

# TOWN OF MANCHESTER, CONNECTICUT ZONING REGULATIONS

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## **ARTICLE I**

## **GENERAL**

### **Section 1**

### **INTRODUCTION**

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The Zoning Regulations of the Town of Manchester, approved May 2, 1938, together with all amendments thereto, are hereby further amended and supplemented as follows:

- 1.01               Zones and zoning regulations as herein set forth are approved, established and adopted. No building or land shall be used and no building shall be erected, altered, enlarged or rebuilt except in conformity with the regulations herein prescribed for the zone in which such land or building is located.
- 1.01.01           Notwithstanding the lawful uses of land which are set forth for any zoning district, no inland wetland or watercourse shall be developed except in accordance with the Inland Wetlands and Watercourse Regulations.



# ARTICLE I            GENERAL

## Section 2            DEFINITIONS

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

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

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

Accessory Use<sup>3</sup> - An accessory use shall be a use which is clearly incidental to and customarily found in connection with and clearly subordinate to the principal use including, but not limited to, parking and parking structures, signs, refuse containers, drainage and utility structures, landscaping, fences, maintenance buildings, solar energy systems, and radio or television antennae.

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

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

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

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

<sup>2</sup> Adopted 11/15/2021; effective 12/06/2021

<sup>3</sup> Rev. 01/17/18, effective 02/02/18

<sup>4</sup> Rev. 01/07/13, effective 01/28/13

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

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

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

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

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

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

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

Agri-Tourism:<sup>12</sup> an activity conducted on a farm of 2 acres or greater intended to attract visitors to a farm that members of the general public or special interest groups are allowed to view or participate in, for recreational, entertainment, or educational purposes including, but not limited to, farming,

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

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

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

<sup>10</sup> Adopted 9/6/2006, effective 9/14/2006

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

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

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

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

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

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

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

Aquaculture<sup>15</sup> – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics<sup>16</sup> – The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

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

Awning<sup>18</sup> – A protective, roof-like covering, as over a window or storefront.

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

<sup>14</sup> Adopted 1/23/2019, effective 2/8/2019

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

<sup>16</sup> Adopted 01/21/15, effective 02/13/15

<sup>17</sup> Rev. 3/19/85

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

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

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

Brewery<sup>21</sup> – A facility where beer is manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on the premises tastings in accordance with Article IV Section 8.

Brewpub<sup>22</sup> – A facility where beer is manufactured, stored, bottled, sold at wholesale or at retail in sealed bottles or other sealed containers for consumption off premises or sold to be consumed on the premises in a room that is ancillary to the production of beer, with or without the sale of food, and in accordance with Article IV Section 8.

Brewpub/restaurant<sup>23</sup> – A restaurant where beer is manufactured, stored, bottled, sold to be consumed on the premises in accordance with Article IV Section 8.

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

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

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

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

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

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<sup>19</sup> Adopted 05/01/17, effective 05/17/17

<sup>20</sup> Rev. 10/17/94, effective 11/8/94

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

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

<sup>23</sup> Adopted 01/21/15, effective 02/13/15



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

- C Cannabis establishment<sup>24</sup> – a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

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

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

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

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

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

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

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<sup>24</sup> Adopted 12/13/2021, effective 01/03/2022

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

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

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

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

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

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

Cemetery<sup>25</sup> - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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

Character<sup>26</sup> – 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<sup>27</sup> – 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.

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<sup>25</sup> Rev. 8/15/94

<sup>26</sup> Adopted 11/15/2021; effective 12/06/2021

<sup>27</sup> Adopted 11/6/23; effective 11/27/23

**Child Care Home, Family**<sup>28</sup> – 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.

**Child Care Home, Group**<sup>29</sup> – 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.<sup>30</sup>

**Commission** shall mean the Planning and Zoning Commission of the Town of Manchester.<sup>31</sup>

**Community Garden or Urban Farm**:<sup>32</sup> A garden or farm located in a municipal park or on land otherwise open to the public with individual plots or with crops cultivated to support the community or for educational purposes.

**Conference Center**<sup>33</sup> – A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations may include sleeping, eating, and recreation.

**Convenience Store** - A retail store opened for business for extended hours with less than 3,000 square feet of floor area offering a limited selection of grocery items and other goods.<sup>34</sup>

<sup>28</sup> Adopted 11/6/23; effective 11/27/23

<sup>29</sup> Adopted 11/6/23; effective 11/27/23

<sup>30</sup> Rev. 7/9/03, effective 7/29/03

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

<sup>32</sup> Adopted 1/23/19, effective 2/8/19

<sup>33</sup> Adopted 5/20/19, effective 6/7/19

<sup>34</sup> Adopted 5/3/99, effective 6/7/99

Convenience Store / Gas Facility - A building / lot used for the retail sale of gasoline and other automotive fuels used in conjunction with the operation of a convenience store.<sup>35</sup>

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

Correctional Facilities – publicly or privately operated facilities housing persons awaiting trial or person serving a sentence after being found guilty of a criminal offense. Correctional facilities shall include custodial care facilities, juvenile detention facilities, and alternative incarceration centers.<sup>36</sup>

County Soil and Water Conservation District means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22A-315 of the General Statutes.<sup>37</sup>

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

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.<sup>38</sup>

D<sup>39</sup> Day Care Center, Adult - A facility for disabled adults and the frail elderly which provides a structured program of health, social and rehabilitative services in a supportive group setting that is designed to serve adults outside their own homes on a regular basis for part of the twenty-four hours in one or more days in a week.<sup>40</sup>

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

Developer shall mean the legal or beneficial owner or owners of land included in a development, including the holder of an option or contract to purchase, or other enforceable proprietary interests in such land. Developer shall include agents, successors and assigns.<sup>41</sup>

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.<sup>42</sup>

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<sup>35</sup> Adopted 5/3/99, effective 6/7/99

<sup>36</sup> Adopted 7/9/03, effective 7/29/03

<sup>37</sup> Rev. 10/1/85

<sup>38</sup> Adopted 8/21/23, effective 9/11/23

<sup>39</sup> Rev. 11/6/23, effective 11/27/23 (deleted definitions for “Day Care Center, Child”, “Day Care Home, Family”, and “Day Care Home, Group”)

<sup>40</sup> Rev. 12/4/89

<sup>41</sup> Rev. 10/1/85

<sup>42</sup> Rev. 10/1/85

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.<sup>43</sup>

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.<sup>44</sup>

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

- E Electric Vehicle Charging Station - An electric vehicle supply equipment station in a private or public parking space which delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle.<sup>45</sup>

Electric Vehicle Charging Position shall mean one exclusive use, standard parking space adjacent and assigned to an Electric Vehicle Charging Station per number of vehicles said Station may simultaneously charge or otherwise transfer electric energy to.<sup>46</sup>

Operator shall mean the electric vehicle charging kiosk owner and/or designee, responsible for the installation, maintenance, management and operation of Electric Vehicle Charging Station(s).<sup>47</sup>

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.<sup>48</sup>

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

- F<sup>49</sup> Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center<sup>50</sup> - A facility which provides training and skill development for families and children including parent education and family management classes, family literacy programs, child development training skills for parents and day care providers, and parent-child oriented training and recreational activities, and may provide referrals to other service agencies for specific needs.

<sup>43</sup> Adopted 8/21/23, effective 9/11/23

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

<sup>45</sup> Adopted 02/17/21, effective 03/10/21

<sup>46</sup> Adopted 02/17/21, effective 03/10/21

<sup>47</sup> Adopted 02/17/21, effective 03/10/21

<sup>48</sup> Rev. 10/1/85

<sup>49</sup> Rev. 5/15/00 (deleted floor area definition)

<sup>50</sup> Rev. 9/3/97, effective 9/23/97

Farm:<sup>51</sup> A tract of land used principally for agriculture, with or without an associated residential dwelling.

Farm Brewery:<sup>52</sup> any place or premises that is located on a farm in which beer is manufactured and sold in accordance with Public Act 17-160. A Farm Brewery may include the offering and tasting of beer manufactured by the farm brewery for consumption on the premises.

Farm Stand:<sup>53</sup> as provided in Zoning Regulations Article II, Section 1.03(n): A temporary roadside stand for sale of agricultural produce grown on the premises.

Farm Winery:<sup>54</sup> any place or premises, located on a farm in which wine is manufactured and sold in accordance with Public Act No. 08-187, as amended. A Farm Winery may include the offering and tasting of wine manufactured by the farm winery for consumption on the premises.

Farmers' Market:<sup>55</sup> In accordance with Connecticut General Statutes Section 22-6r, as amended a "Farmers' Market" is "a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are 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.<sup>56</sup>

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.<sup>57</sup>

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

<sup>52</sup> Adopted 1/23/19, effective 2/8/19

<sup>53</sup> Adopted 1/23/19, effective 2/8/19

<sup>54</sup> Adopted 1/23/19, effective 2/8/19

<sup>55</sup> Adopted 1/23/19, effective 2/8/19

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

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

Floor Area, Net<sup>58</sup> – The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

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

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

G<sup>59</sup> Go-kart – A small, light, low-slung, four-wheeled vehicle, powered by a gasoline or an electric engine, used for racing or recreation.<sup>60</sup>

Go-kart Track – A closed, paved racetrack for go-karts.<sup>61</sup>

Grading means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.<sup>62</sup>

Group Dwelling - Buildings or building containing family dwelling units, each building containing not less than three and not more than eight dwelling units designed and built in accordance with the group dwelling regulations in effect at the time of construction. Group dwellings shall include garden apartments, town houses and row housing.<sup>63</sup>

H<sup>64</sup> Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.<sup>65</sup>

Heavy Industrial<sup>66</sup>: The manufacturing or processing of materials or products predominantly from extracted or raw materials, or the manufacturing or processing of materials or products which can reasonably be expected to pose significant risks to public safety, to the quality of life on neighboring properties, or to the clean air and waters of the State of Connecticut; including, but not limited to, the use or involvement of explosives, radioactive materials, poisons or pesticides or similar hazardous materials on the premises, or the emission of smoke, noise, or airborne particles.

<sup>58</sup> Adopted 11/15/2021, effective 12/06/2021

<sup>59</sup> Rev. 11/15/2021, effective 12/06/2021 (Gross Floor Area and Gross Leasable Floor Area definitions moved to F)

<sup>60</sup> Adopted 3/6/17, effective 3/23/17

<sup>61</sup> Adopted 3/6/17, effective 3/23/17

<sup>62</sup> Rev. 10/1/85

<sup>63</sup> Rev. 5/15/00, effective 6/3/00

<sup>64</sup> Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)

<sup>65</sup> Adopted 7/9/03, effective 7/29/03

<sup>66</sup> 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.<sup>67</sup>

Horticulture<sup>68</sup> - The cultivation of plants for commercial purposes.

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

Hydroponics<sup>69</sup> – A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool.

- I Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.<sup>70</sup>

Inn<sup>71</sup> – A building in which guest rooms are used to provide overnight accommodations to guests for compensation, which may include accessory uses such as serving of meals, conference facilities and indoor and /or outdoor event facilities for guests and patrons.

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.

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<sup>67</sup> Rev. 07/18/16, effective 08/10/16

<sup>68</sup> Adopted 3/16/15, effective 4/1/15

<sup>69</sup> Adopted 01/21/15, effective 02/13/15

<sup>70</sup> Rev. 10/1/85

<sup>71</sup> Adopted 5/2/16, effective 5/18/16



J Job Printing - Printing operations occupying 20,000 square feet or more of gross floor area.<sup>72</sup>

L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.<sup>73</sup>

Light Industrial<sup>74</sup> - Uses to include research and development, assembling, testing, and similar processes predominately from previously processed materials or finished products or parts providing all activity of the industry shall be totally contained within a structure or structures, excluding loading facilities.<sup>75</sup>

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

Lot - A parcel of land to be occupied by one principal building or by a group of principal buildings and the accessory buildings or uses incident thereto, including such open spaces as are required by these regulations and such open spaces as are used in connection with the buildings. A lot may or may not be the land shown as a lot on a duly recorded plan. A parcel of land conveyed as part of a "Unit" under the Common Interest Ownership Act, Chapter 828 of the General Statutes of the State of Connecticut, as defined in Section 47-202 (31) thereof, shall not constitute a lot within the meaning of these regulations.<sup>76</sup>

Lot Frontage shall mean:

- (1) The length of a lot line which abuts a street, or
- (2) the length of a line drawn across a lot parallel to the street lot line at the required front yard depth when such method of determination is approved by the Commission for the specific lot.<sup>77</sup>

M Major Automobile Repair<sup>78</sup> – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Memorial Garden<sup>79</sup> - Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features

<sup>72</sup> Adopted 5/3/99, effective 6/7/99

<sup>73</sup> Adopted 3/2/15, effective 3/20/15

<sup>74</sup> Revised 3/1/04, effective 3/20/04

<sup>75</sup> Adopted 5/3/99, effective 6/7/99

<sup>76</sup> Rev. 10/20/86

<sup>77</sup> Rev. 8/7/78

<sup>78</sup> Rev. 3/3/08, effective 3/22/08

<sup>79</sup> Rev. 8/15/94

which may be incorporated into that use (walls, fountains, mounds, columbaria, etc.).

Minor Automobile Repair<sup>80</sup> – Incidental body and fender work, battery replacement, small part change, tire repair, brake servicing, touch-up painting, oil changing, lubrication, engine tune-up, radio replacement, detailing, and similar services to passenger automobiles and trucks not exceeding one ton capacity.

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

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

Nursery School - As used in these regulations, the term "nursery school" shall be included within the definitions of child care center, group day care home and family day care home depending upon the number of children to be enrolled in the nursery school.<sup>81</sup>

- O Outdoor Entertainment - Provision of entertainment for the pleasure of patrons outdoors or in partially enclosed or screened facilities in conjunction with a permitted principal use on the property. Such entertainment includes but is not limited to vocal and/or instrumental music, dancing, karaoke, motion pictures, theater, comedy and acting. Outdoor entertainment shall exclude the provision of adult entertainment, adult motion pictures and any display of adult material.<sup>82</sup>

- P Pawn Shop: - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, or loans or advances money on personal property deposited as security thereon, and takes and receives such personal property. This definition shall not apply if such properties deposited with a lender and shall not apply to loans made upon stock, bonds, notes or other written or printed evidence of ownership of property or indebtedness to the holder or owner of such securities.<sup>83</sup>

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.

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<sup>80</sup> Rev. 3/3/08, effective 3/22/08

<sup>81</sup> Rev. 12/4/89

<sup>82</sup> Adopted 02/13/17, effective 03/01/17

<sup>83</sup> Adopted 7/9/03, effective 7/29/03

Personal Service - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.<sup>84</sup>

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

Places of Worship - A building or buildings where people regularly assemble for religious worship, services, meetings or other activities.<sup>85</sup>

Principal Structure – A structure in which is conducted the principal use of the lot on which it is located.<sup>86</sup>

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

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

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

Restaurant - An establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises.<sup>87</sup>

Restaurant - drive-in - An establishment where food or beverages are sold primarily for consumption by customers parked in motor vehicles on the premises, whether or not the establishment also serves customers indoors.<sup>88</sup>

Restrictive Conservation Easement (RCE)<sup>89</sup> - a limitation in the form of an easement agreement executed by or on behalf of the owner of the land, water, or wetland (the Land) described in the RCE in favor of the Town of Manchester or its agent. The fee simple interest in the Land contained in the RCE area shall remain with the owner of Land, subject to the RCE in favor of the Town. The purpose of the RCE is to retain such land, water or wetland areas predominately in their natural, scenic, or open condition or in their agricultural, farming, forest, or open space use, and to ensure the long term protection and preservation of these areas.

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

<sup>85</sup> Adopted 1/17/01, effective 2/6/01

<sup>86</sup> Adopted 01/07/13, effective 01/28/13

<sup>87</sup> Rev. 5/17/93

<sup>88</sup> Rev. 5/17/93

<sup>89</sup> Rev. 4/1/02, effective 4/23/02

Retail Sales - Establishments engaged in selling goods or merchandise to the general public primarily for personal or household consumption and rendering services incidental to the sale of such goods.<sup>90</sup>

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

S<sup>91</sup> School or College - A college, public school or a private school giving regular instruction at least five days a week for eight or more months in the year; but not including a school or college giving special or limited instruction, such as business, art, music or dancing college or school.

Seasonal Outdoor Dining Area<sup>92</sup> – 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:<sup>93</sup> A temporary exterior passage, hall or room adjacent to a building entrance.

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.<sup>94</sup>

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.<sup>95</sup>

Sex Shop:<sup>96</sup> an establishment offering goods for sale or rent and that meets any of the following: (i) The establishment offers for sale or rent items from any two or more of the following categories: (1) adult media including printed books, magazines, video cassettes, DVD's or similar material, (2) lingerie, or (3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; (ii) More than 5 percent of its stock in trade consists of sexually oriented toys or novelties; (iii) and more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

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<sup>90</sup> Adopted 5/3/99, effective 6/7/99

<sup>91</sup> Rev. 10/3/22, effective 10/24/22 (deleted Sidewalk Cafes definition)

<sup>92</sup> Adopted 10/3/22, effective 10/24/22

<sup>93</sup> Adopted 2/5/18, effective 2/20/18

<sup>94</sup> Rev. 10/1/85

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

<sup>96</sup> Adopted 9/6/2006, effective 9/14/2006

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.<sup>97</sup>

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

Site – The entire lot or parcel of land, or combination of contiguous lots or parcels of land on any portion of which development is proposed or on which a building, operation or use or combination of buildings, operations or uses are located.<sup>98</sup>

Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.<sup>99</sup>

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.<sup>100</sup>

Solar Energy Systems<sup>101</sup> - solar collection system consisting of linked series of photovoltaic modules and all components thereof, with the primary purpose to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site or to be delivered to a power grid to offset the cost of energy on-site.

Solar Energy Systems:

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

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

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<sup>97</sup> Rev. 10/20/86

<sup>98</sup> Adopted 11/03/03, effective 11/28/03

<sup>99</sup> Rev. 10/1/85

<sup>100</sup> Rev. 10/1/85

<sup>101</sup> Adopted 01/17/18, effective 02/02/18

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

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

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

Story - That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. The first story of a building shall be the lowermost story entirely above the grade plane (which is the average of finished ground level adjoining the building at all exterior walls).<sup>102</sup>

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

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

Studio: The workshop of an artist, sculptor, photographer or craftsman.<sup>103</sup>

Surety means a corporate surety company licensed to do business in the State of Connecticut.<sup>104</sup>

T Tattoo Parlor/Body Piercing Studio – an establishment whose principal business activity is the practice of placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in permanent coloration of the skin and/or creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.<sup>105</sup>

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

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

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<sup>102</sup> Rev. 5/15/78

<sup>103</sup> Adopted 5/3/99, effective 6/7/99

<sup>104</sup> Rev. 10/1/85

<sup>105</sup> Adopted 7/9/03, effective 7/29/03

W Warehousing<sup>106</sup> - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

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<sup>106</sup> New 10/04/06, effective 10/25/06





# ARTICLE I            GENERAL

## Section 3                ZONES

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3.01<sup>1</sup>            For the purpose of promoting the health, safety, economic and general welfare of the community, the Town of Manchester provides for the following types of zones:

Rural Residence	Business I
Residence AA	Business II
Residence A	Business III
Residence B	Business V
Residence C	Business CBD
Planned Residential Development	Industrial
Historic <sup>2</sup>	Special Design Commercial
Comprehensive Urban Development (CUD)	Neighborhood Business
Elderly Housing Development <sup>3</sup>	General Business
Flood Plain <sup>4</sup>	Off-Street Parking

3.02<sup>5</sup>            Zones are shown on a map entitled "Zoning Map Town of Manchester, Connecticut", scale 1000 feet to one inch, adopted March 3, 2003. Said map, as revised, shall be part of these regulations and may be published as a black and white map or with zoning districts represented in various distinct colors and/or patterns. Said map will also depict areas zoned Residence M, which district is no longer provided for in these regulations, and areas where cluster subdivision regulations have been applied.

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

3.03.01            Where the zone boundary is a street, the boundary line shall be the center line of the street. Where the boundary line is indicated approximately parallel to the street, it shall be determined as parallel thereto and at the following distances back from the nearest street line:

In the AA Zone - 200 feet	In the Business Zone I - 125 feet
In the A Zone - 150 feet	In the Business Zone II - 125 feet
In the B Zone - 125 feet	In the Business Zone III - 100 feet
In the C Zone - 100 feet	In the Industrial Zone when fronting on railroad from 150 feet the nearer right of way line

3.03.02            Where two or more zones are shown within a block 200 feet or less in width the boundary of the more restricted zone shall be deemed 100 feet back from its street line.

3.03.03            Where a zoning boundary line divides a lot in single ownership the Zoning

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<sup>1</sup> Rev. 3/03/03, effective 3/26/03

<sup>2</sup> Rev. 12/07/87

<sup>3</sup> Rev. 4/20/98, effective 5/12/98

<sup>4</sup> Rev. 12/07/87

<sup>5</sup> Rev. 3/03/03, effective 3/26/03

Board of Appeals may, upon receipt of application, authorize an extension of either zoning uses into the abutting zone for a distance of not more than 25 feet from the zoning boundary line.

3.03.04<sup>6</sup> Except for the situations described in sections 3.03.01, 3.03.02 and 3.03.03 above, when zone lines are in close proximity to the base property lines on the zoning map, the boundary shall be deemed to be the property line. For purposes of this section close proximity shall be a 10 foot difference between the zone line and the property line.

3.03.05 The Director of Planning<sup>7</sup> is authorized to order changes to the zoning map when the director has determined that district boundaries are improperly shown due to drafting errors.

3.04 No encroachment of any kind shall take place within the Hockanum River Flood Encroachment Lines as established by the State of Connecticut Department of Environmental Protection (DEP) unless approved by the DEP.

3.04.01 For the purpose of this section "person" means any person, firm, partnership, association, corporation, company or organization.

3.04.02<sup>8</sup> Activities Requiring a Certified Erosion and Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

3.04.02.01<sup>9</sup> Exemptions

Construction and related activity for single-family homes which are not a part of a subdivision of land shall be exempt from the provisions of these regulations.

3.04.02.02<sup>10</sup> Erosion and Sediment Control Plan

A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. All plans shall be developed in accordance with said Guidelines and these regulations. Alternative principles, methods and practices may be used with approval of the Commission.

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<sup>6</sup> Rev. 12/07/87

<sup>7</sup> Rev. 05/16/11, effective 06/13/11

<sup>8</sup> Rev. 10/01/85

<sup>9</sup> Rev. 10/01/85

<sup>10</sup> Rev. 05/16/11, effective 06/13/11

- B. Said plan shall be submitted in accordance with applicable provisions of Article I Section 4.04 and all provisions of Article I Section 4.06 of these regulations.

3.04.02.03<sup>11</sup> Issuance or Denial of Certification

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

3.04.02.04<sup>12</sup> Conditions Relating to Soil Erosion and Sediment Control

- A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a financial guarantee in accordance with Article IV Section 22 of these regulations.<sup>13</sup>
- B. Site development shall not begin unless the soil erosion and sediment control plan is certified, control measures and facilities required in the plan which are scheduled for installation prior to site development are installed and functional and the required financial guarantee posted with the Department of Public Works.<sup>14</sup>
- C. Planned soil erosion and sediment control measures and facilities shall be

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<sup>11</sup> Rev. 10/01/85

<sup>12</sup> Rev. 10/01/85

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

<sup>14</sup> Rev. 06/03/13, effective 06/21/13

installed as scheduled according to the certified plan, and one copy of the certified plan shall be on the project site during construction.

- D. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- E. It is the developer's responsibility to correct erosion or sedimentation problems in the field and take appropriate measures to avoid such problems. In the event that the erosion and sediment control measures certified by the Planning and Zoning Commission are not functioning to prevent erosion and sedimentation, either through inadequate design, emergency conditions, or unforeseen field conditions, said Commission shall direct the developer to revise the plan to correct and/or eliminate any deficiencies in the erosion and sedimentation control measures, and to install and maintain new measures. The developer shall promptly comply with said directions of the Commission.
- F.<sup>15</sup> In the event that the developer wishes to make any changes in the certified plan, the developer shall submit a revised plan to the Commission. Minor modifications consistent with those described in Article I, Section 4.08 may be approved by the chairman of the Commission and the Director of Planning. Any change not considered to be a minor change by the chairman or director shall be processed as a formal modification of the certified plan and require the approval of the Commission. The Commission shall after a review of said revised plan, either certify or deny certification of the revised plan in accordance with the provisions of Section E herein.
- G. The Commission shall designate agents who shall have the authority to order and/or approve changes to certified plans in the event of unforeseen field conditions which require immediate remedial measures to improve the effectiveness of certified plans.
- H. In the event that a developer fails to perform the work within any time limits specified in a certified plan or fails to perform any work in accordance with a certified plan, the Commission or its agent, the Director of Public Works, shall advise the developer and/or the provider of the financial guarantee in writing of this fact and direct that any necessary work be completed within a specified time. If the developer and/or provider of the financial guarantee do not comply with the directions of said Commission or its designated agent, the Commission or its agent may arrange for said necessary work to be done by the Town or a person or entity employed for such work by the Town and recover the cost thereof from the developer and/or provider of the financial guarantee.<sup>16</sup>

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<sup>15</sup> Rev. 04/16/18, effective 05/03/18

<sup>16</sup> Rev. 06/03/13, effective 06/21/13

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3.04.02.05<sup>17</sup>      Inspection

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

3.04.03<sup>18</sup>      The stormwater drainage and management aspects of all site development applications to the Planning and Zoning Commission shall comply with the Town of Manchester "Public Improvement Standards" unless the public works director or his/her designee grants a waiver, in writing, if the applicant demonstrates that the stormwater goals and objectives have been met.

3.05<sup>19</sup>      No lot, parcel or site shall be developed by the construction of a principal building or structure unless plans for such construction show compliance with section 14-57 (Sidewalk and Curb Installation) of the Code of Ordinances as may from time to time be amended.

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<sup>17</sup> Rev. 10/01/85

<sup>18</sup> New 3/17/97, effective 4/1/97

<sup>19</sup> New 11/3/03, effective 11/28/03



## ARTICLE I

## GENERAL

### Section 4

### APPLICATION REQUIREMENTS<sup>1</sup>

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

4.01 Pre-Application Review<sup>2</sup>

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

4.02 Preliminary Site Development Plan

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

4.02.01 General Requirements

A Preliminary Plan shall be prepared and certified by a registered professional engineer or registered landscape architect as appropriate and shall be drawn on 24" x 36" sheets at a scale of not less than 1" = 40' unless a larger scale is warranted and approved by the Director of Planning.

All plans shall be based on Town control. 40-scale aerial planimetric and topographic mapping is available at the Town of Manchester Engineering Division. When the application requires the location, size and material of existing utilities or existing structures the information may be based on mapping available at the Town Engineering Department or from best available sources.

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<sup>1</sup> New 05/16/11, Effective 06/13/11

<sup>2</sup> Rev. 03/19/12, Effective 03/30/12

When any of the proposed features of an application for development connect to existing public systems more detailed, field verified information shall be provided to demonstrate the feasibility of the proposed connection and the capacity of the existing system to accommodate the proposed development. Examples of this more detailed information include, but are not limited to, size and material of the existing system, invert elevations, and similar information.

4.02.02 Preliminary Plans shall show the following information, if applicable to the proposed development:

1. Title Block identifying the property address(es), date of plan, plan scale and person who prepared the plan.
2. Location Map at a scale of 1"= 1000'.
3. North arrow.
4. Legend.
5. Abutting property addresses.
6. Existing property lines and easements.
7. All applicable building setback lines.
8. Location of existing features on site and along the site's property frontage, including but not limited to:
  - a) Existing buildings and accessory structures
  - b) Existing roads, sidewalks, parking lots and driveways
  - c) Existing bridges and retaining walls
  - d) Existing storm drainage, water and sanitary sewer utilities, including size and material
  - e) Existing wells and septic areas
9. Existing site topography with minimum 2' contours. Ground formation contour information shall be based on Town of Manchester Control. 40-scale aerial planimetric and topographic mapping is available at the Town of Manchester Engineering Division.
10. Existing hydrologic and geographic features, including type of ground cover, location of ponds and natural watercourses.
11. Location of wetlands as depicted on the Town of Manchester Wetlands Map or as field delineated.



12. Location of proposed:
  - a) Buildings and accessory structures
  - b) Roads, parking lots and driveways
  - c) Sidewalks, curbs and pedestrian paths
  - d) Water mains, including size and material, or private wells
  - e) Sanitary sewer mains, including size and material
  - f) Private septic systems, including the approximate location of the septic system and the results of deep test pit and percolation testing in accordance with the Connecticut Public Health Code to demonstrate suitability of the soils for on-site septic systems.
  - g) Storm drainage, detention basins and treatment systems
  - h) Retaining walls
13. Proposed preliminary site grading with minimum 2' contours.
14. Proposed limits of clearing.
15. The width of all landscape areas and buffer yard areas and typical illustrative sections showing planting schemes.
16. Open space and recreation areas when applicable.
17. Phasing of proposed development, if applicable.
18. Sightline distances at proposed curb cuts.
19. Standard general notes as provided by the Engineering Division if applicable to the proposed activities.

#### 4.03 Supplemental Requirements – Preliminary Plan

In addition to the Preliminary Plan required in Article I Section 4.02 the following supplemental information shall be provided as appropriate:

##### 4.03.01 PRD Zone

1. The application will include:
  - a) A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and sidewalk system;
  - b) A statement of the projected impact on town water supply, drainage and sanitary sewer systems;
  - c) A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
2. The Preliminary Plan will also show:

- a) Existing areas with slopes in excess of 15%;
  - b) A table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings), parking and floor area ratio;
  - c) A Building Plan indicating:
    - (1) Floor plan for each type of unit and each building calling out floor areas in square feet;
    - (2) Exterior building elevations identifying the building finish materials and colors;
    - (3) Graphic representations showing the architecture of the proposed building(s) and the physical relationship to the surrounding properties and buildings to demonstrate design compatibility, such as building elevations, cross sections, photographs, or renderings shall be provided.
3. Such other relevant information as the applicant may wish to submit or the Commission may request.

4.03.02 CUD Zone

1. The application will include:
  - a) A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and sidewalk system; and
  - b) A statement of the projected impact on town water supply, drainage and sanitary sewer systems;
  - c) A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
2. The Preliminary Plan will also show:<sup>3</sup>
  - a) A zoning compliance table.
  - b) A Building Plan indicating:
    - (1) Concept floor plan for each type of residential unit;
    - (2) Concept floor plan for each building calling out floor areas in square feet;
    - (3) Exterior building elevations identifying the building finish materials and colors;

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<sup>3</sup>Revised 9/18/17, effective 10/2/17

- (4) Graphic representations showing the architecture of the proposed building(s) and the physical relationship to the surrounding properties and buildings to demonstrate design compatibility, such as building elevations, cross sections, photographs, or renderings shall be provided.

3. Such other relevant information as the applicant may wish to submit or the Commission may request.

#### 4.03.03 EHD Zone

1. The application will include:
  - a) A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and sidewalk system;
  - b) A statement of the projected impact on town water supply, drainage and sanitary sewer systems; and
  - c) A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
2. The Preliminary Plan will also show:
  - a) Existing areas with slopes in excess of 15%;
  - b) Proposed lot lines and areas of lots if subdivision of land is proposed;
  - c) A table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings), parking and floor area ratio;
  - d) A Building Plan indicating:
    - (1) Floor plan for each type of unit and each building calling out floor areas in square feet;
    - (2) Exterior building elevations identifying the building finish materials and colors;
    - (3) Graphic representations showing the architecture of the proposed building(s) and the physical relationship to the surrounding properties and buildings to demonstrate design compatibility, such as building elevations, cross sections, photographs, or renderings shall be provided.
3. Such other relevant information as the applicant may wish to submit or the Commission may request.

#### 4.03.04 Special Exception

1. The application will include:

- a) A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and impacts on the road system. For drive through facilities traffic impact analyses shall describe peak hours of operation, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service on adjacent streets.
  - b) A statement on the projected impact of the project on public water supply, drainage and sanitary sewer systems.
  - c) The proposed Restrictive Conservation Easement agreement if one is proposed by the applicant.
  - d) A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
2. The Preliminary Plan will also show:
- a) Existing areas with slopes in excess of 15%;
  - b) A table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings), parking and floor area ratio;
  - c) A Building Plan indicating:
    - (1) Floor plan for each type of unit and each building calling out floor areas in square feet;
    - (2) Exterior building elevations identifying the building finish materials and colors;
    - (3) Graphic representations showing the architecture of the proposed building(s) and the physical relationship to the surrounding properties and buildings to demonstrate design compatibility, such as building elevations, cross sections, photographs, or renderings shall be provided.
3. Such other relevant information as the applicant may wish to submit or the Commission may request.

#### 4.04 Detailed Site Development Plan

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

A Detailed Plan shall be prepared and certified by a registered professional engineer or registered landscape architect, as appropriate, and shall be drawn on 24" x 36" sheets at a scale of not less than 1" = 40', unless a larger scale is warranted and approved by the Director of Planning.

Detailed Plans shall include a separate "Existing Conditions Plan" showing only

the existing site conditions. This plan shall comply with the requirements of an Improvement Location Survey and shall be certified by a land surveyor licensed in the State of Connecticut. All plans shall be based on Town control.

Detailed Plans shall show the following information, at a minimum:

1. Title Block showing the property address(es), plan date, plan scale and person who prepared the plan.
2. Location map at a scale of 1"= 1000'.
3. North arrow.
4. Legend.
5. Property addresses of the site and abutting parcels.
6. Map references.
7. An accurate A-2 boundary description of the site, prepared by a land surveyor licensed in the State of Connecticut.
8. Existing monumentation.
9. Location and description, including volume and page, of all existing easements, including dominant and subservient tenants.
10. All applicable building setback lines.
11. Location and description of existing planimetric features, including:
  - a. Existing buildings and accessory structures
  - b. Existing roads, curb, sidewalk, parking lots and driveways
  - c. Existing retaining walls
  - d. Existing fences and guide rails
  - e. Existing traffic signs
  - f. Existing traffic signals and appurtenant features
12. Location and description of existing overhead and underground utilities on the site and along the property frontage including:
  - a. Existing utility poles, lighting, cabinets, vaults, etc.
  - b. Existing water main, valves, hydrants, and services
  - c. Existing wells, if applicable
  - d. Existing sanitary sewer main, including size and material, and sanitary manhole structures and laterals, including top of frame and invert elevations.
  - e. Existing septic system, if applicable
  - f. Existing storm drainage pipes and structures, including top of frame and

invert elevations.

