04/01/97

³⁷ Revised 05/16/11, effective 06/13/11

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 2½ inch caliper measured one foot above the root crown when planted and all evergreen trees shall be not less than six feet in height when planted unless otherwise noted or required by the Commission. All plant materials shall be selected on the basis of hardiness and appropriateness to its intended use. The landscaping on each site shall be maintained in good order, repair and condition.
- (c) Landscaping shall be designed to complement site areas such as pedestrian access, off-street loading areas, parking areas, the building perimeter, etc. All accessory uses and structures shall be landscaped appropriately to integrate those elements into an attractive plan of development. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of a developed site not covered by buildings, structures or paving shall be landscaped with ground cover, shrubs and trees.
- (d) Special landscape treatment shall be required of those sites that abut or are included in areas that are designated in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District as proposed open spaces and green belt areas. Such site development shall have landscaping that is in conformance with the development objectives of said Preservation and Development Plan and is complementary to landscaping designs for the areas of the Elm Street Green, Hartford Road access area, Hop Brook areas, etc.
- (e) Multi-family housing sites³⁸:

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

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

³⁸ Rev. 04/20/98, effective 05/12/98

children or quiet relaxation of adults within the development.

(f) Commercial and industrial sites:

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

(g) Screening for specific accessory uses and structures:

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

(h) Residential zone screening:

Developed industrial and business premises shall screen adjoining zones by a fully bermed landscaped border of not less than eight feet in width. Such border shall be planted with evergreen trees not less than three feet in height when planted and not more than four feet apart or as required by the Commission. For a distance of 25 feet from the street property line, the trees shall be maintained at a height of three feet for visibility purposes. The berm containing the landscaped border shall be placed to prevent automobiles from damaging the trees. If an adjoining residential zoned lot contains a residence, a light proof fence shall be installed in addition to the trees to prevent automobile headlights from causing a nuisance to the adjoining residents unless waived by the Commission.³⁹

(i) Development of all sites shall be designed in such a manner as to minimize erosion from the site both during construction and after development and to prevent sedimentation of watercourses and storm drainage system both on and off the site. Disturbed areas shall be kept to a minimum and seeded as soon as is practicable. Reasonable erosion/sedimentation controls shall be used

³⁹ Rev. 11/03/03, effective 11/28/03

including, but not limited to, staked hay bales, drainage diversion, temporary seeding, sedimentation basins or chambers, watering, and application of chemical agents.

18.05.11 Lighting:

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

18.05.12 Signs:

(a) Permitted signs:

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

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

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

place for more than three weeks and shall not be mechanical.

6. Signs on awnings shall be permitted provided that any sign so located shall be affixed flat to the surface thereof. No such sign shall extend vertically or horizontally beyond the limits of said awning or have a total area in excess of one-half a square foot for each lineal foot of the front of the awning. Such signs shall not be mechanical and shall not be illuminated.
- (b) Signs and identifications on buildings or building sites shall be as approved by the Commission. The design and color of signs shall be encouraged to be architecturally and historically appropriate to the building and of uniform design where appropriate.
- (c) Sign lighting by means of floodlighting or illumination as defined in Article IV, Section 13.04, shall be approved by the Commission. Light sources which cast light on signs shall be shielded so as not to be visible from off the property where they are located. Light sources and shields which are an integral part of the sign shall be subject to all regulations for the sign itself.
- (d) Signs, unless otherwise noted in this section, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a Detailed Plan may, in harmony with the provisions of this Section, require more stringent limitations for the permitted size, location and height provisions for a particular sign or group of signs. Signs may not revolve, simulate motion, flash, etc. Roof signs are not permitted. All projecting signs may extend a maximum of four feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign which extends over a walkway shall be at least seven feet above said walkway. All free-standing signs shall not extend beyond the property line of the lot on which they are located.⁴⁰
- (e) Residential signs:
 1. There shall be no more than one residential sign per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).
 2. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not project above the cornice line of the building on which it is located.
 3. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of six feet above grade and shall have a maximum size of 24 square feet. In lieu of a freestanding residential sign, a development

⁴⁰ Revised 05/16/11, effective 06/13/11

that has a mixture of residential, commercial, and/or office uses shall be permitted to have one freestanding sign for identification purposes except, if the building fronts on two streets, two signs will be permitted (one sign per street). Such sign shall not exceed a height of six feet above grade and shall have a maximum size of 32 square feet.⁴¹

4. A projecting residential sign shall have an area not exceeding 12 square feet.
5. For bed and breakfast inns, one free standing sign identifying the establishment by name shall be permitted, not to exceed two square feet in area or three and one half feet in height.

(f) Signs for all uses other than residential use:

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

(g) All signs and all parts thereof shall be kept in good state of repair and maintenance.

18.05.13 Special site development requirements for multi-family⁴² housing:

(a) Residential unit minimum floor area:

Units in a multi-family dwelling:

Efficiency (no separate bedroom) 400 sq. ft.

One bedroom unit 650 sq. ft.

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

For residential units with tenant storage outside of the units, but within the same

⁴¹ Rev. 09/17/90

⁴² Rev. 04/20/98, effective 05/12/98

building, the minimum floor areas for one bedroom and two bedroom units may be reduced by 5%. Such tenant storage shall be at least 25 square feet in area for each unit.

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

(c) Laundry facilities:

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

18.06 Application Procedure

18.06.01 Approval of plans:

- (a) A Detailed Plan shall be approved by the Commission for all uses before a building permit will be issued.⁴³
- (b) Minor changes in an approved Detailed Plan may, with the concurrence of the chairman of the Planning and Zoning Commission and the Director of Planning, be made, provided such changes shall in no way affect the overall layout, design or density, of the Detailed Plan. Such minor changes may include, but are not limited to, the location of sidewalks, driveways, and other structures due to unforeseen topographical or surface or subsurface geological features; siting and screening of trash disposal and mechanical facilities; slight alterations of finished contours; minor rearrangement of lighting fixtures, benches, and other incidental street furniture, minor landscaping changes, location or relocation of accessory structures when not visible from the street, and minor exterior building elevation changes.⁴⁴ A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the chairman and director. Following approval of a minor revision, the applicant shall submit within ten days one Mylar copy and four paper copies of the amended plan. Any changes in an approved Detailed Plan which is not considered to be a minor change by the chairman or director shall be processed as an amendment to the approved Detailed Plan and shall require the preparation of amended plans and the approval of the Commission. Major amendments requiring Commission approval may include, but are not limited to, reduction of landscaping; expansion, demolition, or reconstruction of buildings; alteration of building materials or colors; addition of signs or lighting; reduction of parking; significant changes in grading or drainage; and so forth.⁴⁵
- (c) Any change of use for which a Detailed Plan has been previously approved under these regulations will require a new Detailed Plan approval by the Commission.⁴⁶

⁴³ Revised 05/16/11, effective 06/13/11

⁴⁴ Revised 10/03/12, effective 10/19/12

⁴⁵ Rev. 05/16/11, effective 06/13/11

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

18.06.02 Approval of special exception uses:

Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20. In addition the Commission shall consider the following:⁴⁷

(a) Criteria for special exception application:

The Commission shall give particular attention to the following characteristics of the proposed use and the Detailed Plan:⁴⁸

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

⁴⁷ Rev. 11/03/03, effective 11/28/03

⁴⁸ Revised 05/16/11, effective 06/13/11

sequent compatibility with surrounding development and the neighborhood.

(b) Change of special exception use:

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

18.06.03 Application review process:

(a) Preliminary consideration:

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

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

18.06.04 Required application documentation:

An application for approval of a Detailed Plan for permitted uses and for special exception uses shall include plans and documents in accordance with Article I Section 4.04 and Section 4.05.03 of these regulations.⁴⁹

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

18.06.05 Financial Guarantee Requirements⁵⁰

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.⁵¹

18.06.06 Control of issue of Certificates of Occupancy:

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

1. All public improvements and landscaping covered by the bond have been

⁴⁹Rev. 05/16/11, effective 06/13/11

⁵⁰ Rev. 06/03/13, effective 06/21/13

⁵¹Rev. 06/03/13, effective 06/21/13

completed to the satisfaction of the director of public works.

2. As-built plans of public utilities and improvements within the development or the stage of development, certified by a registered professional engineer, have been received and accepted by the director of public works.
- (b) Certificates of Occupancy for all other projects shall be issued after the requirements of Section 18.06.06 (a) 1 and Section 18.06.06 (a) 2 have been completed.

TABLE 1

SUMMARY OF USES

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

<u>Use</u>	<u>Section</u>	<u>Silk Mill</u>	<u>Family Mansion</u>
Multi-family dwellings	18.02.01	P	
Office	18.02.02	P	
Educational facilities	18.02.03	P	
Elderly housing ⁵²	18.02.04	P	
Museum, theater, etc.	18.02.05	P	
Visitor information center	18.02.06	P	
Clubs, lodges, etc.	18.02.07	P	
Municipal buildings, etc.	18.02.08	P	
Public utility buildings	18.02.09	P	
Accessory uses	18.02.10	P	P
Single family dwellings	18.02.11	P	P
Family day-child care homes <u>and group child care homes located in a residence</u>	18.02.13	P	P
Alcoholic Liquor Sales ⁵³	18.02.15	P	
Commercial uses	18.03.01		
Retail	18.03.01 (a)	S	
Personal Service	18.03.01 (b)	S	
Restaurant	18.03.01 (c)	S	
Bed & Breakfast	18.03.07		S
Brewpub/restaurant ⁵⁴	18.03.01 (c)	S	
Industrial establishments	18.03.02	S	
Breweries and Brewpubs ⁵⁵	18.03.02 (a)	S	
Child day -care centers <u>and group child care homes not located in a residence</u>	18.03.03	S	
Vehicle parking areas	18.03.04	S	
Recreational facilities	18.03.05	S	
Adult day care centers	18.03.06	S	
Inn ⁵⁶	18.03.08		S

P = Permitted: Detailed Plan approval required.⁵⁷

S = Special Exception: public hearing and Detailed Plan approval required.⁵⁸

⁵² Rev. 04/20/98, effective 05/12/98

⁵³ Rev. 11/21/11, effective 12/07/11

⁵⁴ Rev. 1/21/15, effective 2/13/15

⁵⁵ Rev. 07/18/16, effective 07/29/16

⁵⁶ Rev. 5/2/16, effective 5/18/16

⁵⁷ Revised 05/16/11, effective 06/13/11

⁵⁸ Revised 05/16/11, effective 06/13/11

ARTICLE II ZONING USES

Section 20

ELDERLY HOUSING DEVELOPMENT (EHD) ZONE¹

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

20.02 Permitted Uses

The entire site shall be devoted to elderly housing, which should encompass the following uses permitted separately or in combination on a site:

(a) Elderly deed restricted independent living in accordance with all applicable provisions of Article II, Section 7.

(b²) Multi-family elderly housing:

Specially planned, designed, and managed multi-unit rental housing designed for independent living and providing limited common areas for the use of the residents.

(c) Congregate Housing:

Specially planned, designed, and managed multi-unit rental housing designed to provide supportive environments but also to accommodate a relatively independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities, may be provided.

(d) Assisted Living Facility:

A managed residential community which provides private residential units and nursing, housekeeping and maintenance services, security, on site management, three meals daily, and laundry service for residents, intended to assist residents with activities of daily living while maintaining a maximum level of independence.

(e) Continuing Care Retirement Community:

A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing, assisted living, and nursing facility.

¹ Adopted 04/20/98, effective 05/12/98

² Amended 06/19/2006, effective 07/08/06

(f) Nursing Facility:

A facility providing a full range of 24-hour direct medical, nursing, and other health services. Registered nurses, licensed practical nurses, and nurses aides provide services prescribed by a resident's physician. Nursing care and restorative physical, occupational, speech, and respiratory therapies may also be provided.

(g) Apartment, duplex-housing, single family detached housing, rowhouses/ townhouses and group dwellings shall be permitted building types in the EHD zone.

(h) The following accessory uses may be permitted to provide services and facilities on site for the residents but are not intended for use by the general public except for adult and child day care facilities:

1. Convenience retail shop with maximum of 1,000 square feet of floor area for the sale of food items, prescription and/or nonprescription drugs, household items and gifts for the use of the occupants.
2. Health and therapeutic care facilities primarily for use by the occupants.
3. Library, game room, greenhouse or other recreation facilities, both indoor and outdoor.
4. Automobile parking, garages, and carports.
5. Maintenance buildings.
6. Signs.
7. Radio and television antennae.
8. Storage buildings for use of residents.
9. Adult day care may be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 18.
10. Child ~~day~~care center may be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.
11. Central service buildings or facilities for providing medical, social, health or personal services, or administrative and management functions.

20.03 Elderly housing development is permitted in an EHD zone provided the Planning and Zoning Commission, after a public hearing, finds that the following standards and criteria have been met:

(a) Public water and sanitary sewer systems must be provided for the

development.

- (b) Except for elderly deed restricted housing, public transportation or adequate municipally provided transportation specifically for and used by the elderly must be available to the site. This requirement may be waived provided the applicant submits satisfactory evidence of sufficient commitment to provide convenient transportation as a service to the residents of the facility. Transportation must provide service to facilities including but not limited to shopping, personal care establishments, health care establishments or practices, adult day care and places of worship.
- (c) Residency requirements shall be imposed by the developer and run with the land limiting the occupancy of elderly housing units as follows:
 - 1. All congregate housing and assisted living units shall be occupied by persons at least 62 years of age who desire or require residential accommodations or support services. For double occupancy at least one occupant must be age 62 and the other at least age 50. A unit may be occupied by the surviving member of a household, regardless of age, if the other household member at the time of death met the age requirements for occupancy.³
 - 2. Elderly deed restricted independent living units shall be occupied by at least one person 55 years of age or older. A unit may be occupied by the surviving member of a household, regardless of age, if the other household member at the time of death met the age requirements for occupancy.⁴
 - 3. Multi-family elderly housing shall be occupied by persons at least 62 years of age or older. A unit may be occupied by the surviving member of a household, regardless of age, if the other household member at the time of death met the age requirements for occupancy.⁵
- (d) Reasonable traffic circulation exists to and from the site taking into consideration roadway capacities and level of service, access to parking and access to the site by emergency or other public safety vehicles.
- (e) The proposed housing development shall be reasonably compatible in scale and character with the neighborhood for which it is proposed and shall not adversely affect adjacent properties.

20.04 Site Development

20.04.01 Site and development requirements

³ Amended 06/19/2006, effective 07/08/06

⁴ Amended 06/19/2006, effective 07/08/06

⁵ Amended 06/19/2006, effective 07/08/06

- (a) Minimum site area shall be two acres excluding wetlands, except for the CBD or Historic zone where there shall be no minimum lot size.
- (b) The maximum number of multi-family elderly units or congregate units shall not exceed 15 units per acre, for assisted living shall not exceed 20 units per acres, and for nursing facility shall not exceed 25 beds per acre.⁶ Density calculations shall be based on total site acreage excluding wetlands and slopes exceeding 15%. This provision shall not apply to CBD and Historic zone sites when existing buildings are converted to elderly housing.
- (c) For all housing types except single family and duplex independent living the following site development standards must be met:
 - 1. Each site shall contain at least thirty percent (30%) of the total lot area as permanent open space, which shall not include land devoted to streets or parking areas, but may include land within the minimum setback areas required herein if approved by the Commission. This provision shall not apply to CBD and Historic zone sites when existing buildings are converted to elderly housing.
 - 2. Included within the open space requirement above, the Commission shall require the development of outside recreation areas suitable to serve the occupants. Such recreation area shall contain at least 150 square feet of lot area for each unit proposed with a minimum of 6,000 square feet of landscaping providing benches, paved walkways, site lighting and beneficial views, shielded from heavy traffic. In the CBD and Historic zones the Commission can approve a combination of indoor and outdoor recreation space to meet this requirement.
 - 3. All utilities shall be underground.
 - 4. All outside utilities and mechanical areas shall be fenced and screened from view by suitable shrubbery and/or construction of a closed picket or screen-type fence or other approved enclosure. All dumpsters are to be located on a concrete pad and enclosed with a privacy structure at least the height of the dumpster.
 - 5. Buildings shall be residential in appearance and sensitive to surrounding properties. No wing of the building shall exceed a length of three hundred (300) feet; no wall of the building shall exceed one hundred (100) feet in length in an unbroken plane without an offset of at least three (3) feet. Buildings should be compatible in scale with surrounding buildings but shall not exceed forty (40) feet in height. Building coverage shall not exceed thirty percent (30%) of total lot area. This provision shall not apply to CBD and Historic zone sites when existing buildings are converted to elderly housing.

⁶ Amended 06/19/2006, effective 07/08/06

6. Maintenance and storage sheds or similar accessory buildings are permitted when clearly incidental to the principal building and when they do not distract from neighboring property. No accessory building shall exceed eighteen (18) feet in height or be located within any minimum setback areas.
7. Exterior illumination shall be provided where necessary for safe lighting of buildings, walkways, parking areas and driveways. All such lighting shall be subject to the approval of the Commission and be so located and of such design as to prevent direct light rays from extending beyond any point of the boundaries of the property.

20.04.02 Setback requirements: This provision shall not apply to CBD and Historic zone sites when existing buildings are converted to elderly housing.

- (a) Minimum frontage - 60 feet.
- (b) No building or structure shall be built within 30 feet of the property line of the site, or a distance equal to the height of the building or structure, whichever is greater.
- (c) Minimum front yard: 60 feet.
- (d) The minimum space between buildings shall be:
 1. 50 feet where both facing walls contain a window(s).
 2. 30 feet where only one of the facing walls contain a window(s).
 3. 15 feet where neither facing wall contains a window.

20.04.03 Minimum Parking requirements:

- (a) Automobile parking spaces for congregate housing shall be provided on the site at a ratio of 1.25 parking spaces for every two residential units plus one for every five units for visitors, plus one additional parking space for each employee on the largest shift.
- (b) Parking for assisted living facilities shall be provided on the site at a ratio of .5 space per unit plus one for each employee on the largest shift.
- (c) Parking for nursing facilities shall be provided on the site at a ratio of one space for each three beds.
- (d) Parking for continuing care retirement communities shall be provided to meet the above ratios, unless the Commission finds that shared parking arrangements can meet the needs of the various elderly housing types on the site.

- (e)⁷ Automobile parking spaces for multi-family elderly units shall be provided at a ratio of one (1) space per unit, plus one additional parking space for each employee on the largest shift, plus one for every five units for visitors.
- (f) Automobile parking spaces for accessory uses shall be as required for each specific use in Article IV, Section 9.03. Adequate parking space for other accessory facilities shall be provided at the discretion of the Commission.
- (g) Parking area design and construction shall be in accordance with the provisions set forth in Article IV, Section 9.02. The circulation system shall provide for safe and convenient passenger boarding on and off of mass transit or public transit vehicles.