- g. Existing electrical, gas and telecommunications utilities
  - h. Existing well and/or septic system on adjacent properties if any part of the site is within the separating distances to these facilities established by the Connecticut Public Health Code based on the best available sources.
13. For all areas proposed for construction activity, the existing and proposed site topography with minimum 2' contours, augmented with spot elevations and a minimum of two benchmarks, certified by a land surveyor licensed in the state of Connecticut with a minimum certification of T-2 shall be provided. For all undisturbed areas Town topography of 2' contours shall be provided.
  14. Existing hydrologic and geographic features, including type of ground cover, location of ponds and natural watercourses.
  15. Location of wetlands and limits of regulated area in accordance with the Town of Manchester Inland Wetlands regulations.
  16. Location and boundaries of floodplain, floodway, stream channel encroachment lines or any other regulatory boundary line, if present on the site based on the best available sources of information.
  17. Location of exploratory soil borings or test pits with supporting information, if applicable.
  18. Location of proposed buildings, including finished floor elevations.
  19. Location and description of proposed lot lines, including proposed monumentation.
  20. Location and description of all proposed easements, including dominant and subservient tenants.
  21. Location of proposed roads, curb, sidewalk, parking lots and driveways.
  22. Locations and description of proposed retaining walls, including top of wall elevations.
  23. Location and description of proposed fences, guide rails, etc.
  24. Location of proposed dumpster pads and/or loading docks.
  25. Location and description of proposed signs and outdoor lighting.
  26. Location and description of proposed traffic signal equipment, if applicable.
  27. Location and description (size, material, etc.) of proposed utilities, including:
    - a. Proposed lighting
    - b. Proposed water mains, valves, hydrants and services.
    - c. Proposed wells, if applicable, with protective radius as required by the Connecticut Public Health Code.

- d. Proposed sanitary sewer mains, including size and material; and proposed sanitary manhole structures, cleanouts and laterals, including top of frame and invert elevations.
  - e. Proposed septic system, if applicable, including tank, leaching area, reserve area and minimum clearances.
  - f. Proposed storm drainage pipes and structures, including top of frame and invert elevations.
  - g. Proposed detention basins, water quality basins or other components of the site's proposed storm drainage system.
  - h. Proposed oil/water and/or grease separators.
  - i. Proposed electrical, gas and telecommunications utilities, if available.
28. Profile plans of proposed water, sanitary sewer and storm drainage facilities are required when they are located in public streets.
  29. Location and description of proposed erosion and sedimentation control measures, including silt fence, hay bales, topsoil stockpile areas, sediment traps and basins, construction entrances, etc.
  30. Location and description of proposed landscaping, including plant size, type, quantity and spacing.
  31. Proposed phasing lines, if applicable.
  32. Standard general notes as provided by the Engineering Division if applicable to the proposed activity.
  33. Construction details for all public improvements (available from Engineering Division) and for critical components of the proposed site improvements.
  34. A stormwater management report as required in the "Town of Manchester Public Improvement Standards".

Depending on the proposed improvements, the Planning and Zoning Commission may require additional information, including but not limited to the following:

35. Plan showing vehicle turning movements for the largest expected vehicle accessing the site.
36. Sightline triangles with distances at proposed curb cuts onto existing roads.
37. Profile views of proposed water mains or services, sanitary sewer mains or laterals, and/or storm drainage within the site.
38. Cross sections at critical locations.

#### 4.05

#### Supplemental Requirements – Detailed Plans

In addition to the Detailed Plan requirements of Article I Section 4.04 the following supplemental information shall be provided as appropriate:

4.05.01 PRD Zone

The Detailed Plan will include:

- a) A table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings), parking and floor area ratios, distance between the buildings and lot line, and the distance between buildings;
- b) A Building Plan indicating:
  - (1) Floor plan for each type of unit and each building calling out floor areas in square feet;
  - (2) Exterior building elevations identifying the building finish materials and colors.
- c) Such other relevant information as the applicant may wish to submit or the Commission may request.

4.05.02 CUD Zone

The Detailed Plan will include:<sup>4</sup>

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

4.05.03 Historic Zone

The Detailed Plan will include:

- a) Building/Sign Detail Plans, prepared by a registered architect, drawn to scale, showing:

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<sup>4</sup> Revised 9/18/17, effective 10/2/17



- (1) Floor plans for each use and each building. In case of buildings designated for residential development, the floor plan and area of each type of living unit are required;
  - (2) Exterior building elevations indicating the treatment of walls and finish materials. Exterior building elevations shall show all proposed utility structures, such as roof air conditioning/solar heating systems, exterior building materials and colors, and screening;
  - (3) Where any exterior physical change, addition, or demolition is proposed, appropriately scaled drawings of floor plans, elevations and sections shall be submitted. Such drawings shall indicate existing conditions, work to be removed or added and appropriate notes and dimensions;
- b) A table showing uses, ratios, the square footage of areas designated for those uses, and the number of parking spaces for the various uses. If residential development, the number of units per building and the number of bedrooms per unit;
  - c) The design of any sign showing size of the proposed sign, general configuration of lettering and/or symbols, material, color, type of construction, height, illumination, and such descriptive materials as may be necessary to fully explain the intent of the sign;
  - d) The location of the proposed sign in relation to the building and all property lines and the dimensions of the structures on which the proposed sign is to be located;
  - e) Such other relevant information as the applicant may wish to submit or the Commission may request.

#### 4.05.04 Flood Plain Zone

The Detailed Plan will include:

- a) Plans drawn to a scale of not less than 1" = 40' showing the nature, location, dimensions and elevations of the area for which a permit is requested; existing and proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing;
- b) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
- c) Elevation, in relation to mean sea level, to which any structure has been flood proofed;
- d) Certification by a registered professional engineer or registered architect that the flood proofing methods for a non-residential structure meet the flood proofing criteria of paragraph 19.05.02 (b), such certification must be provided on the plans;

- e) Plans for any walls to be used to enclose space below the base flood level; and
- f) When base flood elevation data has not been provided in accordance with paragraph 19.03.02, the Commission shall obtain (or require an applicant to obtain), review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to assure compliance with the terms and requirements of paragraphs 19.05.02 (a) and 19.05.02 (b).

4.05.05 EHD Zone

The Detailed Plan will include:

- a) A table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings), parking and floor area ratios, distance between the buildings and lot line, and the distance between buildings;
- b) A statement concerning the availability of public transportation or municipally operated transportation specifically intended for use by the occupants, or a statement, including probable schedules and eligible destination for such services. When the developer is providing transportation services for occupants the same information shall be provided.
- c) Affidavits stating the developer shall impose and enforce the required age restrictions for occupancy in the project and listing all services which will be provided to the occupants, and such restrictions shall be filed on the land records before a building permit is issued, and shall run with the land.
- d) A Building Plan indicating:
  - (1) Floor plan for each type of unit and each building calling out floor areas in square feet;
  - (2) Floor plan differentiating between private and semi-private spaces and residential and communal facilities/service areas drawn to scale and dimension;
  - (3) Exterior building elevations identifying the building finish materials and colors.
- e) Such other relevant information as the applicant may wish to submit or the Commission may request.

4.05.06 SDC Zone

1. The application will include:

- a) A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and impacts on the road

system. For drive through facilities traffic impact analyses shall describe peak hours of operation, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service on adjacent streets.

- b) The proposed general system of utilities (including domestic water supply, fire protection, stormwater drainage, and sanitary sewer). A statement on the projected impact of the project on public water supply, drainage and sanitary sewer systems. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.

2. The Detailed Plan will also show:

- a) A table of ratios indicating parking, floor area ratios, distance between buildings and lot lines, the distance between buildings, building heights, total landscaped area and parking lot landscaped area;
- b) A Building Plan indicating:
  - (1) Floor plan for each building;
  - (2) Exterior building elevations showing the building finish materials and colors.
  - (3) A table indicating building height and roof style of all buildings on abutting properties.

3. Such other relevant information as the applicant may wish to submit or the Commission may require.

4.05.07 Form Based Zone (FBZ)<sup>5</sup>

1. The Detailed Plan will also show:

- a) The proposed thoroughfares labeled by thoroughfare type.
- b) All proposed building types and lot layouts by location.
- c) The proposed use of yards and setbacks.
- d) Location of all frontage zones and ground floor limitations.
- e) Proposed building elevations and architectural features including awnings, turrets, towers, porches, fenestration and transparency, roof types, building height, and proposed exterior materials.
- f) The location and type of proposed open space and civic spaces.

<sup>5</sup>New 03/19/12, Effective 03/30/12

- g) A parking table showing the proposed uses, parking requirement, shared parking and parking calculations used to determine the proposed number of spaces.
  - h) Designated loading and parking areas.
  - i) A table showing the total site acreage and the percentage of land devoted to various types of civic or open space.
2. Other relevant information the applicant may wish to submit or the Commission or Planning Director may require to perform a thorough review and evaluation of the application.

4.06 Erosion and Sediment Control Plan

Erosion and Sediment Control Plan shall be prepared in accordance with Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended.

1. Said plan shall contain, but not be limited to:
- A narrative describing:
- 1) The development;
  - 2) The schedule for grading and construction activities, including
    - (a) Start and completion dates;
    - (b) Sequence of grading and construction activities;
    - (c) Sequence for installation and/or application of soil erosion and sediment control measures;
    - (d) Sequence for final stabilization of the project site.
  - 3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 5) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
  - 7) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
2. Soil erosion and sedimentation control plans shall bear the stamp and/or signature of a registered engineer, landscape architect, or certified soil scientist and shall include a statement certifying that the plan is in compliance with the Town of Manchester Soil Erosion and Sedimentation Control Regulations and the Connecticut Guidelines for Soil Erosion and

Sedimentation Control dated 2002, as amended, and shall contain the following certification signature block:<sup>6</sup>

<p>"The Planning and Zoning Commission certifies that the Soil and Erosion and Sedimentation Control Plan complies with the requirements of the Town of Manchester Regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 2002, as amended".</p> <p>Signature _____</p> <p>Date of Approval _____</p>
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#### 4.07 Electronic Submittal Requirement

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

#### 4.08 Minor Modifications to Approved Plans<sup>7</sup>

Minor changes to an approved Detailed Plan or a previously certified Erosion and Sediment Control Plan<sup>8</sup> 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 or design of the site development plan or building architecture. 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, landscaping and minor exterior building elevation changes. 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

<sup>6</sup> Rev. 05/20/19, effective 06/07/19

<sup>7</sup> Rev. 09/29/16, effective 10/21/16

<sup>8</sup> Rev. 04/16/18, effective 05/03/18

paper copies, signed and sealed by the design professional, of the amended plan. Any change to an approved Detailed Plan or a previously certified Erosion and Sediment Control Plan<sup>9</sup> which is not considered to be a minor change by the chairman or director shall be processed as a formal modification to the approved Detailed Plan or previously certified Erosion and Sediment Control Plan<sup>10</sup> and shall require the preparation of modified plans and the approval of the Commission.

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<sup>9</sup> Rev. 04/16/18, effective 05/03/18

<sup>10</sup> Rev. 04/16/18, effective 05/03/18

## ARTICLE I

## GENERAL

### Section 5

### PUBLIC HEARING NOTIFICATION REQUIREMENTS<sup>1</sup>

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

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

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

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<sup>1</sup> New 5/7/18, effective 7/1/18





## ARTICLE II

## ZONING USES

### Section 1

### GENERAL REQUIREMENTS FOR RESIDENTIAL ZONES

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1.00 The requirements set forth in this section shall apply to all residential zones unless otherwise expressly stated.

1.00.01 Permitted Use

A "permitted use" in a residential zone is a legal use of land and buildings which does not require approval or authorization by any zoning agency.

1.00.02<sup>1</sup> Special Exception

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

(b) The Commission or Board shall authorize the special exception use if it finds compliance with the special requirements set forth in the regulations.

(c) The Commission or Board may impose reasonable conditions on any special exception use by reason of the nature, location and incidents of the particular use if it deems any such condition is essential to the promotion of the public welfare.

(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) Special Requirements for schools and places of worship<sup>2</sup>:

1. New facilities shall be located<sup>3</sup> only on streets designated arterial or collector streets in the Plan of Conservation and Development.
2. Vehicle parking shall be in accordance with the requirements set forth in Article IV Section 9.
3. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. Mechanical equipment, dumpsters and other unsightly places shall be

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

<sup>2</sup> Rev. 9/15/08, effective 10/05/08

<sup>3</sup> Rev. 10/20/09, effective 11/11/09

screened by the use of walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.

4. Schools<sup>4</sup> and places of worship shall screen adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening.

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

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

Along all parking areas and drives the landscaped border shall include a light proof fence or masonry wall to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Article IV, Section 9.02.05.

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

The Commission may waive all or any requirements in this section or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or that such screening is not feasible and not necessary due to site configuration or location.<sup>5</sup>

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<sup>4</sup> Rev. 9/15/08, effective 10/05/08

<sup>5</sup> Rev. 12/7/20, effective 12/21/20

(f)<sup>6</sup> In addition to the special exception requirements in Article II Section 1.00.02(e), before approving a school as a special exception use, the Commission shall make the following findings:

1. That the specific type of school use will be compatible with uses on adjacent properties and other uses on the site if applicable; and
2. That adequate provisions have been made to ensure the safety of students, staff, and visitors, including such as may arise from uses on adjacent properties or other uses on the site; and
3. That the internal site circulation plan for the school provides adequate area for the delivery and retrieval of students at the school; adequate parking for students, faculty, visitors, aides, and others as appropriate to the specific type of school; and sufficient driveways, queuing areas, and parking areas to accommodate automobiles and buses, so that vehicles do not disrupt traffic on the public streets, or interfere with adjacent uses on the site; and
4. That outdoor areas on the site for safe active and/or passive recreation as appropriate to the specific type of school are adequate for the number and ages of students expected to attend the school; or if off site, are located to ensure the safety of the students and faculty; and that screening, fencing and other buffers are provided to ensure the safe play of children, and to provide visual and aural screening from adjacent residential uses; and
5. That lighting for the property is adequate for the normal hours of school, including any after school activities, and does not shine off of the property.

(g)<sup>7</sup> In addition to any other application requirements for a special exception, applications for schools and places of worship shall include sufficient plans and narrative documentation to enable the Commission to make the findings listed above.

(h)<sup>8</sup> In the Rural Residence zone only the following requirements also apply:

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

1.01 Residential occupancy the dominant use

1.01.01 The dominant use in residential zones shall be detached dwelling houses for domestic single-family occupancy on land which has been subdivided according to an approved plan recorded in the town clerk's office.

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<sup>6</sup> Rev. 9/15/08, effective 10/05/08

<sup>7</sup> Rev. 9/15/08, effective 10/05/08

<sup>8</sup> Rev. 9/15/08, effective 10/05/08

- 1.01.02 All dwelling houses shall be erected on legally recorded lots or parcels not less in size or dimensions than is required in the zoning district in which the house is erected and in accordance with the requirements set forth in the Schedule of Area, Height and Bulk of Buildings, except that a dwelling house may be erected on nonconforming lots of record as defined in these regulations. In all cases the required yards and building lines shall be observed.
- 1.01.03 Not more than one dwelling house shall be erected upon any lot or parcel unless otherwise directly and distinctly stated in regulations governing the zoning district in which the lot or parcel is located.
- 1.02 Other uses in residential zones
- Certain uses are deemed appropriate and compatible as permanent uses in residential environments in addition to the dominant use. Such uses may exist by virtue of being a permitted use or a special exception as set forth in the regulations governing the zoning district in which the use is located.
- 1.03 Accessory uses
- Accessory use defined
- An accessory use is a use which is clearly incidental to and customarily found in connection with and located on the same zoning lot as the principal use and clearly subordinate to the principal use.
- No accessory building shall be used for residential occupancy, except as described in this section.<sup>9</sup>
- 1.03.01 Accessory uses permitted where the principal use is residential
- (a) Automobile garages or carports to accommodate automobiles, recreational vehicles, boats and storage for residents of the dwelling.<sup>10</sup>
  - (b) The outside parking of automobiles in current use for transportation by residents of the dwelling except that not more than one commercial vehicle shall be parked and the commercial vehicle shall not exceed one ton.
  - (c) The outside parking or storage of boats owned by residents.
  - (d) The outside parking or storage of unoccupied trailers or motorized recreational vehicles in useable condition owned by residents.
  - (e) Greenhouse for plant culture.

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<sup>9</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>10</sup> Rev. 01/05/04, effective January 24, 2004

- (f) Gazebos, cabanas, or storage sheds, provided the structure does not exceed 240 sq. ft. in gross floor area and 12 feet in height.<sup>11</sup>
- (g) Children's playground equipment.
- (h) Swimming pool for private use.
- (i) Tennis court for private use.
- (j) Radio and television antennae, roof, sidewall or chimney-attached only.
- (k) Dog kennel except kennel for commercial use.
- (l)<sup>12</sup>Hobby automobile rebuilding by the resident only.
  - 1. Vehicles of any type are permitted to undergo major or minor repair, including body work, provided that such work is performed inside a structure or enclosed area designed and approved for such purposes.
  - 2. Minor repair is also permitted outside in a driveway or rear yard only.
  - 3. Any automobile undergoing minor or major automobile repair shall be owned by the resident or member of the household.
  - 4. Not more than one automobile per approved dwelling unit shall be undergoing minor repair outside at any time.
  - 5. An automobile undergoing repair may be registered or unregistered, but in no event shall there be more than two unregistered vehicles for each dwelling unit, and no more than one unregistered vehicle outside for each dwelling unit.
  - 6. The repair shall not cause a nuisance from noise, odors, vibration or other source.
- (m) Signs in accordance with Article IV Section 13 of these regulations.
- (n) Temporary roadside stand for sale of agricultural produce grown on the premises. Such stands shall be maintained and sales conducted only during the season of sales. Display stands shall be removed during seasons of non-sales.
- (o) Fences
- (p) Outside storage of kitchen garbage in sanitary containers.

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<sup>11</sup> Rev. 3/3/08, effective 3/22/08

<sup>12</sup> Rev. 03/01/85

- (q) Tag sales or garage sales so called, but only for five days in any year. Goods offered for sale shall consist of unwanted household items only. No goods shall be brought to the premises from other sources for purpose of selling.
- (r) Home-conducted occupation - subject to the following restrictions:<sup>13</sup>
  - 1. The occupation shall be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.
  - 2. The occupation shall be clearly incidental and secondary to the residential use and shall not occupy more than 25 percent of the house.
  - 3. The house shall not be enlarged to accommodate the occupation.
  - 4. The occupation shall not be visible from the street by display of products or equipment.
  - 5. The occupation shall not cause a nuisance from noise, odors, fumes, vibration or other sources.
  - 6. The occupation shall not be a wholesale or retail sales operation.
  - 7. A maximum of two vehicles per hour are allowed for the home-conducted occupation use, excluding the employee parking.
  - 8. The occupation shall be conducted and operated only by the resident and no more than one non-resident employee.
  - 9. No stock in trade shall be kept for retail sales.
  - 10. No classes shall be held for purposes of giving lessons or instruction for more than two students or pupils at a time.
- (s)<sup>14</sup> The keeping of no more than twelve (12) hens shall be allowed for each single-family dwelling provided:
  - 1. Coops or cages housing chickens shall be located in accordance with Article II Section 1.03.04 and kept at least twenty-five (25) feet from any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located in the front yard.
  - 2. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square foot per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the

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<sup>13</sup> Rev. 07/18/16, effective 08/10/16

<sup>14</sup> Adopted 3/2/15, effective 3/20/15

property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.

3. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
4. There shall be no outdoor slaughtering of chickens.
5. It is unlawful for any person to keep roosters.

(t)<sup>15</sup> Solar energy systems in accordance with the provisions of Article IV Section 6.

(u)<sup>16</sup> Electric vehicle charging stations in accordance with the provisions of Article IV, Section 24.

(v)<sup>17</sup> One accessory apartment or accessory dwelling unit (ADU) shall be allowed on each lot that contains a single-family dwelling in accordance with the following criteria:

1. An ADU may be attached to or located within the principal dwelling, or detached and located on the same lot as the principal dwelling.
2. The minimum net floor area of an ADU shall be 350 square feet.
3. The maximum net floor area of an ADU shall be 30% of the net floor area of the principal dwelling, or 1,000 square feet, whichever is less.
4. Setbacks, lot size, building frontage, building height and maximum buildable area of the lot shall be in accordance with the zone in which the lot is located.
5. The building footprint of a principal dwelling unit or accessory building shall not be increased by more than 30% to accommodate an accessory dwelling unit.
6. At least one off-street parking space shall be provided for the accessory dwelling unit.
7. Additional driveway curb cuts servicing an accessory dwelling unit shall not be permitted.

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<sup>15</sup> Adopted 01/17/18, effective 02/02/18

<sup>16</sup> Adopted 02/17/21, effective 03/10/21

<sup>17</sup> Adopted 11/15/2021, effective 12/06/2021

8. Accessory dwelling units shall be designed to preserve the single-family residential qualities of the principal dwelling and shall:
  - a. Be oriented, to the maximum extent practical, to maintain the privacy of residents in adjacent dwellings through proper placement of windows, doors, landscaping and screening.
  - b. Be constructed of durable, permanent materials that match or are complementary to the exterior façade materials of the principal dwelling.
  - c. Include roof shapes that match the architectural style and use materials that match or are complementary to those of the principal dwelling.

1.03.02 Accessory uses for uses other than residential

Accessory uses for uses other than residential which are allowed in a zoning district shall conform with the definition set forth in paragraph 1.03 of this regulation.

- (a) Electric vehicle charging stations in accordance with the provisions of Article IV, Section 24.<sup>18</sup>
- (b) Where the principal use is a church, memorial gardens shall be a permitted accessory use.<sup>19</sup>
- (c) Where the principal use is a school or a child day care center or group day care home located in a church, school, or municipal building, family resource centers shall be permitted as an accessory use.<sup>20</sup>
- (d) Where the principal use is a cemetery, the residential occupancy of an on-site accessory dwelling by a caretaker and family, and the maintenance therein of an office for the cemetery, shall be permitted accessory uses.<sup>21</sup>

1.03.03<sup>22</sup> Uses prohibited as accessory uses where the principal use is residential

The following uses shall be prohibited on residential lots unless specifically provided for in the regulations which govern the uses in a particular zoning district.

- (a) The keeping of livestock excluding potbellied pigs.
- (b) The keeping of bees.

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<sup>18</sup> Adopted 02/17/21, effective 03/10/21

<sup>19</sup> Rev. 8/15/94

<sup>20</sup> Rev. 9/3/97, effective 9/23/97

<sup>21</sup> Adopted 11/15/2021, effective 12/06/2021

<sup>22</sup> Rev. 3/2/15, effective 3/20/15



- (c) Outside buildings and structures for commercial animal breeding or commercial kennel purposes.
- (d) Buildings for commercial purposes.
- (e) Outside storage or accumulation of junk, including disused automobiles and automobile parts.
- (f) Storage of commercial goods or equipment.

1.03.04 Accessory buildings and structures

Accessory buildings and structures shall be erected in conformance with the following:

- (a) No accessory building or structure shall exceed a height of 18 feet above ground level.
- (b) If the accessory building or structure is attached to the principal building all minimum front yards, side yards and rear yards shall be maintained as required in the zoning district except that no vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.
- (c) If the accessory building or structure is not attached to the principal building it may be placed only as follows:
  - 1. At the sides of the principal building provided the minimum side yard be maintained between the accessory building or structure and the side lot line.
  - 2. In the rear yard of the principal building but no closer than 3 feet to any lot line for accessory buildings and structures under 10 feet in height and no closer than 5 feet to any lot line for those equal to or exceeding 10 feet in height<sup>23</sup> except that on corner lots no accessory building or structure shall be closer to a street lot line than the required minimum side yard, or if the accessory building or structure is within 30 feet of the rear lot line, no closer to the street lot line than the minimum front yard on the adjacent lot.
  - 3. Notwithstanding 1 and 2 above, no vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public

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<sup>23</sup> Rev. 01/05/04, effective January 24, 2004

sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.

- (d) The provisions of sections 1.03.04 (a) and (c) notwithstanding, where the principal use is a cemetery, an on-site accessory dwelling shall conform to the area, height, bulk, and minimum yard requirements of the zone in which it is located, as set forth in Article VII.<sup>24</sup>

1.03.05      Fences, Screening and Visibility

- (a) No fence shall exceed a height of six feet above ground level.
- (b) No fence shall include barbed wire.
- (c) No fence shall be erected on property demarcation lines unless by agreement between adjoining owners.
- (d) All fence posts shall face towards the property of the erector.
- (e) No object, fence, hedge, shrub or tree shall be maintained at a height that obstructs visibility for automobiles.

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<sup>24</sup> Adopted 11/15/2021, effective 12/06/2021

## ARTICLE II      ZONING USES

### Section 2              RURAL RESIDENCE ZONES

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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.

- 2.01.02<sup>1</sup> 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 playfields<sup>2</sup>
- 2.01.08 Child care center or group child care home located in a place of worship<sup>3</sup> or municipal building<sup>4, 5</sup>.
- 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.

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<sup>1</sup> Rev. 3/2/15, effective 3/20/15

<sup>2</sup> Rev. 9/15/08, effective 10/05/08

<sup>3</sup> Adopted 1/17/01, effective 2/06/01

<sup>4</sup> Rev. 12/04/89

<sup>5</sup> Rev. 11/06/23, effective 11/27/23

2.01.14 Family child care homes and group child care homes located in a residence.<sup>6, 7</sup>

- 2.01.15<sup>8</sup>
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>9</sup>

2.01.16<sup>10</sup> 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.<sup>11</sup>

2.02.01 House conversion to two-family occupancy

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<sup>6</sup> Rev. 12/04/89

<sup>7</sup> Rev. 11/06/23, effective 11/27/23

<sup>8</sup> Rev. 10/20/97, effective 11/11/97

<sup>9</sup> New 11/03/03, effective 11/28/03

<sup>10</sup> New 1/23/19, effective 2/8/19

<sup>11</sup> 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 Schools<sup>12</sup> and places of worship in accordance with the requirements of Article II, Section 1.00.02 and with the following Special Requirements:<sup>13</sup>

- (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 Reserved<sup>14</sup>

2.02.04 Hospital, medical clinic (excluding veterinary)

Special requirements:

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<sup>12</sup> Rev. 9/15/08, effective 10/05/08

<sup>13</sup> Adopted 01/17/01, effective 02/06/01

<sup>14</sup> 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 Cemetery<sup>15</sup>

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

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<sup>15</sup> Rev. 11/22/82

from excessive glare.

- (c) Site development plans shall be submitted to the Planning and Zoning Commission for approval.<sup>16</sup>

2.02.07 Golf course, golf driving range, golf instructional facility (excluding miniature)<sup>17</sup>

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

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<sup>16</sup> Rev. 11/22/82

<sup>17</sup> 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 care center or group child care home not located in a residence<sup>18, 19</sup>

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 Reserved<sup>20</sup>

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 citizens<sup>21</sup>

- (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.

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<sup>18</sup> Rev. 12/04/89

<sup>19</sup> Rev. 11/06/23, effective 11/27/23

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

<sup>21</sup> 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.<sup>22</sup>

2.02.13 Municipal utility buildings and structures<sup>23</sup>

- (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 needs<sup>24</sup>

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<sup>22</sup> Rev. 11/03/03, effective 11/28/03

<sup>23</sup> 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

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<sup>24</sup> 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.<sup>25</sup>
- (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.<sup>26</sup>

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<sup>25</sup> Rev. 11/03/03, effective 11/28/03

<sup>26</sup> 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 Reserved<sup>27</sup>

2.02.16 Adult day care center<sup>28</sup>

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

2.02.17<sup>29</sup> 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.

2.02.18<sup>30</sup> 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

2.02.19<sup>31</sup> High-Impact Agri-Tourism Activities

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<sup>27</sup> Rev. 04/20/98, effective 05/12/98

<sup>28</sup> Rev. 12/04/89

<sup>29</sup> Rev. 10/20/97, effective 11/11/97

<sup>30</sup> New 07/15/13, effective 08/01/13

<sup>31</sup> 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

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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.<sup>1</sup> Day care facilities conducted in a place of worship<sup>2</sup>, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.<sup>3</sup>

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.<sup>4</sup>

3.01.07 Family child care homes and group child care homes located in a residence.<sup>5, 6</sup>

3.01.08<sup>7</sup> (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.

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

(c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>8</sup>

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.<sup>9</sup>

3.02.01 Schools<sup>10</sup> and places of worship<sup>11</sup> in accordance with the requirements of Article II, Section 1.00.02.

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<sup>1</sup> Rev. 9/15/08, effective 10/05/08

<sup>2</sup> Adopted 01/17/01, effective 02/06/01

<sup>3</sup> Rev. 12/04/89

<sup>4</sup> Rev. 01/18/82

<sup>5</sup> Rev. 12/04/89

<sup>6</sup> Rev. 11/6/23, effective 11/27/23

<sup>7</sup> Rev. 10/20/97, effective 11/11/97

<sup>8</sup> New 11/3/03, effective 11/28/03

<sup>9</sup> Adopted 01/17/01, effective 02/06/01

<sup>10</sup> Rev. 9/15/08, effective 10/05/08

<sup>11</sup> 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 citizens<sup>12</sup>
- 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.<sup>13</sup>
- 3.02.05      Supervised group homes for children with special needs<sup>14</sup>
- Subject to the restrictions and requirements of Article II, Section 2.02.14 of these regulations.
- 3.02.06      Reserved<sup>15</sup>
- 3.02.07      Adult day care center <sup>16</sup>
- 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 care center or group child care home not located in a residence <sup>17, 18</sup>
- 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 facilities<sup>19</sup>
- May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.
- 3.02.10<sup>20</sup>      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.

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<sup>12</sup> Rev. 06/04/79

<sup>13</sup> Rev. 01/26/81

<sup>14</sup> Rev. 11/30/84

<sup>15</sup> Rev. 04/20/98, effective 05/12/98

<sup>16</sup> Rev. 12/04/89

<sup>17</sup> Rev. 12/04/89

<sup>18</sup> Rev. 11/06/23, effective 11/27/23

<sup>19</sup> Rev. 10/20/97, effective 11/11/97

<sup>20</sup> 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

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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

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\* 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.<sup>1</sup> Day care facilities conducted in a place of worship<sup>2</sup>, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.<sup>3</sup>
- 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 child care homes and group child care homes located in a residence.<sup>4, 5</sup>
- 4.01.09<sup>6</sup>
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>7</sup>
- 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.<sup>8</sup>

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<sup>1</sup> Rev. 9/15/08, effective 10/05/08

<sup>2</sup> Adopted 01/17/01, effective 02/06/01

<sup>3</sup> Rev. 12/04/89

<sup>4</sup> Rev. 12/04/89

<sup>5</sup> Rev. 11/06/23, effective 11/27/23

<sup>6</sup> Rev. 10/20/97, effective 11/11/97

<sup>7</sup> New 11/03/03, effective 11/28/03

<sup>8</sup> 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 Schools<sup>9</sup> and places of worship<sup>10</sup> 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.<sup>11</sup>

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<sup>9</sup> Rev. 9/15/08, effective 10/05/08

<sup>10</sup> Adopted 1/17/01, effective 02/06/01

<sup>11</sup> Rev. 06/04/79

- 4.02.05 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.<sup>12</sup>
- 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.<sup>13</sup>
- 4.02.07 Reserved<sup>14</sup>
- 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.<sup>15</sup>
- 4.02.09 Child care center or group child care home not located in a residence.<sup>16</sup>  
  
May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV, Section 10.<sup>17</sup>
- 4.02.10<sup>18</sup> 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.

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<sup>12</sup> Rev. 01/26/81

<sup>13</sup> Rev. 11/30/84

<sup>14</sup> Rev. 04/20/98, effective 05/12/98

<sup>15</sup> Rev. 12/04/89

<sup>16</sup> Rev. 11/06/23, effective 11/27/23

<sup>17</sup> Rev. 12/04/89

<sup>18</sup> Rev. 10/20/97, effective 11/11/97

## ARTICLE II      ZONING USES

### Section 5              RESIDENCE B ZONE

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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: <sup>1</sup>

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.<sup>2</sup> Day care facilities conducted in a place of worship<sup>3</sup>, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.<sup>4</sup>

5.01.05 Municipal parks, playgrounds and recreation building including customary

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<sup>1</sup> Rev. 06/02/86

<sup>2</sup> Rev. 9/15/08, effective 10/05/08

<sup>3</sup> Adopted 01/17/01, effective 02/06/01

<sup>4</sup> 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 Reserved<sup>5</sup>
- 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 child care homes and group child care homes located in a residence.<sup>6, 7</sup>
- 5.01.13<sup>8</sup>
  - (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>9</sup>

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.<sup>10</sup>

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

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

<sup>6</sup> Rev. 12/04/89

<sup>7</sup> Rev. 11/06/23, effective 11/27/23

<sup>8</sup> Rev. 12/04/89

<sup>9</sup> New 11/03/03, effective 11/28/03

<sup>10</sup> 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 Schools<sup>11</sup> and places of worship<sup>12</sup> 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 <sup>13</sup>

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. <sup>14</sup>

5.02.06 Supervised group homes for children with special needs <sup>15</sup>

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

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<sup>11</sup> Rev. 09/15/08, effective 10/05/08

<sup>12</sup> Adopted 01/17/01, effective 02/06/01

<sup>13</sup> Rev. 06/04/79

<sup>14</sup> Rev. 01/26/81

<sup>15</sup> Rev. 11/30/84

regulations.

5.02.07 Reserved<sup>16</sup>

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.<sup>17</sup>

5.02.09 Child care center or group child care home not located in a residence<sup>18, 19</sup>

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

5.02.10<sup>20</sup> 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.

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<sup>16</sup> Rev. 04/20/98, effective 05/12/98

<sup>17</sup> Rev. 12/04/89

<sup>18</sup> Rev. 10/02/89

<sup>19</sup> Rev. 11/06/23, effective 11/27/23

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



## ARTICLE II      ZONING USES

### Section 6                  RESIDENCE C ZONE

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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 houses<sup>1</sup>.

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

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<sup>1</sup> 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            Reserved<sup>2</sup>

6.01.05            Public libraries, including customary accessory uses.<sup>3</sup> Day care facilities conducted in a place of worship<sup>4</sup>, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10. <sup>5</sup>

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            Reserved<sup>6</sup>

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.

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<sup>2</sup> Rev. 04/20/98, effective 05/12/98

<sup>3</sup> Rev. 9/15/08, effective 10/05/08

<sup>4</sup> Adopted 01/17/01, effective 02/06/01

<sup>5</sup> Rev. 12/04/89

<sup>6</sup> 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 child care homes and group child care homes located in a residence.<sup>7, 8</sup>

- 6.01.15<sup>9</sup>
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>10</sup>

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.<sup>11</sup>

6.02.01 House conversion to two-family, three-family or four-family occupancy.<sup>12</sup>

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.

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<sup>7</sup> Rev. 12/04/89

<sup>8</sup> Rev. 11/06/23, effective 11/27/23

<sup>9</sup> Rev. 10/20/97, effective 11/11/97

<sup>10</sup> New 11/03/03, effective 11/28/03

<sup>11</sup> Adopted 01/17/01, effective 02/06/01

<sup>12</sup> 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 building<sup>13</sup>

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.<sup>14</sup>
- (b) Residential uses shall be permitted on the second floor in a new office building. Two parking spaces for each unit shall be provided.<sup>15</sup>
- (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. <sup>16</sup>
- (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.<sup>17</sup>

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<sup>13</sup> Rev. 06/20/05, effective 07/18/05

<sup>14</sup> Rev. 10/02/89

<sup>15</sup> Rev. 10/02/89

<sup>16</sup> Rev. 07/26/82

<sup>17</sup> Rev. 10/02/89



6.02.03 Conversions of a residence to office use or office/residential use.<sup>18</sup>

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.<sup>19</sup>
- (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.<sup>20</sup>

6.02.04 Schools<sup>21</sup> and places of worship<sup>22</sup> 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.<sup>23</sup>

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.<sup>24</sup>

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<sup>18</sup> Rev. 6/20/05, effective 7/18/05

<sup>19</sup> Rev. 06/20/05, effective 07/18/05

<sup>20</sup> Rev. 06/20/05, effective 07/18/05

<sup>21</sup> Rev. 9/15/08, effective 10/05/08

<sup>22</sup> Adopted 01/17/01, effective 02/06/01

<sup>23</sup> Rev. 06/04/79

<sup>24</sup> Rev. 01/16/81

6.02.08 Supervised group homes for children with special needs.<sup>25</sup>

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

6.02.09 Adult day care center.<sup>26</sup>

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 care center or group child care home not located in a residence<sup>27, 28</sup>

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 facilities<sup>29</sup>

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.

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<sup>25</sup> Rev. 11/30/84

<sup>26</sup> Rev. 12/04/89

<sup>27</sup> Rev. 12/04/89

<sup>28</sup> Rev. 11/06/23, effective 11/27/23

<sup>29</sup> Rev. 10/20/97, effective 11/11/97

## ARTICLE II ZONING USES

### Section 7

### PLANNED RESIDENTIAL DEVELOPMENT ZONE

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#### 7.01 Purpose<sup>1</sup>

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.<sup>2</sup>

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) 3<sup>3</sup>:

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.<sup>4</sup>

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<sup>1</sup> Rev. 01/26/81

<sup>2</sup> Rev. 07/06/05, effective 07/29/05

<sup>3</sup> Rev. 07/06/05, effective 07/29/05

<sup>4</sup> 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) 3<sup>5</sup>:

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.<sup>6</sup>
- (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.

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<sup>5</sup> Rev. 07/06/05, effective 07/29/05

<sup>6</sup> 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%.<sup>7</sup>, except for multi-family elderly units which shall be developed in accordance with Article II, Section 20.04.01 (b).<sup>8</sup>

- (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.<sup>9</sup>

- (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.<sup>10</sup>

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. <sup>11</sup>

<sup>7</sup> Rev. 04/20/98, effective 05/12/98

<sup>8</sup> Amended 06/19/06, effective 07/08/06

<sup>9</sup> Rev. 04/16/12, effective 05/07/12

<sup>10</sup> Rev. 09/28/81

<sup>11</sup> 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.<sup>12</sup>
- 7.02.05 Child care center conducted in a church, place of worship or municipal building.<sup>13,14</sup>
- 7.02.06 Reserved<sup>15</sup>
- 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 child care homes and group child care homes located in a residence.<sup>16, 17</sup>
- 7.02.12<sup>18</sup>
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>19</sup>
- 7.02.13<sup>20</sup> 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.

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<sup>12</sup> Rev. 9/15/08, effective 10/05/08

<sup>13</sup> Rev. 12/04/89

<sup>14</sup> Rev. 11/06/23, effective 11/27/23

<sup>15</sup> Adopted 01/17/01, effective 02/06/01

<sup>16</sup> Rev. 12/04/89

<sup>17</sup> Rev. 11/06/23, effective 11/27/23

<sup>18</sup> Rev. 10/20/97, effective 11/11/97

<sup>19</sup> New 11/03/03, effective 11/28/03

<sup>20</sup> 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.<sup>21</sup>

7.03.01      Child care center or group 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.<sup>22, 23</sup>

7.03.02      Child care center or group child care home not 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.<sup>24, 25</sup>

7.03.03      Schools and<sup>26</sup> places of worship<sup>27</sup> in accordance with the requirements of Article II Section 1.00.02.

7.03.04      Adult day care center<sup>28</sup>

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 facilities<sup>29</sup>

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

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<sup>21</sup> Adopted 01/17/01, effective 02/06/01

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

<sup>23</sup> Rev. 11/06/23, effective 11/27/23

<sup>24</sup> Rev. 12/04/89

<sup>25</sup> Rev. 11/06/23, effective 11/27/23

<sup>26</sup> Rev. 9/15/08, effective 10/05/08

<sup>27</sup> Adopted 01/17/01, effective 02/06/01

<sup>28</sup> Rev. 12/04/89

<sup>29</sup> Rev. 10/20/97, effective 11/11/97

which are to be developed for single-family houses, duplex houses, and multi-family dwellings. No building permit shall be issued unless the proposed building or buildings are located on a lot or area so specified on the recorded plan of subdivision.

- (b) All roads which are proposed to become town-owned streets and all improvements which are constructed within public rights-of-way, or which are to be dedicated to the Town, shall be constructed in accordance with the Town of Manchester “Public Improvement Standards”<sup>30</sup> 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.

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<sup>30</sup> Rev. 03/17/97, effective 04/01/97



3. Not creating steep slopes by regrading.
  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 housing<sup>31</sup> shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, aesthetics, and soil stabilization.
- 1.<sup>32</sup> 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.<sup>33</sup> 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

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<sup>31</sup> Rev. 07/06/05, effective 07/29/05

<sup>32</sup> Amended 06/19/06, effective 07/08/06

<sup>33</sup> Amended 05/05/2014, effective 05/23/14

and/or sitting and observation areas are developed to provide access to the natural area. Recreation areas may be improved for active recreation suitable to residents' needs and may include playscapes, courts, swimming pools and similar uses or areas used for picnic tables, lawn furniture or barbecue stands and the like are suitable uses for passive recreation areas.

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"<sup>34</sup>;
  - 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"<sup>35</sup>.

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<sup>34</sup> Rev. 03/17/97, effective 04/01/97

<sup>35</sup> Rev. 03/17/97, effective 04/01/97

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.<sup>36</sup>

- (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<br>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.<sup>37 38</sup>
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:<sup>39</sup>

1. Sidewalks shall be provided on at least one side of all roadways and

<sup>36</sup> Rev. 10/02/89

<sup>37</sup> Rev. 07/06/05, effective 07/29/05

<sup>38</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>39</sup> Rev. 10/04/06, effective 10/25/06

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 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.<sup>40</sup>
- (b)<sup>41</sup> 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

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<sup>40</sup> Rev. 04/16/12, effective 05/07/12

<sup>41</sup> Rev. 04/20/98, effective 05/12/98

or private street

- |    |                                      |                                  |
|----|--------------------------------------|----------------------------------|
| c. | Minimum separation between buildings | 20 feet (side)<br>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).<sup>42</sup>

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	

<sup>42</sup> Rev. 05/07/84

	<u>STC</u>	<u>IIC</u>
3. Floor/ceiling between dwelling units and 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

7.05.01<sup>43</sup> 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".

7.05.02<sup>44</sup> The Preliminary Plan shall be in accordance with the Article I Section 4.02 and Section 4.03.01 of these regulations.

7.05.03<sup>45</sup> 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"<sup>46</sup>. 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,

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<sup>43</sup> Rev. 05/16/11, effective 06/13/11

<sup>44</sup> Rev. 05/16/11, effective 06/13/11

<sup>45</sup> Rev. 05/16/11, effective 06/13/11

<sup>46</sup> Rev. 03/17/97, effective 04/01/97

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 4.05.01 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.<sup>47</sup> 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.<sup>48</sup>
- 7.05.03 (c)<sup>49</sup> 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.
- 7.05.04<sup>50</sup> 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.

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<sup>47</sup> Rev. 10/03/12, effective 10/19/12

<sup>48</sup> Rev. 05/16/11, effective 06/13/11

<sup>49</sup> New 03/19/18, effective 04/05/18

<sup>50</sup> Rev. 06/03/13, effective 06/21/13

7.05.05 Control of issue of Certificates of Occupancy:

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.<sup>51</sup>
- (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.<sup>52</sup>

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.

7.06<sup>53</sup> 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.

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<sup>51</sup> Rev. 06/03/13, effective 06/21/13

<sup>52</sup> Rev. 05/16/11, effective 06/13/11

<sup>53</sup> New 03/19/18, effective 04/05/18



## ARTICLE II      ZONING USES

### Section 8                      COMPREHENSIVE URBAN DEVELOPMENT ZONE<sup>1</sup>

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#### 8.01              Purpose

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

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

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

#### 8.02              Permitted Uses

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

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

8.02.02              Personal service shops.

8.02.03              Office, including professional.

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

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

8.02.06              Hotel, motel.

8.02.07              Radio and television broadcasting studio.

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

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

8.02.10              Research and development facilities, data processing and laboratories.

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

- 8.02.11 Medical clinic, hospitals, medical offices.
- 8.02.12 Telecommunications services and facilities.
- 8.02.13 Accessory uses.
- 8.02.14 Family child care homes and group child care homes located in a residence.<sup>2, 3</sup>
- 8.02.15<sup>4</sup>
- (a) Wireless telecommunication antennas located on buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) All wireless telecommunications facilities shall be in accordance with the requirements of Article IV, Section 19.<sup>5</sup>
- 8.02.16<sup>6</sup> Elderly Housing Development as permitted in Article II, Section 20.
- 8.02.17<sup>7</sup> Gasoline Service Stations incidental to, operated by, and located on the same lot as a wholesale or retail store in excess of 100,000 square feet, subject to the following:
- (a) Such uses shall be limited to the sale of motor vehicle fuels (including gasoline, diesel, ethanol, and bio-fuels) and incidental automotive products, and shall not include automotive repairs.
  - (b) Such uses shall be exempt from (i) the requirements set forth in Article IV, Section 5.
  - (c) Approval by the Commission for such use shall operate as a certificate of approval of the location for such use.
  - (d) No Gasoline Service Station building shall be closer than 200 feet to any residential dwelling.
  - (e) No gasoline pumps may be located closer than 25 feet to any lot line.
- 8.02.18 Accessory use of yards, walkways and parking lots as allowed under Article II

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

<sup>3</sup> Rev. 11/06/23, effective 11/27/23

<sup>4</sup> Rev. 10/20/97, effective 11/11/97

<sup>5</sup> New 11/03/03, effective 11/28/03

<sup>6</sup> Rev. 04/20/98, effective 05/12/98

<sup>7</sup> Rev. 01/21/09, effective 2/11/09

Sections 9.13.02, 9.13.03 and 9.13.04.<sup>8</sup>

### 8.03 Special Exceptions

Certain uses are deemed appropriate in the "CUD" zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission (unless authorization by the Zoning Board of Appeals is designated) after a public hearing. Special exception uses shall be subject to the provisions of the Special Exception Criteria in Article IV, Section 20.<sup>9</sup>

8.03.01<sup>10 11</sup> All uses which include development on a site which is four (4) acres or larger in size.<sup>12</sup>

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

8.03.03<sup>13</sup> All uses which require loading docks or bays in excess of seven (7).

8.03.04<sup>14</sup> Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

1. The aggregate of all building ground floor commercial uses shall not be less than 50% of the total ground floor uses for all buildings on the site
2. Building Height:<sup>15</sup>
  - i. Maximum fifty (50) feet. Minimum height shall be 30' (minimum of two stories of residential use).
  - ii. Maximum sixty (60) feet (maximum of five stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 100,000 square feet.
  - iii. Maximum eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet.
3. Open Space: Open space on the site shall be provided for the use of residences as well as for the benefit and use of all users of the site. The following open space for the entire property shall be provided as follows.

<sup>8</sup> New 02/13/17, effective 03/01/17

<sup>9</sup> Rev. 11/03/03, effective 11/28/03

<sup>10</sup> Rev. 7/21/14, effective 8/1/14

<sup>11</sup> Rev. 07/06/16, effective 07/20/16

<sup>12</sup> Rev. 11/03/03, effective 11/28/03

<sup>13</sup> New 06/06/22, effective 06/27/22

<sup>14</sup> New 02/13/17, effective 03/01/17

<sup>15</sup> 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.<sup>16</sup>
  - 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

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<sup>16</sup> 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.<sup>17</sup>

8.03.07 Banquet Hall<sup>18</sup>

8.03.08 Conference Center<sup>19</sup>

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

<sup>18</sup> New 05/20/19, effective 06/07/19

- 8.03.09 Places of worship and schools. Child care centers and group child care homes 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.<sup>20, 21</sup>
- 8.03.10<sup>22</sup> Industrial and technical uses with a principal character of light industrial including the manufacture and/or treatment of finished and semi-finished products from 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.
- 8.03.11<sup>23</sup> 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.
- 8.03.12<sup>24</sup> 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.

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

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

<sup>21</sup> Rev. 11/06/23, effective 11/27/23

<sup>22</sup> New 08/17/2020, effective 09/01/2020

<sup>23</sup> New 12/13/2021, effective 01/03/2022

<sup>24</sup> New 12/13/2021, effective 01/03/2022

- (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.

8.03.13<sup>25</sup> The following land uses may be permitted by special exception in a "CUD" zone with approval of the Zoning Board of Appeals:

- (a) Carnivals and circuses in accordance with Article IV, Section 16.<sup>26</sup>

- (b) Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.<sup>27</sup>

- (c) Child care center or group child care home not located in a residence<sup>28</sup>

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 10. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1. <sup>29</sup>

- (d) Signage associated with electric vehicle charging stations in accordance with the provisions of Article IV, Section 24.02.<sup>30</sup>

#### 8.04 Minimum "CUD" Zone Area

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

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

#### 8.05 Site Development Criteria

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<sup>25</sup> Rev. 08/05/02, effective 08/30/02

<sup>26</sup> Rev. 05/16/11, effective 06/13/11

<sup>27</sup> Rev. 12/04/89

<sup>28</sup> Rev. 11/06/23, effective 11/27/23

<sup>29</sup> Rev. 12/04/89

<sup>30</sup> 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"<sup>31</sup> whether or not subdivision approval is required.
- 8.05.02 All developments shall have:
- (a) public sanitary sewer;
  - (b) public water supply;
  - (c) electric power installed in accordance with the Town of Manchester "Public Improvement Standards"<sup>32</sup>;
  - (d) telephone service installed in accordance with the Town of Manchester "Public Improvement Standards"<sup>33</sup>.
- 8.05.03 Area, Height & Bulk:
- (a) Development in a "CUD" zone shall be in accordance with the criteria shown in Table II 8-1;
- 8.05.04 Parking:
- All parking shall be in accordance with Article IV Section 9.
- 8.05.05 Landscaping:<sup>34</sup>
- (a) Street trees at a minimum rate of one tree for every 50 feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three inch caliper measured at 12 inches above ground, and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.
  - (b) Bufferyards of sufficient width and with adequate treatment to screen existing or approved residential uses from nonresidential uses shall be provided. Such landscaping shall screen residential uses from visual intrusion of other uses, mitigate noise generated from other uses, and provide separation between residential and nonresidential uses. Bufferyards necessary for required screening shall not be included in the open space ratio unless specifically approved by the Commission. At a minimum bufferyards shall be 30 feet wide but they may be widened or narrowed subject to the approval of the Commission depending upon the amount and type of landscaping treatment in

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<sup>31</sup> Rev. 03/17/97, effective 04/01/97

<sup>32</sup> Rev. 03/17/97, effective 04/01/97

<sup>33</sup> Rev. 03/17/97, effective 04/01/97

<sup>34</sup> 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.<sup>35</sup>

8.05.07 Minimum Setback Along Arterial and Collector Streets:

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

8.05.08 Design Review Criteria: <sup>36</sup>

The following design review criteria will be used by the Commission in determining whether the proposed land uses meet the purpose and intent of the regulation as set forth in sections 8.01.01 and 8.01.02:<sup>37</sup>

1. The various land uses and proposed building locations shall achieve a convenient proximity to encourage pedestrian travel and a compatible relationship of uses both inside the applicant's project site and to other existing or approved adjacent buildings.
2. The site plan shall demonstrate that safe and convenient vehicular access shall

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<sup>35</sup> Rev. 05/16/11, effective 06/13/11

<sup>36</sup> Rev. 07/20/87

<sup>37</sup> 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 Requirements<sup>38</sup>

8.06.01 A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.<sup>39</sup>

8.07 Use Variances

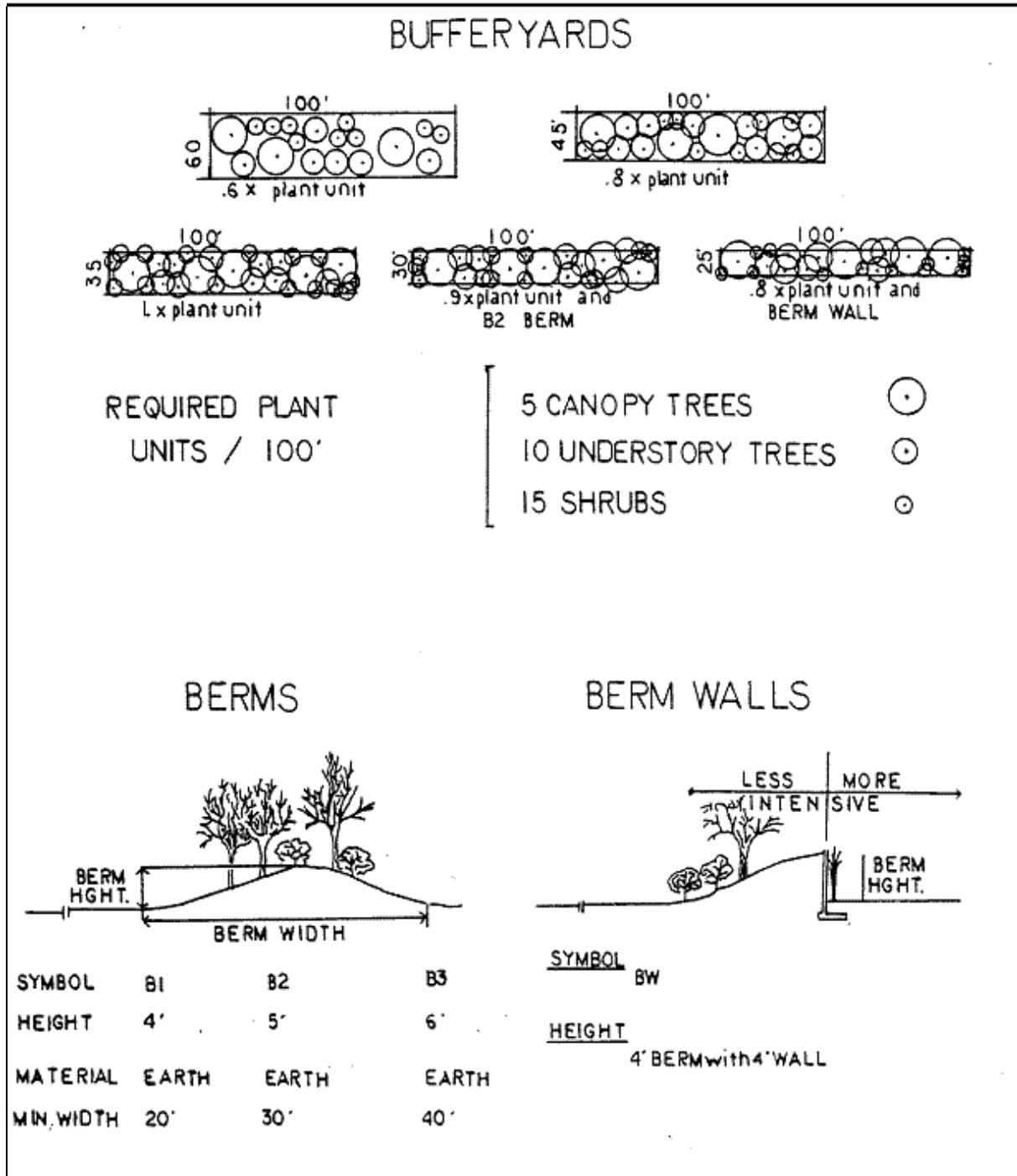
The Zoning Board of Appeals shall not be permitted to grant use variances in the Comprehensive Urban Development zone.

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<sup>38</sup> Rev. 06/03/13, effective 06/21/13

<sup>39</sup> 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 <sup>34</sup> , Schools, Medical Clinic, Land Sales/Construction facility, Carnivals and Circuses, Indoor and Outdoor Recreation facilities	60	.5	.10	25	15	25
Office & Motel/Hotel	70	1.0	.20	30	15	15
Public, quasi-public, and utility buildings, structures, and uses	no limit	.50	none	30	15	15
research/data processing and development facilities and laboratories	50	.40	.10	30	15	15
Multi-family dwellings <sup>35</sup>	As provided in Art II Sec 8.03.03	.30	As provided in Article II Section 8.03.03	40	15	15
Telecommunications services and facilities	40	.40	10	40	15	15
Elderly Housing Development <sup>36</sup>	as permitted in Article II, Section 20					
Gasoline Sales <sup>37</sup>	30	.40	.10	60	25	30
<p>* Height in feet shall not include roof mounted equipment or their enclosures, mechanical, mechanical penthouses, or other non-habitable floor area.</p> <p>** Does not include structures used solely for vehicle parking.</p>			<p>*** No parking in any front yards</p> <p>**** 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.</p> <p>***** 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.</p>			

<sup>34</sup> Adopted 01/17/01, effective 01/06/01

<sup>35</sup> Rev. 02/13/17, effective 03/01/17

<sup>36</sup> Rev. 04/20/98, effective 05/12/98

<sup>37</sup> Rev. 01/21/09, effective 2/11/09



## ARTICLE II      ZONING USES

### Section 9

### GENERAL REQUIREMENTS FOR BUSINESS ZONES<sup>1</sup>

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

9.01            Uses

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

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

9.02            Compliance with Zoning

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

9.03            Building Permits

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

9.04            Provision of Public Improvements

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

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

9.05            Noise Abatement

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

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<sup>1</sup> adopted 05/03/99, effective 06/07/99

9.06        Yard Requirements When Abutting Residential Zones

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

9.07        Residential Zone Screening

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

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

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

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

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

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

9.08        Yard and Building Lighting

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<sup>2</sup> Rev. 10/04/06, effective 10/25/06



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

9.09      Access to Premises

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

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

9.10      Automobile Parking

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

9.11      Alcoholic Liquor Sales

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

9.12      Public Sanitary Sewer and Water

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

9.13      Accessory Uses

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

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

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<sup>3</sup> Rev. 07/06/16, effective 07/20/16

<sup>4</sup> Rev. 01/17/18, effective 02/02/18

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

9.13.02<sup>7</sup> Walkways may be used for the sale and display of merchandise by business tenants of properties in business zones provided the location of the displays does not impede pedestrian movement by maintaining a minimum 5-foot clear pathway.<sup>8</sup>

9.13.03<sup>9</sup> Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in a business zone, provided the vendor has the permission of the property owner, obtains a vending permit from the Town of Manchester, and meets the following requirements:

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

9.13.04<sup>10</sup> Yards, walkways, or parking lots may be used by business tenants of a business zoned property or vendors for seasonal or special sales for a period not to exceed a total of 24 days annually, provided the tenant or vendor has the permission of the property owner and locates the display and sales area in a manner that does not impede traffic flow, and provides for the safe movement of pedestrians. Vendors who are not tenants will also need to obtain a Town of Manchester Vendor Permit.

#### 9.14 Special Exception Uses

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

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<sup>5</sup> Adopted 02/17/21, effective 03/10/21

<sup>6</sup> Adopted 10/03/22, effective 10/24/22

<sup>7</sup> Rev. 07/06/16, effective 07/20/16

<sup>8</sup> Rev. 10/03/22, effective 10/24/22

<sup>9</sup> Rev. 07/06/16, effective 07/20/16

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

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9.14.02<sup>11 12</sup> The following uses shall require special exception approval from the Planning and Zoning Commission unless approval is required from the Zoning Board of Appeals:

- (a) All uses which include development on a site which is four (4) acres or larger in size.<sup>13</sup>
- (b) All uses which require automobile parking spaces in excess of 60.
- (c) All uses which require loading docks or bays in excess of seven (7).<sup>14</sup>
- (d) Outside storage of merchandise, or other use of an open lot, shall require the area of storage or use to be developed in a manner required for parking lots in conformance with Article IV, Section 9, except that a fully bermed landscaped border not less than eight feet wide shall be constructed along all sides of any lot which abuts a public street.
- (e) Wireless telecommunication facilities in accordance with the provisions of Article IV, Section 19.
- (f) Ground-mounted solar energy systems that exceed 600 sq. ft.<sup>15</sup>

9.14.03 Multi-family historic mill conversion special exception

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

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<sup>11</sup> Rev. 7/21/14, effective 8/1/14

<sup>12</sup> Rev. 07/06/16, effective 07/20/16

<sup>13</sup> Rev. 11/03/03, effective 11/28/03

<sup>14</sup> Rev. 06/06/22, effective 06/27/22

<sup>15</sup> Rev. 01/17/18, effective 02/02/18

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.

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

9.14.03 (b) Criteria for Approval of the Special Exception

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

1. An historic mill structure within the Town of Manchester shall have previously been recognized by the United State Department of Interior and/or the office of State Historic Preservation of the State of Connecticut, or is recognized by the Town of Manchester in its General Plan of Development as a historic mill structure.
2. The proposed plan of development shows a more appropriate and beneficial use of the land and structure thereon.
3. The proposed use shall be compatible with the character of the neighborhood.
4. The proposed use shall allow the land and structures thereon to retain the historic qualities which allow the Town to maintain a significant reference to its past.
5. This special exception shall apply to only those historic structures as herein defined containing 10,000 square feet or more of useable space.
6. The Commission shall further consider the basic design of the proposed use, buildings or development; the relationship between the buildings and the land; the relationship between the use and between buildings or structures; the overall physical appearance of the proposed use, building or development; and its subsequent compatibility with surrounding development and the neighborhood.
7. The Commission shall also consider the type, size and intensity of the proposed use and compatibility with the adopted town Plan of Development, adjacent zones, and the neighborhood.
8. This special exception shall apply only to a multi-family use and may or may not be deemed appropriate at every or any location therein or

without restrictions or conditions being imposed. The Commission may impose reasonable conditions by reason of the natural location and incidence of the use. In addition to the standards imposed in any referenced section of these regulations as to this particular use, the applicant must comply with these additional conditions as they may apply to the specific use proposed:

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

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

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

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

9.14.03 (c) Building Rehabilitation Criteria

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

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

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

9.14.03 (d) Site Development Criteria

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

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

#### 1. Required Lot/Site Area

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

#### 2. Height

- A. Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities including but not limited to radio and television antennae, air conditioners, ventilation, solar heating and elevator systems.
- B. New principal buildings shall not exceed the height of existing principal buildings adjacent to the new building or 40 feet, whichever is lower, provided the height complies favorably with the intent as set forth in this zone.
- C. New accessory buildings shall not exceed 18 feet in height.

#### 3. Minimum Yards

- A. The minimum front yard and side yard requirements abutting public streets for new buildings shall be the same as the greatest existing front or side yard dimension on adjacent properties. Additions to existing buildings shall not encroach into those existing yard dimensions.
- B. The minimum requirement for all other side yards shall be fifteen feet or 60 percent of height of the principle building which ever is greater.
- C. The minimum requirement for all rear yards shall be 30 feet.

#### 4. Site Development Requirements of the Multi-Family Structure

- A. Residential unit minimum floor area

Units in a multi-family dwelling:

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

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

C. Laundry facilities

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

5. Sidewalks and Curbs

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

6. Site Drainage

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

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

7. Roadways, Driveways

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

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

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

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

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



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

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

#### 8. Vehicle Parking, Off Street Parking and Loading

A. There shall be provided on the building site, one vehicle parking space for each studio or one-bedroom residential unit and 2 vehicle parking spaces for each residential unit with two or more bedrooms.<sup>16</sup>

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

#### USE

#### PARKING REQUIREMENTS

Multi-family Units

1 space per studio or one-bedroom unit; 2 spaces per unit with two or more bedrooms<sup>17</sup>

Elderly/handicapped

As required by Article II, Section 20.04.03 of these regulations.

B. Off-street vehicle parking requirements

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

<sup>16</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>17</sup> Rev. 11/15/2021, effective 12/06/2021

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 site development plan and provided the following requirements are met.

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

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

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

(1) Ingress and egress

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

(2) Walkways

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

(3) Screening and landscaping

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

and maintained on a year round basis.

(4) Lighting

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

(5) Collective provision

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

(6) Mixed occupancies and uses

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

(7) Joint use of off-street parking spaces

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

D. Off-street loading requirements

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

particular use of the development.

9. Fire Protection

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

10. Noise Abatement

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

11. Utilities

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

12. Proof of Land Interest/Restrictions

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

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

13. Landscaping, Screening and Site Preservation

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

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

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

E. Screening for specific accessory uses and structures

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

F. Screening

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

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

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9.14.03 (e) Lighting

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

## 9.14.03 (f) Signs

## 1. Permitted Signs

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

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

- F. Signs on awnings shall be permitted provided that any sign so located shall be affixed flat to the surface thereof. No such sign shall extend vertically or horizontally beyond the limits of said awning or have a total area in excess of one-half a square foot for each lineal foot of the front on the awning. Such signs shall not be mechanical and shall not be illuminated.
- 2. Signs and identifications on buildings or building sites shall be as approved by the Commission. The design and color of signs shall be encouraged to be architecturally and historically appropriate to the building and of uniform design where appropriate.
- 3. Sign lighting by means of floodlighting or illumination as defined in Article IV, Section 13.04 shall be approved by the Commission. Light sources which cast light on signs shall be shielded so as not to be visible from off the property where they are located. Light sources and shields which are an integral part of the sign shall be subject to all regulations for the sign itself.
- 4. Signs, unless otherwise noted in this section or Article IV, Section 24.02, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a site development plan, may, in harmony with the provision of this section, require more stringent limitations for the permitted size, location and height provisions for a particular sign or group of signs. Signs may not revolve, simulate motion, flash, etc. Roof signs are not permitted. All projecting signs may extend a maximum of four feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign which extends over a walkway shall be at least seven feet above said walkway. All freestanding signs shall not extend beyond the property line of the lot on which they are located.<sup>18</sup>
- 5. Residential Signs
  - A. There shall be no more than one residential sign identifying the structure per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).
  - B. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not exceed 16 square feet. No wall-mounted sign shall project above the cornice line of the building on which it is located.

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<sup>18</sup> Rev. 02/17/21, effective 03/10/21



- C. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of four feet above grade and shall have a maximum size of 20 square feet. In lieu of a freestanding residential sign, a development that has a mixture of residential, commercial, and/or office uses shall be permitted to have a freestanding sign for identification purposes. Such sign shall not exceed a height of five feet above grade and shall have a maximum size of 25 square feet.
- D. A projecting residential sign shall have an area not exceeding 12 square feet.

9.14.03 (g) Application Procedure and Criteria<sup>19</sup>

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

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

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

<sup>19</sup> Rev. 11/03/03, effective 11/28/03

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

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

on which the proposed sign is to be located.

3. Subsequent to approval of the Preliminary Plan the applicant shall submit the Detailed Plans which shall be approved by the Commission prior to the issuance of a building permit. Such plans shall be in conformance with the approved Preliminary Plan of Development, these regulations, the subdivision regulations, and the "Public Improvement Standards". An application for approval of a Detailed Plan shall include the following:<sup>20</sup>

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

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

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

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

- C. Building Plan - a plan indicating:

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

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

- (2) exterior building elevations showing the building finish materials and colors.
- D. The Commission may require additional maps, plans, perspective drawings and other relevant documents and information deemed necessary. A traffic report regarding existing traffic conditions and projected traffic generation shall be required, or a certification shall be provided from a licensed traffic engineer stating that traffic conditions have not changed from the date of approval of the Preliminary Plan of Development.
- 4. Simultaneous with the filing of the Detailed Plan, the applicant when appropriate shall file a report containing any findings which concern the discovery of any archaeological resources. This report shall include but not be limited to descriptions of the items discovered, and the proposed means of preserving the items.<sup>21</sup>
  - A. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
    - (1) Archaeological resources are generally defined as objects, ruins and structures of prehistoric, historic and industrial significance.
    - (2) If archaeological resources are discovered on the subject site, the developer shall allow the State of Connecticut Historic Preservation Office to make an on-site inspection of the discovery in order to assess the discovery and the effect that development may have on the site.
    - (3) The developer shall cooperate with the State Historic Preservation Office and shall, upon its request, provide the office with all information pertinent to a complete archaeological assessment of the subject site.