20.05 Building Design Criteria

- (a) Residential unit minimum floor area

The minimum floor area of residential units exclusive of public hallways and corridors shall be:

	<u>Congregate Housing</u>	<u>Assisted Living</u>
Efficiency Unit	400 square feet	345 square feet
Efficiency Unit with no cooking facility	N/A	325 square feet
	<u>Congregate Housing</u>	<u>Assisted Living</u>
One Bedroom Unit	500 square feet	475 square feet
Two Bedroom Unit	600 square feet	575 square feet

For residential units with communal kitchen/dining facilities on the site, the minimum floor area for each type units may be reduced 5% subject to approval of the Commission.

20.05.01 Fire hazard precaution

- (a) Fire hydrants shall be installed so that no portion of a building is more than 250 feet from a hydrant or installed in accordance with requirements of the cognizant fire chief.
- (b) 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 pavement markings as required.

⁷ Amended 06/19/2006, effective 07/08/06

20.05.02 Site drainage

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

20.05.03 Roadways and driveways⁸

- (a) All roadways and driveways shall be:
 - 1. designed to facilitate traffic circulation and emergency vehicle movement, including the provision of cul-de-sacs at all dead end driveways and roadways constructed in accordance with the “Public Improvement Standards”;
 - 2. approved by the fire chief having jurisdiction and the local traffic authority;
 - 3. interconnected where possible on sites with only one vehicular point of entry.
- (b) All roadways which are proposed to become town-owned streets shall be constructed in accordance with the “Public Improvement Standards”⁹. Roadways shown in the town's Plan of Development which are on the site shall be shown and constructed to the appropriate town standards based upon the classification for said roadways in the Plan of Development.¹⁰
- (c) All roadway and driveways designed for vehicular traffic shall have the following minimum requirements:
 - 1. Two-way traffic 24 foot width
 - 2. One-way traffic 16 foot width
 - 3. One-way traffic with 45 degree parking on one side 16 foot width
 - 4. One-way traffic with 60 degree parking on one side 18 foot width
 - 5. One-way traffic with 90 degree parking on one side
or with parking on both sides 24 foot width
 - 6. Inside turning radius 30 feet
 - 7. No parking within these minimum widths or radii shall be permitted

20.05.04 Sidewalks and Pedestrian Paths¹¹

⁸ Rev. 10/04/06, effective 10/25/06

⁹ Rev. 03/17/97, effective 04/01/97

¹⁰ Rev. 10/02/89

¹¹ Rev. 10/04/06, effective 10/25/06

- (a) Sidewalks shall be provided on at least one side of all roadways and private driveways to provide a continuous pedestrian network. Sidewalks must be 5' wide and constructed of cement concrete unless an alternative surface is approved by the Commission. The Commission may require sidewalks on both sides of the roadways if it is deemed necessary for public safety.
- (b) Pedestrian paths are encouraged as an amenity to residents in conjunction with passive recreation areas, or to connect recreation or open space areas, or to provide additional recreational opportunities for residents. The provision of pedestrian paths to provide supplemental circulation options internal to the site does not replace the requirement for provision of sidewalks.
- (c) The Commission may waive the requirement for sidewalks if the configuration of the site is such that public safety concerns and pedestrian circulation needs are better met in a clearly proposed alternative manner.

20.05.05 Landscaping

The development shall be landscaped to preserve or develop natural vegetation for beauty, recreation, screening and shade. There shall be provided a landscaped border of not less than 15 feet in width adjacent to and parallel to all sides of the site except points of entry. The landscaped border shall be appropriately planted with a mixture of evergreen and deciduous trees and shrubs in such a manner as to develop a natural screen. The Commission may waive this requirement if it finds that existing foliage or natural conditions are sufficient to provide the landscaping intent of this requirement or for borders that abut public streets.¹²

All landscaping elements included on the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and the survival of all plantings.

¹² Amended 06/19/2006, effective 07/08/06

20.06 Application Procedure

- 20.06.01 The applicant shall file with the application for a change of zone, a Preliminary Site Development Plan (Preliminary Plan) for all of the property located within the proposed EHD zone.¹³ The Commission shall hold a public hearing on the Preliminary Plan together with the zone change application as provided by the Connecticut General Statutes. The Commission may approve, deny, or modify and approve the Preliminary Plan together with the zone change application. Approval of the application shall establish an EHD zone and a Preliminary Plan shall permit the applicant and/or successors or assigns to proceed with submission of Detailed Plans for development as set forth in the Preliminary Plan subject to the provisions of these regulations, the subdivision regulations and the Town of Manchester Public Improvement Standards as applicable.¹⁴
- 20.06.01 (a) Applicants may choose to submit the Detailed Site Development Plans (Detailed Plans) at the time of application for a zone change. In instances of a combined Preliminary and Detailed Plan submission the applicant can request a waiver from the Director of Planning to eliminate duplicative application requirements. When the elderly housing development is proposed in a CBD or Historic zone a waiver can be requested for duplicative provisions in these zones as well.¹⁵
- 20.06.02 The Preliminary Plan shall be in accordance with Article I Section 4.02 and Article I Section 4.03.03 of these regulations.¹⁶
- 20.06.03 Detailed Site Development Plans (Detailed Plans) 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, these regulations, the Subdivision Regulations if applicable, and the Public Improvement Standards. A Detailed Plan shall be acted on in the manner prescribed for a site plan approval and there shall be no requirement for a public hearing upon submission of the Detailed Plan, unless the Detailed Plan is submitted in conjunction with the Preliminary Plan. In either case, the Detailed Plan shall be submitted in accordance with Article I Section 4.04 and Section 4.05.05 of these regulations.¹⁷
- 20.06.03 (a) In instances of a combined Preliminary and Detailed Plan submission the applicant can request a waiver from the Director of Planning to eliminate duplicative application requirements. If the two plans are submitted together, then there shall be a public hearing on the plans in accordance with the requirements of Article I Section 4.02 and Section 4.03.03.¹⁸

Affidavits stating the developer shall impose and enforce the required age restrictions for occupancy in the project and listing all services which will be

¹³ Rev. 11/03/03, effective 11/28/03

¹⁴ Rev. 05/16/11, effective 06/13/11

¹⁵ Rev. 05/16/11, effective 06/13/11

¹⁶ Rev. 05/16/11, effective 06/13/11

¹⁷ Rev. 05/16/11, effective 06/13/11

¹⁸ Rev. 05/16/11, effective 06/13/11

provided to the occupants, and such restrictions shall be filed on the land records before a building permit is issued, and shall run with the land.

20.07 Financial Guarantee Requirements¹⁹

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.²⁰

20.08 Control of Issue of Certificates of Occupancy

The issue of Certificates of Occupancy shall be limited to 80% of the dwelling units or nursing home beds contained in the project 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.
- (c) All recreational facilities shown on the approved Detail Plan of Development are installed.

20.09 Use Variances

Use variances shall not be granted for any use in or on an elderly housing site.

20.10 Changes to Plans

20.10.01 Any proposed change to an approved Preliminary Plan which would change the elderly housing type, building type, unit mix, building locations, or parking and circulation plans shall not be permitted unless such plans are approved after a public hearing is held by the Planning and Zoning Commission. Applications to the Commission for such changes shall follow the requirements set forth in Section 20.06.02 and, if applicable, Section 20.06.03 of this section.²²

20.10.02 Minor changes in an approved site development plan may be made with the concurrence of the chairman of the Planning and Zoning Commission and the Director of Planning, provided such changes shall in no way affect the overall layout, design or density, of the site development plan. Such minor changes may include, but are not limited to, the relocation of sidewalks, driveways, and other such physical improvements due to unforeseen topographical or surface or subsurface geological features; siting and screening of trash disposal and

¹⁹ Rev. 06/03/13, effective 06/21/13

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

mechanical facilities; slight alterations of finished contours; minor rearrangement of lighting fixtures, benches, and other incidental street furniture, minor landscaping changes, location or relocation of accessory structures when not visible from the street, and minor exterior building elevation changes.²³

A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the chairman and director. Following approval of a minor revision, the applicant shall submit within ten days one Mylar copy and four paper copies, signed and sealed by the design professional, of the amended plan. Any changes in an approved site development plan which is not considered to be a minor change by the chairman or director shall be processed as a formal amendment to the approved site development plan and shall require the preparation of amended plans and the approval of the Commission.²⁴

Alterations of building materials or colors, additions of signs or lighting, reduction of parking, reduction of landscaping and similar alterations to an approved plan will require site plan modification approval from the full Commission.

20.11 Repealed Uses

Convalescent homes, nursing homes, handicapped housing or elderly congregate housing developed or approved in accordance with the Manchester zoning regulations prior to April 1, 1998 shall be lawfully existing, legal and conforming uses.

²³ Rev. 10/03/12, effective 10/19/12

²⁴ Rev. 05/16/11, effective 06/13/11

ARTICLE II ZONING USES

Section 22

SPECIAL DESIGN COMMERCIAL BUSINESS ZONE¹

22.00 Purpose

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

22.01 Applicability

The provisions of this section shall apply to all development on vacant lots, all changes of use from residential to nonresidential uses, and any changes to an existing building or site which increase the size of the developed area of either the building or the site, or add landscape features to the site.

22.02 Permitted Uses

Site development plan approval subject to the provisions of this section shall be required for the following uses:

- 22.02.01 Retail trade establishments which do not exceed 2,000 square feet either individually or in combination with other uses on a site.
- 22.02.02 Personal Service establishments which do not exceed 2,000 square feet either individually or in combination with other uses on a site.
- 22.02.03 Professional and medical offices and business service establishments which do not exceed 5,000 square feet either individually or in combination with other uses on a site.
- 22.02.04² Restaurants which do not exceed 3,000 square feet of customer service area.
- 22.02.05 Municipal and public utility buildings and structures.
- 22.02.06³ Alcoholic liquor sales in establishments which individually or in combination with other uses do not exceed 2,000 square feet on a site, and in accordance with the provisions of Article IV Section 8 of these regulations.
- 22.02.07⁴ Residential units above the first story provided there shall be a maximum of 4 (four) residential units or the combined maximum gross floor area of all residential units shall not exceed 5,000 square feet, provided that:

¹ New: effective 06/25/99

² Rev. 11/16/09, effective 12/5/09

³ Rev. 05/15/00, effective 06/03/00

⁴ New: effective 08/19/14

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

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

- (b) ⁵ The number of parking spaces required for residential uses shall be:

Efficiency or one-bedroom Unit	1 space
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Two or more Bedrooms	1.5 spaces
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- (c) There shall be provided on the site landscaped areas at a ratio of one hundred (100) square feet for each residential unit. Balconies, rooftops and similar spaces may meet this requirement provided they are designed and built to serve that purpose. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement; and

- (d) Public water and sewer shall be provided.

22.02.08⁶ Health and recreation facilities which do not exceed 2,000 square feet either individually or in combination with other uses on a site.

22.02.09 Family child care homes and group child care homes located in a residence.

22.03 Special Exception Uses

22.03.01 Certain uses are deemed appropriate in this zone but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems of use. Such uses and their required site development plans shall require approval by the Commission after a public hearing. Site development shall be in accordance with these regulations and with Article IV Section 20.

22.04 Special Exception Uses

22.04.01 Retail trade establishments which individually or in combination with other uses exceed 2,000 square feet on a site.

22.04.02 Personal service business which individually or in combination with other uses exceed 2,000 square feet on a site.

22.04.03 Professional and medical offices which individually or in combination with other uses exceed 5,000 square feet on a site.

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

⁶ New: effective 05/05/16

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- 22.04.04 Restaurants where food prepared in the building may be sold for take-out and consumption off premises or any restaurant which exceeds 3,000 square feet of customer service area.
- 22.04.05 Any permitted or special exception use which serves customers from drive-through windows.
- 22.04.06⁷ Alcoholic liquor sales in establishments which individually or in combination with other uses exceed 2,000 square feet on a site and in accordance with the provisions of Article IV Section 8 of these regulations.
- 22.04.07⁸ Residential units above the first story when there are 5 (five) or more dwelling units or the combined maximum gross floor area of all residential units exceeds 5,000 square feet, provided that:
- (a) The floor area of each residential unit, exclusive of public hallways, corridors, etc. shall be not less than:

Efficiency Unit	400 square feet
One Bedroom Unit	650 square feet

 and thereafter 150 square feet for each additional bedroom;
 - (b) ⁹ The number of parking spaces required for residential uses shall be as follows:

Efficiency or one-bedroom Unit	1 space
Two or more Bedrooms	1.5 spaces
 - (c) There shall be provided on the site landscaped areas at a ratio of one hundred (100) square feet for each residential unit. Balconies, rooftops and similar spaces may meet this requirement provided they are designed and built to serve that purpose. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement; and
 - (d) Public water and sewer shall be provided.
- 22.04.08¹⁰ Health and recreation facilities which individually or in combination with other uses exceed 2,000 square feet on a site.
- 22.04.09¹¹ 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;

⁷ Rev. 05/15/00, effective 06/03/00

⁸ New: effective 08/19/14

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

¹⁰ New: effective 05/05/16

¹¹ New 02/13/17, effective 03/01/17

- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;
- (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

22.04.10¹² Multi-family historic mill conversion in accordance with the requirements of Article II, Section 9.14.03.

22.05 Site Development Criteria

- (a) All business, servicing or processing (except for off-street parking/loading and outdoor seating areas at restaurants)¹³ shall be conducted within completely enclosed buildings.
- (b) Architectural scale should be similar to the scale of the surrounding existing development, including building height. Architectural design, including roof design, should be compatible with surrounding architectural design.
- (c) Outdoor storage is prohibited.
- (d) Delivery receiving areas shall be screened from the street. All delivery receiving areas shall be designed as an integral part of the building and not detract from the appearance of the building and site.
- (e) Site lighting shall be hooded to control objectionable and/or hazardous glare off the premises. No site lighting shall project a beam of light other than at a sign. Pedestrian systems designed for the movement of people between buildings and from buildings to parking shall be lighted to provide safety and security.
- (f) The Commission may require an applicant to provide reasonable and necessary traffic and pedestrian circulation improvements, sewerage, storm drainage facilities and other improvements including land and easements, located off-site of the property limits but necessitated or required by the development. Necessary improvements are those clearly and substantially related to the subject development.
- (g) Electric power, telephone, and other cable systems shall be placed underground; except that existing electric power and telephone/cable system facilities may be used where appropriate. This provision may be waived by the Commission only where the utility company has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions.

¹² New 04/02/18, effective 04/18/18

¹³ Rev. 05/15/00, effective 06/03/00

(h) Landscaping:

- (1) 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 3½ feet 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.
- (2) Buffer yards of sufficient width and with adequate landscaping treatment to screen existing abutting residential uses or residentially zoned property from nonresidential uses shall be provided. 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. Buffer yards shall be 25 feet wide but they may be widened or narrowed in accordance with the Illustration One: Buffer Yards and Berms, in Article II, Section 8 of these regulations subject to the approval of the Commission and depending upon the site characteristics.
- (3) 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.
- (4) In order to meet the above requirements, landscaping elements may include, but are not limited to, a variety and combination of trees, shrubs, ground cover, earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture, lighting, walls and fences.
- (i) The site plan shall provide safe and convenient vehicular access from arterial or collector roads, and 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.

Driveways shall be kept to a minimum to manage access and reduce turning movement conflicts and facilitate traffic flows. Shared driveways between parcels are encouraged.

- (j) Drive through windows shall be located only on one side of the proposed building and shall be positioned to minimize conflicts with doorways and pedestrians.

22.06

Height and Area

The height and area limitation for uses shall be:

Minimum Front Yard	50 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	30 feet
Maximum Height	40 feet

Because this zone applies to properties in various locations in the community, the Commission requires flexibility to ensure the purpose of the regulation is met. The Commission may modify the minimum requirements in order to ensure compatibility with the neighborhood surrounding the proposed development and reinforce the existing street line, building spacing, and building placement established by the existing development abutting the site.

Front yard dimensions shall be the same as the greatest existing front yard dimension on abutting properties unless a lesser yard is approved by the Commission. Side and rear yard dimensions shall be the same as the side and rear yard dimensions on abutting properties unless a lesser yard is approved or a greater yard is required by the Commission.

22.07 Application Procedure

For all petitions a Detailed Site Development Plan shall be submitted in accordance with the Article I Section 4.04 and Article I Section 4.05.06 of these regulations.¹⁴

22.08 Use Variances

The Zoning Board of Appeals shall not be permitted to grant use variances in the Design Commercial Business Zone.

22.09¹⁵ Automobile Related Uses

A gasoline service station legally developed or approved prior to May 1, 2004, shall be a legal and conforming use.

¹⁴Rev. 05/16/11, effective 06/13/11

¹⁵ Revised 4/19/2004, effective 5/8/2004

ARTICLE II ZONING USES

Section 23

NEIGHBORHOOD BUSINESS ZONE¹

23.00 Purpose

A Neighborhood Business zone is a commercial district within or adjacent to residential neighborhoods. Its purpose is to provide stores and service establishments for the convenience shopping and service needs of persons residing in the neighborhood and incidentally to others peripheral to the neighborhood. In this zone no building or land shall be used and no building shall be erected or altered except in accordance with the uses set forth in this section.

23.01 Permitted Uses

The following uses are permitted providing that within a building or group of buildings, no store or establishment occupies more than 5,000 square feet of gross floor area.

23.01.01 Retail Uses, to include shops where articles are made or repaired and sold at retail on the premises, as well as the following and uses similar to the following:

- Alcoholic Liquor Sales: limited to grocery store beer permit only, and package store permit, subject to the provisions of Article IV, Section 8 of these regulations.
- Apparel Stores
- Book Stores, Specialty Gift and Hobby Stores, Photographic Equipment Stores,
- Convenience Stores
- Florist Shop
- Food Markets, Bakeries, Specialty Food Stores, Confectionery Stores, and Delicatessens including service of food for takeout.
- Hardware and Auto Parts Store
- Home Appliance and Household Goods Store
- Pharmacy
- Radio, Television, and Electronics, to include Computer and Software Stores, sales and service, as well as classes or programs related to the business.
- Sporting Goods Stores and Bicycle Shops

23.01.02 Personal Services, to include the following and uses similar to the following:

- Animal Grooming
- Appliance, TV, Electrical and Computer Repairs
- Banking Services

¹ NEW 07/07/99, effective 07/27/99

- Beauty Shops and Barber Shops
- Computer and Data Processing
- Dry Cleaners and Laundromats
- Equipment Rental and Leasing, excluding automotive or truck rental or leasing
- Financial Services
- Furniture and Upholstery Repairs
- Photocopying, Printing, and Duplicating
- Studios
- Tailor Shop and Shoe Repair

23.01.03 Office Uses to include the following and uses similar to the following:

- Insurance, Financial Institutions, Real Estate
- Lawyers, Engineers, Accountants, Landscape Architects, Architects, and Planners
- Offices and Clinics of Medical Doctors, Dentists, similar Health Professional, and allied Health Services
- Professional, Commercial, and Medical

23.01.04 Restaurant.

23.01.05² Residential units above the first story provided there shall be a maximum of 4 (four) residential units or the combined maximum gross floor area of all residential units shall not exceed 5,000 square feet, provided that:

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

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

(b) ³ The number of parking spaces required for residential uses shall be:

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

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

(d) Public water and sewer shall be provided.

² Rev. 1/20/10, effective 2/10/10

³ Rev. 11/15/2021, effective 12/06/2021

-
- 23.01.06 As of January 25, 1972, group dwellings may not be built in Neighborhood Business zone, but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.
- 23.01.07 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Conservation and Development.
- 23.01.08 Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care homes located in a residence.
- 23.01.09 (a) Wireless telecommunications antennas located on nonresidential buildings and camouflaged from views from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- (b) Wireless telecommunication sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges, or other structures not classified as buildings.
- (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁴
- 23.02 Use Provisions
- All uses shall be subject to the provisions of Article II, Section 9, and any other provisions of these regulations which may be pertinent and applicable.
- 23.03 Height, Stories and Area
- | | |
|---|---------|
| Maximum stories in building | 3 |
| Maximum height of principal building | 40 feet |
| Maximum height of accessory building or structure | 18 feet |
| Minimum front yard | 25 feet |
| Minimum side yard (each side) | 15 feet |
- 23.04 Special Exception Uses, subject to the requirements of the Special Exception Criteria of Article IV, Section 20
- 23.04.01 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.
- 23.04.02 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.
- 23.04.03 Adult day care center

⁴ New 11/03/03, effective 11/28/03

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

23.04.04 Child ~~day~~-care center ~~and-or~~ group ~~day-child~~ care home not located in a residence

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

23.04.05 Drive-Through Facilities

23.04.06 Alcoholic Liquor Sales:

Alcoholic liquor sales under a restaurant permit for beer only, restaurant permit for beer and wine only, and restaurant permit shall be permitted after public hearing and approval by the Planning and Zoning Commission under the following provisions, and those provisions of Article IV, Section 8 of these regulations not inconsistent herewith:

The Planning and Zoning Commission shall not give approval unless it finds that the location is suitable, due consideration being given to the character of the district, the particular suitability of the district for the particular use, the conservation of property values, the proximity of schools, churches, libraries, theaters or playhouses or other places of public gathering, the intersection of streets, traffic conditions, width of the highway and effect on public travel, and that such use will not imperil the health, general welfare and safety of the public and in the case of a restaurant permit that the property line of the proposed use is at least 1000 feet from the property line of any other property where a restaurant permit exists.

The Planning and Zoning Commission may impose such special conditions as it finds necessary to protect the public safety, health, general welfare, convenience and property values, including but not limited to restrictions on hours of operation, restrictions on type of entertainment, by area devoted to music, dance, or performance, time of performance, advertising of the availability of alcoholic beverages visible from the exterior of the premises, notwithstanding any provisions to the contrary within the requirements of this section.

Buildings or premises (as defined in Article IV, Section 8.04 of these regulations) must contain at least 2,000 square feet of indoor space used for customer service or assembly.

The use of any bar in the restaurant premises must be confined to a service bar only, in an area where patrons are not allowed to produce or obtain drinks at said service bar.

The part of such building or premises must be at least 100 feet from any residentially zoned dwelling.

On-site vehicle parking must be in accordance with the provisions of Article IV, Section 9 of these regulations.

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

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

1. Efficiency Unit 400 square feet
2. One Bedroom Unit 650 square feet
3. and thereafter 150 square feet for each additional bedroom;

(b) ⁶ The number of parking spaces required for residential uses shall be as follows:

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

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

(d) Public water and sewer shall be provided.

⁵ New 1/20/10, Effective 2/10/10

⁶ Rev. 11/15/2021, effective 12/06/2021

ARTICLE II ZONING USES

Section 24 GENERAL BUSINESS ZONE¹

24.00 Purpose

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

24.01 Permitted Uses

24.01.01 Retail Uses to include shops where articles are made or repaired and sold at retail on the premises, convenience stores.

24.01.02 Personal Services and personal service shops.

24.01.03 Office Uses

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

24.01.05 Restaurants, drive-in restaurants, taverns, grills.³

24.01.06 Hotels and motels, with not less than 16 rentable sleeping accommodations.

24.01.07 Newspaper and job printing.

24.01.08 Radio and television broadcasting studio.

24.01.09 Clubs and fraternal organizations.

24.01.10 Funeral parlor.

24.01.11 Public utility building, municipal building and uses.

24.01.12 Municipal parking lot.

24.01.13 Billiard or poolroom, bowling alley, theaters, and other similar indoor games and indoor recreational activities.

24.01.14 Tennis and badminton court, skating rink, health and recreation club, and similar recreational activities.

24.01.15⁴ Family ~~day-child~~ care homes ~~conducted in a dwelling unit~~ and group child care

¹ New: Adopted 06/05/00, effective 06/24/00

² Rev. 09/19/2016; effective 10/07/2016

³ Rev. 10/03/22, effective 10/24/22

homes located in a residence.

- 24.01.16⁵ (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.
- 24.01.17 Brewpub/restaurant⁶
- 24.02 Special Exception Uses, subject to the requirements of the Special Exception Criteria of Article IV, Section 20
- 24.02.01 The following uses shall require special exception approval from the Planning and Zoning Commission:⁷
- (a) Bulk storage or warehouse and distribution for such commodities as food, furniture, hardware, and office supplies.
- (b) Light Industrial Facilities.
- (c) Self Storage Facilities.
- (d) Any permitted or special exception use which serves customers from drive through windows.
- (e) Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.
- (f) Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.
- (g) Schools and places of worship⁸ may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.
- (h) Automobile sales - new and/or used.

⁴ Rev. 04/20/09, effective 05/10/2009

⁵ New 11/03/03, effective 11/28/03

⁶ New 01/21/15, effective 02/13/15

⁷ Rev. 05/07/12, effective 05/30/12

⁸ Rev. 09/15/08, effective 10/05/08

Automobile repair and service garage or shop.

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

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

(i) Automobile wash establishment

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

(j)⁹ Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

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

2. Building Height:

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

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

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

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

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

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

1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and

⁹ Rev. 09/19/2016; effective 10/07/2016

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

2. Open space dedicated for residential tenants shall be located no greater than 100' from the nearest residential building or mixed use building containing residential units.

iv. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.

1. Such open space may include but not necessarily be limited to common plazas and sitting areas, central entertainment spaces, outdoor dining areas, and other spaces as the commission deems appropriate to satisfy the intent of this subsection.

2. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.

4. Parking: Parking shall be provided in accordance with Article IV Section 9 except as follows:

i. For residential units on sites within a one half mile radius of existing mass transit and where the unit mix consists of 50% or more one bedroom units the minimum parking ratio shall be 1 space per dwelling unit.

ii. For all other residential sites, minimum parking shall be 1 space per studio or one-bedroom unit and 1.5 spaces per dwelling unit with two or more bedrooms.¹⁰

iii. No more than 1.5 spaces per dwelling unit may be reserved for the exclusive use of residential tenants.

iv. Parking for all other site uses shall comply with the GB zone.

v. The commission may approve a maximum 15% reduction in total required onsite parking if the site is within one quarter mile of existing mass transit and upon the preparation and review by the commission of a parking plan prepared by a traffic engineer licensed in the State of Connecticut.

vi. Site driveways shall be completely connected and integrated between all site uses and features. Residential circulation shall not be disconnected from overall site vehicular circulation and parking areas.

5. Building Design Standards:

i. Façade Length and Articulation - Buildings or portions of a building with front elevations of over 50 feet in width shall be divided into smaller parts through such means as variation in wall

¹⁰ Rev. 11/15/2021, effective 12/06/2021

plane articulation or the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 100 feet in length. For buildings exceeding four stories in height there shall be a distinct change in facade 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 facade.

- 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 facade and a maximum of 80% of the facade on the ground floor, and a minimum of 20% of the facade and a maximum of 70% of the facade above the ground floor is required. For ground floor residential uses a minimum transparency of 10% of the facade and a maximum of 40% of the facade on the ground floor, and a minimum of 10% of the facade and a maximum of 70% of the facade above the ground floor is required.
 - 5. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
 - 6. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
 - 7. All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished

floor level, up to a maximum sill height of six (6) feet above grade.

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

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

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

6. Control of Certification of Occupancy

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

(k)¹¹ 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;

¹¹ New 02/13/17, effective 03/01/17

- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;
- (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.
- (l)¹² Outdoor go-kart track, using either electric or gas go-karts, for rental by the public.
- (m)¹³ Multi-family hotel/motel conversion in accordance with the requirements of Article II, Section 9.14.05.
- (n)¹⁴ Cannabis retailer, dispensary facility, or hybrid retailer provided that:
 - (a) No cannabis establishment shall be located within 500 feet of the property line of any property containing a school, or within 200 feet of the property line of any property containing a religious institution, charitable institution, hospital, or veterans' home.
 - (b) No cannabis establishment shall operate beyond the hours of 8:00am to 10:00pm Monday through Saturday and 10:00am to 6:00pm on Sundays.

24.02.02 The following uses shall require special exception approval from the Zoning Board of Appeals:¹⁵

- (a) Adult day care center

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

- (b) Child ~~day~~-care center ~~and-or~~ group ~~day-child~~ care home not located in a residence

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

- (c) Carnivals and circuses

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

¹² New 03/06/17, effective 03/23/17

¹³ New 07/07/21, effective 08/01/21

¹⁴ New 12/13/2021, effective 01/03/2022

¹⁵ Rev. 05/07/12, effective 05/30/12

24.02.03 Group dwellings may not be built in General Business zones but group dwellings lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.¹⁶

24.03 Use Provisions

All uses shall be subject to the following:

- (a) Article II, Section 9, of these regulations;
- (b) No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

24.04 Height, Stories and Area

Maximum stories in building	3
Maximum height of principal building	50 feet ¹⁷
Maximum height of accessory building or structure	18 feet
Minimum front yard for permitted uses	25 feet
For height of residential buildings see section 24.02.01 j. ¹⁸	

¹⁶ Rev. 09/19/16; effective 10/07/16

¹⁷ Rev. 09/19/2016; effective 10/07/2016

¹⁸ Rev. 09/19/2016; effective 10/07/2016

ARTICLE II ZONING USES

Section 26 FORM BASED ZONE¹

FORM-BASED ZONE REGULATIONS

TABLE OF CONTENTS

SECTION 26 FORM-BASED ZONE (FBZ)²

Section 26.01 - General Purpose and Description

26.01.01 Purpose and Intent

26.01.02 FBZ Regulating Plan

Section 26.02 – Blocks and Street Types

26.02.01 Block Development Standards

26.02.02 Street and Thoroughfare Types

26.02.03 Removed

Section 26.03 – Building Lot Types and Dimensional Standards

26.03.01 Building and Lot Types in the FBZ

26.03.02 Uses of Yards and Setbacks

26.03.03 Table of Site and Building Dimensional Standards

Section 26.04 - Allowable Building and Lot Uses

26.04.01 Table of Allowable Uses

26.04.02 Frontage Zones

26.04.03 Ground Floor Limitations (GFL)

26.04.04 Permitted Accessory Uses

Section 26.05 - Development Standards for Individual Lots and Buildings

26.05.01 General Development and Design Principles

26.05.02 General Lot Development Standards

26.05.03 General Building Development Standards

26.05.04 Building Overlaps onto Public Frontages

Section 26.06 – Public and Private Open Spaces

26.06.01 Purpose and Intent

26.06.02 Allowed Types of Open Spaces

26.06.03 Open Space Requirements

¹ Repealed and replaced with new version 06/15/2020; effective 07/03/2020

² New, 03/19/2012, effective 03/30/2012

Section 26.07 Off-Street Parking and Loading Standards

- 26.07.01 Purpose and Intent
- 26.07.02 General Access and Circulation Standards
- 26.07.03 Table of Required Parking Spaces
- 26.07.04 Parking Reduction Methods
- 26.07.05 Parking Placement and Access
- 26.07.06 Parking Facility Use and Design Standards
- 26.07.07 Loading Areas

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

- 26.08.01 Purpose and Intent
- 26.08.02 Public Frontages
- 26.08.03 Private Frontage Landscaping Requirements
- 26.08.04 Parking Lot Landscaping
- 26.08.05 Storage Areas
- 26.08.06 Lighting Standards
- 26.08.07 Utilities and Services
- 26.08.08 Fences
- 26.08.09 Signs
- 26.08.10 Sustainable Design and Development Standards

Section 26.09 – Administration

- 26.09.01 General Administration
- 26.09.02 Applications for Approval
- 26.09.03 Special Exceptions
- 26.09.04 Alternative Compliance
- 26.09.05 Alterations or Additions to Non-conforming Structures

Section 26.10 – Non-conforming Uses

Section 26.11 – Definitions

ARTICLE II

SECTION 26 FORM-BASED ZONE (FBZ)

Section 26.01 General Purpose and Description

26.01.01 Purpose and Intent

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

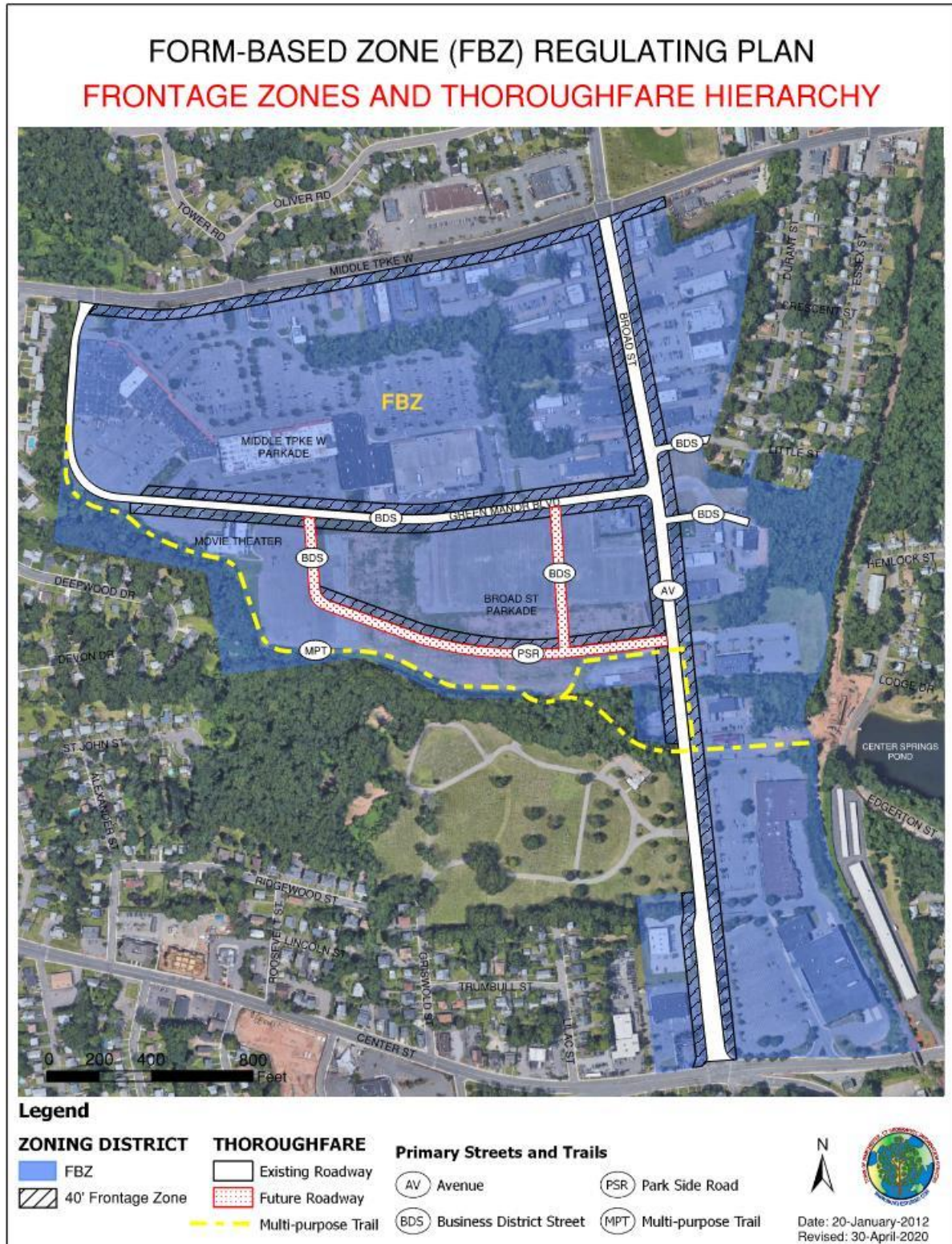
- A. Facilitate an appropriate mix of commercial, residential, entertainment, civic, and recreational uses within a traditional pedestrian oriented development pattern and supported by attractive street designs and building forms;
- B. Create an environment that is comfortable and interesting to local residents and visitors as a place to live, work, play, and socialize;
- C. Coordinate private vehicles, public transit, bicycles, and pedestrians through an intermodal transportation network connecting to open spaces, neighborhoods, employment centers, and areas of activity within the FBZ and surrounding areas;
- D. Protect and expand opportunities for businesses that primarily serve the surrounding neighborhoods and Town of Manchester; and
- E. Encourage flexibility and variety in future development while ensuring high quality materials and appearance of new buildings.

26.01.02 FBZ Regulating Plan

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

- A. Mixed Use District – The FBZ is intended to be a higher density mixed-use district with a focus on commercial, entertainment, and residential uses. Commercial uses are varied and include retail stores, entertainment facilities, restaurants, offices and lodging uses as specified in Table 26.04. Residential dwellings are generally in the form of multi-residence structures, part of multiple-use structures, or attached single-family dwellings such as townhouses. Public open space is a significant element in the FBZ, including a possible future multi-use trail and linear park along Bigelow Brook.
- B. Frontage Zones – The area along existing or new Primary and Secondary Streets from the edge of the public right-of-way to a depth of 40 feet is considered the Frontage Zone in the FBZ. Frontage Zones are intended to create a cohesive aesthetic for the district and promote walkability, visitor interest, and community well-being. Permitted uses on the ground floor level within the Frontage Zone are managed according to Table 26.04 so as to provide a variety of easily accessible services to the surrounding community.

Map 26.01 - FORM-BASED ZONE REGULATING PLAN

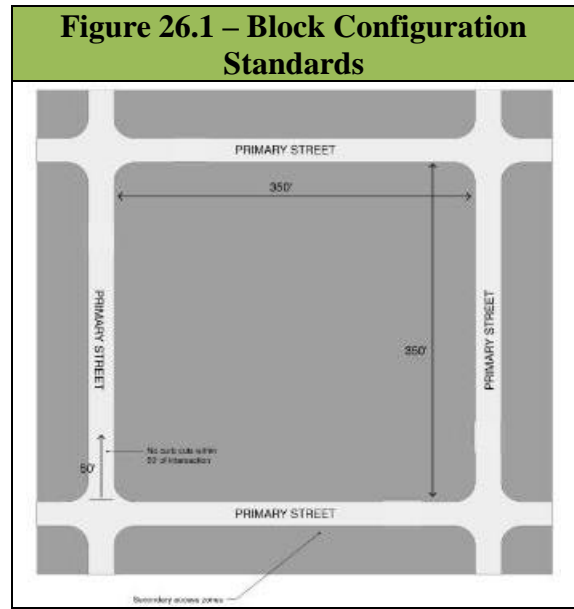


Section 26.02 Blocks and Street Types

26.02.01 Block Development Standards

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

- A. The length, width and shape of blocks shall be designed to provide convenient and safe circulation and access for pedestrians and vehicles. Smaller blocks are encouraged to promote walkability.
- B. Block perimeters shall not exceed 1,400 linear feet as measured along the inner edges of each street right-of-way. The typical block face dimension shall not exceed 350 feet by 350 feet and should be repeated throughout the FBZ when possible. Block face may exceed the limit up to 600 feet and the block perimeter may exceed the limit, up to a maximum of 2,000 linear feet, only if one or more of the following conditions apply: the block has at least one block face on a primary street; or the block contains valuable natural features that should not be crossed by a street.
- C. Blocks shall feature mid-block side streets or alleys as prescribed in Section 26.02.02 below.
- D. A block grid design in the FBZ is required with new development to enhance connectivity, distribution, and the pedestrian experience. However, waivers may be granted by the PZC under Section 26.09 - Administration.