9.14.03 (h) Application Review Process

Preliminary Consideration

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

9.14.03 (i) Financial Guarantee Requirements<sup>22</sup>

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<sup>21</sup> Rev. 05/16/11, effective 06/13/11

<sup>22</sup> Rev. 06/03/13, effective 06/21/13

1. A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.<sup>23</sup>

9.14.03 (j) Control of Issue of Certificates of Occupancy

1. The issue of Certificates of Occupancy shall not be allowed until:
  - A. All public improvements covered by the financial guarantee have been completed to the satisfaction of the Director of Public Works.<sup>24</sup>
  - B. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the director of public works, and
  - C. All recreational facilities shown on the approved Detailed Plan are installed.<sup>25</sup>
2. The issue of Certificates of Occupancy in a multi-family project shall be limited to 80 percent of the dwelling units contained therein until those conditions as set forth in Section 9.14.03(j)1.A., B., and C are satisfied.

9.14.03 (k) Affordable Housing

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

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

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

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<sup>23</sup> Rev. 06/03/13, effective 06/21/13

<sup>24</sup> Rev. 06/03/13, effective 06/21/13

<sup>25</sup> Rev. 05/16/11, effective 06/13/11

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

9.14.04<sup>26</sup> (a) Special Requirements for schools and places of worship

1. New facilities shall be located<sup>27</sup> only on streets designated arterial or collector streets in the Plan of Conservation and Development.
2. Vehicle parking shall be in accordance with the requirements set forth in Article IV Section 9.
3. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. Mechanical equipment, dumpsters and other unsightly places shall be screened by the use of walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.
4. Schools and places of worship shall screen adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening.

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

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

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

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<sup>26</sup> Rev. 9/15/08, effective 10/05/08

<sup>27</sup> Rev. 10/20/09, effective 11/11/09

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

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

The Commission may waive all or any requirements in this section or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or that such screening is not feasible and not necessary due to site configuration or location.<sup>28</sup>

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

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<sup>28</sup> Rev. 12/7/20, effective 12/21/20

listed above.

9.14.05<sup>29</sup> Multi-family hotel/motel conversion special exception

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

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

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

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<sup>29</sup> Rev. 07/07/21, effective 08/01/21



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

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

unit.<sup>30</sup>

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

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<sup>30</sup> Rev. 11/15/2021, effective 12/06/2021

12. Lighting: All flood lighting and all other types of lighting which are intended to illuminate the buildings, parking areas or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises or cause a nuisance from excessive glare.
  13. Recreation areas: An area equal to not less than 20% of the gross floor area on the site shall be developed for usable recreation area(s) for either active or passive recreation purposes. Not less than 50% of the minimum required recreation areas shall consist of outdoor areas or facilities. Indoor facilities may include, without limitation, a clubhouse, community room or fitness center. Outdoor areas shall be improved with grass or pavers or may be left in a natural state, or may be improved for active recreational purposes, such as walking paths, playscapes, courts and swimming pools, or similar areas used for picnic tables, lawn furniture, fire pits or barbeque stands.
- (d) Application procedure and criteria:
1. The applicant shall file an application for a multi-family hotel/motel conversion special exception, and a Preliminary Plan of Development, for all of the property located within the proposed multi-family conversion special exception site. The Preliminary Plan shall include the information set forth in Article I, Sections 4.02 and 4.03.04 of these regulations. The Commission shall hold a public hearing on the application as provided by the Connecticut General Statutes.
  2. A Detailed Site Development Plan shall be approved by the Commission prior to the issuance of a building permit. Such plan shall be in conformance with the Preliminary Plan and Article I, Section 4.04 of these regulations.
  3. The applicant can choose to combine the Preliminary and Detailed Plan into a single submission. In instances of a combined Preliminary and Detailed Plan, the applicant can request a waiver from the Director of Planning to eliminate duplicative application requirements.



## ARTICLE II      ZONING USES

### Section 10              BUSINESS I ZONE

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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.

10.01.05<sup>1</sup>          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) <sup>2</sup> 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.

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<sup>1</sup> Rev. 1/20/10, effective 2/10/10

<sup>2</sup> 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.<sup>3</sup>
- 10.01.08 Family child care homes and group child care homes located in a residence.<sup>4, 5</sup>
- 10.01.09<sup>6</sup> (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>7</sup>
- 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.<sup>8</sup>
- 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

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<sup>3</sup> Rev. 10/14/85

<sup>4</sup> Rev. 12/04/89

<sup>5</sup> Rev. 11/06/23, effective 11/27/23

<sup>6</sup> Rev. 10/20/97, effective 11/11/97

<sup>7</sup> New 11/03/03, effective 11/28/03

<sup>8</sup> Rev. 02/17/99, effective 03/11/99

- 10.04.01<sup>9</sup> 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) <sup>10</sup> 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.<sup>11</sup>
- 10.04.04 Adult day care center<sup>12</sup>
- 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 care center or group child care home not located in a residence <sup>13, 14</sup>
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.
- 10.04.06<sup>15</sup> Alcoholic liquor sales under a restaurant permit for beer only, restaurant permit for

<sup>9</sup> Rev. 1/20/10, effective 2/10/10

<sup>10</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>11</sup> Rev. 01/26/81

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

<sup>13</sup> Rev. 12/04/89

<sup>14</sup> Rev. 11/06/23, effective 11/27/23

<sup>15</sup> Rev. 02/17/99, effective 03/11/99

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.

10.04.07<sup>16</sup> Outdoor entertainment provided that:

- (a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;
- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;

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<sup>16</sup> 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

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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.<sup>1</sup>

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 child care homes and group child care homes located in a residence.<sup>2, 3</sup>

11.02              Special Exception Uses

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<sup>1</sup> Rev. 10/03/22, effective 10/24/22

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

<sup>3</sup> Rev. 11/06/23, effective 11/27/23

- 11.02.01<sup>4</sup>     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.<sup>5</sup>
- 11.02.03     As of January 25, 1972, group dwellings may not be built in Business II zones but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.
- 11.02.04     Reserved<sup>6</sup>
- 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.<sup>7</sup>
- 11.02.07     Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.<sup>8</sup>
- 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.<sup>9</sup>
- 11.02.09     Child care center or group child care home not located in a residence<sup>10</sup>
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.<sup>11</sup>

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<sup>4</sup> Rev. 05/07/12, effective 05/30/12

<sup>5</sup> Rev. 05/07/12, effective 05/30/12

<sup>6</sup> Rev. 04/20/98, effective 05/12/98

<sup>7</sup> Rev. 01/26/81

<sup>8</sup> Rev. 10/02/89

<sup>9</sup> Rev. 12/04/89

<sup>10</sup> Rev. 11/06/23, effective 11/27/23

<sup>11</sup> Rev. 12/04/89

11.02.10<sup>12</sup> Schools<sup>13</sup> and places of worship may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

11.02.11<sup>14</sup> 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) <sup>15</sup> The number of parking spaces required for residential uses shall be as follows:

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

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

(d) Public water and sewer shall be provided.

11.02.12<sup>16</sup> Outdoor entertainment provided that:

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

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

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

### 11.03 Use Provisions

<sup>12</sup> Rev. 9/15/08, effective 10/05/08

<sup>13</sup> Rev. 03/17/97, effective 04/01/97

<sup>14</sup> New 1/20/10, effective 2/10/10

<sup>15</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>16</sup> 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

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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 child care homes and group child care homes located in a residence. <sup>1, 2</sup>

12.02              Special Exception Uses

12.02.01<sup>3</sup>              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.<sup>4</sup>

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              Reserved<sup>5</sup>

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

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<sup>1</sup> Rev. 12/04/89

<sup>2</sup> Rev. 11/06/23, effective 11/27/23

<sup>3</sup> Rev. 05/07/12, effective 05/30/12

<sup>4</sup> Rev. 05/07/12, effective 05/30/12

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

Article II, Section 2.02.13.<sup>6</sup>

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.<sup>7</sup>

12.02.08 Child care center or group child care home not located in a residence<sup>8</sup>

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.<sup>9</sup>

12.02.09 Schools<sup>10</sup> and places of worship<sup>11</sup> may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

12.02.10<sup>12</sup> 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) <sup>13</sup> 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.

12.02.11<sup>14</sup> Outdoor entertainment provided that:

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<sup>6</sup> Rev. 01/26/81

<sup>7</sup> Rev. 12/04/89

<sup>8</sup> Rev. 11/06/23, effective 11/27/23

<sup>9</sup> Rev. 12/04/89

<sup>10</sup> Rev. 11/23/96

<sup>11</sup> Rev. 9/15/08, effective 10/05/08

<sup>12</sup> New 1/20/10, effective 2/10/10

<sup>13</sup> 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 <sup>15</sup>
Maximum stories in building	3
Maximum height of principal building	40 feet
Maximum height of accessory building or structure	18 feet

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<sup>14</sup> New 02/13/17, effective 03/01/17

<sup>15</sup> Rev. 10/02/89



**ARTICLE II      ZONING USES**

Section 13      RESERVED

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RESERVED SPACE FOR FUTURE SECTION



## ARTICLE II      ZONING USES

### Section 14              BUSINESS V ZONE

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

The uses allowed in a Business V zone are by virtue of being permitted uses or special exception 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.

#### 14.01              Permitted Uses

14.01.01<sup>1</sup>      Retail Sales including department stores and shopping centers, hotels, restaurants and personal service except the following:

- Amusement arcades
- Dance halls
- Contractor's plant or storage yard
- Coal, coke and lumber yards
- Livery stables
- Milk bottling and distribution
- Residential uses
- Scrap paper, iron, bottles, rags operations
- Stone cutting and monument works
- Wholesale storage
- Uses set forth in Article II, Section 21 of these regulations<sup>2</sup>
- Any manufacture, processing or storage which is not clearly incidental to the conduct of a retail business conducted on the premises.

14.01.02      Public parks and playgrounds

14.01.03      Municipal facilities, buildings and structures

14.01.04      Public utility buildings and structures

14.01.05      Tennis and badminton courts, skating rinks and health and recreation clubs.

14.01.06<sup>3</sup>      (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.

(b) Wireless telecommunications sites where the antenna is mounted to existing

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<sup>1</sup> Rev. 05/07/12, effective 05/30/12

<sup>2</sup> Rev. 08/16/82

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

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.<sup>4</sup>

14.01.07<sup>5</sup> Alcoholic liquor sales subject to the provisions of Article IV, Section 8, of these regulations.

14.02 Special Exceptions

14.02.01<sup>6</sup> Automobile sales – new and /or used

In accordance with requirements set forth in Article IV, Section 5 of these regulations.

14.02.02 Automobile repair, service garage or shop

In accordance with requirements set forth in Article IV, Section 5 of these regulations.

14.02.03 Gasoline service station

In accordance with requirements as set forth in Article IV, Section 5 of these regulations.

14.02.04 Automobile wash establishments

In accordance with requirements set forth in Article IV, Section 5 of these regulations.<sup>7</sup>

14.02.05<sup>8</sup> 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.

14.02.06<sup>9</sup> Outdoor entertainment provided that:

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

- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no

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

<sup>5</sup> Rev. 11/21/11, effective 12/07/11

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

<sup>7</sup> Rev. 05/07/12, effective 05/30/12

<sup>8</sup> Rev. 06/20/11, effective 07/08/11

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

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.

14.03      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.

14.04      Height and Area

The height and area of all permitted uses shall be:

Minimum Front Yard	50 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	30 feet
Maximum Height	60 feet





## ARTICLE II      ZONING USES

### Section 15              CENTRAL BUSINESS DISTRICT<sup>1</sup>

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#### 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<sup>2, 3</sup>
- a) Retail uses to include shops where articles are made or repaired and sold at retail on the premises.
  - b) Personal services and personal service shops.
  - c) Restaurants, brewpub/restaurants<sup>4</sup>, brewpubs, breweries,<sup>5</sup> cafes, taverns and grills.<sup>6</sup>
  - 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

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<sup>1</sup> Revised July 9, 2003, effective 7/29/2003

<sup>2</sup> Revised November 17, 2003, effective 12/6/2003

<sup>3</sup> Revised 7/20/09, effective 8/8/09

<sup>4</sup> Revised 01/21/15, effective 02/13/15

<sup>5</sup> Revised 8/13/18, effective 8/20/18

<sup>6</sup> 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 child care homes and group child care homes located in a residence.<sup>7, 8</sup>
- 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)<sup>9</sup> above shall be in accordance with the requirements of Article IV, Section 19.<sup>10</sup>
- v) Seasonal vestibules subject to Article IV Section 23.<sup>11, 12</sup>

15.02<sup>13</sup> Special Exception Uses

15.02.01 Elderly Housing Development<sup>14</sup> 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.

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<sup>7</sup> Revised 07/02/07, effective 7/22, 2007

<sup>8</sup> Revised 11/06/23, effective 11/27/23

<sup>9</sup> Revised 07/02/07, effective 7/22, 2007

<sup>10</sup> New 11/03/03, effective 11/28/03

<sup>11</sup> New 2/5/18, effective 2/20/18

<sup>12</sup> Revised 10/03/22, effective 10/24/22

<sup>13</sup> Revised 07/02/07, effective 7/22, 2007

<sup>14</sup> 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.<sup>15</sup>

15.02.04<sup>16</sup> Outdoor entertainment provided that:

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

15.03 Use Provisions

All uses shall be subject to the following:

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

15.04<sup>17</sup> Building, Design and Parking Requirements

15.04.01<sup>18</sup> Maximum height of principal building - 75 feet

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

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

15.04.02<sup>19</sup> 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.<sup>20</sup> 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.

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<sup>15</sup> Rev. 01/26/81

<sup>16</sup> New 02/13/17, effective 03/01/17

<sup>17</sup> Revised 7/20/09, effective 8/8/09

<sup>18</sup> Revised 02/17/21, effective 03/10/21

<sup>19</sup> Revised 01/03/18, effective 01/19/18

<sup>20</sup> Revised 06/03/19, effective 06/21/19

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

15.04.03<sup>21</sup> 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<sup>22 23</sup> Automobile parking for all uses shall be subject to the requirements of Article IV, Section 9, of these regulations except that the availability of public spaces and shared or off-site parking shall be considered in meeting the parking requirements. Specific and appropriate shared off-street parking within the zone may be permitted in response to a particular development situation, only if a written agreement between the parties involved clearly stipulates the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

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

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

15.05<sup>24</sup> 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.

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<sup>21</sup> Revised 7/20/09, effective 8/8/09

<sup>22</sup> Revised 7/20/09, effective 8/8/09

<sup>23</sup> Revised 11/15/2021, effective 12/06/2021

<sup>24</sup> Revised 02/17/21, effective 03/10/21

## ARTICLE II ZONING USES

### Section 16

### INDUSTRIAL ZONE

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

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

#### 16.01 Preservation of Landscape - Site Preparation

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

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

16.02 *Reserved*

#### 16.03 Compliance with Zoning

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

#### 16.04 Building Permits

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

#### 16.05 Provision of Public Improvements

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

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

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

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

16.06 Residential Zone Screening

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

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

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

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

16.07 Noise Abatement

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

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

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

16.08 Yard and Building 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.

16.09 Automobile Parking<sup>3</sup>

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

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

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

16.10 Access to Premises

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

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

16.11 Area, Height & Bulk of Principal Buildings and Structures

16.11.01 For permitted uses:

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

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

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

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

16.12<sup>8</sup> General Requirements

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

16.13 Permitted Uses<sup>9</sup>

Subject to the provisions of 16.06 of this section and Article II, Section 21 of these regulations the following industrial, commercial and technical uses are permitted as a principal use:

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

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

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

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

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

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



- (a) Light industrial uses.<sup>10</sup>
- (b) Manufacturing, processing and assembly of materials, compounding, treatment and similar uses.<sup>11</sup>
- (c) Wholesale trade and storage.
- (d) Warehousing
- (e) Construction including building and special trade contractors.
- (f) Business service offices such as advertising, credit reporting and collection, mailing, reproduction, and stenographic services, computer and data processing services.
- (g) Engineering and management services such as engineering and architectural services, accounting and auditing, research, testing and management and public relations.
- (h) Corporate headquarters and/or offices associated with business or industry otherwise permitted in the Industrial zone.
- (i) Public utility buildings, structures and uses.<sup>12</sup>
- (j) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.<sup>13</sup>
- (k) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.<sup>14</sup>
- (l) Radio and television broadcasting studios,<sup>15</sup> or studios for audio or video production, recording, editing or related activities.<sup>16</sup>
- (m) All facilities described in (k) and (l) above shall be in accordance with the requirements of Article IV, Section 19.
- (n) Restaurant<sup>17</sup>

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

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

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

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

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

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

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

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

- (o) Tennis and badminton courts - indoor and outdoor, including club and spectator facilities.<sup>18</sup>
- (p) Skating rinks - indoor and outdoor, including club and spectator facilities.<sup>19</sup>
- (q) Health and recreation facilities and clubs – indoor and outdoor.<sup>20</sup>
- (r) Hotel and motel with not less than 16 rentable sleeping accommodations. Hotels and motels may include one or more of the following facilities if developed as a complex on a lot of single ownership:<sup>21</sup>
  - 1. Restaurant
  - 2. Banquet hall
- (s) Golf driving ranges - indoor and outdoor, including related facilities. All greens and fairways shall be located so that golf balls will not be played into residential premises.<sup>22</sup>
- (t) Miniature golf and/or batting cages - indoor and outdoor, including related facilities.<sup>23</sup>
- (u) Self storage facilities<sup>24</sup>
- (v) Brewery, brewpub and brewpub/restaurant<sup>25</sup>
- (w) The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture<sup>26</sup>, and Hydroponics.<sup>27</sup>
- (x) Distillery, Craft Café<sup>28</sup>

16.14      Retail Sales Restriction

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

16.15      Special Exception Uses

Certain uses are deemed appropriate in industrial zones but not at every or any

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

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

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

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

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

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

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

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

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

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

<sup>28</sup> Rev. 08/21/23, effective 09/11/23

location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission or by the Zoning Board of Appeals as designated after a public hearing and a finding that the use is appropriate at the proposed location. Said Commission or Board may impose reasonable safe-guarding conditions on any special exception use by reason of the nature, location and incidence of the particular use. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.<sup>29</sup>

16.15.01<sup>30</sup> Uses set forth in 16.15.01 shall require approval from the Zoning Board of Appeals after a public hearing.

(a) Carnivals and circuses

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

(b)<sup>31</sup> Day care centers

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

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

16.15.02<sup>32</sup> Uses set forth in 16.15.02 shall require approval from the Planning and Zoning Commission after a public hearing.

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

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

(c) All uses which require loading docks or bays in excess of seven (7).<sup>33</sup>

(d) Schools<sup>34</sup> and places of worship<sup>35</sup> may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

(e) School bus parking<sup>36</sup>

<sup>29</sup> Rev. 11/03/03, effective 11/28/03

<sup>30</sup> Rev. 02/20/13; effective 03/18/13

<sup>31</sup> Rev. 12/04/89

<sup>32</sup> Rev. 02/20/13; effective 03/18/13

<sup>33</sup> Rev. 06/06/22; effective 06/27/22

<sup>34</sup> Rev. 11/23/96

<sup>35</sup> Rev. 09/15/08, effective 10/05/08

<sup>36</sup> Rev. 10/04/06, effective 10/25/06

Before approving a use of school bus parking, the Planning and Zoning Commission shall find that the use will not cause traffic congestion in the streets, traffic hazards or nuisance to residential areas.

Special requirements for school bus parking use:

The minimum lot size shall be three acres.

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

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

- (f) Multi-family historic mill conversion in accordance with the requirements of Article II, Section 9.14.03.<sup>37</sup>
- (g) Wireless telecommunications sites in accordance with the provisions of Article IV, Section 19.<sup>38</sup>
- (h) Heavy industrial uses<sup>39</sup>
- (i) Adult-Oriented Establishments<sup>40</sup>

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

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

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<sup>37</sup> Rev. 10/02/89

<sup>38</sup> Rev. 10/20/97, effective 11/11/97

<sup>39</sup> New 3/01/04, effective 3/20/04

<sup>40</sup> Adopted 9/06/2006, effective 9/14/2006

5. No adult-oriented establishments shall be located within 500 feet of any residentially used or zoned lot or parcel.
  6. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult oriented establishment is located to the nearest point of the parcel or property from which the adult-oriented establishment is to be separated.
  7. No building may contain more than one adult-oriented establishment.
  8. No adult-oriented establishment shall be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities or specified anatomical areas, nor the display of any adult material, from any public way.
  9. Every adult-oriented establishment shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.
  10. The operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate everyplace to which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (j) Bulk oil storage - in accordance with the requirements set forth in Article IV, Section 5.03.03, of these regulations.<sup>41</sup>
- (k)<sup>42</sup> Automobile sales - in accordance with the requirements set forth in Article IV, Section 5, of these regulations and subject to the following additional special requirements:

<sup>41</sup> Rev. 05/07/12, effective 05/30/12

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

1. The coverage of land by buildings shall not exceed 60 % of the lot area.
2. There shall be a landscaped border not less than eight feet in width containing appropriate evergreen trees or appropriate evergreen species spaced at four feet intervals, not less than four feet high at the time of planting along all side and rear lot lines.<sup>43</sup>
3. The Planning and Zoning Commission may modify the requirements of paragraph (2) if it finds that existing foliage or natural conditions are sufficient to constitute a screen or for any other good reason.
4. Notwithstanding the nature of use, the front yard shall be landscaped sufficiently to provide a pleasing appearance.

(l)<sup>44</sup> Automobile repair and service garage or shop

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

(m)<sup>45</sup> Banquet Hall

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

(n)<sup>46</sup> Outdoor entertainment under a permitted Banquet Hall use provided that:

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

(o)<sup>47</sup> Cannabis cultivator or micro-cultivator provided that:

- (a) No cannabis establishment shall be located within 500 feet of the

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<sup>43</sup> Rev. 10/04/06, effective 10/25/06

<sup>44</sup> Rev. 05/07/12, effective 05/30/12

<sup>45</sup> New 05/01/17, effective 05/17/17

<sup>46</sup> New 05/01/17, effective 05/17/17

<sup>47</sup> New 12/13/2021, effective 01/03/2022

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.

#### 16.16 Accessory Uses

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

- (a) Vehicle parking in accordance with Article IV, Section 9.
- (b) Garages
- (c) Maintenance buildings
- (d) Radio Antennae
- (e) Signs in accordance with Article IV, Section 13.
- (f) Child day care centers in accordance with Article IV, Section 10.01.03 through 10.01.06. As an accessory use, a child care center shall only enroll children of employees or provide day care services for the tenants or clients of the principal use.<sup>48</sup>
- (g)<sup>49</sup> The sale of alcoholic beverages indoors in specially permitted recreation facilities under a restaurant permit, café permit or club permit as defined by Connecticut Statutes. Any such facility serving alcoholic beverages shall have parking spaces as required under Article IV Section 9 of these regulations relating to the area of customer service or assembly for restaurants and shall comply with the applicable requirements of Article IV Section 8 of these regulations.
- (h) Accessory Outdoor Storage of Materials or Products provided that:<sup>50</sup>
  - 1. No materials, supplies or equipment (including trash removal facilities) shall be stored within a front yard.
  - 2. No materials, supplies or equipment (including trash removal facilities) shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials acceptable to the Director of the Planning Department and Chairman of the Planning and

<sup>48</sup> Rev. 12/04/89

<sup>49</sup> Rev. 4/21/08, effective 5/15/08

<sup>50</sup> New 02/20/13; effective 03/18/13

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

3. The area of storage must be developed in manner required for parking lots in conformance with Article IV Section 9.
- (i)<sup>51</sup> Walkways may be used for the sale and display of merchandise by business tenants of properties in the Industrial zone provided the location of the displays does not impede pedestrian movement by maintaining a minimum 4-foot clear pathway.
- (j)<sup>52</sup> Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in an Industrial zone, provided the vendor has the permission of the property owner, obtains a vending permit from the Town of Manchester, and meets the following requirements:
1. Vendors may not obstruct sidewalks, impede traffic, or create a traffic hazard.
  2. All items offered for sale shall be maintained within the tent, booth, cart or vehicle designated for such purpose, and signs must be on or inside the tent, booth, cart, or vehicle.
  3. All vendor tents, booths, carts, vehicles or any appurtenant structures must be self-contained as far as water, sanitary or other facilities and no connections to such facilities shall otherwise be permitted.
  4. All vendor tents, booths, carts, vehicles, or any appurtenant structures shall be removed from the property when the vendor is not in operation. The operation of any such business at any location shall not be conducted before 7:00 a.m. or after 9:00 p.m. on any day.
- (k)<sup>53</sup> Yards, walkways, or parking lots may be used by business tenants of an Industrial zoned property or vendors for seasonal or special sales for a period not to exceed a total of 24 days annually, provided the tenant or vendor has the permission of the property owner and locates the display and sales area in a manner that does not impede traffic flow, and provides for the safe movement of pedestrians. Vendors who are not tenants will also need to obtain a Town of Manchester Vendor Permit.
- (l) Solar Energy Systems in accordance with Article IV, Section 6.<sup>54</sup>

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<sup>51</sup> Rev. 07/06/16, effective 07/20/16

<sup>52</sup> Rev. 07/06/16, effective 07/20/16

<sup>53</sup> Rev. 07/06/16, effective 07/20/16

<sup>54</sup> Rev. 01/17/18, effective 02/02/18



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**16.17      Prohibited Uses**

The following processes and uses are specifically prohibited:

- (a) Residential use except as provided in Article II, Section 16.15.02 (e).<sup>55</sup>
- (b) Gasoline service stations.<sup>56</sup>
- (c) Ammonia, chlorine or bleaching powder manufacture.
- (d) Explosives manufacture and storage.
- (e) Sulphurous, nitric, picric, carbolic or hydrochloric acids manufacture.
- (f) Gas manufacture.
- (g) Fat rendering in the manufacture of tallow, grease and oils.
- (h) Iron, copper, tin, zinc and lead smelting.
- (i) Refining and recovery of products from fish, animal refuse or offal.
- (j) Fertilizer manufacture except in connection with the operation of sewage disposal plants.
- (k) Any other trade, industry, process or use that is injurious, noxious, offensive or hazardous by reason of emission, of odor, dust, fumes, smoke, or other pollutants, noise and vibration.

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<sup>55</sup> Rev. 02/20/13; effective 03/18/13

<sup>56</sup> Rev. 02/20/13; effective 03/18/13



## ARTICLE II      ZONING USES

### Section 17              OFF STREET PARKING ZONE

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- 17.00              The purpose of such a zone is to permit off-street parking facilities to be established adjacent to business and industrial uses without permitting those uses to extend into the parking zone, to act as a buffer strip between residence zones and business and industrial zones where off-street parking is desirable and made available, and to reduce the congestion in the streets.
- 17.01              In an off-street parking zone, no building shall hereinafter be erected or altered, and no land shall be used, except for the following uses:
- 17.01.01              The outdoor or outside parking of motor vehicles of customers, visitors and employees of the uses conducted upon the premises adjacent to the zone, and for which the parking use is appurtenant.
- 17.01.02              The outdoor or outside loading and unloading of goods, supplies, merchandise, equipment or products to be used, sold, made or processed upon the premises which the zone abuts, and for which the parking use is appurtenant.
- 17.01.03              Accessory uses may include necessary traffic directional signs not exceeding two square feet each in area, necessary lighting fixtures for illuminating the parking area, provided that the source of light for any part of the premises, or any sign thereon, is suitably shaded and so arranged that the lighting facilities will neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic, and one shelter for an attendant which is not larger than 50 square feet, nor higher than eight feet, outside dimensions. Flashing lights are prohibited. One free-standing identification sign, situated at or near each entrance, will be permitted, provided that no portion of the same is higher than eight feet above ground level and no dimension thereof exceeds four feet.
- 17.01.04              There shall be no visible display of waste, trash or scrap, nor open storage of any material of any kind in this zone.
- 17.01.05              There shall be a landscaped buffer strip consisting of a solid screen of evergreens at least four feet in height at the time of occupancy, or a solid fence at least five feet in the height along each boundary line which abuts or faces a residential zone. Such buffer strip or fence shall be suitably and neatly maintained by the owner and/or lessee, and/or occupant at all times.
- 17.01.06              All areas used for parking and driveways within the zone, except the buffer strip and any other planting strip, shall be provided with a dust free, all weather surface, and all areas shall provide a method of discharging storm water runoff which has been approved by the department of public works.
- 17.01.07              The perimeter of all parking areas which abut any required buffer strip, another property line or a street line shall be provided with wheel or bumper guards, so situated, designed and maintained, that no part of any vehicle parked therein will extend beyond the zone or street line or into the buffer strip. The Planning and

Zoning Commission may also require guards or fences within the area for the regulation of traffic and the alignment of parked vehicles or for either purpose.

- 17.02 Before a Certificate of Occupancy shall be issued by the zoning enforcement officer for the use of any land within the zone, an application for a Certificate of Occupancy shall be made to the Commission showing:
- 17.02.01 The size and shape of the land within the zone, drawn to scale 1" = 40', and the size, shape and location of each sign, the proposed method of discharging storm water runoff, and size, shape and location of each building upon the premises, for which the parking use is appurtenant.
- 17.02.02 The area and location to be used for customer, visitor and employee parking and for loading and unloading.
- 17.02.03 That the location and width of all access and service drives connecting with the principal traffic street or streets are located and designed so as not to create or result in unsafe or hazardous movement of vehicles and pedestrians to, from and within the zone.
- 17.02.04 The existing and proposed finished grades sufficient to indicate surface flow within the parking area and method of grade connection to streets and abutting properties.
- 17.02.05 The location and size of all buffer strips, signs, the attendant's shelter, the area to be paved, the type and location of wheel or bumper guards and the height and location of all lighting fixtures, a plan for the movement of vehicles and pedestrians to within and from the area, the location and size of all traffic directional signs, and the size and location of all entrances and exits.
- 17.02.06 The location of all traffic lights or other traffic directional devices, if needed, provided they are approved by the town traffic authority and State Traffic Commission. The installation of all traffic lights and other traffic directional devices shall be the responsibility of the owner(s) of the property involved.
- 17.03 If the application for a Certificate of Occupancy complies with Section 17.02, and the location, width, design and plan of access and service drives, the movement of vehicles and pedestrian traffic, and the finished grades are reasonable and safe in the opinion of the town traffic authority, and the storm water drainage discharge has been approved by the department of public works, the Commission shall approve the application and a Certificate of Occupancy shall be issued after completion, provided that the entire project is in conformity with the application for a Certificate of Occupancy, as finally approved.
- 17.04 An application for a Certificate of Occupancy may be amended by the Commission upon the filing of a new or amended application before completion of the work.
- 17.05 Any change in the layout or completed work or use which is different from the approved application for Certificate of Occupancy shall be cause for the zoning

enforcement officer to revoke the Certificate of Occupancy, or to take any other method authorized by law to remedy or enforce any violation thereof.

- 17.06 It shall be a violation of the Zoning Regulations to use any land situated in an off-street parking zone without first having obtained a Certificate of Occupancy therefore or a violation of these regulations to use any land situated in an off-street parking zone not in accordance with the Certificate of Occupancy as approved by the Commission.
- 17.07 The Commission may permit a temporary Certificate of Occupancy to be issued where circumstances amounting to a hardship may prevent or hinder an applicant from completing all of the work which would be required by the Certificate of Occupancy as finally approved. No temporary Certificate will be issued before the Commission has approved an application for a Certificate of Occupancy which meets all requirements of this section of the Zoning Regulations in all other respects, except that all of the work need not have been completed. In lieu of the completion of all the work, the Commission may accept a financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.<sup>1</sup>
- 17.08 The application for a Certificate of Occupancy required by Section 17.02, hereof, or any amendment thereto, shall be considered to be a part of any Certificate of Occupancy approved by the Commission.
- 17.09 Special Exception Uses
- 17.09.01 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.

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<sup>1</sup> Rev. 06/03/13, effective 06/21/13



## ARTICLE II      ZONING USES

### Section 18              HISTORIC ZONE<sup>1</sup>

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#### 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.<sup>2</sup>

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.<sup>3</sup>

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 Uses<sup>4</sup>

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

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<sup>1</sup> Rev. 06/02/2003, effective 06/25/2003

<sup>2</sup> Rev. 09/18/89

<sup>3</sup> Rev. 09/18/89

<sup>4</sup> 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:<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup>

18.02.05 Museum; theater; cultural and/or social community facility; art gallery; place of worship.<sup>8 9</sup>

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.

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<sup>5</sup> Revised 05/16/11, effective 06/13/11

<sup>6</sup> Rev. 09/18/89

<sup>7</sup> Rev. 04/20/98, effective 05/12/98

<sup>8</sup> Rev. 12/21/92

<sup>9</sup> 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 inns<sup>10</sup>; 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;<sup>11</sup> and electric vehicle charging stations in accordance with Article IV, Section 24.<sup>12</sup>

18.02.11 Single-family dwellings in the Silk Mill area<sup>13</sup> existing as of October 2, 1989 may continue to be utilized on lots conforming to the following minimum requirements:<sup>14</sup>

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 child care homes and group child care homes located in a residence.<sup>15, 16</sup>

- 18.02.14<sup>17</sup>
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
  - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
  - (c) 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.

<sup>10</sup> Rev. 10/17/94, effective 11/08/94

<sup>11</sup> Rev. 01/17/18, effective 02/02/18

<sup>12</sup> Rev. 01/19/22; effective 02/09/22

<sup>13</sup> Rev. 10/17/94, effective 11/08/94

<sup>14</sup> Rev. 09/18/89

<sup>15</sup> Rev. 12/04/89

<sup>16</sup> Rev. 11/06/23, effective 11/27/23

<sup>17</sup> 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.<sup>18</sup>

18.02.15<sup>19</sup> 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.<sup>20</sup>

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/restaurant<sup>21</sup>:

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.

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<sup>18</sup> New 11/03/03, effective 11/28/03

<sup>19</sup> Rev. 11/21/11, effective 12/07/11

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

<sup>21</sup> 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 brewpubs<sup>22</sup>

(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 care centers and group child care homes not located in a residence shall meet the requirements of Article IV, Section 10.<sup>23, 24</sup>

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).<sup>25</sup>

18.03.07<sup>26</sup> 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.