26.02.02 Street and Thoroughfare Types

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

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

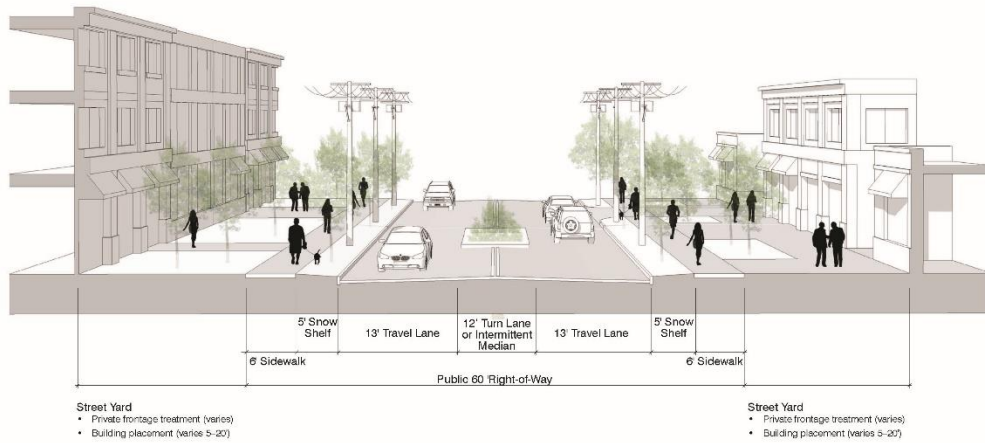
-
- B. Street Networks and Connectivity – The FBZ shall have an interconnected network of streets and achieve the following transportation objectives:
- 1) Ability to accommodate existing or anticipated public transit improvements and facilities.
 - 2) The interconnected street network shall extend into adjoining areas except where the general integration with surrounding uses is deemed inappropriate for a particular area. Street stubs shall be provided to adjoining undeveloped areas to accommodate future street connectivity.
 - 3) Proposed streets shall respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
 - 4) Sidewalks and rows of street trees must be provided on both sides of all primary streets. To allow healthy tree growth, when street trees will be planted in tree wells or in planting strips narrower than 10 feet, the developer must support the surrounding sidewalk and parking lane with structural soil or provide an equivalent soil volume using a method acceptable to the Town's Tree Warden.
 - 5) Primary Streets may be publicly dedicated or private, but must ensure public access. Closed or gated streets are prohibited.
 - 6) Rear access streets and alleys shall serve as the primary means of vehicular ingress to individual lots in the FBZ. Alley or access street entrances should generally align to provide ease of ingress for service vehicles, but internal deflections or variations in the alley/side street network are encouraged to prevent excessive or monotonous views of the rear of structures resulting from long stretches of alleys or side streets.
- C. Thoroughfare Design Standards – Thoroughfare types shall be designed in accordance with all standards in Figure 26.2. The specific design of each street must follow the cross-sections illustrated in Figure 26.2 for each street type. The right-of-way layout for each thoroughfare type including various combinations of travel lanes, parking aisles, curbing, planting areas, and sidewalks supersede any conflicting standards in the zoning regulations or the Town of Manchester Public Improvement Standards.

FIGURE 26.2 - THOROUGHFARE TYPES AND DESIGN STANDARDS

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

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

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

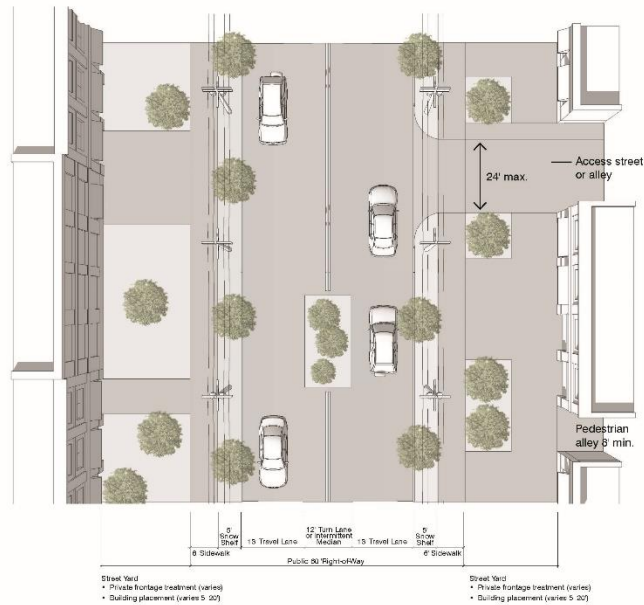
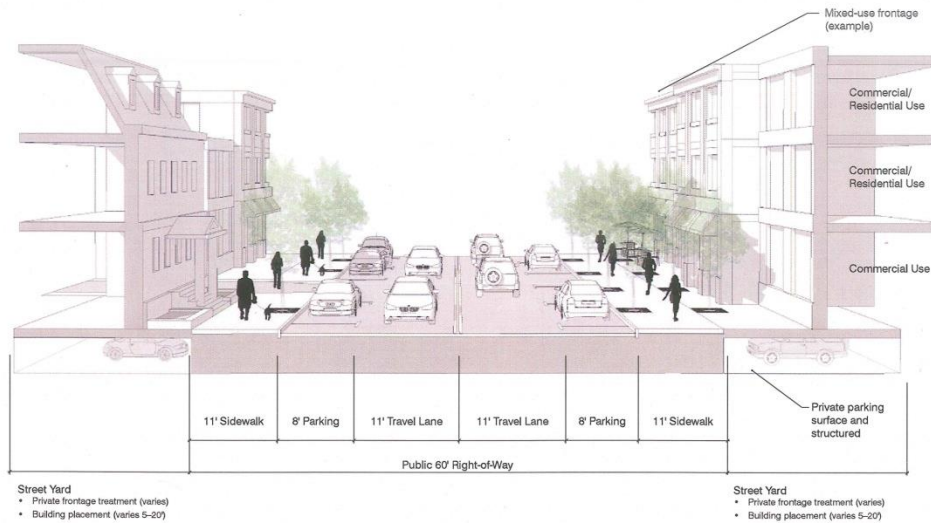


FIGURE 26.2 - BUSINESS DISTRICT (BDS)

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

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

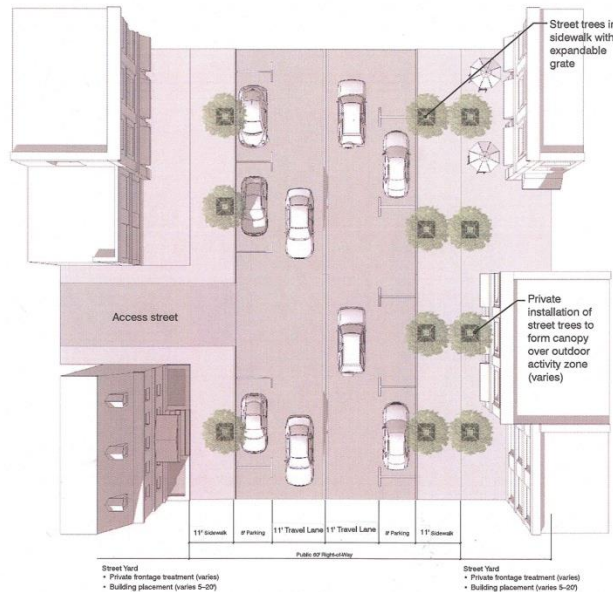
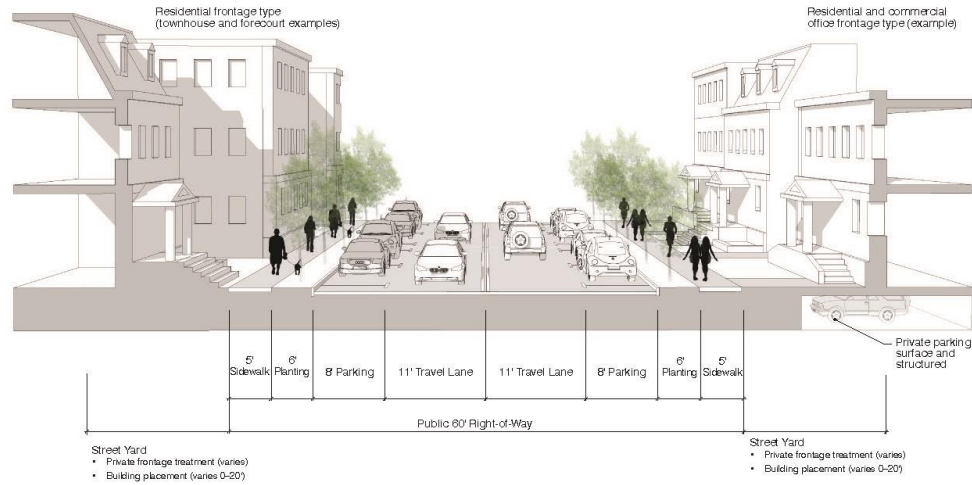


FIGURE 26.2 - RESIDENTIAL STREET (RDS)

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

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

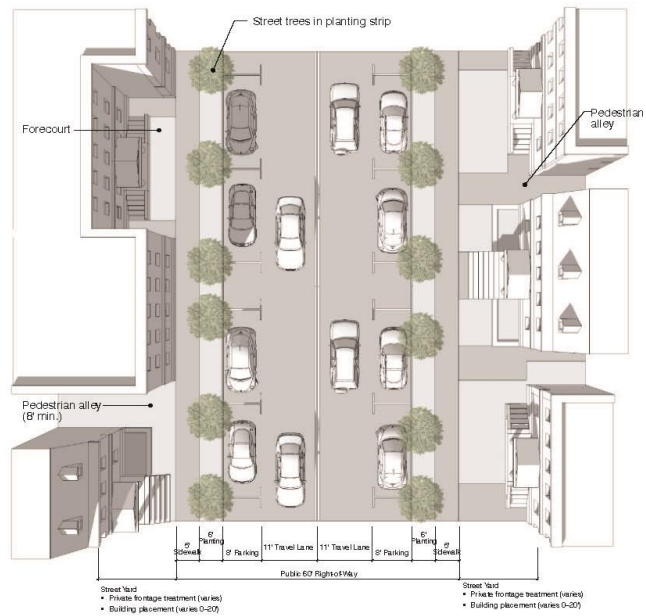
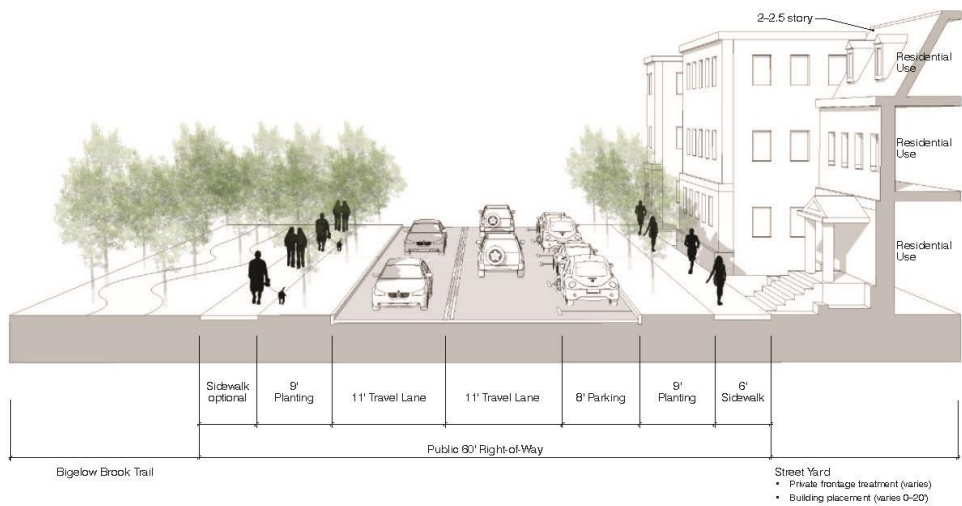


FIGURE 26.2 - PARK SIDE ROAD (PSR)

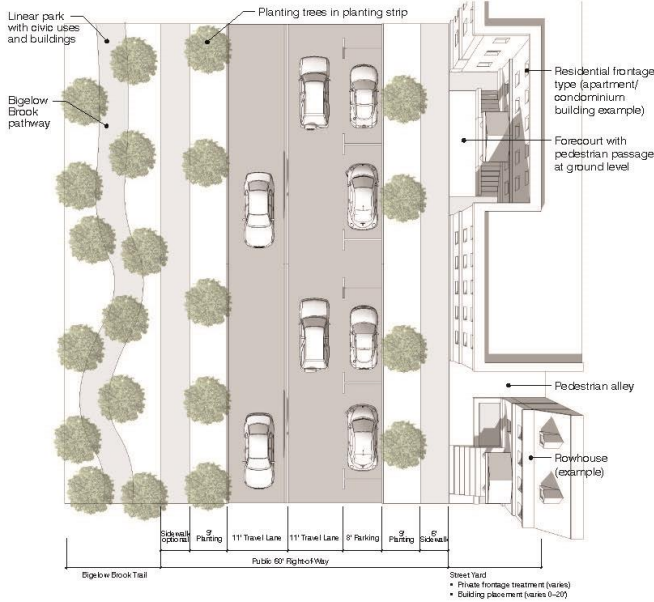
Residential frontages with on-street parking (one side)

Cross Section/Perspective View



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

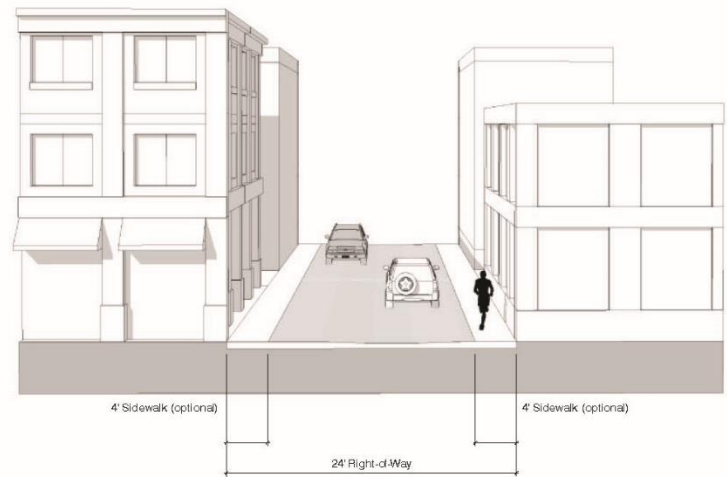
Plan View



Bigelow Brook Trail

FIGURE 26.2 - ACCESS STREET (AS)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

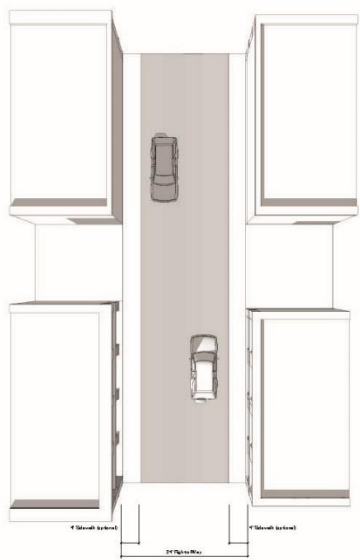


FIGURE 26.2 - ALLEY (AL)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

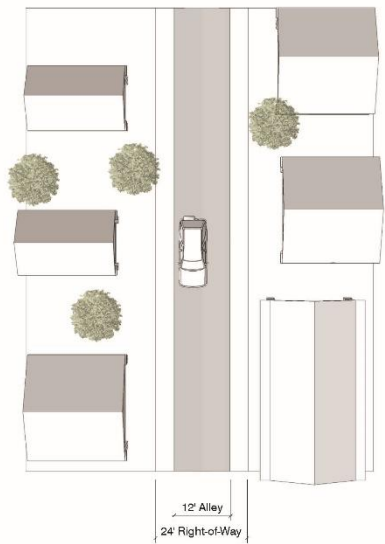


FIGURE 26.2 - PEDESTRIAN PASSAGE (PP)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

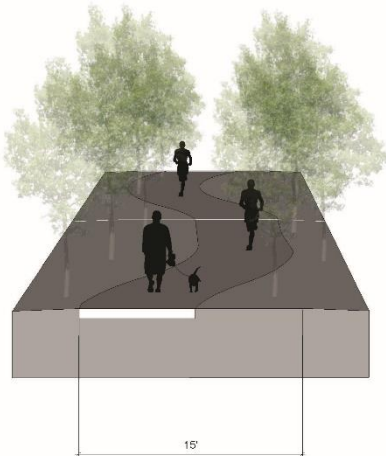
Plan View



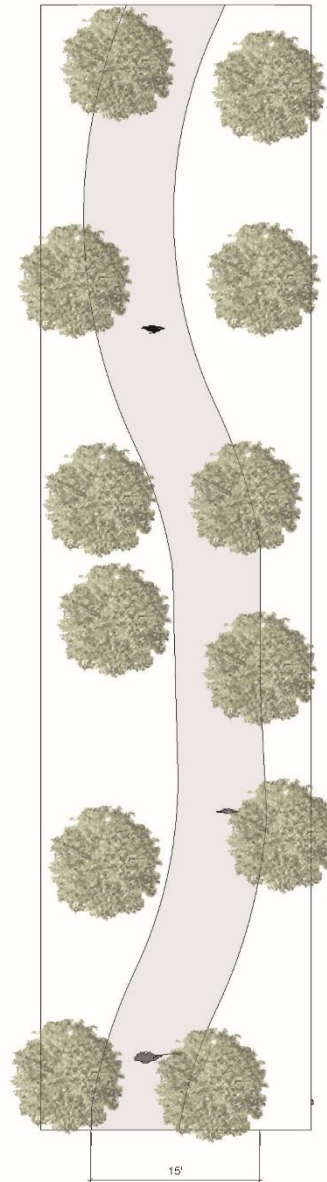
FIGURE 26.2 - MULTI-PURPOSE TRAIL (MPT)

Cross Section/Perspective View

Plan View



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



- D. Dead-End Streets - Dead-end streets are not permitted except where specially authorized in Section 26.09.04 F - Alternative Compliance.
- E. Additional Street Types – Additional street and trail types are permitted as authorized in Section 26.09.04 E – Alternative Compliance.

26.02.03 Removed

Section 26.03 Building Lot Types and Dimensional Standards

26.03.01 Building and Lot Types in the FBZ

- A. Placement of Buildings on Each Lot Type - Specific building lot types are allowed within the FBZ as identified in Table 26.03. There are a total of six (6) building lot types prescribed for the district. The various lot types and proper building placement for each lot type are illustrated in Figure 26.3. Some of the dimensional requirements from Table 26.03 are shown on each diagram. Character examples are provided for each lot type for illustrative purposes only; the dimensions in Table 26.03 control for regulatory purposes. Except as noted, parking spaces are provided on-street, to the rear of the lot, or as otherwise provided in Section 26.07 - Parking.
- B. Sideyard Building Placement – Certain types of buildings may occupy one side of the lot oriented toward the street with the setback to the other side. This placement alternative permits vehicle and pedestrian access to the rear of the lot through the side yard. It may also allow for systematic climatic orientation in response to the sun or the wind. On-site parking is located to the side or rear of the primary building. All Lot Types allow for sideyard placement except Multi-Residence Buildings.
- C. Full Frontage Building Placement – Certain types of buildings may occupy the full frontage, leaving the rear of the lot as the sole yard. This continuous building façade defines the public street. The rear elevations may be articulated for functional purposes such as for customer access from parking lots. In its residential form, this building placement type is the Rowhouse. The rear yard can accommodate on-site parking and open space. All Lot Types allow for full frontage placement except Multi-Residence Buildings.
- D. Streetyard Building Setback - Certain types of buildings may be set back from the street yard to create a sense of prominence. In the FBZ, street yards should be prominent for certain types of institutional and civic buildings. Street yard setbacks are also permitted for Multi-Residence Buildings. Commercial buildings with street yard setbacks shall utilize the space as permitted in the Outdoor Activity Zone under Section 26.03.02 B.
- E. Lot Types Along Streets - Lot types shall be selected so that buildings of similar scale and arrangement will be placed on both sides of a street. Contrasting lot types may be placed back-to-back, allowing alleys or side streets to serve as transitions.
- F. Additional Lot Types - Additional building lot types are not permitted except where specially authorized in Section 26.09.04 C.

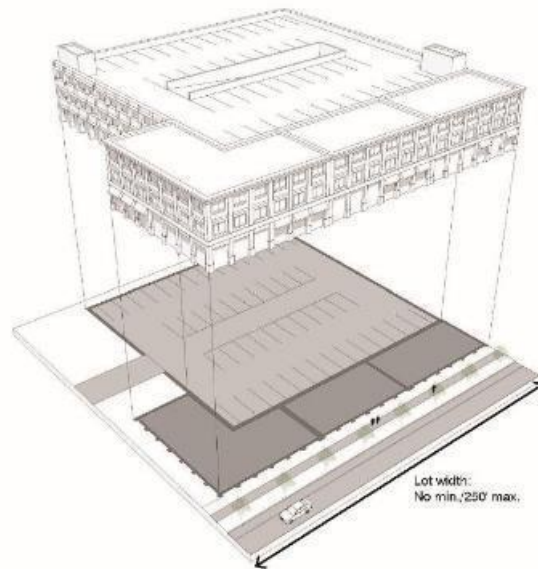
FIGURE 26.3 – GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

FIGURE 26.3- GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

Liner Building Lot

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

Character Examples:



Mixed Use Building Lot

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

Character Examples:

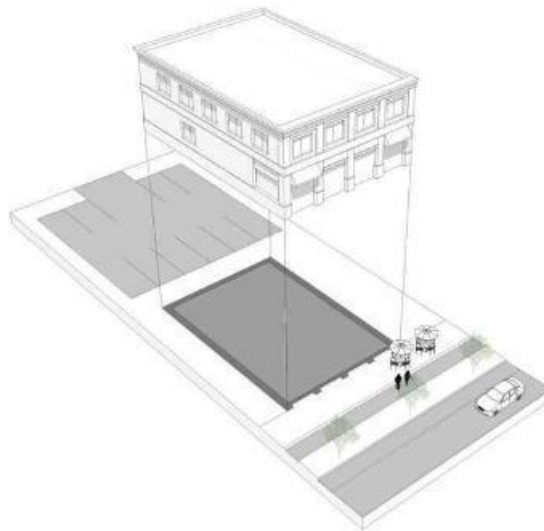
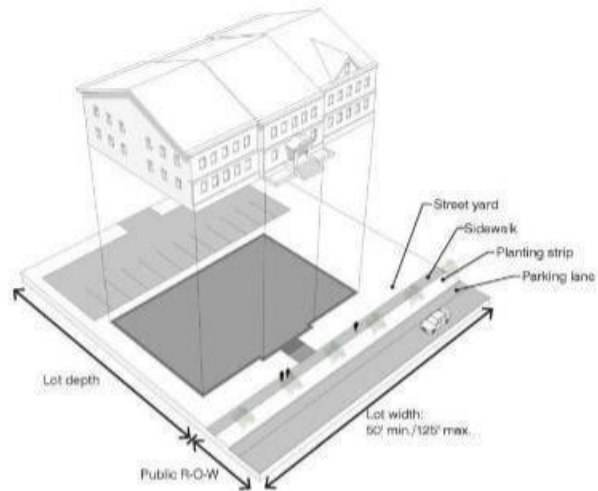


FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

Multi-Residence Building Lot

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

Character Examples:



Live-Work Unit Building Lot

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

Character Examples:

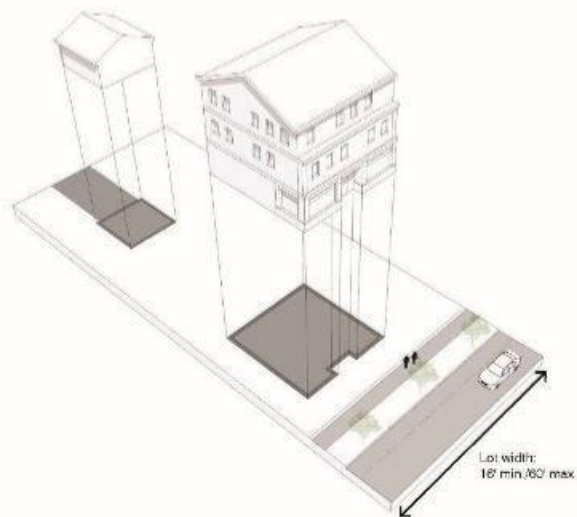
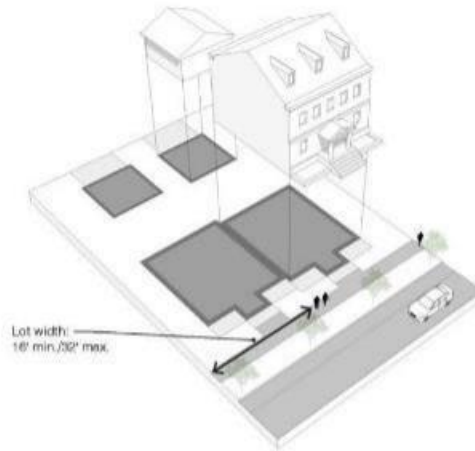


FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

Rowhouse Building Lot

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

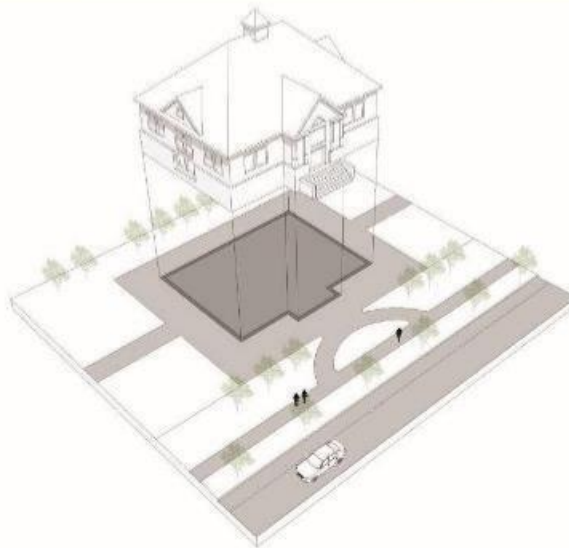
Character Examples:



Civic Space and Building Lot

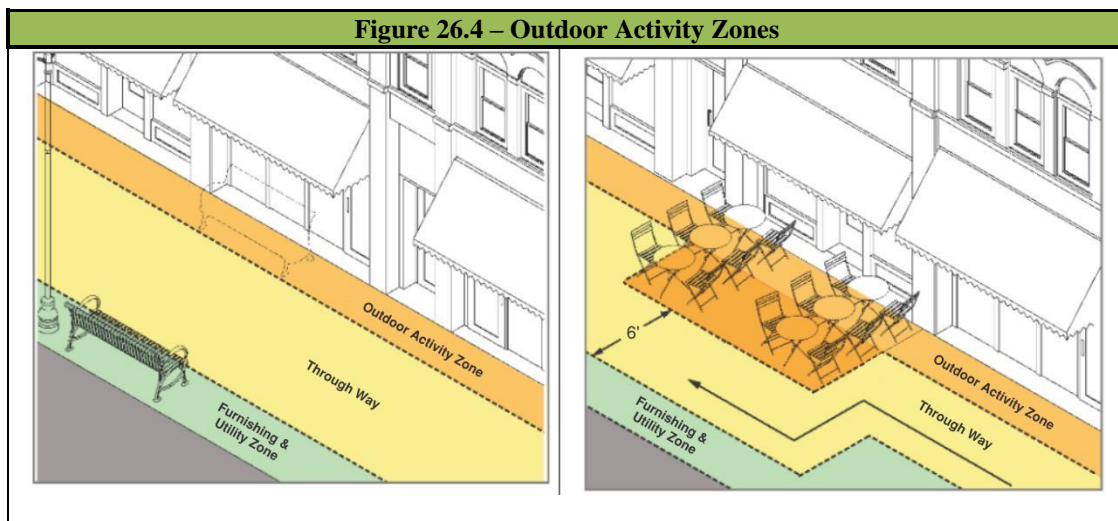
A lot located and designed to accommodate open space and buildings containing public or civic uses such as community center, education, places of worship, active and passive recreational facilities, and similar civic uses. Open spaces may be a green, square, plaza, park, playground, community garden,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

Character Examples:



26.03.02 Uses of Yards and Setbacks

- A. Purpose and Intent: The purpose of the required building setbacks is to promote streetscapes consistent with the desired character of the FBZ. Active uses of setback areas will only be permitted for pedestrian access, outdoor accessory uses, or to facilitate access to rear of the lot for parking and loading. No parking is allowed in the street yard or any Frontage Zone. Site plans shall demonstrate that the setback area accomplishes these objectives and creates an inviting environment for pedestrians. Where rear yard setbacks are required, site plans will demonstrate that appropriate screening is provided (i.e. trees, shrubbery and fencing as needed).
- B. Outdoor Activity Zones: Outdoor activities shall be allowed and are encouraged where applicable as accessory uses to adjacent restaurant and entertainment uses. Outdoor Activity Zones are allowed within street yard and side yard areas on private lots. Outdoor dining areas shall be attractively designed and furnished to enhance the pedestrian environment. Seasonal outdoor dining areas may be extended onto public sidewalks after administrative approval in accordance with the provisions of Article IV, Section 23. Other outdoor activities may be extended onto public sidewalks with a Special Exception from the Planning and Zoning Commission (PZC) where a minimum of six (6) feet of unobstructed passage remains for pedestrian use, as shown in Figure 26.4.³



- C. Outdoor Display: Outdoor display of products actively available for sale is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:
- 1) Outdoor display shall occupy no more than 30% of the horizontal length of the building facade.
 - 2) Outdoor display shall only be located within the street setback area.
 - 3) Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.

³ Rev. 10/3/22, effective 10/24/22

- 4) Outdoor display shall not impair the ability of pedestrians to use the sidewalk or the sightline for vehicular access from adjacent streets or alleys.

26.03.03 Table of Site and Building Dimensional Standards

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

Table 26.03 - Building Lot Dimensional Standards								
Building Lot Type	Lot Area	Lot Width	Frontage Occupation	Lot Coverage	Yards ⁽¹⁾			Height ⁽⁴⁾
	Min. / Max.	Min. / Max.	Min.	Max.	Street	Side ⁽²⁾	Rear ⁽³⁾	Min. / Max. in Stories ⁽⁵⁾
	(in Sq. Ft.)	(in Linear Ft.)	(Percentage)	(by all buildings)	(in Feet)	(in Feet)	(in Feet)	(Max. in Feet)
Liner Building Lot (LBL)	No Min. / No Max.	No Min. / 250	75%	100%	5/20	0	0	1/4 - 48' ⁽⁷⁾
Mixed-Use Building Lot (MUBL)	No Min. / No Max.	No Min. / 250	75%	100%	5/20	0	0	1/4 - 48'
Multiple Residence Building Lot (MRBL)	4,000 / No Max.	No Min. / 250	75%	100%	5/20	0	0	2/5 - 52'
Live-Work Building Lot (LWL)	2,000 / 7,500	16 / 60	75%	80%	5/10	0	15	2/3 - 45'
Rowhouse Lot (RHL)	2,000 / 4,000	16 / 32	75%	80%	5/10	0	15	2/3 - 45'
Civic Space and Building Lot (CSBL)	No Min. / No Max.	No Min. / No Max.	N/A ⁽⁶⁾	N/A	N/A	N/A	N/A	1/2 - 36'

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

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

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

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

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

(6) N/A = Not Applicable

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

Section 26.04 Allowable Building and Lot Uses

26.04 Table of Allowable Uses

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

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

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

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

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	FRONTAGE ZONE
Retail Store – Greater than 5,000 gross s. f.	SE	SE
<i>Functional Standards:</i>	Same as above	
Arts & Crafts Store	■	■
<i>Functional Standards:</i>	All work and storage to be conducted within a building.	
Convenience Store	■	■
<i>Functional Standards:</i>	May be used in combination with gas stations where permitted. (See below)	
	Illumination of the store shall be limited to hours of operation, except for purposes of security.	
	For the sale of prepared and packaged food or beverage. Display & sales to be primarily conducted within the building.	
Personal Care Services		
Personal Services Establishments	■	■
Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry	SE	SE
<i>Functional Standards:</i>	Laundry and dry-cleaning shop where laundry is cleaned and processed off-site and not within the FBZ.	
Food Services		
Restaurant, Cafes, Taverns, Grills or Similar Eating Places including those with shared kitchens	■	■
<i>Functional Standards:</i>	No drive through facilities or services are permitted in the FBZ.	
Alcoholic Liquor Sales	■	■
General Food Service Store	■	■
Refreshment Stand	■	■
<i>Functional Standards:</i>	A place where patrons can purchase snacks, refreshments or food at a cinema, fair, sporting or entertainment venue.	
Consumer Services		
Indoor Entertainment	■	■
<i>Functional Standards:</i>	In the FBZ, Indoor Entertainment may include arcades, pool halls, dance clubs, night clubs, movie theaters, live performance venues, and similar uses as determined by the PZC.	
	Permitted only if determined to be compatible with the intent of said district and the uses allowable therein.	
Private Recreational Facility	■	■
<i>Functional Standards:</i>	Any structure shall be solely accessory to the operation of the outdoor recreation activities.	
Radio & Television Broadcasting Studio	■	■
General Repair Services	■	■
<i>Functional Standards:</i>	All work and storage to be conducted within a building.	
Financial & Real Estate Services	■	■

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

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	FRONTAGE ZONE
<i>Functional Standards:</i>	To be located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.	
	All facilities described above shall be in accordance with the requirements of Article IV, Section 19.	
Auction Gallery	SE	SE
Commercial Greenhouse, Indoor Agriculture including Horticulture, Hydroponics and Aquaponics	■	SE
Outdoor Entertainment ⁴	SE	SE
<i>Functional Standards:</i>	(a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass; (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM; (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship, or school.	

Allowable Uses

■ = Permitted by Right

SE = Allowed by Special Exception from the PZC

Ground Floor Limitations

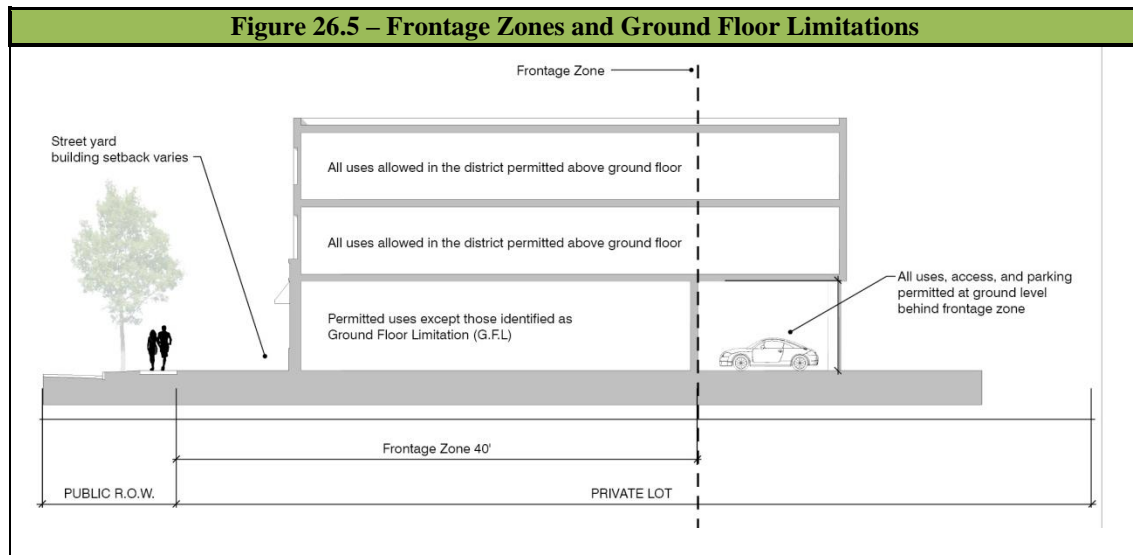
GFL = See Ground Floor Limitation required in Section 26.04.03

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

⁴ New 02/13/17, effective 03/01/17

26.04.02 Frontage Zones

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



26.04.03 Ground Floor Limitations (GFL)

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

26.04.04 Permitted Accessory Uses

- A. Live Entertainment and/or Dancing - Allowed as an accessory use to a full service food establishment, subject to the following:
 - 1) Food is served to customers at tables by waitpersons.
 - 2) Bar seats do not exceed 20% of total restaurant seats.
 - 3) Any dance floor area shall not exceed 500 sq. ft., or 10% of the floor area of the restaurant, whichever is less.
- B. Automated Teller Machines (ATM) – Automated banking facilities shall be in compliance with the requirements of Table 26.04 and Section 26.09 - Administration.

- C. Outdoor Seating and Dining Area – Allowed as an accessory use and in compliance with Section 26.03.02 - Uses of Yards and Setbacks.
- D. Other Accessory Uses - Accessory uses and structures not listed in Table 26.04 are regulated in the same manner as the Manchester zoning regulations would otherwise provide for each permitted use.