<sup>22</sup> Rev. 07/18/16, effective 07/29/16

<sup>23</sup> Rev. 12/04/89

<sup>24</sup> Rev. 11/06/23, effective 11/27/23

<sup>25</sup> Rev. 12/04/89

<sup>26</sup> 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.

18.03.08<sup>27</sup> 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 Criteria<sup>28</sup>

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.

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<sup>27</sup> New 5/2/16, effective 5/18/16

<sup>28</sup> 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.<sup>29</sup>

- (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.<sup>30</sup>

#### (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

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<sup>29</sup> Rev. 09/18/89

<sup>30</sup> 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.<sup>31</sup>

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.

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<sup>31</sup> 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.<sup>32</sup>

(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 <sup>33</sup>
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 <sup>34</sup>
Educational	10 per classroom
Cultural/social community facility	1 space per 250 gross square feet or 1 per each 3 seats whichever is greater

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<sup>32</sup> Rev. 5/2/16, effective 5/18/16

<sup>33</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>34</sup> 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 <sup>35</sup>	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 <sup>36</sup>	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

<sup>35</sup> Rev. 10/17/94, effective 11/8/94

<sup>36</sup> 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.<sup>37</sup>
- (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”<sup>38</sup> 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.<sup>39</sup>
- (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

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<sup>37</sup> Revised 05/16/11, effective 06/13/11

<sup>38</sup> Rev. 03/17/97, effective 04/01/97

<sup>39</sup> 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 sites<sup>40</sup>:

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

<sup>40</sup> 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.<sup>41</sup>

(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

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<sup>41</sup> 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.<sup>42</sup>
- (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

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<sup>42</sup> 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.<sup>43</sup>

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-family<sup>44</sup> 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

<sup>43</sup> Rev. 09/17/90

<sup>44</sup> 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.<sup>45</sup>

(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.<sup>46</sup> 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.<sup>47</sup>

(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.<sup>48</sup>

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<sup>45</sup> Revised 05/16/11, effective 06/13/11

<sup>46</sup> Revised 10/03/12, effective 10/19/12

<sup>47</sup> Rev. 05/16/11, effective 06/13/11

<sup>48</sup> 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:<sup>49</sup>

## (a) Criteria for special exception application:

The Commission shall give particular attention to the following characteristics of the proposed use and the Detailed Plan:<sup>50</sup>

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-

<sup>49</sup> Rev. 11/03/03, effective 11/28/03

<sup>50</sup> 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.<sup>51</sup>

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

18.06.05 Financial Guarantee Requirements<sup>52</sup>

A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.<sup>53</sup>

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

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<sup>51</sup>Rev. 05/16/11, effective 06/13/11

<sup>52</sup> Rev. 06/03/13, effective 06/21/13

<sup>53</sup>Rev. 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 <sup>54</sup>	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 child care homes and group child care homes located in a residence <sup>55</sup>	18.02.13	P	P
Alcoholic Liquor Sales <sup>56</sup>	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 <sup>57</sup>	18.03.01 (c)	S	
Industrial establishments	18.03.02	S	
Breweries and Brewpubs <sup>58</sup>	18.03.02 (a)	S	
Child care centers and group child care homes not located in a residence <sup>59</sup>	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 <sup>60</sup>	18.03.08		S

P = Permitted: Detailed Plan approval required.<sup>61</sup>S = Special Exception: public hearing and Detailed Plan approval required.<sup>62</sup><sup>54</sup> Rev. 04/20/98, effective 05/12/98<sup>55</sup> Rev. 11/06/23, effective 11/27/23<sup>56</sup> Rev. 11/21/11, effective 12/07/11<sup>57</sup> Rev. 1/21/15, effective 2/13/15<sup>58</sup> Rev. 07/18/16, effective 07/29/16<sup>59</sup> Rev. 11/06/23, effective 11/27/23<sup>60</sup> Rev. 5/2/16, effective 5/18/16<sup>61</sup> Revised 05/16/11, effective 06/13/11<sup>62</sup> Revised 05/16/11, effective 06/13/11

## ARTICLE II      ZONING USES

### Section 19              FLOOD PLAIN ZONE<sup>1</sup>

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#### 19.01              Statutory Authorization, Findings of Fact, and Purpose

19.01.01          Statutory Authorization: The Legislature of the State of Connecticut has in Section 8-2 of the Connecticut General Statutes delegated the responsibility to zoning commissions to adopt regulations designed to protect the public health, safety, convenience and property values and to secure safety from flood. Therefore, the Commission does ordain as follows:

#### 19.01.02          Findings of fact:

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

19.01.03          Statement of purpose: It is the purpose of this section to protect the public health, safety, convenience and property values and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) to protect human life and health;
- (b) to minimize expenditure of public money for costly flood control projects;
- (c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) to minimize prolonged business interruptions;
- (e) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special hazards;
- (f) to help maintain a stable tax base by providing for the reuse and development of areas of special flood hazard so as to minimize future flood blight areas;

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<sup>1</sup> Rev. 9/15/2008, effective 9/24/2008

- (g) to ensure that potential buyers have access to information that would identify whether property is in an area of special flood hazard; and
- (h) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

19.01.04      Methods of reducing flood losses: In order to accomplish its purposes, this section includes methods and provisions for:

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

19.02      Definitions

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

- A    Adversely affects shall mean that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

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

- B    Base Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).



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

Basement means any area of the building having its floor below ground level on all sides.

Building – see definition for “Structure”.

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

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

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

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

F Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).

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

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland waters, and/or
2. the unusual and rapid accumulation or runoff of surface waters of any source.

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

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

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

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

Historic Structure means any structure that is:

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

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

M Manufactured Home Park or Subdivision means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value means market value of the structure shall be determined by the cost approach.

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

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

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a

minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of August 16, 1982, of the flood plain management regulation adopted by the community.

- R Recreational Vehicle means a vehicle which is 1) built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- S Special Flood Hazard Area (SFHA) means the land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

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

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

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

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value as determined by the cost approach to value the structure either

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

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

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

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

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

### 19.03 General Provisions

19.03.01 This section shall apply to all areas of special flood hazard within the jurisdiction of the Commission.

19.03.02 The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Hartford County, Connecticut" dated September 26, 2008, with accompanying "Flood Insurance Rate Maps" and other supporting data and any revision thereto are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into the regulation it

must take precedence when more restrictive until such time as a map amendment is obtained. The Flood Insurance Study is on file in the office of the town clerk and the office of the planning department in Manchester, Connecticut.

- 19.03.03 No structure or land within the areas of special flood hazard shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section.
- 19.03.04 Where this section and another regulation, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 19.03.05 In the interpretation and application of this section all provisions shall be considered as minimum requirements and deemed neither to limit nor repeal any other powers granted under the Connecticut General Statutes.
- 19.03.06 The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas create liability on the part of the Town of Manchester or any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.
- 19.03.07 The Flood Plain zone is intended to overlay existing zoning designations. All uses which are permitted in the existing underlying zoning classifications are intended to remain as permitted uses subject to the restrictions and requirements in this section.
- 19.03.08 Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.
- 19.04 Administration
- 19.04.01<sup>2</sup> Development Permit: A development permit shall be obtained from the zoning enforcement officer after the approval of the Detailed Site Development Plan (Detailed Plan) by the Commission and before construction or development begins within any area of special flood hazard as defined in paragraph 19.03.02.

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<sup>2</sup> Revised 05/16/11, effective 06/13/11

Application for Detailed Plan approval shall be made on forms furnished by the Commission and be in accordance with Article I Section 4.04 and Section 4.05.04.

- 19.04.02<sup>3</sup> The Commission shall approve, modify and approve, or deny Detailed Plan application within the Flood Plain zone in accordance with the provisions of this section. In making such decisions, the Commission's duties shall include:
- (a) Plan Review: Review all Detailed Plan applications required by this section:
    - 1. to determine that the requirements of this section have been satisfied;
    - 2. to assure that all necessary permits have been obtained from those federal, or state governmental agencies from which prior approval is required;
    - 3. to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard;
    - 4. to determine if plans for walls to be used to enclose space below the base flood level are in accordance with paragraph 19.05;
    - 5. to determine whether proposed building sites will be reasonably safe from flooding.
  - (b) Maintain for public inspection all records pertaining to the provisions of this section.
  - (c) Notify adjacent communities and the Connecticut Department of Environmental Protection prior to any decision by the Commission regarding the alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (d) Assure that the flood carrying capacity within an altered or relocated portion of a watercourse is maintained.
  - (e) Maintain the flood proofing certifications required by paragraph 19.04.01 (c) for all non-residential, new or substantially improved flood proofed structures.
- 19.04.03 The zoning enforcement officer shall:
- (a) Issue development permits in accordance with Detailed Plans approved by the Commission;<sup>4</sup>
  - (b) Obtain (or require an applicant for a building permit to obtain) and record the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;

<sup>3</sup> Revised 05/16/11, effective 06/13/11

<sup>4</sup> Revised 05/16/11, effective 06/13/11

- (c) Verify (or require an applicant for a building permit to verify) and record the actual elevation, in relation to mean sea level, of all new or substantially improved flood proofed structures;
- (d) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards;
- (e) Issue a Certificate of Compliance upon completion of development in accordance with the permit and the recording of data required by Sections 19.04.03 (b) and (c). A copy of the certificate shall be provided to the Commission.

19.04.04 Variance procedures:

- (a) In hearing and passing upon any application for a variance from the requirements of this section, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other paragraphs of this section, and:
  - 1. the danger that materials may be swept onto other lands to the injury of others;
  - 2. the danger to life and property due to flooding or erosion damage;
  - 3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. the importance of the services provided by the proposed facility to the community;
  - 5. the necessity to the facility of a waterfront location, where applicable;
  - 6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - 7. the compatibility of the proposed use with existing and anticipated development;
  - 8. the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
  - 9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effect of wave action, if applicable, expected at the site; and
  - 11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base



flood level, providing paragraph 19.04.04 (a) has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance shall increase.

- (c) Variances shall be issued only upon:
  1. A determination that the variance is the minimum necessary considering the flood hazard to afford relief;
  2. A showing of good and sufficient cause; and
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public as identified in paragraph 19.04.04 (a) or conflict with existing local laws or ordinances.
- (d) Variances shall not be issued by the Zoning Board of Appeals within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result from the activity from which the variance is requested.
- (e) The Zoning Board of Appeals shall maintain the records of all appeal actions and shall report any variances to the Federal Emergency Management Agency upon request.
- (f) An applicant to whom a variance of this section is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## 19.05 Provisions for Flood Hazard Reduction

19.05.01 In all areas of special flood hazards the following standards are required:

- (a) Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (b) Construction materials and methods:
  1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
  2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  3. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

4. Electrical, heating, plumbing, ventilation and other mechanical systems and service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the system or any of its components during conditions of flooding.

(c) Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

(d) Trailers (Manufactured Homes):

All trailers (Manufactured Homes) as permitted in Article II, Section 21 or used as a temporary office on construction sites shall be elevated so that the lowest floor is above the base flood elevation. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include but not be limited to the use of over the top or frame ties to ground anchors.

- (e) Recreational Vehicles placed on sites within Zones A-1-30, AH and AE shall either 1) be on the site for fewer than 180 consecutive days; 2) be fully licensed and ready for highway use; or 3) meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" of Section 19.05.01(d).

19.05.02 In all areas of special flood hazards where base flood elevation data has been provided as set forth in paragraph 19.03.02 the following standards are required:

- (a) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
- (b) New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor (including

basement) elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. be designed so that below the base flood level the structure is water tight with wall substantially impermeable to the passage of water;
  2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  3. be certified by a registered professional engineer or registered architect that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification shall be provided to the Commission as set forth in paragraph 19.04.01 (c).
- (c) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

Designs for complying with this requirement must either be certified by a professional engineer or architect and meet the following minimum criteria:

- 1) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 2) the bottom of all openings shall be no higher than one foot above grade; and
  - 3) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (d) Pursuant to Section 19.04.02(b) of these regulations, in special flood hazard area Zone A where base flood elevations have been determined but before a floodway is designated, no new development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

The Town may request of the applicant floodway data and adopt a regulatory floodway pursuant to that data. The regulatory floodway shall be based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

19.05.03 Located within areas of special flood hazard are areas designated as floodways on the Flood Insurance Rate Map or as determined in 19.04.02 (b). Since the

floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other development within the floodway, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (b) If paragraph 19.05.03 (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of paragraph 19.05.

19.05.04     Portion of Structures in Flood Zone – if any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

19.05.05     Structures in Two Flood Zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.

19.05.06     Compensatory Storage – The water holding capacity of the flood plain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the flood plain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

19.05.07     Equal Conveyance – Within the flood plain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not

result in any (0.00 feet) increase in flood levels base flood elevation. Work within the flood plain and the land adjacent to the flood plain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

#### 19.06 ENFORCEMENT

The zoning enforcement officer and the Commission shall maintain a record of the information regulations of the National Flood Insurance Program.

Each Flood Plain Permit shall authorize, as a condition of approval, the zoning enforcement officer or designated agents to make regular inspections of the subject property. The zoning enforcement officer or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.

If the zoning enforcement officer finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which is in violation of these regulations, the zoning enforcement officer shall:

- (a) Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either proceed to obtain a Flood Plain Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
- (b) Notify the Chief Building Inspector and request that any permit(s) in force be revoked or suspended and that a stop work order be issued.
- (c) The zoning enforcement officer may suspend or revoke a Flood Plain or Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the zoning enforcement officer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
- (d) Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Article V, Section 3 of the zoning regulations.
- (e) In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the zoning enforcement officer may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 19.03 of this regulation, or may direct the director of public works or appropriate agent to cause such work to be done and to place a lien against the property.

- (f) Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the zoning enforcement officer to the Zoning Board of Appeals, in accordance with Section 19.04.04 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the zoning enforcement officer was in error or unwarranted.
- (g) Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

## ARTICLE II      ZONING USES

### Section 20

### ELDERLY HOUSING DEVELOPMENT (EHD) ZONE<sup>1</sup>

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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.

(b<sup>2</sup>) 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.

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<sup>1</sup> Adopted 04/20/98, effective 05/12/98

<sup>2</sup> 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 care center may be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.<sup>3</sup>
11. Central service buildings or facilities for providing medical, social, health or personal services, or administrative and management functions.

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<sup>3</sup> Rev. 11/06/23, effective 11/27/23



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.<sup>4</sup>
  - 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.<sup>5</sup>
  - 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.<sup>6</sup>
- (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.

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<sup>4</sup> Amended 06/19/2006, effective 07/08/06

<sup>5</sup> Amended 06/19/2006, effective 07/08/06

<sup>6</sup> Amended 06/19/2006, effective 07/08/06

- (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

- (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.<sup>7</sup> 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

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<sup>7</sup> Amended 06/19/2006, effective 07/08/06

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. 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)<sup>8</sup> 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.

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<sup>8</sup> Amended 06/19/2006, effective 07/08/06

- (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.

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 driveways<sup>9</sup>

- (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”<sup>10</sup>. 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.<sup>11</sup>
- (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

<sup>9</sup> Rev. 10/04/06, effective 10/25/06  
<sup>10</sup> Rev. 03/17/97, effective 04/01/97  
<sup>11</sup> Rev. 10/02/89

7. No parking within these minimum widths or radii shall be permitted

20.05.04 Sidewalks and Pedestrian Paths<sup>12</sup>

- (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.<sup>13</sup>

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.

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. <sup>14</sup> 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

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<sup>12</sup> Rev. 10/04/06, effective 10/25/06

<sup>13</sup> Amended 06/19/2006, effective 07/08/06

of these regulations, the subdivision regulations and the Town of Manchester Public Improvement Standards as applicable.<sup>15</sup>

- 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.<sup>16</sup>
- 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.<sup>17</sup>
- 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.<sup>18</sup>
- 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.<sup>19</sup>

Affidavits stating the developer shall impose and enforce the required age restrictions for occupancy in the project and listing all services which will be provided to the occupants, and such restrictions shall be filed on the land records before a building permit is issued, and shall run with the land.

20.07 Financial Guarantee Requirements<sup>20</sup>

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

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<sup>14</sup> Rev. 11/03/03, effective 11/28/03

<sup>15</sup> Rev. 05/16/11, effective 06/13/11

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

<sup>17</sup> Rev. 05/16/11, effective 06/13/11

<sup>18</sup> Rev. 05/16/11, effective 06/13/11

<sup>19</sup> Rev. 05/16/11, effective 06/13/11

<sup>20</sup> Rev. 06/03/13, effective 06/21/13

required in accordance with Article IV Section 22 of these regulations.<sup>21</sup>

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.<sup>22</sup>
- (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.<sup>23</sup>

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 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.<sup>24</sup>

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

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

<sup>22</sup> Rev. 06/03/13, effective 06/21/13

<sup>23</sup> Rev. 05/16/11, effective 06/13/11

<sup>24</sup> Rev. 10/03/12, effective 10/19/12



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.<sup>25</sup>

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.

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<sup>25</sup> Rev. 05/16/11, effective 06/13/11



## ARTICLE II      ZONING USES

### <sup>1</sup>Section 21<sup>2</sup>      PROHIBITED USES

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- 21.01      The following uses of land and buildings are prohibited in any zone whether on public or private land:
- 21.01.01<sup>3</sup>      Parking of trailers for more than 24 hours when used for human occupancy, provided however, in the event that any dwelling unit is destroyed or rendered uninhabitable by reason of fire, flood or other casualty, the zoning enforcement officer may grant a permit for the use of trailers as emergency shelters for a period not exceeding 60 days. This period may be renewed by the zoning enforcement officer for two additional 30-day periods.
- 21.01.02      Commercial slaughter house, but the slaughter of livestock and poultry is permitted as an accessory use on farms in Rural Residence zone.
- 21.01.03      Rooming houses
- 21.01.04      Building or premises used for military training or drilling, with or without arms, unless such premises shall be declared by the chief of police to be safe and appropriate for such purpose.
- 21.01.05      No building shall be constructed or structurally altered in the front of, or moved to the front of, a dwelling situated on the same lot. These provisions shall not prevent the erection and occupancy of approved group dwellings.<sup>4</sup>
- 21.01.06      Outdoor drive-in theaters.

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<sup>1</sup> Rev. 08/16/82

<sup>2</sup> Rev. 04/20/98, effective 05/12/98

<sup>3</sup> Rev. 09/28/81

<sup>4</sup> Rev. 11/15/2021, effective 12/06/2021



## ARTICLE II ZONING USES

### Section 22 SPECIAL DESIGN COMMERCIAL BUSINESS ZONE<sup>1</sup>

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#### 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.
- 22.02.04<sup>2</sup> Restaurants which do not exceed 3,000 square feet of customer service area.
- 22.02.05 Municipal and public utility buildings and structures.
- 22.02.06<sup>3</sup> 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.
- 22.02.07<sup>4</sup> 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:

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<sup>1</sup> New: effective 06/25/99

<sup>2</sup> Rev. 11/16/09, effective 12/5/09

<sup>3</sup> Rev. 05/15/00, effective 06/03/00

<sup>4</sup> 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) <sup>5</sup> 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.

22.02.08<sup>6</sup> 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<sup>7</sup> 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.

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<sup>5</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>6</sup> New: effective 05/05/16

<sup>7</sup> New: effective 11/27/23

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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.
- 22.04.06<sup>8</sup> 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.
- 22.04.07<sup>9</sup> 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) <sup>10</sup> 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.
- 22.04.08<sup>11</sup> Health and recreation facilities which individually or in combination with other uses exceed 2,000 square feet on a site.
- 22.04.09<sup>12</sup> Outdoor entertainment provided that:
- (a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;

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<sup>8</sup> Rev. 05/15/00, effective 06/03/00

<sup>9</sup> New: effective 08/19/14

<sup>10</sup> Rev. 11/15/2021, effective 12/06/2021

<sup>11</sup> New: effective 05/05/16

<sup>12</sup> 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.

22.04.10<sup>13</sup> 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)<sup>14</sup> 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.

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<sup>13</sup> New 04/02/18, effective 04/18/18

<sup>14</sup> 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.<sup>15</sup>

22.08      Use Variances

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

22.09<sup>16</sup>      Automobile Related Uses

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

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<sup>15</sup>Rev. 05/16/11, effective 06/13/11

<sup>16</sup> Revised 4/19/2004, effective 5/8/2004

## ARTICLE II ZONING USES

### Section 23

### NEIGHBORHOOD BUSINESS ZONE<sup>1</sup>

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#### 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

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<sup>1</sup> 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.

23.01.05<sup>2</sup> 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) <sup>3</sup> 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.

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<sup>2</sup> Rev. 1/20/10, effective 2/10/10

<sup>3</sup> Rev. 11/15/2021, effective 12/06/2021

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- 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 child care homes and group child care homes located in a residence.<sup>4</sup>
- 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.<sup>5</sup>
- 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

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<sup>4</sup> Rev. 11/06/23, effective 11/27/23

<sup>5</sup> 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 care center or group child care home not located in a residence<sup>6</sup>

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.

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<sup>6</sup> Rev. 11/06/23, effective 11/27/23

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

23.04.07<sup>7</sup> 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) <sup>8</sup> 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.

<sup>7</sup> New 1/20/10, Effective 2/10/10

<sup>8</sup> Rev. 11/15/2021, effective 12/06/2021





## ARTICLE II ZONING USES

### Section 24

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

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#### 24.00 Purpose

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

#### 24.01 Permitted Uses

24.01.01 Retail Uses to include shops where articles are made or repaired and sold at retail on the premises, convenience stores.

24.01.02 Personal Services and personal service shops.

24.01.03 Office Uses

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

24.01.05 Restaurants, drive-in restaurants, taverns, grills.<sup>3</sup>

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.

24.01.15<sup>4, 5</sup> Family child care homes and group child care homes located in a residence.

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

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

<sup>3</sup> Rev. 10/03/22, effective 10/24/22

- 24.01.16<sup>6</sup> (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.
- 24.01.17 Brewpub/restaurant<sup>7</sup>
- 24.02 Special Exception Uses, subject to the requirements of the Special Exception Criteria of Article IV, Section 20
- 24.02.01 The following uses shall require special exception approval from the Planning and Zoning Commission:<sup>8</sup>
- (a) Bulk storage or warehouse and distribution for such commodities as food, furniture, hardware, and office supplies.
- (b) Light Industrial Facilities.
- (c) Self Storage Facilities.
- (d) Any permitted or special exception use which serves customers from drive through windows.
- (e) Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.
- (f) Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.
- (g) Schools and places of worship<sup>9</sup> may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.
- (h) Automobile sales - new and/or used.

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<sup>4</sup> Rev. 04/20/09, effective 05/10/2009

<sup>5</sup> Rev. 11/06/23, effective 11/27/23

<sup>6</sup> New 11/03/03, effective 11/28/03

<sup>7</sup> New 01/21/15, effective 02/13/15

<sup>8</sup> Rev. 05/07/12, effective 05/30/12

<sup>9</sup> Rev. 09/15/08, effective 10/05/08

Automobile repair and service garage or shop.

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

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

(i) Automobile wash establishment

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

(j)<sup>10</sup> Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

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

2. Building Height:

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

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

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

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

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

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

1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and

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<sup>10</sup> 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.<sup>11</sup>

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

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<sup>11</sup> Rev. 11/15/2021, effective 12/06/2021

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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)<sup>12</sup> Outdoor entertainment provided that:

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

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<sup>12</sup> 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)<sup>13</sup> Outdoor go-kart track, using either electric or gas go-karts, for rental by the public.

(m)<sup>14</sup> Multi-family hotel/motel conversion in accordance with the requirements of Article II, Section 9.14.05.

(n)<sup>15</sup> 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:<sup>16</sup>

(a) Adult day care center

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

(b) Child care center or group child care home not located in a residence<sup>17</sup>

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.

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<sup>13</sup> New 03/06/17, effective 03/23/17

<sup>14</sup> New 07/07/21, effective 08/01/21

<sup>15</sup> New 12/13/2021, effective 01/03/2022

<sup>16</sup> Rev. 05/07/12, effective 05/30/12

<sup>17</sup> Rev. 11/06/23, effective 11/27/23

24.02.03 Group dwellings may not be built in General Business zones but group dwellings lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.<sup>18</sup>

24.03 Use Provisions

All uses shall be subject to the following:

- (a) Article II, Section 9, of these regulations;
- (b) No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

24.04 Height, Stories and Area

Maximum stories in building	3
Maximum height of principal building	50 feet <sup>19</sup>
Maximum height of accessory building or structure	18 feet
Minimum front yard for permitted uses	25 feet
For height of residential buildings see section 24.02.01 j. <sup>20</sup>	

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<sup>18</sup> Rev. 09/19/16; effective 10/07/16

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

<sup>20</sup> Rev. 09/19/2016; effective 10/07/2016



## ARTICLE II      ZONING USES

### Section 25              DESIGN OVERLAY ZONE<sup>1</sup>

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#### 25.00              Purpose

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

#### 25.01              Applicability

25.01.01      The provisions of this section shall apply to the construction of new buildings, and changes and additions or alterations to existing buildings, and to new accessory structures or alterations or additions to existing accessory structures that are visible from the street. The repair or replacement of exterior materials or architectural features with the same materials or architectural features are not subject to these regulations.<sup>2</sup>

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

#### 25.02              General Standards for Rehabilitated or Altered Structures

25.02.01      The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

25.02.02      Deteriorated architectural features shall be repaired or replaced to the extent practical. In the event replacement is necessary, the new material should match the material being replaced in composition, design, and texture when feasible.

25.02.03      Design shall be generally compatible with size, scale, material, and character of the original structure and with the standards established in Article II, Section 25.03.

#### 25.03              General Standards for New Construction

25.03.01      Buildings should be built to a height compatible with existing adjacent buildings, and should be built with the same number of stories. The Commission may approve variations in height of buildings if it finds the variation can still meet the design review and general criteria.

25.03.02      The relationship of the building width to the height should be similar to and compatible with adjacent buildings as seen from the public street and publicly

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<sup>1</sup> New 06/20/05, effective 07/18/05

<sup>2</sup> Revised 09/18/06, effective 10/07/06

accessible areas. Structures designed so that their apparent horizontal and vertical scale reflects the scale of principal structures on the same block and on the block face across the street are preferred. The scale of a structure is (1) the apparent size and bulk of the structure and its components compared to the size of adjacent buildings and to the human scale and (2) the apparent size and bulk of the structure compared to the components of the facade. Discretion in scale is permitted with appropriate building massing.

- 25.03.03 The building or addition should be similar in form, complexity and ornamental detail to adjacent buildings. This assessment will be made against the dominant characteristics of buildings within the district.
- 25.03.04 The roofs of new buildings or additions which are visible from the public street and public areas should relate in pitch, shape and material to the roofs of existing adjacent buildings, and buildings within the district.
- 25.03.05 Entrances, porches, porticos, and other projections to be incorporated into new buildings should relate to the pattern of existing adjacent buildings and the street in such a manner as to reinforce the prevailing form.
- 25.03.06 Directional expression of facades should be compatible with that of existing adjacent buildings and buildings along the street within at least 250 feet. The dominant directional expression, either horizontal or vertical, is determined by the structural form of the building, the shapes of the openings (windows and doors) and architectural detailing and ornament.
- 25.03.07 The ratio of the width to the height of the buildings, windows and doors should relate to and be compatible with existing adjacent buildings where these features are visible from the street or public areas. Likewise, the relationship between the walls (e.g., solids) and voids (e.g., windows) should be compatible with adjacent buildings and buildings within the district.
- 25.03.08 The exterior facade materials for new developments should be compatible with and reinforce the prevailing building materials of adjacent buildings and the buildings along the street. Alternate materials may be used but should follow the prevailing directional expression (horizontal or vertical) of adjacent buildings.
- 25.03.09 The exterior facade materials for an addition or alteration or renovation should either be the same as the existing building, or a material that simulates the existing or compatible material. Alternative materials may be used if they are consistent with the prevailing building materials of buildings within the district.

#### 25.04 Application Requirements

##### 25.04.01 Approval Process<sup>3</sup>

If the proposed rehabilitation, alteration or new construction complies with the

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<sup>3</sup> Revised 09/18/06, effective 10/07/06

general standards established in the overlay zone, the plans will be reviewed and approved administratively. The Planning Director and the Planning and Zoning Commission Chair or their designees will review the development for compliance to these standards.

If the proposed rehabilitation, alteration, or new construction is found not to comply with the general standards by the Planning Director or the Planning and Zoning Commission Chair, the application will be referred to the full Planning and Zoning Commission for plan review. Also, an applicant may request a review before the full Planning and Zoning Commission instead of the administrative approval of the Planning Director and Planning and Zoning Commission Chair.

An application subject to this section shall include the following:

- (a) Site Plan – a plan having a scale of not less than 1" = 40' showing existing and proposed structures, existing and proposed driveway and sidewalk locations, existing and proposed vehicle parking areas with number of spaces, and existing and proposed landscaping including clearing limits for development impacting existing wooded areas.
- (b) Building Elevations – a plan drawn to scale showing existing and proposed elevations for all building facades. Existing and proposed materials, including composition and color, must be identified on all building elevations.
- (c) Other relevant information the applicant may wish to submit, or that the Director or Chair may request, to determine compliance with 25.02 above.
- (d) Any of the application requirements of (a),(b) and (c) above may be waived at the discretion of the Planning Director if the application requirement is not relevant to the specific proposal.



## **ARTICLE II      ZONING USES**

### **Section 26              FORM BASED ZONE<sup>1</sup>**

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#### **FORM-BASED ZONE REGULATIONS TABLE OF CONTENTS**

#### **SECTION 26 FORM-BASED ZONE (FBZ)<sup>2</sup>**

##### **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
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- 26.05.01 General Development and Design Principles
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- 26.06.01 Purpose and Intent
- 26.06.02 Allowed Types of Open Spaces
- 26.06.03 Open Space Requirements

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<sup>1</sup> Repealed and replaced with new version 06/15/2020; effective 07/03/2020

<sup>2</sup> New, 03/19/2012, effective 03/30/2012

Section 26.07 Off-Street Parking and Loading Standards

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- 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
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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

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## ARTICLE II

### SECTION 26 FORM-BASED ZONE (FBZ)

#### Section 26.01 General Purpose and Description

##### 26.01.01 Purpose and Intent

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

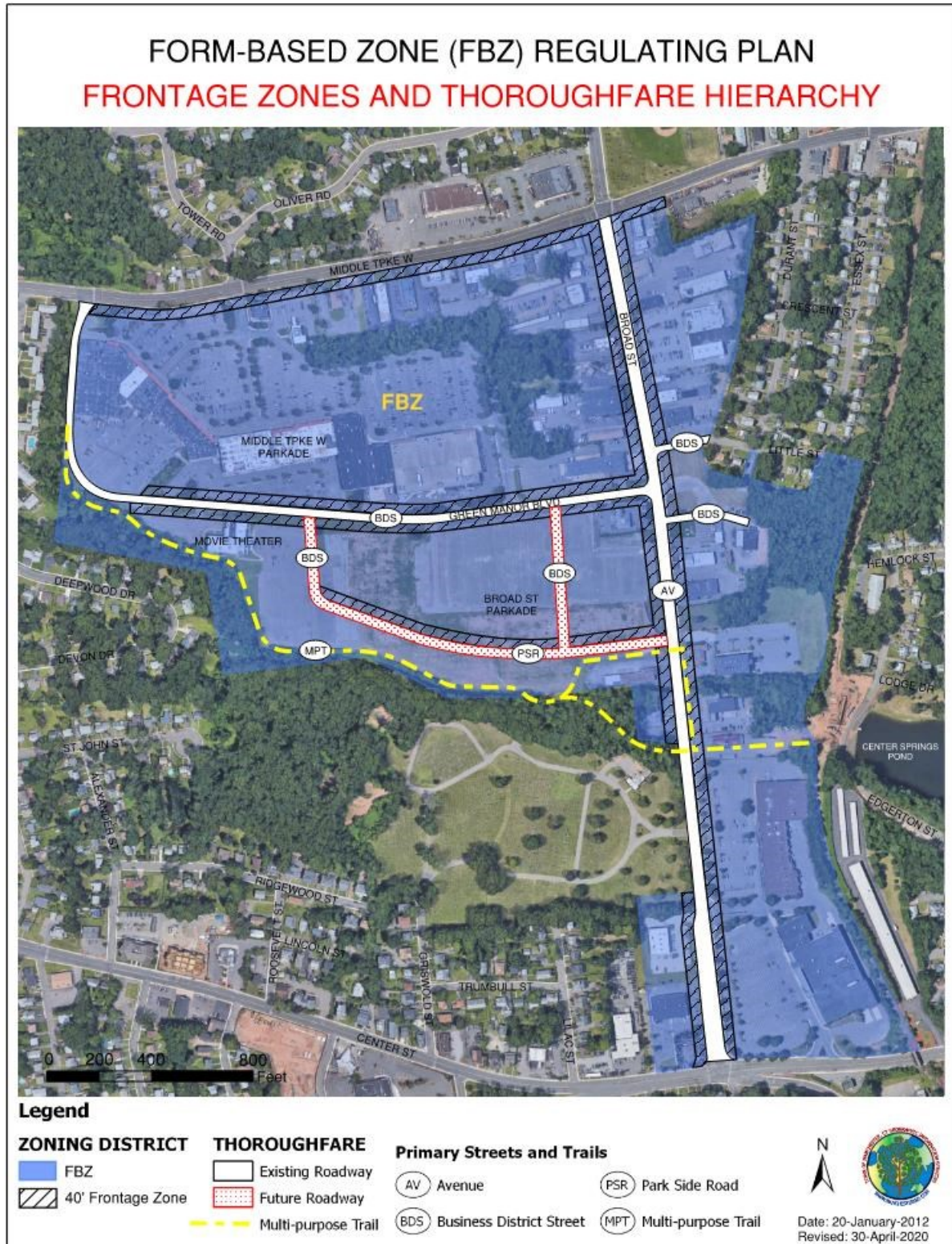
- A. Facilitate an appropriate mix of commercial, residential, entertainment, civic, and recreational uses within a traditional pedestrian oriented development pattern and supported by attractive street designs and building forms;
- B. Create an environment that is comfortable and interesting to local residents and visitors as a place to live, work, play, and socialize;
- C. Coordinate private vehicles, public transit, bicycles, and pedestrians through an intermodal transportation network connecting to open spaces, neighborhoods, employment centers, and areas of activity within the FBZ and surrounding areas;
- D. Protect and expand opportunities for businesses that primarily serve the surrounding neighborhoods and Town of Manchester; and
- E. Encourage flexibility and variety in future development while ensuring high quality materials and appearance of new buildings.