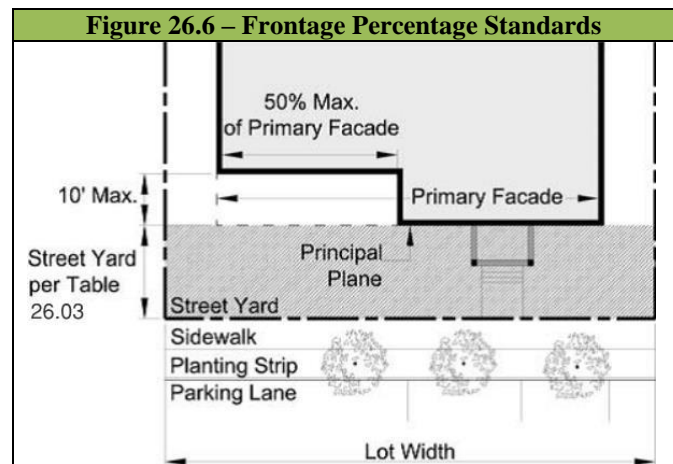
Section 26.05 Development Standards for Individual Lots and Buildings

26.05.01 General Development and Design Principles

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

26.05.02 General Lot Development Standards

- A. Appearance of a Development Lot - The character, layout and general composition of the lot, including but not limited to the type, color and texture of materials used in plantings, paving, lighting, furnishing, signage, utility structures and all other appurtenant elements should harmonize with the building design.
- B. Frontage Occupation Percentages - Frontage occupation percentage is the percentage of the width of a lot that is required to be occupied by its building's primary facade. Table 26.03 provides minimum frontage occupation percentages for each lot type.
 - 1) Up to 50% of the width of the primary facade shall be counted as meeting the frontage percentage requirement even though it may be set back up to 10 feet further from the street than the primary facade's principal plane.
 - 2) The location of the primary facade's principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are set back further from the street.
 - 3) The width of a porte cochere shall be counted as part of the primary facade.



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- C. Front or Side Driveways - A continuous network of rear and side alleys or side streets shall serve as the primary means of vehicular ingress to individual lots. If a rear alley is not provided, a front or side driveway is permitted to Residential Lot Types only, with the following restrictions:
- 1) Detached garages shall always be located in the rear of the lot. All walls of attached garages shall be at least 20 feet behind the principal plane of the house's primary facade.
 - 2) Garage doors shall face the side or the rear of the lot rather than the street yard. Where space does not permit a side- or rear-facing garage door, front-facing garage doors may be provided but each door shall not exceed 10 feet in width.
 - 3) Driveways shall serve as access to a minimum of three (3) dwelling units and may not exceed 12 feet in width except at the garage entrance.

26.05.03 General Building Development Standards

- A. Facade Length and Articulation - Buildings or portions of a building with front elevations of over 50 feet in width shall be divided into smaller parts through pronounced variation in wall plane articulation and materials and variations in the cornice/roofline to accomplish the desired divisions of elevations into smaller parts. Building articulations shall be 12 inches or more in depth, made through the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 120 feet in length. Ground floor facades that face public streets shall have galleries, display windows, entry areas, awnings, or other features along no less the 60% of their length. All facades visible from public streets shall feature characteristics similar to the front facade.
- B. Building Separation - Separation between adjoining buildings should be designed to allow for limited vehicle and pedestrian access to the rear.
- C. Building Entrances - Development and redevelopment shall include building facades that front on and have a principal pedestrian entrance on Primary Streets. The construction of any new buildings shall provide for the creation of pedestrian alleyways where appropriate in order to allow for passageways to parking at the rear of the lots and adjoining streets. The primary entrance of every building must directly face a street or a civic space, or a forecourt or garden.
- D. Incorporate Architectural Features - To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches shall be used.
- E. Transparency - Transparency is the percentage of windows and doors that cover a ground or upper story facade. Door and window openings shall be proportional to facade length and height. The building design shall create a sense of entry into the site and into major businesses within the site through landscaping, facade treatment and signage. The specific transparency requirement for the front of buildings on each Lot and Building Type is included in the table below.

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

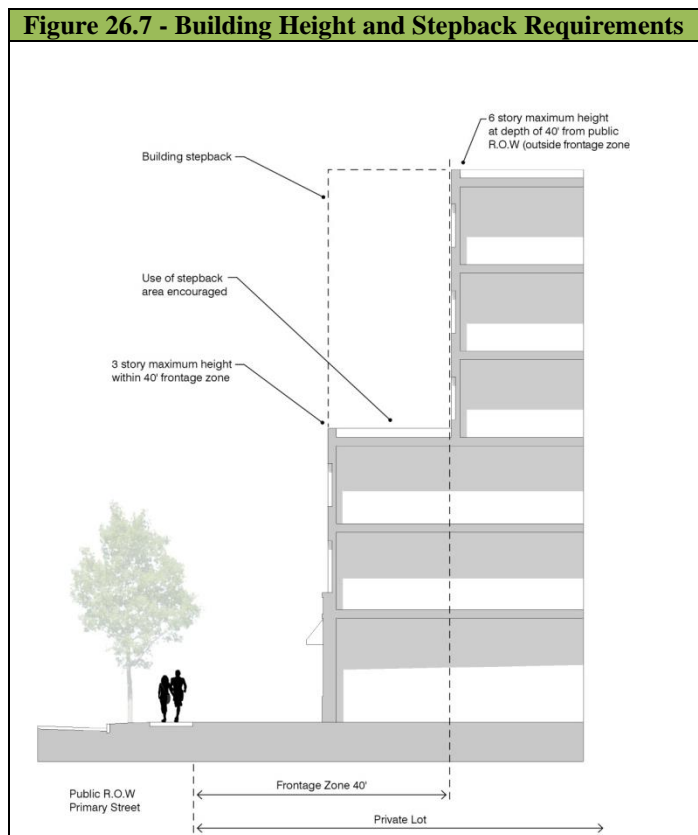
- 1) The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
 - 2) The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
 - 3) All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.
 - 4) Street-fronting, street-level window pane surface area shall allow views into the ground story use for a depth of at least six feet. Windows must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted).
 - 5) Any wall within 30 feet of a Primary Street shall contain at least 20% of the ground floor wall area facing the street in display areas, windows, or doorways.
- F. Front Porches - Front porches may extend up to 10 feet into street yards provided they are at least 8 feet deep. Partial walls, screened areas, and railings on porches that extend into the street yard may be no higher than 42 inches. Porches must remain set back at least five (5) feet from a street right-of-way.
- G. Stoops - Stoops may extend into street yards provided their upper platform is no higher than 60 inches above the sidewalk. Partial walls and railings on stoops that extend into the front yard may be no higher than 42 inches. If requested during the site plan review process, stoops may extend into the right-of-way to the extent specifically provided by the PZC during the site plan approval process, based on its determination that sidewalk widths will be adequate to allow encroachment by stoops.
- H. Accessory Dwelling Units - Each Live-Work Building and Rowhouse Lot is permitted one accessory dwelling unit in addition to its principal building. Accessory dwelling units may not exceed 800 gross square feet and shall be located on the same lot as the principal building.

I. Building Height

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

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

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



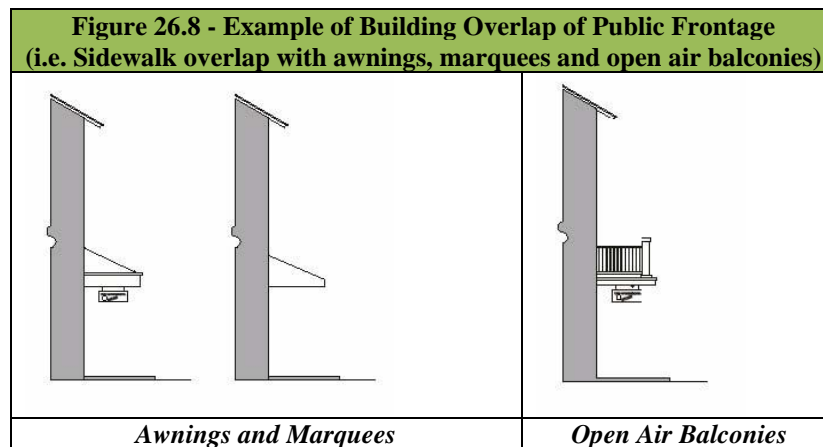
- J. Roof Features - Long unbroken expanses of roofs shall be avoided though the use of dormers, skylights, chimneys and changes in ridge line.
- K. Roof Pitch - Flat roofs shall not be permitted for one story buildings unless the front elevation is at least 18 feet in height. Flat roofs combined with roof top amenities (green roofs and gardens, stormwater capture systems, outdoor accessory uses, etc.) are encouraged for buildings greater than two stories. Pitched roofs shall have a 6 over 12 inch pitch or greater.
- L. Rooftop Equipment - Accessory rooftop equipment shall not extend more than eight (8) feet above the allowed building height provided it is set back from the exterior wall(s) by at least 10 feet, and is enclosed or screened by a parapet or with materials compatible with the building so as not to be visible from the ground. Accessory equipment shall not

exceed 20% of the roof area. Where head house structures are necessary, they shall not exceed ten (10) feet in height, be setback from the exterior wall(s) by at least 10 feet, and shall not exceed 20% of the roof area.

- M. Ground Story Heights - The ground story of commercial and mixed-use buildings must be a minimum of 10 feet tall. The ground story of residential and live-work buildings must be a minimum of 8 feet tall. Each story above the ground story in commercial and residential buildings must be from 8 feet to 12 feet tall. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.
- N. Residential Floor Heights - Residential buildings must have their first habitable floor raised at least 2½ feet above the adjacent sidewalk. If the first floor is more than 5 feet above the adjacent sidewalk, the space below the first floor counts as the ground (first) story.

26.05.04 Building Overlaps onto Public Frontages

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



- B. Shading Of Sidewalks - Each building on a Mixed-Use or Live-Work Building Lot, and each building on a Liner Building Lot with non-residential uses on the ground story, shall be required to have awnings, balconies, colonnades, or arcades facing all streets. When providing a required awning, balcony, colonnade, or arcade, or one that extends over a street right-of-way, the following design requirements apply:
- 1) Awnings over ground-story doors or windows must have a depth of at least 5 feet and a clear height of at least 8 feet above the sidewalk. Awnings must extend over at least 25% of the width of each primary facade. Back-lit, high-gloss, or plasticized fabrics are prohibited.
 - 2) Balconies must have a clear height of at least 10 feet above the sidewalk. Balconies may have roofs but must be open toward the street.

- 3) Galleries and arcades must have a clear width from their support columns to the building's primary facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. Support columns can be spaced no farther apart than they are tall. Galleries or arcades must extend over at least 75% of the width of each primary facade.
- 4) Any of these features may extend into the street yard and over public sidewalks provided they maintain eight (8) feet of horizontal clearance from a parking lane or travel lane.

Section 26.06 – Public and Private Open Spaces

26.06.01 Purpose and Intent

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

26.06.02 Allowed Types of Open Space


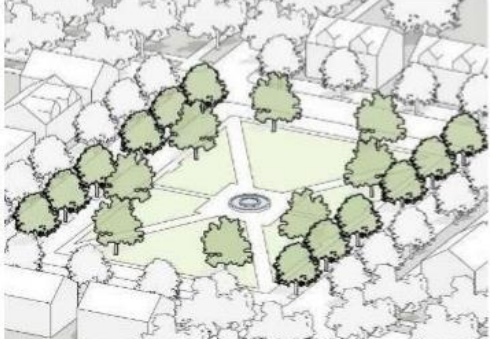
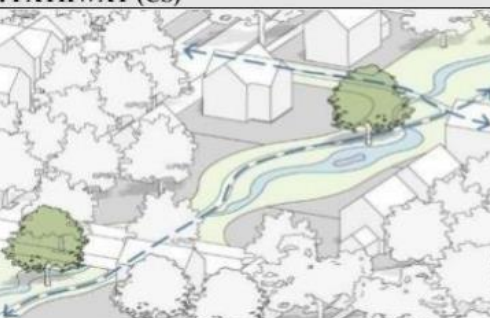

- A. Outdoor Amenity Space (OAS) Types – Permitted outdoor Amenity Spaces include the following types:
 - 1) *Civic Space (CS)*: Civic Space includes public parks, active and passive recreation areas, civic buildings, and other gathering spaces that are fully available to the general public.
 - 2) *Publicly Oriented Private Space (POPS)*: Publicly Oriented Private Spaces are gathering spaces on private land primarily serving the residents, businesses and patrons of the principal building or development site, and generally available to the public.
 - 3) *Private Open Space (POS)*: Private Open Space is associated with individual dwelling units or businesses and is not intended for public access.
- B. Squares and Plazas Standards - Squares and plazas shall be located so that building walls facing the lot shall have at least 25% of the overall façade in transparent windows, and at least 40% of the ground floor façade in transparent windows.
- C. Outdoor Amenity Space Design - Outdoor Amenity Spaces shall be designed, landscaped, and furnished to be consistent with the character of the neighborhood in which they are located. Outdoor Amenity Space types and design standards are illustrated in Figure 26.9.
 - 1) Civic Spaces and buildings shall be designed to physically express their prominence and community orientation.






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

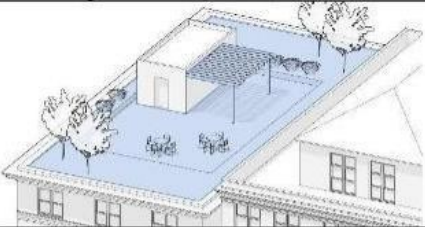

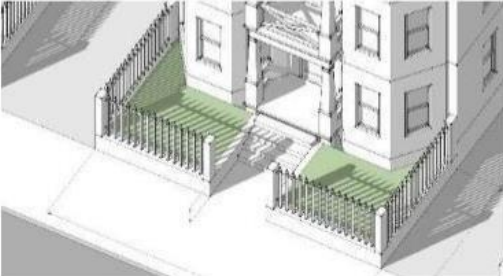
26.06.03 Open Space Requirements

- A. Individual property owners shall be required to dedicate 5% of their lot to Outdoor Amenity Spaces in one of the types identified in Figure 26.9. For commercial and mixed use lots, Outdoor Activity Zones located in the front and side setback areas are eligible types of Outdoor Amenity Spaces.
- B. Two or more property owners may create a joint Outdoor Amenity Space as long as the dedicated space is accessible to the public and amounts to a minimum of 5% of the land area of the all properties involved.

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

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

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

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

Section 26.07 - Off-Street Parking and Loading Standards

26.07.01 Purpose and Intent

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

26.07.02 General Access and Circulation Standards

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

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

- A. Parking shall be accessed by an access street or alley to the rear of the primary building unless otherwise allowed under these regulations.
- B. Parking shall not be located in the Frontage Zone. Where access to an off-street parking lot from a Primary Street is permitted, the parking lot shall be masked from the frontage by buildings or appropriate landscaping as specified in Section 26.08.
- C. The vehicular entrance to a parking lot shall be no wider than 24 feet.

26.07.03 Table of Required Parking Spaces

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

Table 26.07 - Parking Standards in the FBZ	
Commercial and Civic Use	Required Parking
Retail Business, Commercial or Personal Service Establishment	1 space per 300 gross square feet
General Office or Retail in Mixed Use Buildings	1 space per 400 gross square feet
Medical or Dental Office or Clinic	5 spaces/doctor or dentist within a single office or suite
Restaurant or Place of Assembly	1 space for each 3 seats
Hotel or Motel	1 space per occupancy unit
Library, Museum, or other Civic Use	1 space per 500 gross square feet
Residential Uses	
Multi-Residential Building or Multiple Home Building	1/DU with 1 bedroom or less; and 2/DU with 2 bedrooms or more located within 300 feet of the Dwelling Unit ⁵
1-bedroom unit in Mixed-Use Building	1 space per bedroom
2-bedroom unit in Mixed Use Building	1 space per bedroom
3 or more bedroom unit in Mixed Use Building	1 space per bedroom

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

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

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- B. Fractional Spaces – When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one half (1/2) shall be disregarded and any fraction of one half (1/2) or greater shall be counted as one (1) required space.
 - C. Change of Use - A permitted use can be changed to another permitted use, and any permitted principal or accessory use can be intensified, without increasing the required off-street parking requirements of Table 26.07 provided there is:
 - 1) No increase in gross square footage of the building;
 - 2) No reduction in existing parking spaces required pursuant to Section 26.07; and
 - 3) Parking space requirements for residential dwelling units shall be 1 parking space per unit. ⁶
 - D. Required Bicycle Facilities - One bicycle parking space shall be provided for every twenty-five (25) off-street vehicular parking spaces. Bicycle racks shall be provided within the public or private frontage in a convenient and visible location.

26.07.04 Parking Adjustment Methods

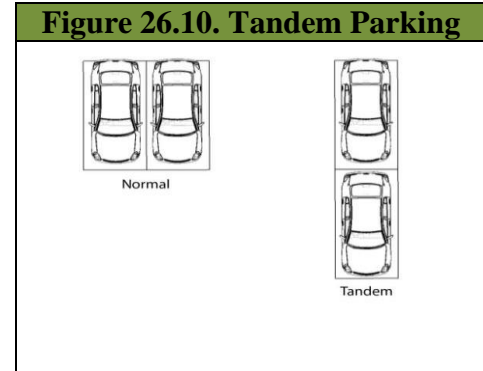
In order to minimize paved surfaces and eliminate the need to construct unnecessary parking spaces, the Planning and Zoning Commission may approve adjustments to required parking spaces quantities as defined below:

- A. Off-Site Parking Credit - Parking requirements may be reduced by up to fifty percent (50%) with a Special Exception by the PZC if an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal land use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage. If this rule cannot be met, the applicant can secure private off-site parking within 500 feet of the site by ownership or lease with another landowner with the following conditions:
 - 1) The off-site parking will be shared by more than one landowner; and
 - 2) The greater distance is justified because of pedestrian traffic patterns and the vitality of the area that would be part of the walk.
- B. On-Street Parking Credit - All non-residential properties located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking stall for each 22 linear feet of abutting right-of-way for parallel parking. This provision shall be applied for on-street parking on the same side of the street as the proposed land use, or on the opposite side of the street if the property on that side of the street does not have the potential for future development. In considering credit for on street parking, all fractional spaces are rounded down.
- C. Shared Parking

⁶ Rev. 11/15/2021, effective 12/06/2021

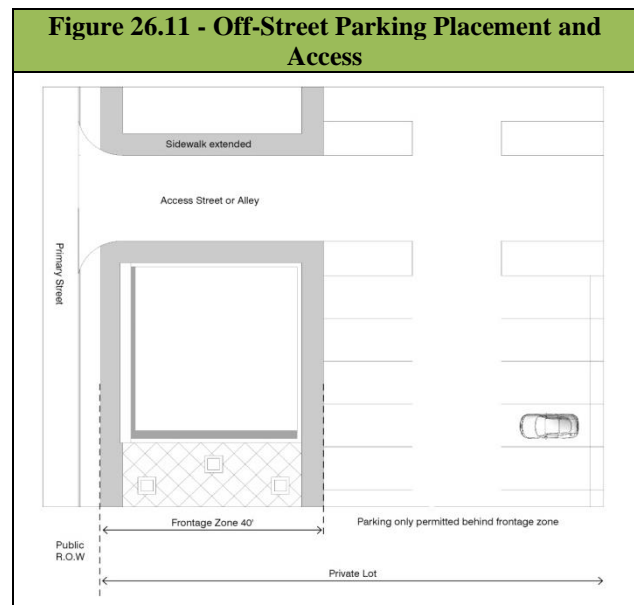
- 1) A reduction of the cumulative minimum parking requirements within a mixed-use development or for adjacent commercial or industrial properties may be approved by the Commission if the applicant provides a parking study that satisfactorily demonstrates that one or more of the following conditions exist to warrant the reduction:
 - a) Differences in the timing of peak parking demands among existing and/or proposed uses result in a net peak parking demand that is significantly lower than the cumulative minimum parking requirements;
 - b) Synergistic relationships among uses create captive markets, resulting in multiple purpose walking trips within the development; and/or
 - c) The development is likely to generate bus, bicycle, or pedestrian trips and accommodations exist or are proposed to support these alternative methods of transportation.
 - 2) Approval of such shared use of parking spaces shall be documented by the property owner and affected tenants executing and filing a shared parking agreement outlining the details of the agreement and approval prior to receiving a Certificate of Occupancy. Upon any change in; property ownership, tenancy, use, or operations within the development, such agreement shall be automatically terminated, and a new agreement shall be made between all parties in the development which shall be executed and filed on the land records.
- D. Car-Sharing Program - The PZC may approve a parking reduction where an active car-sharing program is made available to residents and/or employees and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.
- E. Off-Site Employee Parking - The PZC may allow required parking to be provided off-site for employees, except for any required handicapped parking, as permitted according to the provisions of and when conforming to the following:
- 1) A lot featuring the off-site parking must be located within seven hundred and sixty (750) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance served;
 - 2) Pedestrian access between the use and the off-site accessory parking area must be via paved sidewalk or walkways; and
 - 3) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Manchester, guaranteeing long term use of the site is provided to the PZC.
- F. Tandem Parking - The PZC may allow tandem parking under the following conditions:
- 1) To be used to meet parking requirements for residential units only.
 - 2) Tandem spaces shall be assigned to the same dwelling unit.

- 3) Tandem parking shall not be used to provide guest parking.
- 4) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 36 feet in length.
- 5) A maximum of 20% of tandem spaces may be designated as compact spaces. Compact tandem spaces shall have a combined minimum dimension of 8.5 feet in width by 30 feet in length, and shall identified with appropriate signage.



26.07.05 Parking Placement and Access

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



- B. Curbcuts and Driveways - New curb cuts on existing public ways shall be minimized. No more than one curb cut on Primary Streets shall be allowed for any lot. For traffic safety and to maintain traffic flow, no new driveways shall be permitted on Primary Streets within 100 feet of any intersecting public street.
- 1) New curbcuts shall be no wider than 16 feet for one-way traffic flow and 24 feet for two-way traffic flow.
 - 2) New curbcuts on Primary Streets shall only be allowed where the curbcut leads to parking for at least twenty (20) vehicles.
 - 3) Driveways shall not occupy more than 25% of the frontage of any parcel, except for lots less than 40 feet wide.
 - 4) Where the driveway crosses any pedestrian path, the intersection shall be clearly marked and lighted for the safety of the pedestrian.

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

26.07.06 Parking Facility Use and Design Standards

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

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

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

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

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

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

26.07.07 Loading Areas

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

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

- B. Dimensions - The minimum dimensions of any required off-street loading space shall be a clear horizontal area of twelve (12) feet by thirty (30) feet, exclusive of platforms and piers, and a clear vertical space fourteen (14) feet high.
- C. Accessibility - Each off-street loading space shall be directly accessible from a Primary Street, side street or alley without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck or motor truck and trailer combinations, and so no truck or trailer shall be required to back from such facilities directly onto public streets. Loading docks shall not be visible from a Primary Street. Required off-street loading areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind.
- D. Shared Loading Areas - Collective, joint or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, upon the approval of the PZC, provided that such off-street loading facilities are sufficient in size and capacity to meet the combined requirements of the several buildings or uses and are designed, located and arranged to be usable thereby.

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

26.08.01 Purpose and Intent

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

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

26.08.02 Public Frontages

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

26.08.03 Private Frontage Landscaping Requirements

- A. Existing Trees - Existing significant trees and shrubs shall be maintained to the maximum extent possible.
- B. Visibility - No plantings shall obscure site entrance and exit drives and road intersections.
- C. Non-Residential Lots - When the front setback is greater than zero, those portions of the front yard not occupied by pedestrian amenities and public spaces shall be landscaped. Street trees are required if the front setback is greater than ten (10) feet.
- D. Residential Lots - Private Frontage landscaping shall be required for all residential properties for the first ten (10) feet. Private Frontage on residential lots shall be landscaped with a combination of indigenous grasses, trees and shrubs commonly found in Connecticut.
- E. Street Trees – One deciduous tree with 3” minimum caliper is required to be planted within the front setback for every 30 feet of frontage if the front setback is greater than 10 feet. Trees in paved areas shall have a minimum 25 square feet of protected permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth. All landscaped areas shall be planted and maintained in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines. Plant materials shall be organically maintained to the maximum extent possible.

26.08.04 Parking Lot Landscaping

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

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- B. Buffering - Planting along the perimeter shall be required to screen parking lots from adjacent sidewalks where applicable. Planting beds shall be a minimum of six (6) feet wide and should be continuous to allow for maximum plant bed size and are constructed as rain gardens to control stormwater.
 - C. Landscaping of Pre-existing Parking Lots - Upon the expansion of an existing parking lot containing 20 or more parking spaces and/or an alteration of a structure, or a change or expansion of a use which increases the parking requirements by 5 or more spaces according to the standards of Section 26.07, the entire existing parking lot shall be brought into compliance with this section.
 - D. Coordination - Landscaping of private parking lot and other lot features shall be compatible with the streetscape design elements of the public frontages.

26.08.05 Storage Areas

- A. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Where feasible, shared use and designated areas for garbage dumpsters shall be required.
- B. Garbage dumpsters shall be fully screened on 3 sides with solid walls or otherwise opaque screening a minimum of six (6) feet high with a solid front gate, six feet high, which shall be kept closed. Trash compacters shall be enclosed to minimize noise.

26.08.06 Lighting Standards

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

- A. General Standard - Property owners shall use the fewest fixtures possible to light the specific project area. Property owners shall avoid fixtures that allow light to spill sideways or into the sky.
- B. Site Lighting - Lighting shall complement a building's architecture through shadowing, highlighting, and flooding. Appropriate lumens or foot-candles should be evaluated to provide these effects without overwhelming the building or site. Light fixtures should be compatible to the style of the building and may include: attached or detached; soffit; up light or down light; and tree lighting.
- C. Streetscape Lighting Fixture - Light fixtures shall be selected by the Town of Manchester and intended to complement the general streetscapes, buildings, and development patterns of the FBZ.
- D. Streetscape Lighting Placement - The placement of streetscape lighting fixtures shall be in a consistent pattern to provide sufficient light levels within the public streetscape area and private streetyard. Lighting placement within the streetyard shall be designed as an

extension of the public streetscape and as a complementary element of landscaping and building design.

- E. Prohibited Light Sources - The following light fixtures and sources may not be used where the direct light emitted is visible from adjacent areas:
 - 1) Low-pressure sodium and mercury vapor light sources;
 - 2) Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
 - 3) Searchlights and other high-intensity narrow-beam fixtures.
- F. Luminaire - The light source shall be concealed and must not be visible from any street right-of-way, not including an alley, or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures must be full cutoff fixtures, except as provided in section 26.08.06.L.
- G. Fixture Height - Lighting fixtures shall not exceed 30 feet in height above parking areas. Lighting fixtures may not be less than nine (9) feet or more than 16 feet in height above the sidewalk in pedestrian areas.
- H. Light Source (Lamp) - Only incandescent, fluorescent, metal halide, or LED may be used.
- I. Mounting - Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.
- J. Limit Lighting to Periods of Activity - The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility.
- K. Security Lighting
 - 1) Building-mounted security light fixtures such as wall packs may not project above the fascia or roof line of the building and must be shielded.
 - 2) Security fixtures, including but not limited to floodlights and wall packs, may not face residential uses on adjacent properties.
 - 3) Security fixtures may not be substituted for parking area or walkway lighting and are restricted to loading, storage, service and similar locations.
- L. Accent Lighting - Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.
- M. Entrances and Exits - All entrances and exits to buildings used for nonresidential or mixed use purposes and open to the general public, and all entrances in multifamily residential buildings must be adequately lighted to ensure the safety of persons and the security of the building.

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

O. Excessive Illumination

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

26.08.07 Utilities and Services

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

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

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

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

26.08.08 Fences

- A. Residential Lots – Fencing on residential lots may include garden walls, hedges and semi-opaque decorative fences:
- 1) Prohibited Finish Materials: chain link, barbed wire and razor wire fencing.
 - 2) Fences, garden walls or hedges shall be used along all un-built property lines which abut streets and alleys.
 - 3) Fences, garden walls or hedges shall be used in side yards (behind the front plane of the primary structure) and rear yards.
 - 4) Recommended Finish Materials: Wood (termite resistant) painted/stained, wrought iron, black steel or aluminum, brick, stone or stucco, high quality plastic or vinyl.
 - 5) No fence, hedge or wall in the street yard shall exceed a height of 3 ½ feet and shall be semi-opaque. In the side and rear yards, they shall not exceed 6 feet (8 feet when abutting a non-residential district) from the grade plane.
- B. Commercial and Mixed Use Lots - Fencing is typically used to define rear or side property lines, the boundaries of a parking area, or to screen dumpsters or machinery from view. Wherever possible, property owners are advised to use plantings and landscaping to define outdoor spaces.
- 1) Where fencing is necessary, the use of traditional fencing materials such as wood, granite or stone, high quality plastic or vinyl, or alternatives to wrought or cast iron fencing such as black steel or aluminum fencing is highly recommended. Fencing should be compatible with the materials, proportions and styles of the existing buildings on the site.
 - 2) The height and style of the fence should also relate to its location on the site with taller, solid fencing at the rear of the site and lower and more open fencing towards the front. Chain link fencing is prohibited.
 - 3) No fence, hedge or wall in the street yard shall exceed a height of 3 ½ feet and shall be semi-opaque. In the side and rear yards, not to exceed 6 feet (8 feet when abutting a non-residential district) from the grade plane.

26.08.09 Signs

- A. General Requirements – The sign requirements of Article IV Section 13 shall apply to the FBZ and except where there is a conflict this section shall control.
- 1) All signs should be constructed of durable, rigid, opaque material such as metal, wood or high quality plastic or vinyl.
 - 2) All building signs including projecting, wall mounted, and painted or glass storefront signs shall be scaled to the pedestrian, be proportionate to the building, and shall not extend above the parapet wall or roofline of the building.
 - 3) In multi-use buildings and in frontage zones, wall mounted signs for ground floor uses shall not be located above the height of the ground floor.

- 4) The message on the sign shall convey the business name and main product or service only.
- 5) Colors should complement the building and storefront colors and the letters and logos should contrast with the background for easy reading.
- 6) Signs shall not occupy more than 25% of the storefront windows to ensure transparency and visibility.

B. Signs Permitted in FBZ

- 1) The maximum sign area for wall, canopy, and marquee signs shall be calculated on the basis of three square feet for each linear foot of the face of the building supporting such sign. For buildings with multiple storefronts, signs for individual businesses shall not exceed the width of the individual storefront and the sign areas shall be calculated based on three square feet for linear foot of storefront.
- 2) Projecting signs over a public right of way shall be directly illuminated, must provide a minimum clearance of seven feet six inches from the bottom of the sign to the surface of the sidewalk, and shall not extend more than three feet from the building façade. The total area of projecting sign shall not exceed 12 square feet. The maximum number of such signs permitted on a single building or structure shall be equivalent to the number of establishments located on the ground floor of the building and having direct access from the public sidewalk.
- 3) Temporary signs to include free standing construction signs, wall or free standing real estate signs, free standing roadside signs, novelty signs, and public interest signs may be permitted in any zone in accordance with the following paragraphs.
- 4) One construction sign not exceeding 100 square feet to advertise a building project. Subcontractors may each display one sign not exceeding four square feet. Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for a time period exceeding 18 months. Construction signs shall be directly illuminated only.
- 5) Identification signs for multiple-residence buildings, municipal uses, and places of worship shall be directly illuminated only. Wall mounted signs are permitted and only one low-rise free standing sign is permitted. All identification signs may be a maximum of 50 square feet.
- 6) One nameplate sign not exceeding two square feet per dwelling. The sign may indicate the nature of a home occupation or professional use. No artificial illumination is permitted. Signs may be free standing, wall mounted or projecting.
- 7) One real estate sign not exceeding four square feet for each residential property offered for sale, or 24 square feet for each commercial property offered for sale. Real estate signs shall not be displayed after the property has been sold.
- 8) Business premises may erect one low profile free standing sign based on the ground floor area of the building as follows: Up to 1200 square feet of building ground floor area, low profile free standing sign of 24 square feet, thence an increase in sign area

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

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

26.08.10 Sustainable Design and Development Standards

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

Section 26.09 – Administration

26.09.01 General Administration

- A. Relationship to Other Sections - This section of the Zoning Regulations shall be used and interpreted primarily on its own. However, where there are differences between this and other sections of the Zoning Regulations, and where expressly identified or described herein, this section shall control.
- B. Conformity Required - No building or structure may be erected, structurally altered, moved or maintained, nor shall any building, structure or land be used except in conformity with this Section.
- C. Site Plan Required
 - 1) Any building or structure erected, constructed, reconstructed, moved or structurally altered after the effective date of this ordinance requires site plan review as specified in Article I, Section 4.04.
 - 2) No building permit or certificate of occupancy shall be issued until a site plan has been approved.
 - 3) A Class A-2 foundation location survey may be required by the Zoning Enforcement Officer to determine the zoning compliance of any structure in the FBZ as covered by this ordinance.
 - 4) Application Requirements – Application shall be made in compliance with Article I Section 4 of the zoning regulations. All applications for site plan review shall follow the requirements of Article I Section 4 and be accompanied by a Detailed Plan in compliance with Article I Section 4.04 of zoning regulations unless it is determined by the Planning Director that a Detailed Plan is not required. This determination shall be in writing and shall be made part of the file on the site plan application. All applications for special exceptions shall follow the requirements of Article I Section 4 and be accompanied by a Preliminary Plan in compliance with Article I Section 4.02 and Section 4.03.04 and a Detailed Plan in compliance with Article I Section 4.04 and Section 4.05.07 of the zoning regulations unless it is determined by the Planning Directors that either Preliminary or Detailed Plan, or both, are not required. This

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

5) Financial Guarantee Requirements⁷

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.⁸

26.09.02 Applications for Approval

A. Application Types

- 1) *Permitted*: Applications for site plan approval that meets all requirements of this Section and propose 50,000 square feet or less of gross floor area shall be approved by the Zoning Enforcement Officer and the Planning Director after their review of the application either as submitted or with modifications that the applicant finds acceptable.
- 2) *Site Plan Approval*: Applications that meet all requirements of this Section and propose more than 50,000 square feet of gross floor area shall receive a site plan approval from the PZC. An applicant may submit a Master Plan in the form of a Preliminary Site Development Plan as per Article I Section 4.02 prior to submission of a full Detailed Plan (Article I Section 4.04). The PZC or Planning Director may grant modifications to an approved site plan in accordance with the procedure that governed its original approval.
- 3) *Special Exception*: Applications that require a special exception under the Section or seek alternative compliance under Section 26.09.04 must receive a special exception approval from the PZC.

26.09.03 Special Exceptions

- A. Applicability - The PZC is authorized to approve special exceptions for uses so identified in this Section and to approve alternatives to certain requirements of this Section as specified below.
- B. Approval Criteria - The PZC shall consider the following criteria when considering and acting on a special exception application:
 - 1) The extent to which the application meets the intent of the Broad Street Area Redevelopment Plan;
 - 2) The special exception will not substantially or permanently injure the appropriate use of adjacent conforming properties;
 - 3) The special exception will promote the concepts and practices associated with walkability and sustainability in the FBZ. The PZC, when considering these

⁷ Rev. 06/03/13, effective 06/21/13

⁸ Rev. 06/03/13, effective 06/21/13

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

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

C. Planning and Zoning Commission (PZC) Action

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

26.09.04 Alternative Compliance

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

- A. ADA Compliance – Where increased front setback may be necessary to meet the Americans with Disabilities Act (ADA) requirements. Where possible, required ramping should be located primarily on the side of the building as opposed to directly in front of the building. Where ramping is required in front of the building, it should be designed to also provide an attractive and inviting space to pedestrians such as outdoor dining and sitting areas.
- B. Civic Lot Exception – The PZC may allow for alternative compliance from the civic space requirement in Section 26.06.02 where a comparable amount of civic space within 1/4-mile walking distance already exists or is committed.
- C. Additional Street Types - An applicant may propose additional street and trail types or modified thoroughfare design standards through the site plan review process. The PZC shall decide whether to accept, modify, or reject such additions or modifications during the site plan review process based on its determination that the additions or modifications are consistent with the planning, design, and compatibility principles set forth in the Broad Street Redevelopment Plan and the Town of Manchester Public Improvement Standards.
- D. Dead-End Streets - Dead-end streets are not permitted except where specially authorized by the PZC. PZC criteria for allowing a dead-end street include the following: physical conditions such as highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Dead-end streets shall be constructed to Access Street design standards as prescribed in Section 26.02.02. Dead-end streets must be

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

- E. Parking Standards Relief - Where possible, parking reduction methods are strongly encouraged and the required number of spaces in Table 26.07 may be reduced if the applicant can demonstrate that a reduction would still provide adequate parking. The PZC may grant alternative compliance for the reduction in required spaces according to Table 26.07 upon a reliable showing of lesser parking need according to the Parking Adjustment Methods in Section 26.07.04.
- F. Protruding Building Elements - The PZC may provide alternative compliance from the street yard setback for awnings, marquees, balconies, galleries, arcades, projecting signs, and other protruding building elements as identified in Section 26.04.
- G. Public Frontage Lighting - Within the public frontages, the spacing and illumination level may be adjusted by the PZC to accommodate specific site conditions, such as building entrances, parking areas, sidewalks and trails.
- H. Fences - No fence, hedge or wall shall exceed a height of 6 feet (8 feet when abutting a non-residential district) from the grade plane unless alternative compliance is granted by the PZC.
- I. Alternative Compliance Criteria - In addition to the criteria set forth above, the PZC shall consider the following FBZ development and design objective when considering alternative compliance:
 - 1) The alternative provides for or supports mixed use development where appropriate;
 - 2) The alternative maintains or improves pedestrian access, streetscape and open spaces;
 - 3) The alternative provides new local business development opportunities;
 - 4) The alternative eliminates or minimizes curbcuts and driveways on Primary Streets;
 - 5) The alternative provides for shared access and parking;
 - 6) The alternative provides housing where appropriate and provides an appropriate mix of affordability levels and life cycle opportunities; and/or
 - 7) The alternative is generally consistent with the Broad Street Redevelopment Plan.