##### 26.01.02 FBZ Regulating Plan

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

- A. Mixed Use District – The FBZ is intended to be a higher density mixed-use district with a focus on commercial, entertainment, and residential uses. Commercial uses are varied and include retail stores, entertainment facilities, restaurants, offices and lodging uses as specified in Table 26.04. Residential dwellings are generally in the form of multi-residence structures, part of multiple-use structures, or attached single-family dwellings such as townhouses. Public open space is a significant element in the FBZ, including a possible future multi-use trail and linear park along Bigelow Brook.
- B. Frontage Zones – The area along existing or new Primary and Secondary Streets from the edge of the public right-of-way to a depth of 40 feet is considered the Frontage Zone in the FBZ. Frontage Zones are intended to create a cohesive aesthetic for the district and promote walkability, visitor interest, and community well-being. Permitted uses on the ground floor level within the Frontage Zone are managed according to Table 26.04 so as to provide a variety of easily accessible services to the surrounding community.

Map 26.01 - FORM-BASED ZONE REGULATING PLAN



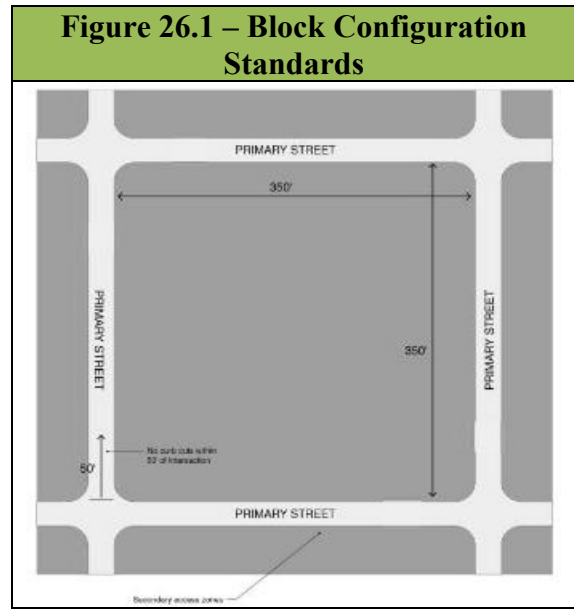


## Section 26.02 Blocks and Street Types

### 26.02.01 Block Development Standards

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

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

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

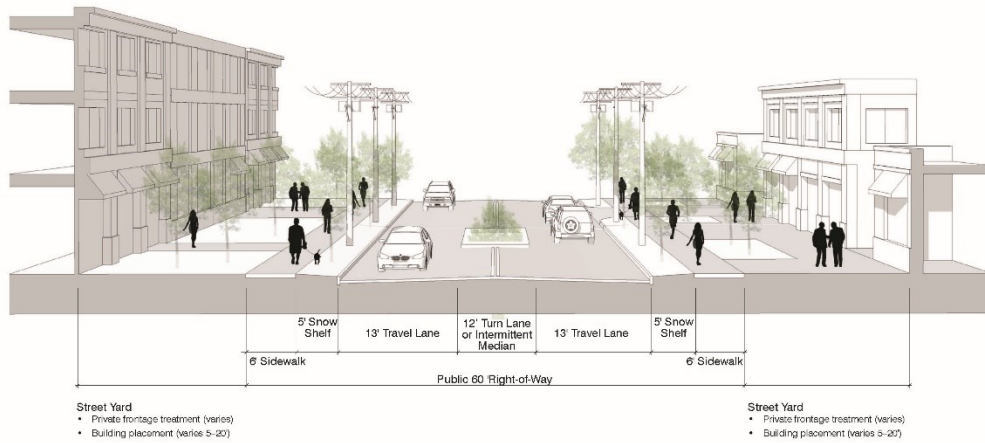
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- B. Street Networks and Connectivity – The FBZ shall have an interconnected network of streets and achieve the following transportation objectives:
- 1) Ability to accommodate existing or anticipated public transit improvements and facilities.
  - 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

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

Plan View

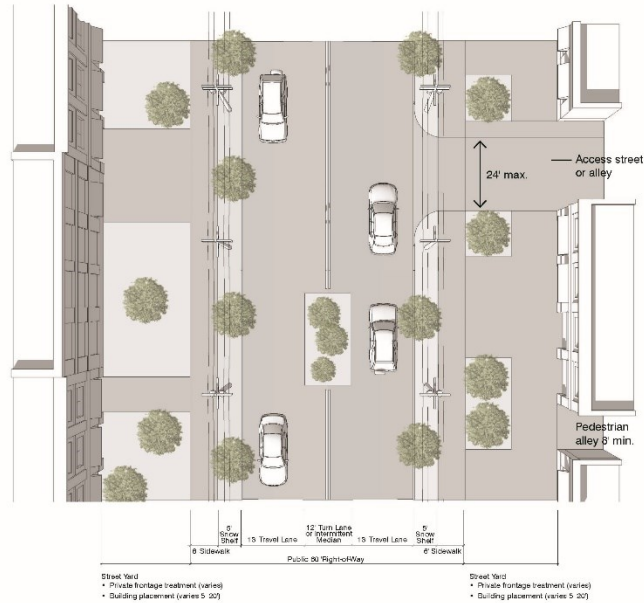
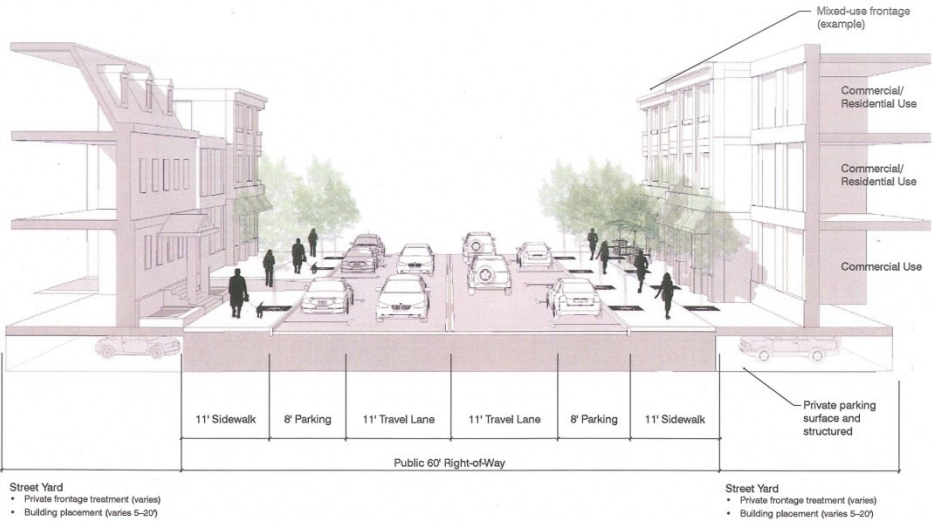


FIGURE 26.2 - BUSINESS DISTRICT (BDS)

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

Cross Section/Perspective View



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

Plan View

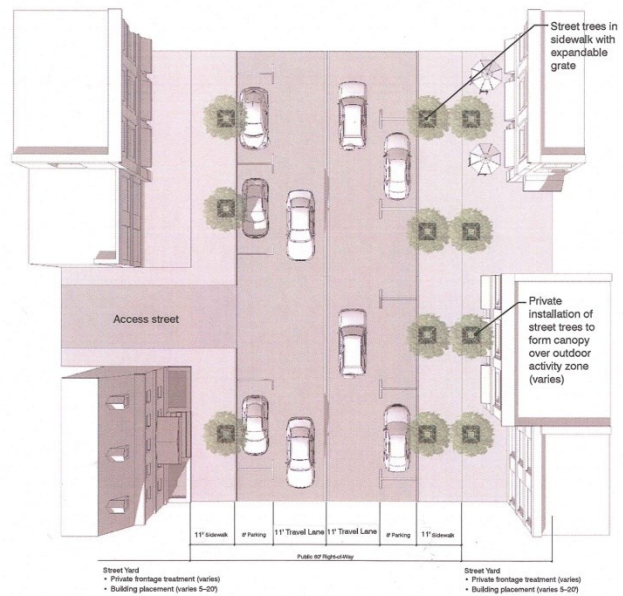
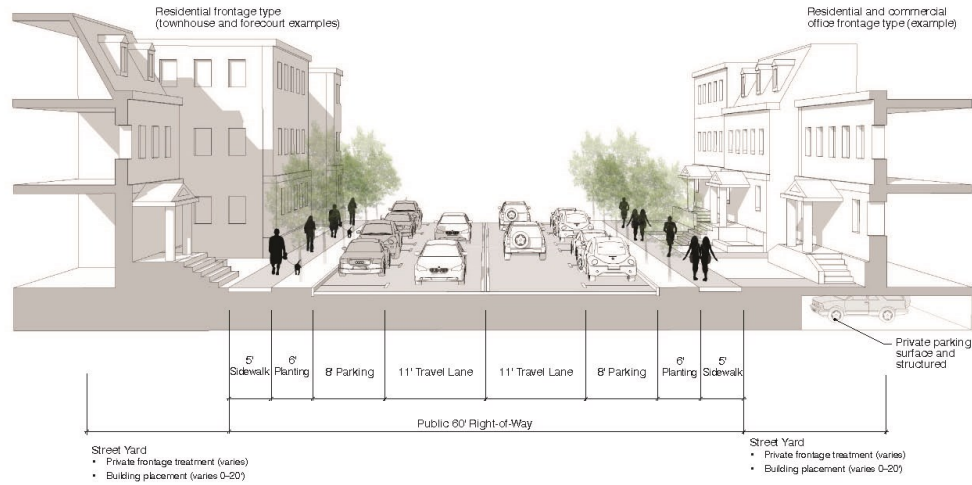


FIGURE 26.2 - RESIDENTIAL STREET (RDS)

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

Cross Section/Perspective View



#### DESIGN CHARACTERISTICS

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

Plan View

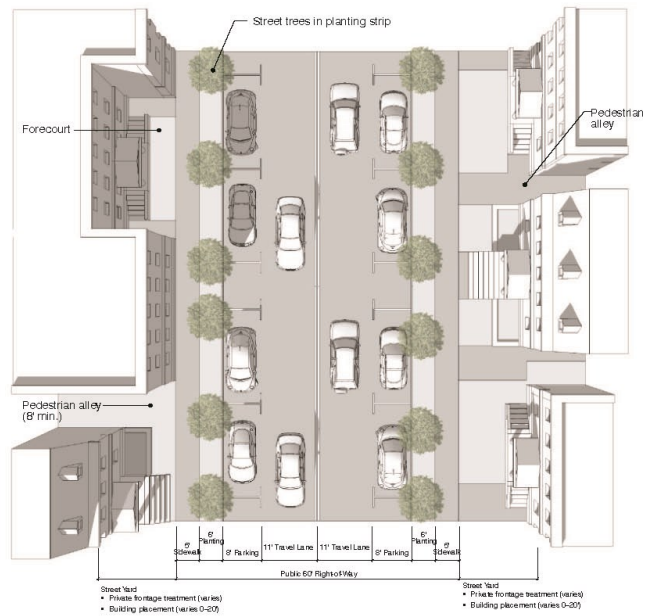
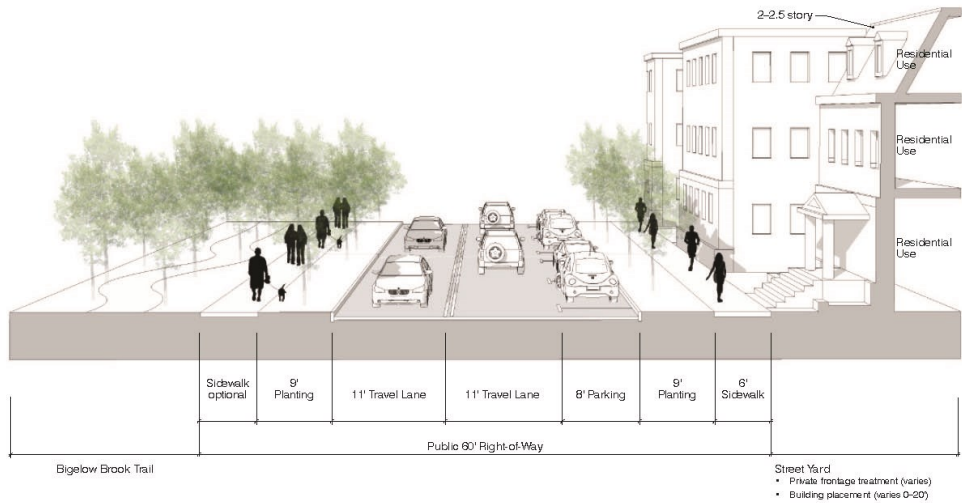




FIGURE 26.2 - PARK SIDE ROAD (PSR)

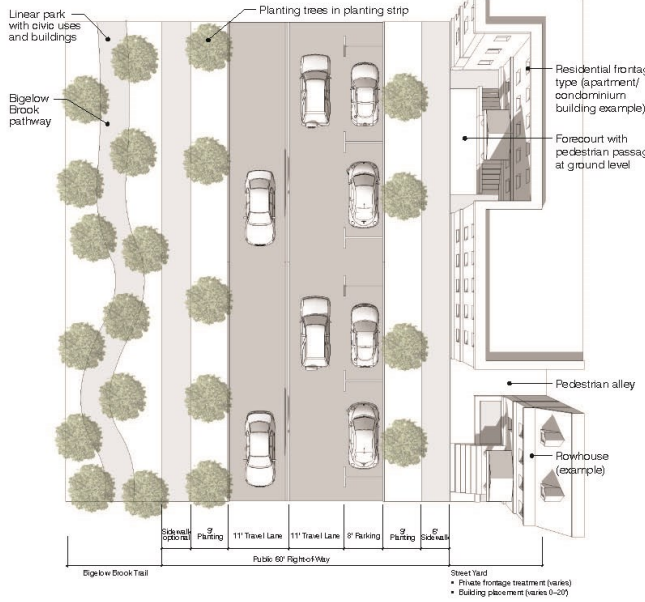
Residential frontages with on-street parking (one side)

Cross Section/Perspective View



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

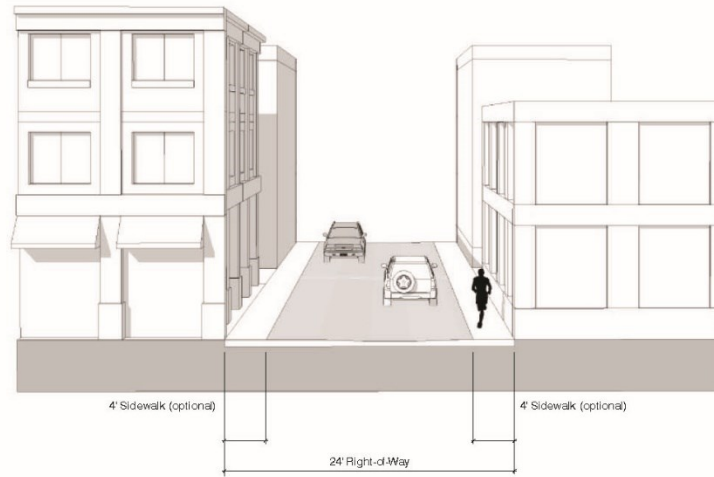
Plan View



Bigelow Brook Trail

FIGURE 26.2 - ACCESS STREET (AS)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

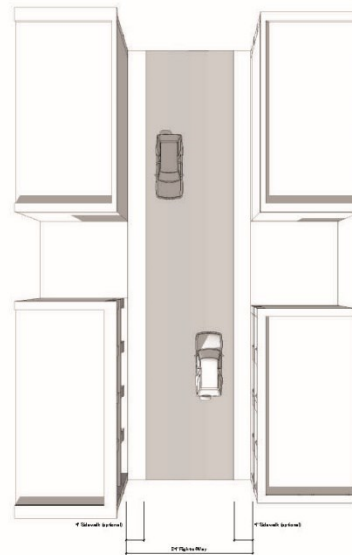
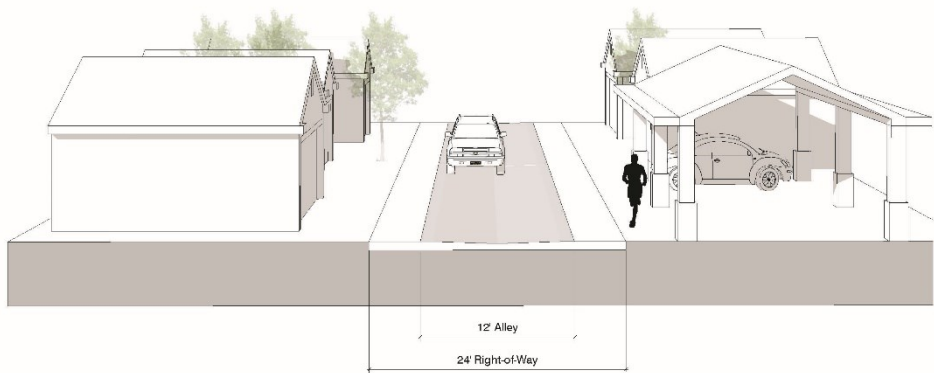




FIGURE 26.2 - ALLEY (AL)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

Plan View

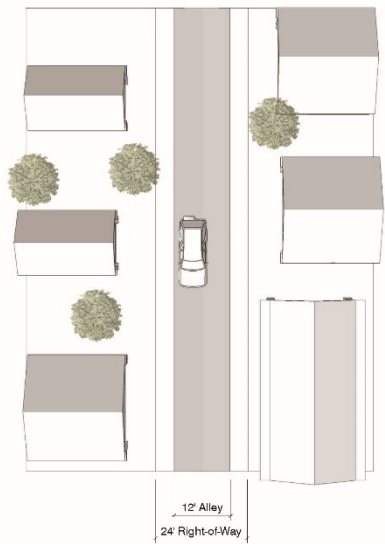


FIGURE 26.2 - PEDESTRIAN PASSAGE (PP)

Cross Section/Perspective View



DESIGN CHARACTERISTICS

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

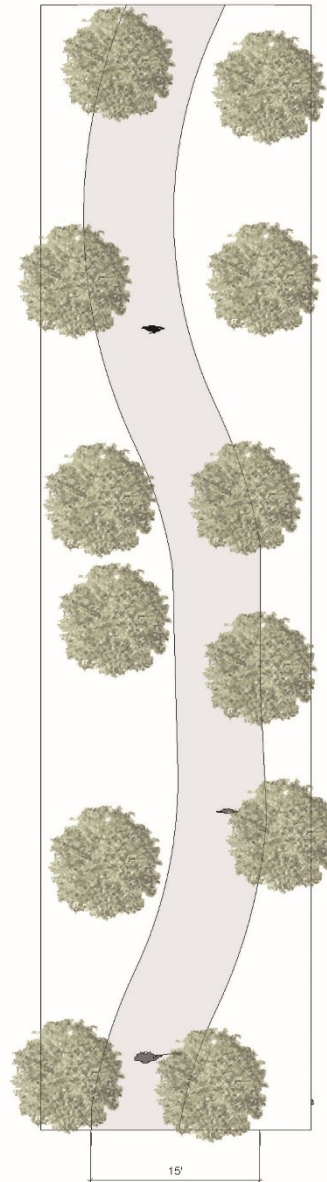
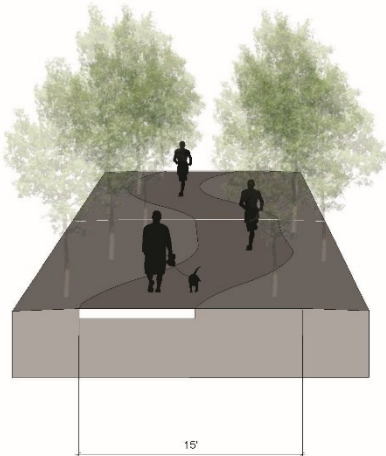
Plan View



FIGURE 26.2 - MULTI-PURPOSE TRAIL (MPT)

Cross Section/Perspective View

Plan View



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

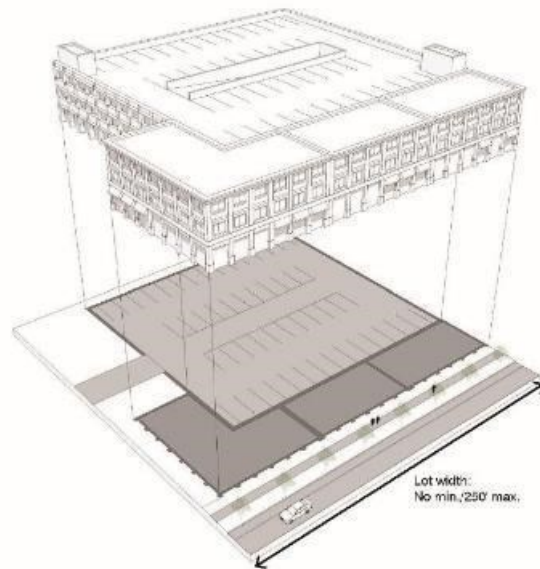
## FIGURE 26.3 – GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

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:

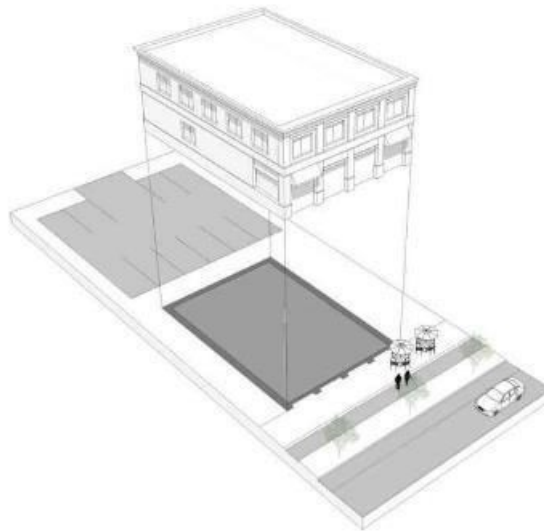
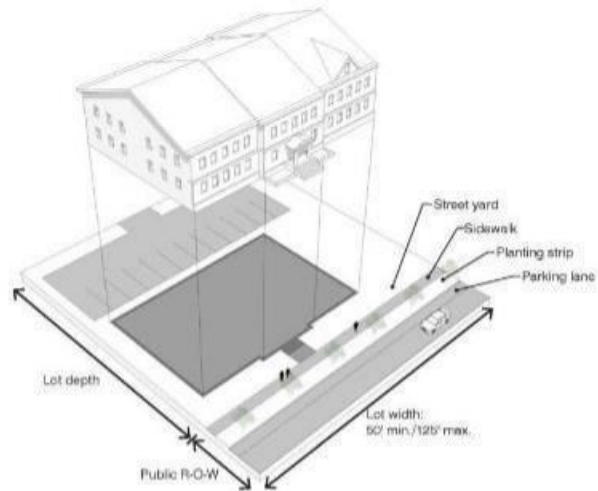


FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

#### 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:

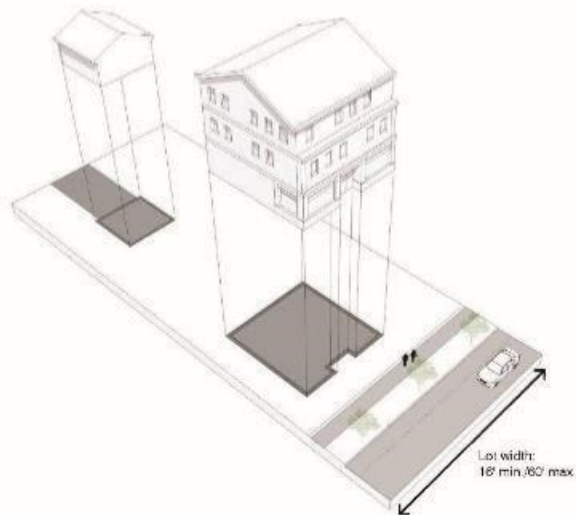


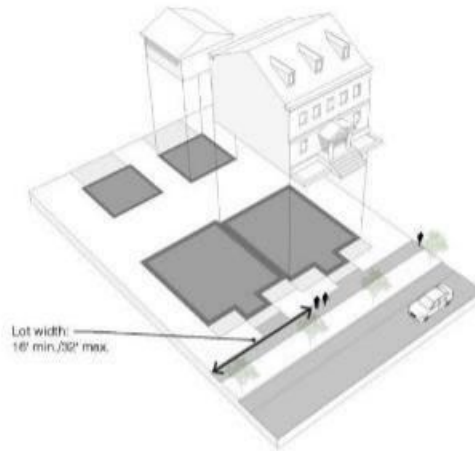


FIGURE 26.3 - GENERAL BUILDING PLACEMENT AND LOT LAYOUT STANDARDS

#### 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.

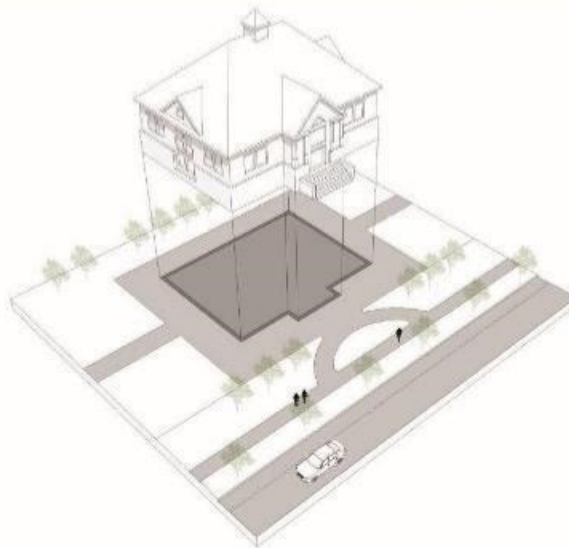
Character Examples:



#### Civic Space and Building Lot

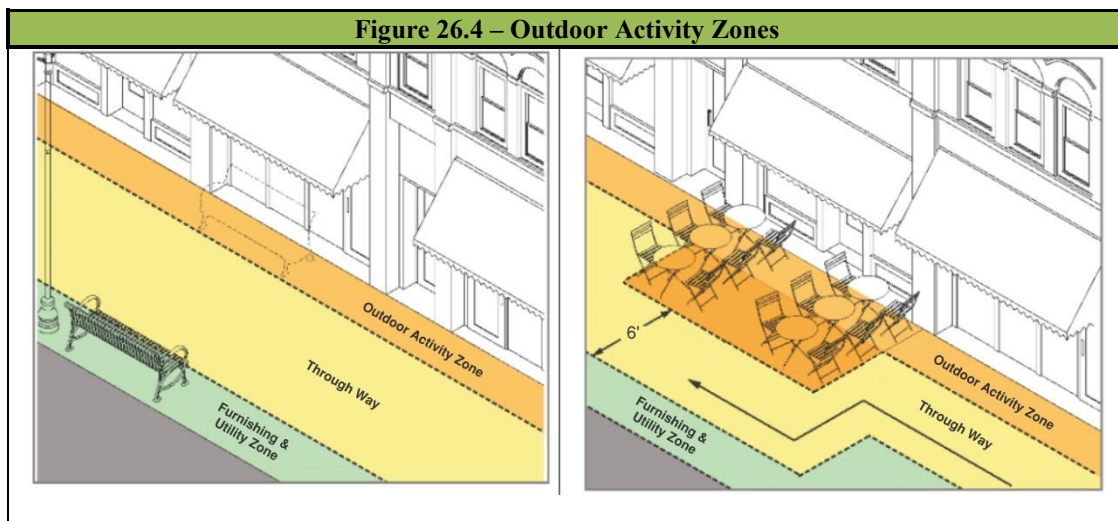
A lot located and designed to accommodate open space and buildings containing public or civic uses such as community center, education, places of worship, active and passive recreational facilities, and similar civic uses. Open spaces may be a green, square, plaza, park, playground, community garden, 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.<sup>3</sup>



- C. Outdoor Display: Outdoor display of products actively available for sale is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:
- 1) Outdoor display shall occupy no more than 30% of the horizontal length of the building facade.
  - 2) Outdoor display shall only be located within the street setback area.
  - 3) Outdoor display shall be removed and placed inside a fully-enclosed building at the end of each business day.
  - 4) Outdoor display shall not impair the ability of pedestrians to use the sidewalk or the sightline for vehicular access from adjacent streets or alleys.

<sup>3</sup> Rev. 10/3/22, effective 10/24/22



### 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 <sup>(1)</sup>			Height <sup>(4)</sup>
	Min. / Max.	Min. / Max.	Min.	Max.	Street	Side <sup>(2)</sup>	Rear <sup>(3)</sup>	Min. / Max. in Stories <sup>(5)</sup>
	(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' <sup>(7)</sup>
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 <sup>(6)</sup>	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 26.05.03.1.2.

(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
<b>RESIDENTIAL USES</b>		
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.	
<b>LODGING</b>		
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.	
<b>OFFICE USES</b>		
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	■	■
<b>INSTITUTIONAL AND PUBLIC USES</b>		
Adult Day Care Center	SE	SE-GFL
<i>Functional Standards:</i>	In accordance with Article IV, Section 18	
Child Care Centers & Group Child Care Homes not located in a residence <sup>4</sup>	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	■	■
<b>RETAIL BUSINESS AND CONSUMER SERVICE USES</b>		
<i>Retail Establishments</i>		
Retail Store – up to 5,000 gross s. f.	■	■

<sup>4</sup> Rev. 11/06/23, effective 11/27/23

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	FRONTAGE ZONE
Functional Standards:	In the FBZ General Retail Stores shall exclude bulk retail sales, garden materials or equipment (for example, lumber, electrical and heating fixtures, plant nurseries); and motor vehicle retail or wholesale sales and related equipment sales, leasing, rental, or repair.	
Retail Store – Greater than 5,000 gross s. f.	SE	SE
Functional Standards:	Same as above	
Arts & Crafts Store	■	■
Functional Standards:	All work and storage to be conducted within a building.	
Convenience Store	■	■
Functional Standards:	May be used in combination with gas stations where permitted. (See below)	
	Illumination of the store shall be limited to hours of operation, except for purposes of security.	
	For the sale of prepared and packaged food or beverage. Display & sales to be primarily conducted within the building.	
Personal Care Services		
Personal Services Establishments	■	■
Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry	SE	SE
Functional Standards:	Laundry and dry-cleaning shop where laundry is cleaned and processed off-site and not within the FBZ.	
Food Services		
Restaurant, Cafes, Taverns, Grills or Similar Eating Places including those with shared kitchens	■	■
Functional Standards:	No drive through facilities or services are permitted in the FBZ.	
Alcoholic Liquor Sales	■	■
General Food Service Store	■	■
Refreshment Stand	■	■
Functional Standards:	A place where patrons can purchase snacks, refreshments or food at a cinema, fair, sporting or entertainment venue.	
Consumer Services		
Indoor Entertainment	■	■
Functional Standards:	In the FBZ, Indoor Entertainment may include arcades, pool halls, dance clubs, night clubs, movie theaters, live performance venues, and similar uses as determined by the PZC.	
	Permitted only if determined to be compatible with the intent of said district and the uses allowable therein.	
Private Recreational Facility	■	■
Functional Standards:	Any structure shall be solely accessory to the operation of the outdoor recreation activities.	
Radio & Television Broadcasting Studio	■	■
General Repair Services	■	■

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	FRONTAGE ZONE
<i>Functional Standards:</i>	All work and storage to be conducted within a building.	
Financial & Real Estate Services	■	■
<i>Functional Standards:</i>	Drive-Thru ATMs are not permitted in the FBZ District.	
<b>INDUSTRIAL TRADES AND RESEARCH USES</b>		
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>	The PZC may grant a Special Exception for a research and development use, provided that it consists only of office or similar uses. All storage of materials and equipment shall be indoors and screened from public view. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be hazardous by reasons of potential fire, explosion, or radiation. No research or testing to be conducted outdoors unless a special exception is granted for this purpose.	
<b>MOTOR VEHICLE RELATED USES</b>		
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>	Walk-up ATM machines are permitted in all Frontage Zones by Special Exception. Banks allowed as a primary use may seek a special exception from the PZC to construct and operate a drive-through window. No drive-through windows shall be permitted in a Frontage Zone.	
<b>EXTENSIVE AND ACCESSORY USES</b>		
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.	

Table 26.04 - Allowable Uses in the FBZ		
	DISTRICT	FRONTAGE ZONE
Family child care homes and Group child care homes located in a residence <sup>5</sup>	■	■
Outdoor Theater	SE	SE
<i>Functional Standards:</i>	Permitted on publicly or privately owned civic lots	
Wireless Telecommunication Antennas	■	■
<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 <sup>6</sup>	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

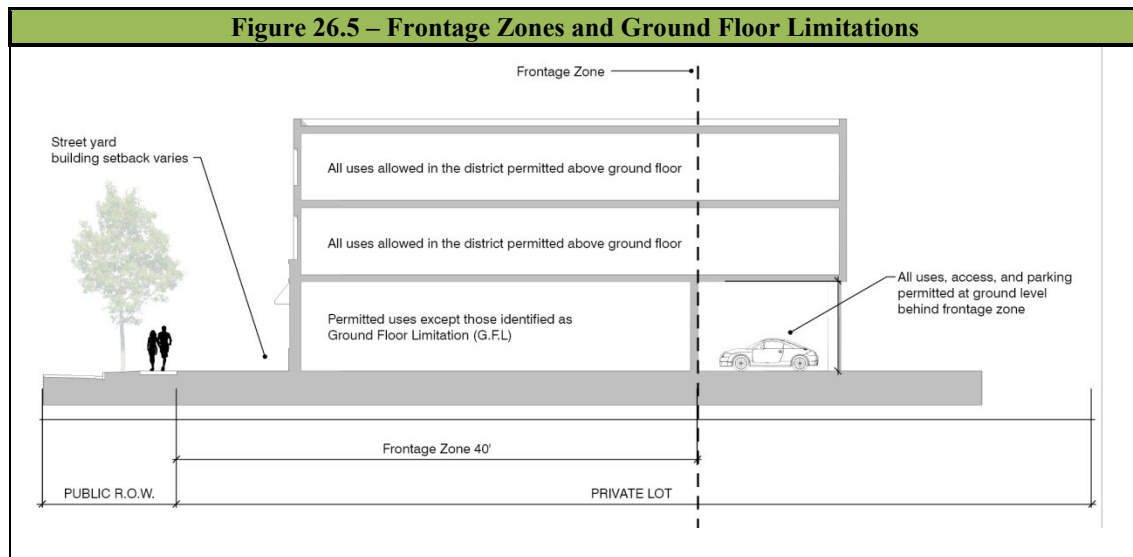
GFL = See Ground Floor Limitation required in Section 26.04.03

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

<sup>5</sup> New 11/06/23, effective 11/27/23<sup>6</sup> 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.