26.09.05 Alterations or Additions to Non-conforming Structures

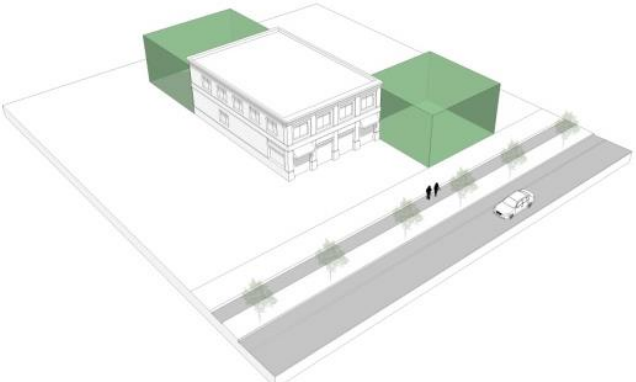
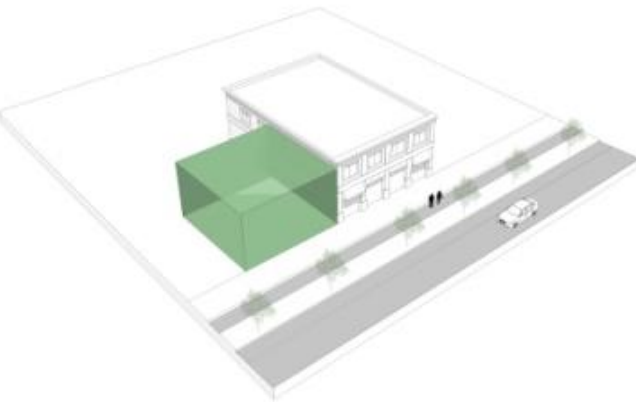
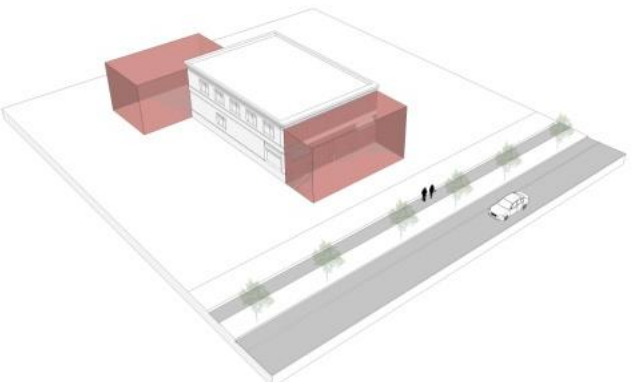
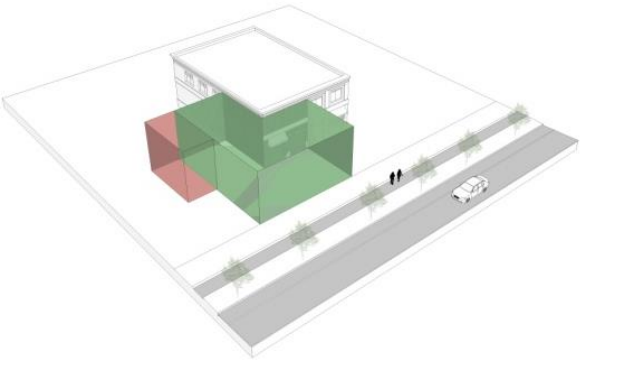
For structures that exist in the zone as of March 30, 2012 the following provisions shall apply:

- A. Authority to Continue: Any nonconforming structure may be continued so long as it remains otherwise lawful, subject to the provisions below.
- B. Enlargement, Repair, Alterations – Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or

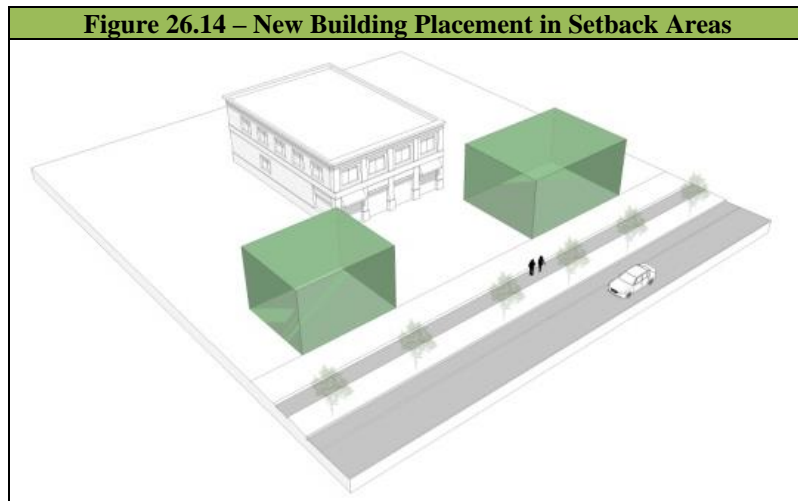
increase the degree of the existing nonconformity of all or any part of such structure in violation of Connecticut law.

- C. Relocation – No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure conforms to this Section after being relocated.
- D. Permitted Additions – Where a nonconforming structure is being expanded, the street yard setback area requirements apply as set forth below.

Figure 26.13 – Requirements for Expanding a Non-Conforming Structure

<p>1) <u>Front and Rear Additions</u> - Any addition to the front must be placed within the street setback area. Rear additions are allowed because the extension is not increasing the degree of the existing nonconformity.</p>	
<p>2) <u>Side Additions</u> - Any addition to the side of the building must be placed within the street setback area.</p>	
<p>3) <u>Additions Outside of the Front and Rear Setback Area</u> - Additions outside of the setback area are not allowed until the maximum setback requirements for the site have been met.</p>	
<p>4) <u>Additions Outside of the Sideyard Setback Area</u> - Any addition to the side of the building must be placed within the street setback area. Additions outside of the setback area are not allowed until the build-to requirement for the site has been met.</p>	

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



Section 26.10 – Non-conforming Uses

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

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

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

Section 26.11 – Definitions

Reserved

ARTICLE IV GENERAL PROVISIONS

Section 9 AUTOMOBILE PARKING AND LOADING AREA REQUIREMENTS

9.01 As of October 1, 1970, all vehicle parking areas shall be constructed in accordance with the requirements of this section.

9.01.01 Any lot or building hereafter used, altered or developed for office, business or industrial purposes shall be provided with adequate space suitably located for the loading and unloading of goods and materials and the parking of vehicles in accordance with this section.¹

9.01.02 Each vehicle parking space shall contain a rectangular area not less than 9 feet by 18 feet.

9.02 Vehicle Parking Areas, Design & Construction

9.02.01² All vehicle parking areas shall be constructed of bituminous or masonry concrete and maintained in a smooth, well-graded condition. Alternative surfacing materials, including but not limited to paving units, pervious concrete (bituminous or masonry), clean asphalt millings, pervious pavers, and interlocking grid systems, may be permitted with approval from the Director of Planning or his/her designee following review by appropriate Town staff, subject to the following conditions:

- (a) All ADA requirements for accessible parking spaces and associated pathways shall be met;
- (b) No pervious pavements shall be located within a designated Aquifer Protection Area;
- (c) Pervious paving systems shall be designed in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines;
- (d) An acceptable impervious material in accordance with the Manchester Public Improvement Standards shall be used for driveway aprons within the Town right of way or easements between the roadway and the street line, and onto the parcel as necessary to achieve a minimum length of 20 feet of impervious material from the roadway;
- (e) Parking surfaces shall be maintained such that the pervious material does not constitute a nuisance by virtue of its appearance or condition and is graded in a level condition;
- (f) Parking spaces constructed of pervious materials that will be used routinely by customers or visitors to the site shall incorporate delineation of individual spaces via painted stripes, change in color or material, or other effective means of delineation. Pervious parking areas intended only for use by the

¹ Rev. 10/02/89

² Rev. 09/01/21, effective 09/22/21

property owner or tenant, or for overflow parking only, may be constructed without such delineation;

- (g) Selected materials shall comply with the drainage requirements for stormwater runoff set forth in the Manchester Public Improvement Standards; and
- (h) In areas where pervious material is proposed, the receiving area must be adequate to accept the projected volume of stormwater that is designed to permeate the surface. Demonstration of the volumetric capacity of the receiving area should include one or more of the following:
 - (1) Detailed mapping of the soil drainage classifications based on recent field studies (not historic soil mapping); or
 - (2) A percolation test to adequately map the hydraulic capacity of on-site soils; or
 - (3) Piezometer testing to adequately map the depth to groundwater on site.

- 9.02.02 All vehicle parking areas shall be well drained and all drainage systems shall be approved by the Town engineer.
- 9.02.03 All driveways shall be constructed in accordance with town standards.
- 9.02.04 All vehicle parking areas shall include landscaped sections and islands wherever possible designed to relieve the monotony of large areas of bituminous concrete, etc. All landscaped sections and islands shall contain appropriate evergreen shrubs, trees and plantings.
- 9.02.05 All parking lots shall contain landscaped area in the ratio of not less than 20 square feet for each parking space.
- 9.02.06 In vehicle parking lots the traffic lanes shall facilitate traffic movement and maneuverability, especially for ambulances and fire fighting vehicles. Traffic lanes leading to parking stalls shall be constructed to accepted standards.
- 9.02.07 Vehicle parking stalls shall be constructed so that no part of a vehicle extends beyond the property lines.
- 9.02.08 Notwithstanding 9.02.07, no vehicle parking shall be provided in the front yard unless separated from the public right-of-way by a fully bermed landscape border of not less than eight feet. This area shall be landscaped with appropriate trees, shrubs, and plantings. In selecting the types of plantings, consideration shall be given to maintaining adequate sight lines to provide for safe access to the property.³
- 9.02.09⁴ No vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or

³ Adopted 05/03/99, effective 06/07/99

⁴ Adopted 02/21/06, effective 03/12/06

sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.

9.02.10⁵ Private driveways designed for vehicular traffic shall have the following minimum requirements:

- (a) Two-way traffic - 24 feet wide;
- (b) One-way traffic - 16 feet wide;
- (c) One-way traffic with 45 degree parking on one side - the minimum driveway travelway shall be at least 16 feet wide;
- (d) One-way traffic with 60 degree parking on one side - the minimum driveway travelway shall be at least 18 feet wide;
- (e) One-way traffic with 90 degree parking on one side or with parking on both sides - the minimum driveway travelway shall be at least 24 feet wide.

9.02.11 In accordance with State law, any new construction of a commercial building or multi-unit residential building with thirty (30) or more designated parking spaces for cars or light duty trucks shall include electric vehicle charging infrastructure that is capable of supporting level two electric vehicle charging stations in at least 10% of such parking spaces.

9.03 Number of Parking Spaces Required

The amount of required vehicle parking will depend on the nature of the land use and varies for different uses. When a specific use is not listed in these regulations, reference shall be made to the following publication, and other professional reference sources as may be available, to aid in determining the required amount of parking: “Parking Generation,” by The Institute of Transportation Engineers, Washington, DC, 2010, as revised.^{6 7}

9.03.01 Industrial establishments - the number of spaces shall be sufficient to accommodate personnel and customers based on the nature of the business.

9.03.02 Business establishments shall provide vehicle parking in the amount of one parking stall for each 250 square feet of gross floor area of the building except that increased parking facilities are required for the following specific uses:

9.03.03 Restaurant (indoor) and/or banquet hall – one parking space for each three (3) seats and one space for each two employees on the largest shift.⁸

⁵ Rev. 09/29/2016, effective 10/21/2016

⁶ Adopted 05/03/99

⁷ Rev. 09/29/2016, effective 10/21/2016

⁸ Revised 4/7/2010, effective 4/28/2010

- 9.03.04 Drive-in restaurant⁹ - Minimum 50 spaces or one parking space for each three (3) seats and one space for each two employees on the largest shift¹⁰ whichever is the greater number.
- 9.03.05 Restaurant (indoor) located in a shopping center of equal to or less than 200,000 gross square feet – one parking space for each four (4) seats.¹¹
- 9.03.06 Hotel or motel - one parking space for each occupancy unit, plus one parking space for each staff member, plus one parking space for each four (4) seats¹² for any included restaurant or banquet hall.
- 9.03.07 Dance hall - one parking space for each 25 square feet of gross floor area, plus one space for each staff member, plus one parking space for each four (4) seats¹³ for any included restaurant or banquet hall.
- 9.03.08 Club - one parking space for each 50 square feet of gross floor area.
- 9.03.09 Bowling lane - five parking spaces for each bowling lane.
- 9.03.10 Theater, auditorium or stadium - one parking space for each three seats or spectator equivalent.
- 9.03.11 Hospital - one space for each two beds.
- 9.03.12 Convalescent and/or nursing home - one space each for three beds.
- 9.03.13 Place of worship - parking space for every three seats for the maximum congregation which can be accommodated at one service. When a place of worship includes accessory uses such as day care, schools or assembly halls for non-religious services the parking requirements for these uses shall also be met. These additional requirements may be waived in whole or in part provided it can be demonstrated to the satisfaction of the Commission that sufficient spaces are committed and available on a non-conflicting basis.¹⁴
- 9.03.14 Gasoline service station - one parking space for each 50 square feet of gross floor area.
- 9.03.15 Car wash establishment - 50 parking spaces minimum, including capacity of waiting lanes.
- 9.03.16 Tennis courts and badminton courts - eight parking spaces for each court plus additional parking in accordance with this section if containing a club, spectator facilities or other uses which require specific parking provision.
- 9.03.17 Skating rinks - one parking space for each 100 square feet of skating area plus additional parking in accordance with this section if containing a club, spectator

⁹ Rev. 05/24/93

¹⁰ Revised 4/7/2010, effective 4/28/2010

¹¹ New 4/7/2010, effective 4/28/2010

¹² Revised 4/7/2010, effective 4/28/2010

¹³ Revised 4/7/2010, effective 4/28/2010

¹⁴ Adopted 01/17/01, effective 02/06/01

facilities, or other uses which require specific parking provision.

9.03.18 Golf course - four parking spaces for each hole.

9.03.19 Golf driving range - 1.5 parking spaces for each tee for single use facilities (i.e., driving range only). For multi-use facilities, 1 parking space for each tee plus the required number of parking spaces for related facilities (but not less than 1.5 parking spaces per tee in the aggregate), unless otherwise approved by the Commission.

Miniature Golf - two parking spaces for each hole.

Batting Cages - two parking spaces for each batting cage.¹⁵

9.03.20¹⁶ Parking requirements for shopping centers or malls are as follows:

(a) For shopping centers of less than 500,000 gross square feet, there shall be a minimum of four (4) parking spaces for every 1,000 square feet of gross floor area.¹⁷

(b) For shopping centers and shopping malls of 500,000 gross square feet or more, there shall be a minimum of five (5) parking spaces for every 1000 square feet of gross leasable area.

(c) For shopping centers and shopping malls of 700,000 gross square feet or more, there shall be a minimum of four and one-half (4.5) parking spaces for every 1000 square feet of gross leasable area.

9.03.21 Adult day care center, child ~~day~~-care center and group ~~day-child~~ care home not located in a residence - one space for every employee plus two spaces to accommodate visitors. In addition, a drop off space of 10' by 20' for every ten enrollees.¹⁸

9.03.22 Schools¹⁹ - the number of spaces shall be sufficient to accommodate personnel, students, expected visitors, and service vehicles, depending on the nature of the school.

9.03.23²⁰ Self Storage Facilities - a minimum of six spaces, plus one for each employee.

9.03.24²¹ Medical Offices / Clinics - established and / or expanded after 06/07/99 , 1 space per 150 s.f. of gross leasable²² floor area.

9.03.25²³ Bed and Breakfast Inns- one (1) parking space per one guest sleeping room plus

¹⁵ Rev. 03/01/99, effective 03/20/99

¹⁶ Rev. 09/29/2016, effective 10/21/2016

¹⁷ Rev. 12/04/89

¹⁸ Rev. 12/04/89

¹⁹ Rev. 11/23/96

²⁰ Adopted 05/03/99, effective 06/07/99

²¹ Adopted 05/03/99, effective 06/07/99

²² Rev. 05/15/00, effective 06/03/00

²³ New 07/15/13, effective 08/01/13

two (2) parking spaces for property owners. Parking shall be located in side and rear yards only. Vehicle parking areas shall be constructed of bituminous concrete pavement, masonry concrete, pervious pavement, pervious pavers or crushed stone. When requested by the applicant an alternative parking surface material may be approved if the Commission finds the proposed material is suitable.

9.03.26²⁴ Brewpub – one parking space for each three (3) customer seats and one space for each two employees on the largest shift.

9.03.27²⁵ Conference Center – one parking space for each four (4) seats or one parking space for every 50 square feet of assembly area or meeting rooms, whichever is greater.

²⁴ New 01/21/15, effective 02/13/15

²⁵ New 05/20/19, effective 06/07/19

ARTICLE IV GENERAL PROVISIONS

Section 10

CHILD ~~DAY~~-CARE CENTERS AND GROUP ~~DAY-CHILD~~ CARE HOMES NOT LOCATED IN A RESIDENCE¹

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- 10.01 Special Exception: The Zoning Board of Appeals may, after a public hearing, grant a special exception for child ~~day~~-care centers and group ~~day-child~~ care homes not located in a residence subject to the following conditions:
- 10.01.01 The Board shall find that the location is suitable for child ~~day~~-care purposes.
- 10.01.02 The Board shall find that the facility shall not cause traffic congestion in the streets.
- 10.01.03 In residential zones, no advertising or signs shall be maintained on the premises where such a facility is located, or be attached to or painted on the building in which such a facility is located. In business and industrial zones, signs shall be allowed in accordance with the requirements set forth in Article IV, Section 13.
- 10.01.04² An outdoor play area shall be provided. For the purposes of this Section, outdoor play areas shall include only grassed and landscaped areas, impact absorbing materials (sand, etc.), and structured paved play areas. Parking areas and driveways shall not be included in play area calculations. This play area must be fenced to a height of at least four feet. The play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Board.
- The plans submitted to the Board as part of the application shall show all exterior play areas the calculations of the size of those play areas, and a listing of those governmental agency regulations which control the size of outdoor play areas and that are applicable to the current application. The applicant shall provide a copy of the current applicable regulation with the application.
- 10.01.05 No playground equipment or other equipment used in connection with such facility shall be maintained on the front yard of the premises where such facility is located.
- 10.01.06 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.
- 10.01.07 Vehicle parking shall be provided in accordance with the requirements set forth in Article IV Section 9.
- 10.01.08 If new construction, the child ~~day~~-care center may be developed and operated at the discretion of the Zoning Board of Appeals after a public hearing provided:
- (a) The facility meets the conditions set forth in Article IV, Section 10.01 above.

¹ Rev. 12/04/89

² Rev. 04/19/99, effective 05/07/99

- (b) The area of the site and lot frontage shall be in accordance with the Schedule of Area, Height & Bulk of Buildings and Structures, Article VII Section 1.
- (c) The design of the building shall be compatible with the design of adjacent residential dwellings and not detrimental to property values.