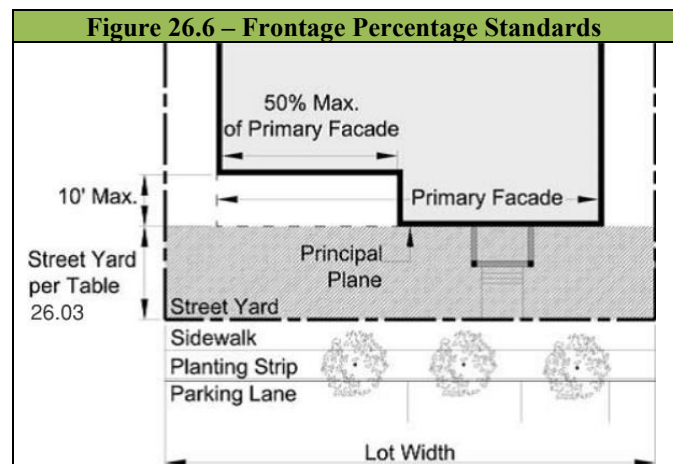
## Section 26.05 Development Standards for Individual Lots and Buildings

### 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.



- 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.

<b>Table 26.05 – Front of Building Transparency Requirements in the FBZ</b>		
<b>Building Lot Type</b>	<b>Ground Floor</b>	<b>Above Ground Floor</b>
	<b>(Min.)</b>	<b>(Min.)</b>
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

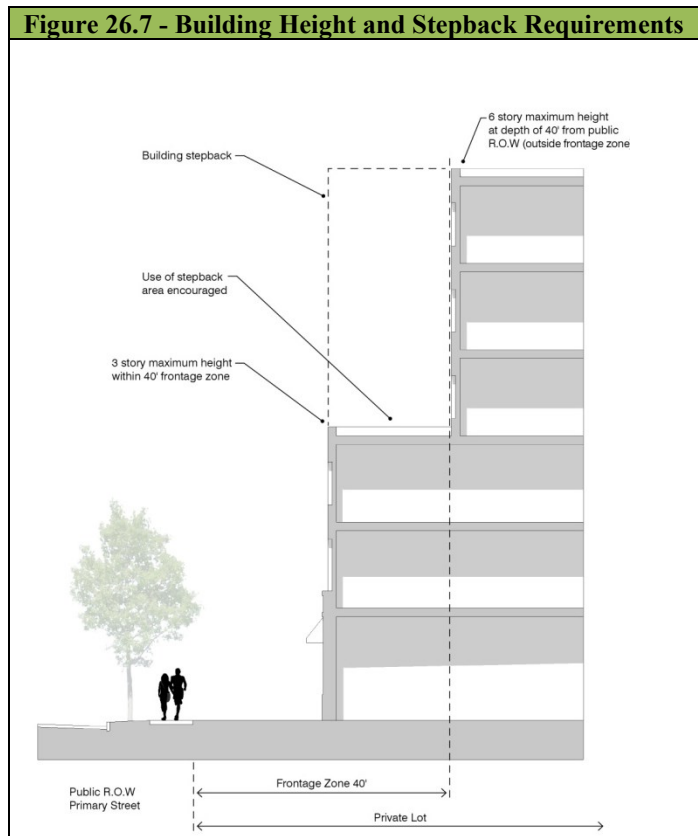
- 1) The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
  - 2) The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper 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).



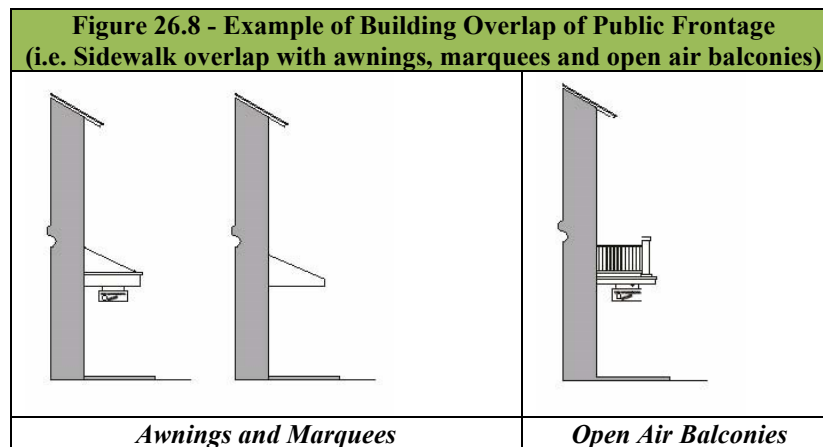
- J. Roof Features - Long unbroken expanses of roofs shall be avoided though the use of dormers, skylights, chimneys and changes in ridge line.
- K. Roof Pitch - Flat roofs shall not be permitted for one story buildings unless the front elevation is at least 18 feet in height. Flat roofs combined with 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.



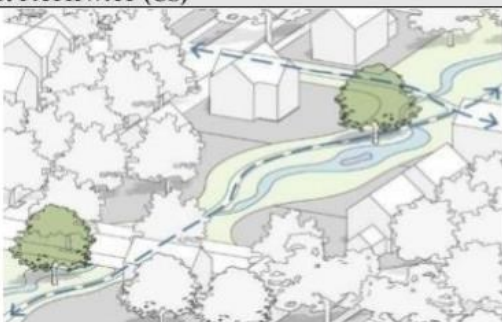

- 2) Civic buildings are sited adjoining or surrounded by Civic Spaces or they provide a visual landmark by being placed at the axial termination of a street (see Civic Building Lot diagrams in Figure 26.3).

#### 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.

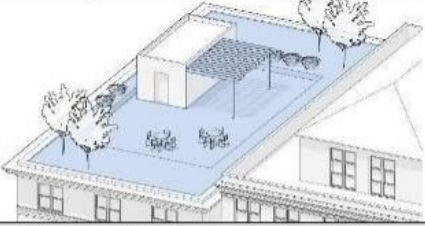

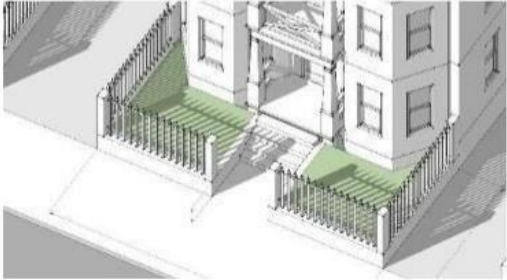


**FIGURE 26.9 – OUTDOOR AMENITY SPACE TYPES (PUBLIC AND PRIVATE)**

Outdoor Amenity Space Type	
<b>1. NEIGHBORHOOD PARK, PRESERVE (CS, POPS)</b>	
	<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>
<b>2. COMMON OR GREEN (CS, POPS)</b>	
	<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>
<b>3. PATHWAY (CS)</b>	
	<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>
<b>4. COMMUNITY GARDEN (CS, POPS, PS)</b>	
	<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	
<b>5. FORECOURT (POPS, PS)</b>	
	<p><b>Description:</b> 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>
<b>6. COURTYARD (POPS, PS)</b>	
	<p><b>Description:</b> 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>
<b>7. Plaza or Square (CS, POPS)</b>	
	<p><b>Description:</b> 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>
<b>8. Pocket Park/Playground (CS, POPS, PS)</b>	
	<p><b>Description:</b> An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.</p>
<b>9. Outdoor Terrace (POPS)</b>	
	<p><b>Description:</b> 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	
<b>10. Rooftop Terrace (POPS, PS)</b>	
	<b>Description:</b> 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.
<b>11. Common Yard and Garden (PS)</b>	
	<b>Description:</b> A private open space associated with private residence or non-residential buildings not intended for public access or a high level of pedestrian activity.
<b>12. Dooryard</b>	
	<b>Description:</b> 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
<b>13. Other OAS Types</b>	
	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.

<b>Table 26.07 - Parking Standards in the FBZ</b>	
<b>Commercial and Civic Use</b>	<b>Required Parking</b>
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
<b>Residential Uses</b>	
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 <sup>7</sup>
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.

<sup>7</sup> Rev. 11/15/2021, effective 12/06/2021

- B. Fractional Spaces – When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one half (1/2) shall be disregarded and any fraction of one half (1/2) or greater shall be counted as one (1) required space.
- C. Change of Use - A permitted use can be changed to another permitted use, and any permitted principal or accessory use can be intensified, without increasing the required off-street parking requirements of Table 26.07 provided there is:
  - 1) No increase in gross square footage of the building;
  - 2) No reduction in existing parking spaces required pursuant to Section 26.07; and
  - 3) Parking space requirements for residential dwelling units shall be 1 parking space per unit.<sup>8</sup>
- 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

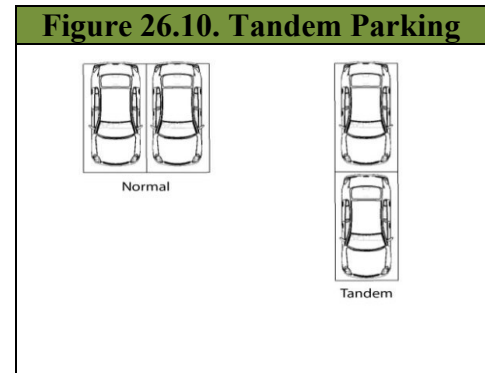
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<sup>8</sup> Rev. 11/15/2021, effective 12/06/2021

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- 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.

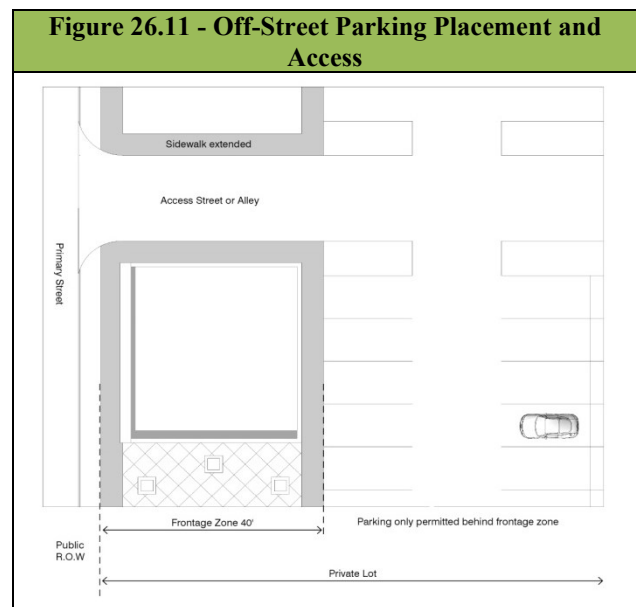


- 3) Tandem parking shall not be used to provide guest parking.
- 4) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 36 feet in length.
- 5) A maximum of 20% of tandem spaces may be designated as compact spaces. Compact tandem spaces shall have a combined minimum 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;



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

#### 26.08.02 Public Frontages

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

#### 26.08.03 Private Frontage Landscaping Requirements

- A. Existing Trees - Existing significant trees and shrubs shall be maintained to the maximum extent possible.
- B. Visibility - No plantings shall obscure site entrance and exit drives and road intersections.
- C. Non-Residential Lots - When the front setback is greater than zero, those portions of the front yard not occupied by pedestrian amenities and public spaces shall be landscaped. Street trees are required if the front setback is greater than ten (10) feet.
- D. Residential Lots - Private Frontage landscaping shall be required for all residential properties for the first ten (10) feet. Private Frontage on residential lots shall be landscaped with a combination of indigenous grasses, trees and shrubs commonly found in Connecticut.
- E. Street Trees – One deciduous tree with 3” minimum caliper is required to be planted within the front setback for every 30 feet of frontage if the front setback is greater than 10 feet. Trees in paved areas shall have a minimum 25 square feet of protected permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth. All landscaped areas shall be planted and maintained in accordance with the Town of Manchester Sustainable Design and Low Impact Development Guidelines. Plant materials shall be organically maintained to the maximum extent possible.

#### 26.08.04 Parking Lot Landscaping

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

- B. Buffering - Planting along the perimeter shall be required to screen parking lots from adjacent sidewalks where applicable. Planting beds shall be a minimum of six (6) feet wide and should be continuous to allow for maximum plant bed size and are constructed as rain gardens to control stormwater.
- C. Landscaping of Pre-existing Parking Lots - Upon the expansion of an existing parking lot containing 20 or more parking spaces and/or an alteration of a structure, or a change or expansion of a use which increases the parking requirements by 5 or more spaces according to the standards of Section 26.07, the entire existing parking lot shall be brought into compliance with this section.
- D. Coordination - Landscaping of private parking lot and other lot features shall be compatible with the streetscape design elements of the public frontages.

#### 26.08.05 Storage Areas

- A. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Where feasible, shared use and designated areas for garbage dumpsters shall be required.
- B. Garbage dumpsters shall be fully screened on 3 sides with solid walls or otherwise opaque screening a minimum of six (6) feet high with a solid front gate, six feet high, which shall be kept closed. Trash compacters shall be enclosed to minimize noise.

#### 26.08.06 Lighting Standards

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

- A. General Standard - Property owners shall use the fewest fixtures possible to light the specific project area. Property owners shall avoid fixtures that allow light to spill sideways or into the sky.
- B. Site Lighting - Lighting shall complement a building's architecture through shadowing, highlighting, and flooding. Appropriate lumens or foot-candles should be evaluated to provide these effects without overwhelming the building or site. Light fixtures should be compatible to the style of the building and may include: attached or detached; soffit; up light or down light; and tree lighting.
- C. Streetscape Lighting Fixture - Light fixtures shall be selected by the Town of Manchester and intended to complement the general streetscapes, buildings, and development patterns of the FBZ.
- D. Streetscape Lighting Placement - The placement of streetscape lighting fixtures shall be in a consistent pattern to provide sufficient light levels within the public streetscape area

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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.

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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

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

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

#### 26.08.10 Sustainable Design and Development Standards

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

### Section 26.09 – Administration

#### 26.09.01 General Administration

- A. Relationship to Other Sections - This section of the Zoning Regulations shall be used and interpreted primarily on its own. However, where there are differences between this and other sections of the Zoning Regulations, and where expressly identified or described herein, this section shall control.
- B. Conformity Required - No building or structure may be erected, structurally altered, moved or maintained, nor shall any building, structure or land be used except in conformity with this Section.
- C. Site Plan Required
  - 1) Any building or structure erected, constructed, reconstructed, moved or structurally altered after the effective date of this ordinance requires site plan review as specified in Article I, Section 4.04.
  - 2) No building permit or certificate of occupancy shall be issued until a site plan has been approved.
  - 3) A Class A-2 foundation location survey may be required by the Zoning Enforcement Officer to determine the zoning compliance of any structure in the FBZ as covered by this ordinance.
  - 4) Application Requirements – Application shall be made in compliance with Article I Section 4 of the zoning regulations. All applications for site plan review shall follow the requirements of Article I Section 4 and be accompanied by a Detailed Plan in compliance with Article I Section 4.04 of zoning regulations unless it is determined by the Planning Director that a Detailed Plan is not required. This determination shall be in writing and shall be made part of the file on the site plan application. All applications for special exceptions shall follow the requirements of Article I Section 4 and be accompanied by a Preliminary Plan in compliance with Article I Section 4.02 and Section 4.03.04 and a Detailed Plan in compliance with Article I Section 4.04 and Section 4.05.07 of the zoning regulations unless it is determined by the Planning Directors that either Preliminary or Detailed Plan, or both, are not required. This

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

5) Financial Guarantee Requirements<sup>9</sup>

A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.<sup>10</sup>

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

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<sup>9</sup> Rev. 06/03/13, effective 06/21/13

<sup>10</sup> Rev. 06/03/13, effective 06/21/13



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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

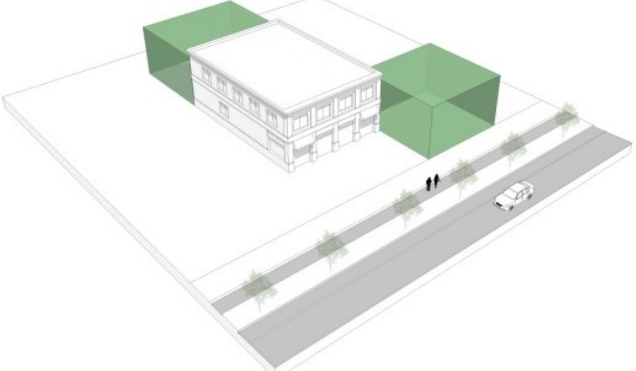
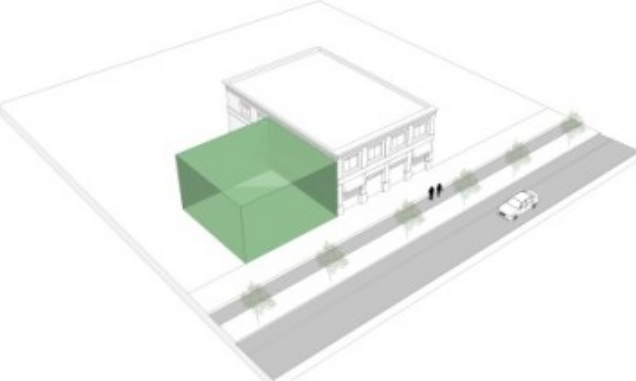
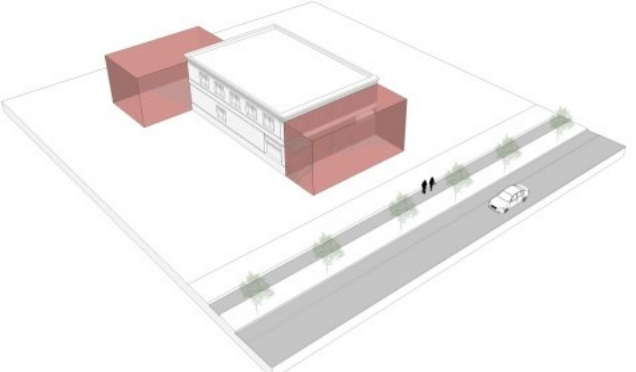
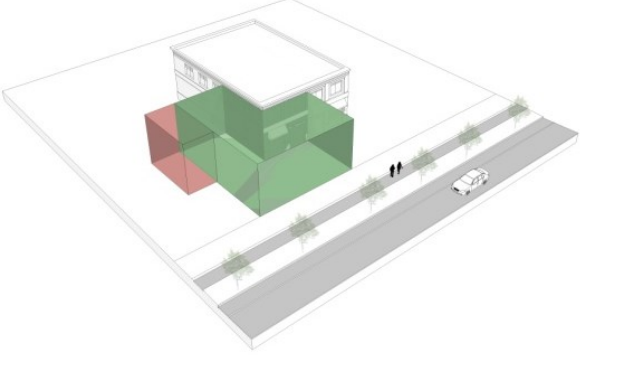
For structures that exist in the zone as of March 30, 2012 the following provisions shall apply:

- 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

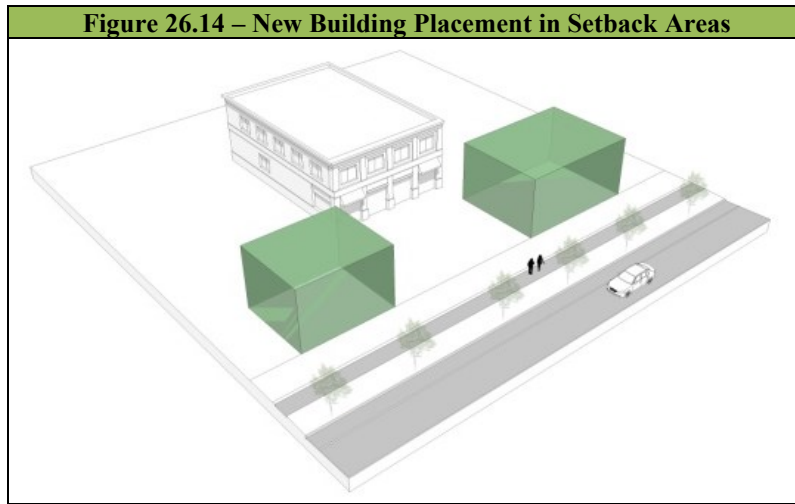
increase the degree of the existing nonconformity of all or any part of such structure in violation of Connecticut law.

- 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 III            AREA AND HEIGHT REGULATIONS**

### **Section 1                NONCONFORMING LOTS OF RECORD<sup>1</sup>**

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- 1.01            No building shall hereafter be erected, altered, enlarged or rebuilt, except in conformity with the regulations prescribed in this article, and in the schedule, which is part thereof; except that:
- a.    The provisions covering the minimum lot area and minimum lot frontage shall not prevent the construction of a single family dwelling as a matter of right on smaller lots of record.
  - b.    On smaller lots of record located in zoning districts that permit two family houses, the provisions covering the minimum lot area and minimum lot frontage shall not prevent the construction of two family house provided a special exception by the Planning and Zoning Commission pursuant to the provisions of Article IV, Section 20 of these regulations and after a public hearing has been held is approved.
- 1.02            Smaller lots of record for the purpose of this section are:
- 1.02.01        Smaller lots of record in the office of the town clerk on or before August 1, 1945.
- 1.02.02        Smaller lots of record in the office of the town clerk between August 1, 1945, and November 4, 1950, which met the requirements of the Zoning Regulations in effect during said dates, covering the minimum size of lot.
- 1.02.03        Smaller lots in a subdivision, duly approved by the agency of the Town authorized to make such approvals, and filed in the office of the town clerk, on or before November 4, 1950.
- 1.02.04        Smaller lots of record filed in the office of the town clerk between November 4, 1950, and December 1, 1956, which met the requirements of the Zoning Regulations in effect during said dates.
- 1.02.05        Lots in a subdivision, duly approved by the agency of the Town authorized to make such approvals, and filed in the office of the town clerk on or before December 1, 1956, provided that all requirements for yards and building area specified in the schedule are observed.
- 1.03<sup>2</sup>        For such smaller lots of record no building permit shall be issued for construction of a principal building unless such lot has frontage on a street or highway accepted by the Town or on a street open for vehicular travel on March 1, 1946, or the director of public works shall certify that all work required by the Town of Manchester "Public Improvement Standards"<sup>3</sup> and the approved development plan is installed and acceptable, or a financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or

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<sup>1</sup> Rev. 11/05/01, effective 11/24/01

<sup>2</sup> Rev. 10/25/82

<sup>3</sup> Rev. 03/17/97, effective 04/01/97

controlled by the municipality in accordance with Article IV Section 22 of these regulations.<sup>4</sup>

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<sup>4</sup> Rev. 06/03/13, effective 06/21/13



## **ARTICLE III      AREA AND HEIGHT REGULATIONS**

### **Section 2              MAIN STREET FRONT YARDS**

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- 2.01              In the Business III zone on Main Street, between Center Street and Middle Turnpike, the minimum front yard shall be five feet, elsewhere to conform to the schedule.



## **ARTICLE III      AREA AND HEIGHT REGULATIONS**

### **Section 3                      IRREGULAR SHAPED LOTS**

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



## ARTICLE III      AREA AND HEIGHT REGULATIONS

### Section 4

### CLUSTER SUBDIVISION REGULATIONS

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- 4.00      A cluster subdivision permits the residential lots in Rural Residence zones and Residence AA zones to be reduced in dimension and designed to occupy less than the total tract area of the subdivision provided that the maximum building density is not exceeded. The undeveloped portion of the tract shall be designed and dedicated as public open space.

The Planning and Zoning Commission upon receipt of a petition for a cluster subdivision in a Rural Residence zone, or in a Residence AA zone, shall hold a public hearing and may approve a plan of subdivision containing lots of reduced area and frontage and public open parcel or parcels subject to the following provisions:

4.01      Minimum Area of Subdivision

The area of a tract to be developed as a cluster subdivision shall be not less than 10 acres.

4.02      Open Space Requirement

- 4.02.01      The area of undeveloped land which shall be conveyed to the Town of Manchester for public open space municipal purpose shall be not less than 25 per cent of the entire tract.

- 4.02.02      The location and nature of the dedicated open space shall be suitable for the purpose intended and shall be approved by the Commission.

4.03      Rural Residence Cluster Subdivision

The provision for lots and structures shall be as set forth for Residence AA zone in Article II, Section 3.01.01, of these regulations except that the maximum building density for the entire tract shall not exceed 1.3 house lots per acre.

4.04      Residence AA Cluster Subdivision

The provisions for lots and structures shall be as set forth for Residence A zones in Article II, Section 4.01.01, of these regulations except that the maximum building density for the entire tract shall not exceed two house lots per acre.

4.05      Conveyance of Public Open Space Lands

No building permit shall be issued until the public open space lands have been conveyed to the Town of Manchester.



## **ARTICLE III      AREA AND HEIGHT REGULATIONS**

### **Section 5                      UNIT OWNERSHIP**

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- 5.01              Provided that they conform in all other respects to the requirements of these regulations, nothing herein shall be interpreted to prohibit the construction, conveyance or ownership of dwelling unit which comply with the Unit Ownership Act as contained in Chapter 825, Section 47-67 et sequor of the General Statutes of Connecticut.





## ARTICLE III AREA AND HEIGHT REGULATIONS

### Section 6 REAR LOTS<sup>1</sup>

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- 6.00 This section is intended to permit the creation of rear lots for residential purposes in the following zones: Rural Residence, Residence AA, Residence A, Residence B, Residence C and the Planned Residence Development.
- 6.01<sup>2</sup> A lot of record, as of December 1, 1986, may be divided into a rear lot subject to the granting of a special exception by the Commission. The Commission shall not grant an approval unless it finds that the location is suitable for the intended use, given the character of the district, the conservation of property values, the proximity of intersecting streets, the width of highway and effect on public travel, and the rear lot will not imperil the safety of the public
- 6.02<sup>3</sup> All rear lots shall adhere to the following minimum requirements:
- 6.02.01 Only one rear lot may be created from a lot of record.
- 6.02.02 Both front and rear lots must conform to all minimum lot, area, yard and other requirements prescribed for the zone in which the lots are located.
- 6.02.03 The rear lot shall include an access strip which is owned in fee and:
- (a) Which is a minimum of 25 feet wide along a public street from the street line to the rear lot's front property line.
  - (b) Which is not longer than 300 feet;
  - (c) Which shall not be included in computing lot size requirements; and
  - (d) Which shall be designed so as to adequately provide for watercourses, wetlands and stormwater runoff.
- 6.02.04 All travelways within the access strip must be treated with an all-weather material, including but not limited to processed gravel, trap rock, or bituminous concrete.
- 6.02.05 When issues concerning access strips such as, but not limited to, safety and adequacy are raised, the Commission may require a width in excess of 25 feet to ensure proper design and public safety.
- 6.02.06 The front property line of the rear lot is defined as the rear property line of the front lot.
- 6.02.07<sup>4</sup> The maximum number of adjoining rear lot access strips shall not exceed two.

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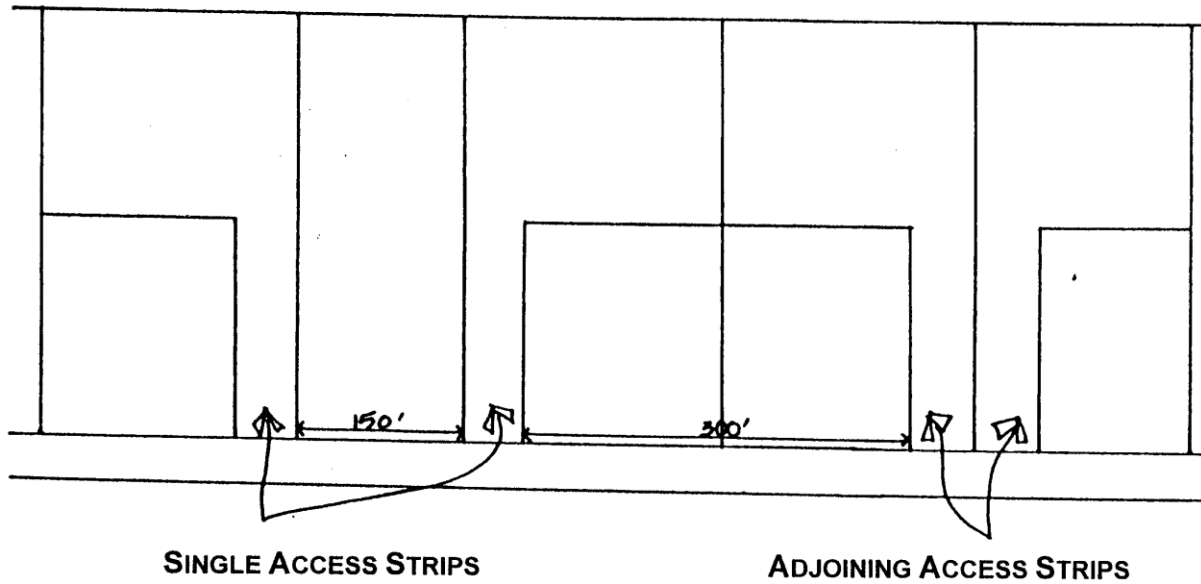
<sup>1</sup> Rev. 12/11/86

<sup>2</sup> Rev. 04/04/88

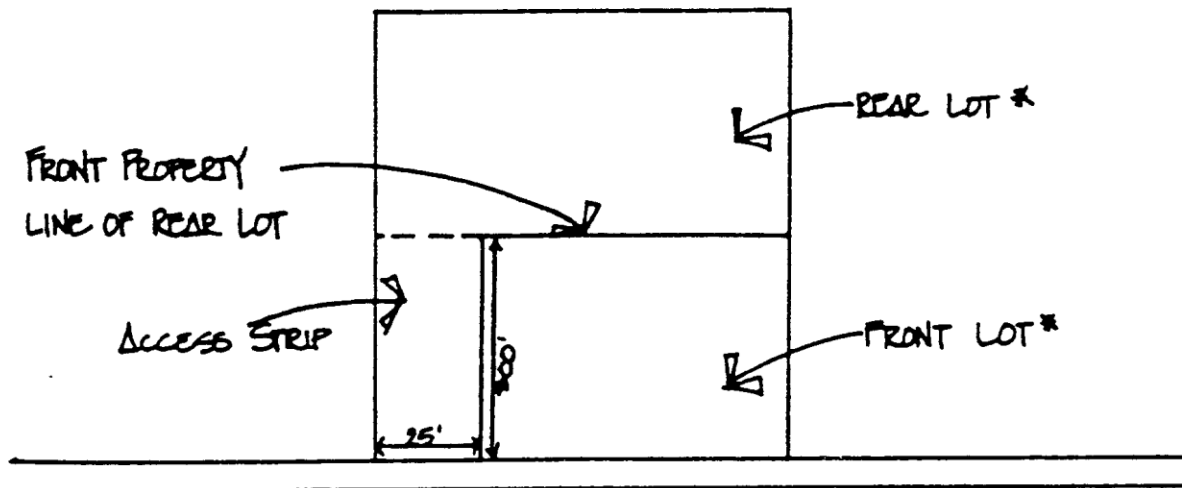
<sup>3</sup> Rev. 04/04/88

<sup>4</sup> Rev. 04/04/88

## MINIMUM SEPARATION DISTANCE BETWEEN ACCESS STRIPS



## ILLUSTRATIVE DRAWING - REAR LOTS



\*MUST CONFORM TO ALL REQUIREMENTS IN THE ZONING DISTRICT.

DS 12/20



## **ARTICLE III      AREA AND HEIGHT REGULATIONS**

### **Section 7              LOT MERGER**

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- 7.01              A parcel of land, buildable or not, is considered merged if by action of Title Holder, Owner, Occupant or Agent or previous Title Holder, Owner, Occupant or Agent, action was taken to legally merge two or more lots into one legal description, which is recorded on the land records; or one or more principal structures have been constructed on or across the common property line of the two or more lots.<sup>1</sup>

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<sup>1</sup> Adopted 01/07/13, effective 01/28/13



## ARTICLE IV

## GENERAL PROVISIONS

### Section 1

### FLOOR AREA OF RESIDENCES

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- 1.01 No house shall hereafter be erected or converted unless it shall have for living quarters the following minimum requirements for floor areas:
- 1.01.01 In Rural Residence zone or Residence A zone, a floor area on the ground floor of 750 square feet, and a total floor area of 1,100 square feet; and in Residence AA zone, a floor area on the ground floor of 850 feet, with a total floor area of 1,250 square feet provided, however, that in Residence A zone, single-family dwellings, with two full stories, having a ground floor area of 624 square feet, and a total floor area of 1,248 square feet are permitted.
- 1.01.02 Residence B and Residence C zones:
- The minimum living area contained in new single-family houses shall be 850 square feet. Two-story houses shall have a minimum ground floor area of 550 square feet. Houses containing two separate family residences shall contain not less than 850 square feet of living area for each family.
- 1.01.03 Planned Residence Development zone:
- All dimensions shall be as set forth in Article II, Section 7, of these regulations.
- 1.01.04 Comprehensive Urban Development zones:
- All dimensions shall be as set forth in Article II, Section 8, of these regulations.
- 1.01.05 All construction and space requirements shall be in compliance with the State of Connecticut Building Code.





**ARTICLE IV**

Section 2

**RESERVE ARTICLE<sup>1</sup>**

RESERVED SPACE FOR FUTURE SECTION

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<sup>1</sup> Section deleted 02/13/17, effective 03/01/17



## **ARTICLE IV      GENERAL PROVISIONS**

### **Section 3              ZONE INTERSECTIONS**

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- 3.01              On a lot in a business or industrial zone, which has a lot line in common with a side or rear lot line of a lot in any residence zone, no building used for business or industry shall be erected unless the yard adjacent to said residence zone shall conform to the appropriate yard requirement of that zone, as set forth in the accompanying Schedule.



**ARTICLE IV****GENERAL PROVISIONS**

## Section 4

**CORNER VISIBILITY**

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



**ARTICLE IV      GENERAL PROVISIONS**  
AUTOMOBILE SALES - NEW AND/OR USED  
AUTOMOBILE REPAIR AND SERVICE

Section 5              GARAGE OR SHOP  
GASOLINE SERVICE STATION  
BULK OIL STORAGE PLANTS

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- 5.01              As of November 1, 1970, all businesses referred to in this section shall be developed in accordance with the requirements and provisions of this section.
- 5.01.01          All automobile sales - new and/or used, automobile repairs and service garages or shops, gasoline service stations and bulk oil plants legally developed prior to November 1, 1970, shall be considered legal and conforming notwithstanding the requirements of this Section.
- 5.01.02          No place of business concerned with automobile sales, repair, servicing, gasoline sales, auto wash establishments or bulk oil storage shall be established unless the Planning and Zoning Commission has approved the location of such business premises after a public hearing has been held.<sup>1</sup>
- 5.01.03          The Planning and Zoning Commission shall not give approval unless it finds that the location is suitable for the use intended, due consideration being given to the proximity of schools, places of worship<sup>2</sup>, libraries, theaters or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel and that such use will not imperil the safety of the public.<sup>3</sup>
- 5.01.04          The Planning and Zoning Commission<sup>4</sup> may impose such special conditions upon each use as it finds necessary to protect the public safety, convenience and property values notwithstanding the requirements of this section.
- 5.02              General Requirements
- 5.02.01<sup>5</sup>          Public sanitary sewer and water shall be required.
- 5.02.02          Adequate safeguards shall be provided against surface and subsurface leakage of gas and oil.
- 5.02.03          Reserved space.<sup>6</sup>

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<sup>1</sup> Rev. 05/07/12, effective 05/30/12

<sup>2</sup> Rev. 10/04/06, effective 10/25/06

<sup>3</sup> Rev. 05/07/12, effective 05/30/12

<sup>4</sup> Rev. 05/07/12, effective 05/30/12

<sup>5</sup> Rev. 05/07/12, effective 05/30/12

<sup>6</sup> Adopted 12/04/00, effective 12/22/00

- 5.02.04<sup>7</sup> All applications to the Planning and Zoning Commission shall meet the requirements of Article I Section 4 of these regulations.
- 5.02.05 All places of business referred to in this section shall have automobile parking area in accordance with the requirements of Article IV, Section 9, of these regulations.
- 5.03 Special Requirements
- 5.03.01<sup>8</sup> Automobile sales - new and/or used are subject to additional special requirements of these regulations.
- |                  |          |
|------------------|----------|
| Minimum lot area | 0.5 acre |
|------------------|----------|
- 5.03.02<sup>9</sup> Automobile repair garage or service shop is subject to additional special requirements of these regulations:
- |                  |          |
|------------------|----------|
| Minimum lot area | 0.5 acre |
|------------------|----------|
- 5.03.03<sup>10</sup> Bulk oil storage:
- |                      |          |
|----------------------|----------|
| Minimum lot frontage | 100 feet |
| Minimum front yard   | 60 feet  |
| Minimum side yard    | 30 feet  |
| Minimum rear yard    | 30 feet  |
- (a) No bulk oil storage tanks shall be closer than 200 feet to any residential dwelling which is situated in a residential zone.
- (b) No exit or entrance driveway shall be closer than 100 feet to a road intersection.
- (c) All containers and structures shall be screened with evergreen shrubbery as appropriately as possible.

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<sup>7</sup> Rev. 05/07/12, effective 05/30/12

<sup>8</sup> Rev. 05/07/12, effective 05/30/12

<sup>9</sup> Rev. 05/07/12, effective 05/30/12

<sup>10</sup> Rev. 05/07/12, effective 05/30/12



## ARTICLE IV      GENERAL PROVISIONS<sup>1</sup>

### Section 6              SOLAR ENERGY SYSTEMS<sup>2</sup>

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#### 6.01              General Standards for Roof-mounted Solar Energy Systems

Roof-mounted solar energy systems shall be permitted on any principal or accessory structure, not to exceed the area of the total square footage of the surface of the structure to which the system is attached and subject to the following provisions:

1. Separate flush or rack-mounted solar energy systems installed on a roof or awning of a building or structure shall not:
  - a. Exceed the maximum height of the building upon which it is mounted
  - b. Project greater than two (2) feet from the pitched roof of the building to which it is mounted or;
  - c. Project greater than five (5) feet from the flat roof of the building to which it is mounted\*.

\* A roof with a 3/12 pitch or less shall be considered a flat roof.

#### 6.02              General Standards for Freestanding Solar Energy Systems in Residential and Historic Zones

6.02.01              The cumulative surface area of the photovoltaic panels, regardless of fixed angle, shall not exceed either 50 percent of the area of the principal building footprint or 600 square feet, whichever is greater.

6.02.02              Freestanding systems shall not exceed a maximum height of 12' when measured from ground level to the highest point of the structure. Systems over 12', but not to exceed 18', shall require a Special Exception Permit in accordance with Article IV, Section 20.

6.02.03              Shall be allowed in the rear yard, shall be setback from the property line a distance equal to the height of the structure, and shall not be located between a public street and any plane of the principal building that faces the public street. Or, on a corner lot, no closer to the street than the minimum front yard requirement, regardless of what side is the front.

6.02.04              50% of the surface area of ground and pole-mounted solar energy systems, regardless of mounted angle, shall be calculated as part of the maximum building area of lot, as applicable.

#### 6.03              General Standards for Freestanding Solar Energy Systems in all other zones

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<sup>1</sup> Section deleted 05/07/12, effective 05/30/12

<sup>2</sup> New 01/17/18, effective 02/02/18

- 6.03.01 The cumulative surface area of the photovoltaic panels, regardless of fixed angle, shall not exceed 50 percent of the area of the principal building footprint. Parking Lot Canopy solar energy systems shall not count toward total size of freestanding systems.
- 6.03.02 Freestanding systems shall not exceed a maximum height of 18 feet when measured from ground level to the highest point of the structure.
- 6.03.03 Ground or pole-mounted systems shall be placed so that no individual component may extend into the front yard.
- 6.03.04 Ground mounted systems shall be screened from adjoining residential districts in accordance with the applicable buffering requirements of the zoning district within which it is installed (see Art. II, Section 9.07 and 16.06 Residential Zone Screening). The Commission may allow for alternative screening methods such as berms and opaque fencing when it is determined that such alternatives are more appropriate for the particular site.
- 6.03.05 50% of the surface area of ground and pole-mounted solar energy systems, regardless of mounted angle, shall be calculated as part of the maximum lot coverage of all buildings where lot coverage standards apply.
- 6.04 General Standards for Parking Lot Canopy Solar Energy Systems
- 6.04.01 The system shall be allowed in the side yard and rear yard. Canopies may be located in the front yard subject to Special Exception permit approval by the Planning and Zoning Commission.
- 6.04.02 The system shall be set back in accordance with the residential zone screening requirements of Article II Section 9.07 and 16.06.
- 6.04.03 The system shall not cover more than 50 percent of the parking lot or story of the parking structure on which it is located.
- 6.04.04 Parking Lot Canopy systems shall not exceed a maximum height of 18 feet when measured from ground level to the highest point of the structure.
- 6.04.05 In addition to the Special Exception requirements of Article IV, Section 20, the Commission shall find that appropriate vehicular circulation is maintained, sight-line distances are preserved and no additional nuisances will create or cause an unsafe or undesirable condition (i.e. glare).
- 6.05 Solar Energy Systems in the Historic Zone
- 6.05.01 To ensure that the unique historical and architectural qualities of the Historic Zone are preserved in accordance with Article II, Section 18 Historic Zone, the Cheney Brothers National Historic District Commission will review the Detailed Plan for conformance with the U.S. Secretary of Interior's Standards for

Rehabilitation and Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings and make a recommendation to the Planning and Zoning Commission. The Commission will then review and act upon the Detailed Plan prior to the issuance of a building permit.

- 6.05.02 Applicants shall demonstrate to the Commission's satisfaction that any proposal for solar energy systems in the Cheney Family Mansion Area as outlined in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, dated April, 1980, shall not be visible from the public street.



## ARTICLE IV      GENERAL PROVISIONS

### Section 7                      NONCONFORMING USES

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#### 7.00              Statement of Intent

7.00.01              Within the zones established by these regulations or any amendments that may later be adopted, there exist structures and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments.

7.00.02              It is the intent of these regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these regulations to be incompatible with permitted uses in the zones involved. It is further the intent of these regulations that nonconformities shall not be enlarged upon, expanded, or extended, except as provided herein, if such a change increases the nonconformity. It is further the intent of these regulations not to permit nonconformities to be used as grounds for adding other prohibited structures or use elsewhere in the same zone.

7.00.03              Nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building for which an application for a building permit was received by the chief building official, for which a building permit was issued, or for which construction was lawfully begun prior to the effective date of adoption or amendment of these regulations.

#### 7.01              Nonconforming Structures

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

7.01.01              No structure may be enlarged or altered in a way which increases its nonconformity or which creates an additional nonconformity.

7.01.02              Should such structures be destroyed or damaged from fire or other casualty, it may be repaired or replaced to the same dimensions, floor area, cubic volume, bulk and site location existing immediately prior to such damage or destruction provided that such repair or replacement shall be in compliance with all requirements of the Connecticut Basic Building Code. If application for a building permit for such repair or replacement is not made within six months of the date of such damage or reconstruction, the structure may be reconstructed only in conformity with these regulations.

7.01.03              Should such structures be moved in whole or in part, to any other portion of the lot or parcel occupied by such structure at the effective date of adoption or

amendment of these Regulations or to any other lot or parcel, it shall be located so as to conform to the requirements of the zone in which it is located after it is moved.

7.02 Nonconforming Uses

If a lawful use of land, building or structure exists at the effective date of adoption or amendment of these regulations that would not be allowed in the zone under the provisions thereof, such use may be continued so long as it remains otherwise lawful, subject to the following provisions and the provisions of paragraph 7.03.

7.02.01 Except as provided in paragraph 7.02.02 of this section, a nonconforming use may be changed only to a use allowed in the most restricted zone in which the present nonconforming use would be conforming.

7.02.02 No provisions in this section and no provisions elsewhere in these regulations shall be interpreted as allowing a nonconforming use to intensify the sale of alcoholic liquors or to qualify for a liquor permit different from the class of liquor permit existing on August 5, 1976.

7.02.03 No nonconforming use in a residential zone shall be changed to permit the selling or serving of alcoholic liquor.

7.03 Nonconforming Use of Building or Structures

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

7.03.01 Except for restrictions on the nonconforming sale of alcoholic liquor as stated in paragraph 7.02.02 above, a nonconforming use may be extended to another part of the building designed for such use.

7.03.02 No building devoted to a nonconforming use shall be enlarged or structurally altered if the cost of all such changes exceeds 50% of the total estimated value of the building as assessed at the time of the application for the first change.

7.03.03 Any building or structure used for a non-conforming use which is destroyed or damaged by fire or casualty may be reconstructed provided the cost of such reconstruction is not greater than 50% of the total estimated value of the building or structure at the time of the last revaluation (as recorded in the assessor's office) and an application for such reconstruction is made within six months of the date of such damage or reconstruction.

# ARTICLE IV      GENERAL PROVISIONS

## Section 8                      ALCOHOLIC LIQUORS

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8.01                      Except for buildings or premises located in Business CBD zone, no building or premises shall be used, and no building shall be erected or altered, which is to be used for the sale or exchange of spirituous and alcoholic liquors either at wholesale or retail or whether for consumption on the premises or otherwise, or for the storage of spirituous and alcoholic liquors for purposes of sale or exchange, if any part of such building or premises is situated:

8.01.01<sup>1</sup>                Within 1,000 feet in a direct line from any other building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange except that:

(a)<sup>2</sup> A building or premises containing a restaurant, brew pub, café, hotel, non-profit public art museum, tavern, theater, bowling establishment (which may sell spirituous and alcoholic liquors between the hours of 5 PM and 1 AM only), distillery, or craft café<sup>3</sup> may sell, exchange or store spirituous and alcoholic liquor pursuant to a State Department of Consumer Protection liquor permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange.<sup>4</sup>

(b)<sup>5</sup> The use of a building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored existing at the time that a permit is issued pursuant to paragraph 8.01.01(a) shall remain a permitted use and shall not be transformed into a nonconforming use by the issuance of said permit.

(c)<sup>6</sup> A building or premises containing a package store permit or package store beer permit may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange containing a permit other than a package store permit or package store beer permit.

8.01.02<sup>7</sup>                Within 200 feet of any part of a lot used for a college, school, place of worship, charitable institution whether supported by public or private funds, hospital, or library, except that a building or premise containing a restaurant permit, restaurant permit for wine or beer only, or restaurant permit for beer only is permitted within 200 feet of such lot further provided such restaurant, building or premise is not

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<sup>1</sup> Rev. 10/01/79

<sup>2</sup> Rev. 06/02/80

<sup>3</sup> Rev. 08/21/23, effective 09/11/23

<sup>4</sup> Rev. 11/21/11, effective 12/07/11

<sup>5</sup> Rev. 10/01/79

<sup>6</sup> Rev. 089/06/95; 06/04/01, effective 06/26/01

<sup>7</sup> Rev. 06/04/01, effective 06/26/01

within 200 feet of any building or premise containing a college, school, place of worship, charitable institution, hospital or library.

- 8.01.03 In residence zones, except that clubs, lodges, and fraternal organizations permitted in a Residence C zone, the chief activity of which is not a service carried on as a business, may after public hearing and approval of the Zoning Board of Appeals, and subject to all the restrictions of this section, apply for a club liquor license to the proper State authority. Such approval to apply for a club liquor license when granted by the Zoning Board of Appeals, shall apply to the applicant only and shall not be transferable.
- 8.02 Stores chiefly engaged in the sale of groceries which sell beer only under a package store permit shall not be regarded as package stores or as selling alcoholic liquor for the purpose of this Section.
- 8.03 These provisions shall not be retroactive, provided however that any building or premises used for the sale of alcoholic liquors, in contravention of these regulations, which is not used for such nonconforming use for a period of 30 days, must thereafter conform to the regulations.
- 8.04 For the purpose of this section, "premises" shall mean only that fractional part of the building used for alcoholic liquor sales, and shall not mean attached land or adjuncts.
- 8.05<sup>8</sup> In the Business CBD zone there shall be a minimum distance of 1,000 feet in a direct line between premises occupied by establishments in which are held the same class of liquor permit (as the same are defined in the Connecticut General Statutes). The classes of permits to which this applies are: 1) Package Store permit; 2) Package Store beer permit; 3) Club permit; 4) Tavern permit; 5) Druggist permit; and 6) Druggist permit for beer only.
- 8.05.01<sup>9</sup> A building or premises containing a restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, café permit, or hotel permit may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged or stored for purposes of sale or exchange.
- 8.05.02<sup>10</sup> The use of a building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored existing at the time that a permit is issued pursuant to paragraph 8.05.01 shall remain a permitted use and shall not be transformed into a nonconforming use by the issuance of said permit.
- 8.06 No provisions in this section and no provisions elsewhere in these regulations shall be interpreted as allowing a nonconforming use to intensify the sale of alcoholic

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<sup>8</sup> Rev. 7/9/03, effective 7/29/03

<sup>9</sup> Rev. 06/02/80

<sup>10</sup> Rev. 10/01/79



liquors or to qualify for a liquor permit different from the class of liquor permit existing at the time of adoption of these regulations.

8.07<sup>11</sup> If the site of any liquor permit premises is taken or threatened to be taken in the exercise of the power of eminent domain, the permittee may relocate said permit premises to another site provided such a new location:

8.07.01 is in a zone allowing such permit; and

8.07.02 is no more than 2,500 feet from the nearest point on the boundary of the site of the old location; and

8.07.03 is not within 1,000 feet of any other building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored by the use of the same class of permit as listed in Connecticut General Statutes Section 30-15.

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<sup>11</sup> Rev. 12/10/79



## ARTICLE IV      GENERAL PROVISIONS

### Section 9

### AUTOMOBILE PARKING AND LOADING AREA REQUIREMENTS

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- 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.<sup>1</sup>
- 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
- 9.02.01<sup>2</sup>      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

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

<sup>2</sup> Rev. 09/01/21, effective 09/22/21

means of delineation. Pervious parking areas intended only for use by the property owner or tenant, or for overflow parking only, may be constructed without such delineation;

- (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.<sup>3</sup>

9.02.09<sup>4</sup> No vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.

9.02.10<sup>5</sup> 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<sup>6</sup> 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.<sup>7 8</sup>

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

<sup>3</sup> Adopted 05/03/99, effective 06/07/99

<sup>4</sup> Adopted 02/21/06, effective 03/12/06

<sup>5</sup> Rev. 09/29/2016, effective 10/21/2016

<sup>6</sup> Adopted 11/6/23, effective 11/27/23

<sup>7</sup> Adopted 05/03/99

<sup>8</sup> Rev. 09/29/2016, effective 10/21/2016

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.<sup>9</sup>
- 9.03.04 Drive-in restaurant<sup>10</sup> - Minimum 50 spaces or one parking space for each three (3) seats and one space for each two employees on the largest shift<sup>11</sup> 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.<sup>12</sup>
- 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) seats<sup>13</sup> 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) seats<sup>14</sup> 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.<sup>15</sup>
- 9.03.14 Gasoline service station - one parking space for each 50 square feet of gross floor area.

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<sup>9</sup> Revised 4/7/2010, effective 4/28/2010

<sup>10</sup> Rev. 05/24/93

<sup>11</sup> Revised 4/7/2010, effective 4/28/2010

<sup>12</sup> New 4/7/2010, effective 4/28/2010

<sup>13</sup> Revised 4/7/2010, effective 4/28/2010

<sup>14</sup> Revised 4/7/2010, effective 4/28/2010

<sup>15</sup> Adopted 01/17/01, effective 02/06/01

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- 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 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.<sup>16</sup>
- 9.03.20<sup>17</sup> 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.<sup>18</sup>
  - (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 care center and group 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.<sup>19, 20</sup>
- 9.03.22 Schools<sup>21</sup> - the number of spaces shall be sufficient to accommodate personnel, students, expected visitors, and service vehicles, depending on the nature of the school.

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<sup>16</sup> Rev. 03/01/99, effective 03/20/99

<sup>17</sup> Rev. 09/29/2016, effective 10/21/2016

<sup>18</sup> Rev. 12/04/89

<sup>19</sup> Rev. 12/04/89

<sup>20</sup> Rev. 11/06/23, effective 11/27/23

<sup>21</sup> Rev. 11/23/96

- 9.03.23<sup>22</sup> Self Storage Facilities - a minimum of six spaces, plus one for each employee.
- 9.03.24<sup>23</sup> Medical Offices / Clinics - established and / or expanded after 06/07/99 , 1 space per 150 s.f. of gross leasable<sup>24</sup> floor area.
- 9.03.25<sup>25</sup> Bed and Breakfast Inns- one (1) parking space per one guest sleeping room plus 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.
- 9.03.26<sup>26</sup> Brewpub – one parking space for each three (3) customer seats and one space for each two employees on the largest shift.
- 9.03.27<sup>27</sup> 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.

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<sup>22</sup> Adopted 05/03/99, effective 06/07/99

<sup>23</sup> Adopted 05/03/99, effective 06/07/99

<sup>24</sup> Rev. 05/15/00, effective 06/03/00

<sup>25</sup> New 07/15/13, effective 08/01/13

<sup>26</sup> New 01/21/15, effective 02/13/15

<sup>27</sup> New 05/20/19, effective 06/07/19



## ARTICLE IV      GENERAL PROVISIONS

### Section 10

### CHILD CARE CENTERS AND GROUP CHILD CARE HOMES NOT LOCATED IN A RESIDENCE<sup>1, 2</sup>

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- 10.01      Special Exception: The Zoning Board of Appeals may, after a public hearing, grant a special exception for child care centers and group child care homes not located in a residence subject to the following conditions:<sup>3</sup>
- 10.01.01      The Board shall find that the location is suitable for child care purposes.<sup>4</sup>
- 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.
- 10.01.04<sup>5</sup>      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.

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<sup>1</sup> Rev. 12/04/89

<sup>2</sup> Rev. 11/6/23, effective 11/27/23

<sup>3</sup> Rev. 11/6/23, effective 11/27/23

<sup>4</sup> Rev. 11/6/23, effective 11/27/23

<sup>5</sup> Rev. 04/19/99, effective 05/07/99

- 10.01.08 If new construction, the child care center may be developed and operated at the discretion of the Zoning Board of Appeals after a public hearing provided:<sup>6</sup>
- (a) The facility meets the conditions set forth in Article IV, Section 10.01 above.
  - (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.

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<sup>6</sup> Rev. 11/6/23, effective 11/27/23

## ARTICLE IV      GENERAL PROVISIONS

### Section 11              EARTH EXCAVATION

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

11.01              Definitions

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

11.01.01              "Earth products" shall mean top soil, loam, gravel, stone, sand, dirt, clay, peat and any other minerals found beneath the surface of the earth.

11.01.02              "Department of Public Works" shall mean the Town of Manchester Department of Public Works.

11.01.03              "Borrow Pit" shall mean an area where earth products are excavated and are removed but not processed.

11.01.04              "Commercial Pit" shall mean an area where earth products are processed and/or stockpiled in one form or another.

11.01.05              "Excavation Permit" shall mean a special permit obtained from the Planning and Zoning Commission granting permission for an excavation and removal operation as outlined in this section.

11.02              Excavation and Removal of Earth Products as Part of Construction, Landscape or Agricultural Operation

11.02.01              Unless otherwise provided in this section, there shall be no excavation and removal of earth products from the premises, in any zone, except for the following purposes:

- (a) Normal foundation, trench excavation, grading and landscaping in connection with work on the premises for which a building permit is obtained.
- (b) Normal agricultural operations.
- (c) Normal landscaping operations for an existing structure.
- (d) Normal construction of improvements and the changing of contours in accordance with subdivision plans and contour maps approved by the Commission for the premises provided no crushing or processing of rock or earth material is permitted, except the screening of soil to be used on the development premises, unless a permit is obtained under Section 11.07.<sup>1</sup>

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<sup>1</sup> Rev. 05/03/10, effective 05/10/10

- (e) Normal site preparation and grading for future developments, provided that such work will not involve an area greater than two acres or require the removal of earth products from the premises. If such work will involve an area greater than two acres, or require the removal of earth products from the premises, an excavation permit will be required, and plans for such work must be submitted to the Commission for approval. If, in the opinion of the Commission, such an operation will actually constitute a borrow pit, the applicant must follow the procedure as set forth in paragraph 11.03.01 or 11.03.02.

11.02.02 No builder or owner of property in Manchester shall cause to remain, in any zone, denuded land caused by, or in connection with, any construction, landscape or agricultural operation, for a period of more than one year. Application may be made to the Commission for an extension of this period.

11.03 Excavation and Removal of Earth Products from Borrow Pits

11.03.01<sup>2</sup> Top soil or loam - In a situation not related to a construction, landscape or agricultural operation, an excavation permit for the excavation and removal of top soil or loam, in any zone, may be secured from the Commission, subject to the following conditions:

- (a) The premises shall be re-covered with not less than four inches of top soil or loam and the entire area shall be re-seeded or put to cultivation. The area, if re-seeded, should be sowed with a seed similar to rye grass, at a rate of two pounds of seed for every 1,000 square feet of area covered.
- (b) It shall be the responsibility of the applicant to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.
- (c) A Certificate of Agreement, listing the conditions under which the application has been approved, shall be signed by the applicant and the Commission.
- (d) A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.<sup>3</sup>
- (e) An excavation permit, issued under this section, shall continue in effect for not more than six months. The Commission may, upon request, extend an excavation permit for additional six-month periods.

11.03.02<sup>4</sup> Earth products, other than top soil or loam:

The Commission may, after a public hearing, grant an excavation permit for the excavation and removal of earth products in any zone, only when it is satisfied that

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<sup>2</sup> Rev. 11/03/03, effective 11/28/03

<sup>3</sup> Rev. 06/03/13, effective 06/21/13

<sup>4</sup> Rev. 11/03/03, effective 11/28/03

the following conditions will be complied with in the undertaking of such excavation:

- (a) The applicant shall submit an application and plans, drawn to scale 1" = 40'<sup>5</sup>, showing topography and contours of the area, both existing and proposed, with contour intervals of not less than two feet, or more than five feet, as determined by the Department of Public Works. Such plans shall show the adjoining area of land within 100 feet of the property lines and shall also show any natural watercourse or existing utilities or easements on the property.
- (b) The applicant shall provide for proper drainage of the area during the operation to prevent the collection and stagnation of water, and to prevent harmful effects upon surrounding properties. The detailed plan shall provide for proper drainage upon completion of the operation.<sup>6</sup>
- (c) No bank shall exceed a slope of 2:1 (horizontal: vertical). In any case, the acceptable slope will be determined by the Commission. No removal shall take place within 50 feet of any property line except by mutual agreement of adjoining property owners. Excavation below the established grade of a street will not be permitted within 75 feet of any road or highway.
- (d) Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
- (e) No buildings shall be erected on the premises except as may be permitted in the Zoning Regulations or except as temporary shelter for machinery and field office, subject to approval by the Commission.
- (f) Truck access to the excavation area shall be arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation, being within 500 feet of a street or highway, shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the department of public works.
- (g) No fixed machinery shall be erected or maintained on the premises, and no screening, sifting, washing, crushing, or other forms of processing shall be conducted on the premises.
- (h) In determining the extent of excavation, and the final contour of the area, the Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.
- (i) At the conclusion of the operation, or any substantial portion thereof, the exposed area, where removal takes place, shall be covered with at least four

<sup>5</sup> Rev. 05/03/10, effective 05/10/10

<sup>6</sup> Rev. 05/16/11, effective 06/13/11

inches of top soil or loam, and seeded with a suitable cover crop, similar to rye grass. The seed which is used as a cover crop must be sowed at a rate of two pounds of seed for every 1,000 square feet of area covered.

- (j) A Certificate of Agreement, listing the conditions under which the application has been approved, shall be signed by the applicant and the Commission.
- (k) A financial guarantee to ensure the timely and adequate completion of the work following excavation, pursuant to the conditions as set forth in the Certificate of Agreement shall be required in accordance with Article IV Section 22 of these regulations.<sup>7</sup>
- (l) The premises shall be excavated and graded in conformity with the plans as approved. Nothing herein shall prevent the applicant from filing a revised plan, modifying or reducing the scope of work originally approved. The Commission may modify the plan, with or without a public hearing, as they deem fit. The Department of Public Works shall have the authority to allow, during the operation of the project, such deviations from the approved plan that may be required for normal operation of field equipment, provided that such deviations will not affect the final results of the approved plan. Any significant deviations from the approved plan, not approved by the Commission, shall be cause for the Commission to revoke the excavation permit.
- (m) The Commission may grant a permit to the applicant for a limited period of time, not exceeding five years. In granting such permit, and fixing the period of time for completion, the Commission shall take into account the size and location of the area upon which the excavation is to take place, and the overall magnitude of the operation. The Commission shall have the authority, upon application to it, to extend the time limit for completion in the original permit.
- (n) It shall be the responsibility of the applicant to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.

#### 11.04 Commercial Pits

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

- 11.04.01 At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- 11.04.02 No excavation shall take place within 50 feet of any property line except by mutual agreement of adjoining property owners. There shall be no excavation below the established grade of the street within 75 feet of any road or highway. At the con-

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<sup>7</sup> Rev. 06/03/13, effective 06/21/13

clusion of the operation, no bank shall exceed a slope of 2:1 (horizontal: vertical).

- 11.04.03 There shall be no stockpiling of materials or erection or maintenance of fixed machinery within 300 feet of a residential zone. The Commission may modify these requirements by setting up a designed buffer area, or other precautionary measures that will not be detrimental to the immediate neighborhood.
- 11.04.04 Truck access to the operation shall be arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation, being within 500 feet of a street or highway, shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the Department of Public Works.
- 11.04.05 It shall be the responsibility of the operator to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.
- 11.04.06 No natural watercourse shall be altered in any way until the relocation plans have been referred to and approved by the Department of Public Works.
- 11.04.07 At the abandonment of the operation, the exposed area where removal takes place shall be covered with at least four inches of topsoil or loam, and seeded with a suitable cover crop similar to rye grass. The seed which is used as a cover crop must be sowed at a rate of two pounds of seed for every 1,000 square feet of area covered.
- 11.05 Existing Borrow Pits
- 11.05.01 These regulations shall not be applicable to borrow pits existing at the time of adoption of these regulations, provided that the owner(s) of an existing borrow pit shall file with the Commission by March 1, 1962, a plan showing the boundaries or the extent of his/their operation.
- 11.05.02 Such plan shall show existing watercourses, easements and utilities that may exist on the premises. Any extension beyond these boundaries must conform to the regulations, as set forth in this section.
- 11.05.03 The Commission shall have the right to reject any area so filed, if sufficient proof is not presented to warrant the area as an existing borrow pit.
- 11.06 Existing Commercial Pits
- 11.06.01 These regulations shall not be applicable to commercial pits existing at the time of adoption of these regulations, provided that the owner(s) of an existing commercial pit shall file with the Commission by March 1, 1962 a plan showing the boundaries or the extent of his/their operation.
- 11.06.02 Such plan shall show existing water courses, easements and utilities that may exist on the premises. Any extension beyond these boundaries must conform to the

regulations as set forth in this section.

11.06.03 The Commission shall have the right to reject any area so filed, if sufficient proof is not presented to warrant the area as an existing commercial pit.

11.07<sup>8</sup> Crushing and or Processing of Rock or Earth Material in Approved Subdivisions<sup>9</sup>

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

- (a) The applicant shall submit an application and plans, drawn to scale 1" = 40', showing topography and contours of the area, both existing and proposed, with contour intervals of not less than two feet, or more than five feet, as determined by the Director of Public Works. Such plans shall show the adjoining area of land within 100 feet of the property lines and shall also show any natural watercourse or existing utilities or easements on the property. The proposed hours of operation for crushing and or processing of rock or earth material will accompany the application.
- (b) No screening, sifting, washing, crushing, or other forms of processing shall be conducted within 300 feet of any property line and no fixed machinery shall be erected or maintained within 300 feet of any property line unless approved by the Commission.
- (c) No structures associated with crushing and or processing of rock or earth material shall be located on the premises except as temporary shelter for machinery and a field office, subject to approval by the Commission.
- (d) Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stockpiling of processed material upon the site and modification of the proposed hours of operation of crushing and or processing of rock or earth material.
- (e) Truck access to the area of the crushing or processing operation shall be arranged to minimize danger to traffic and nuisance to surrounding properties. That portion of the access road within the area of operation within 500 feet of a street or highway shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the Director of Public Works.
- (f) <sup>10</sup>It shall be the responsibility of the applicant to immediately repair any damage to abutting town sidewalks, curbs, or surface water drain, or other infrastructure that resulted from the crushing or processing operation.

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<sup>8</sup> New 05/03/10, effective 05/10/10

<sup>9</sup> Rev. 06/03/13, effective 06/21/13

<sup>10</sup> Rev. 06/03/13, effective 06/21/13



## **ARTICLE IV      GENERAL PROVISIONS**

### **Section 12                      CENTRAL FUEL DISTRIBUTION SYSTEMS**

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- 12.01              The installation and use of a central underground tank and pipes for the distribution of fuel to individual buildings shall not be construed to be a business use for the purpose of these regulations and shall be considered to be an accessory use to those buildings to which such fuel is distributed.



## ARTICLE IV      GENERAL PROVISIONS

### Section 13              SIGNS<sup>1</sup>

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#### 13.00              Signs

As of April 13, 1970 the erection, display and maintenance of all new signs shall be in accordance with the requirements of this section.

#### 13.01              Purpose

This regulation recognizes that signs are an appropriate accessory use in all zones and that in certain circumstances, signs which are not accessory in character may also benefit the public at large.

The permitted types and areas of signs are deemed sufficient for the uses intended, and the requirements and restrictions on the erection and display of signs are deemed necessary to protect the public safety, convenience and property values.

#### 13.02              Definitions-Sign Function

13.02.01      **Billboard sign** - a sign advertising a service or commodity which service or commodity is not to be found or available on the premises upon which the sign is displayed. **Public interest signs, directional signs** and **construction signs** as defined in paragraph 13.02 of this section and **portable signs** as permitted in Section 13.10.12, shall not be considered billboards.

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

13.02.03      **Construction sign** - a sign erected on a site which is to be developed or is being developed.

13.02.04      **Directional sign** - an on premise sign providing guidance to the public and containing no advertising, except as provided for in Section 13.10.08, 13.10.09 and 13.11.05.

13.02.05      **Electronic message board** – a sign that uses computer-generated or electronic means to display static advertising copy, messages, or color.

13.02.06      **Identification sign** - a sign indicating the name or nature of buildings or the nature of land-use displayed on the property identified.

13.02.07      **Nameplate sign** - a sign indicating the name of the building occupant.

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

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<sup>1</sup> Repealed and replaced with new version 1/4/16; effective 1/25/16

- 13.02.09     **Public interest sign**- a sign informing the public of matters of public interest associated with fraternal, social, charitable, religious or service organizations.
- 13.02.10     **Real estate sign**- a sign offering for sale or lease the property on which it is located. It may include reference to owner or agent.
- 13.02.11     **Roadside sign** - a sign which directs attention to the sale of agricultural produce grown on the premises.
- 13.02.12     **Time or temperature sign** – a sign with a changing display message consisting of only the current time and temperature information.
- 13.03         Definitions – Sign Construction
- 13.03.01     **Architectural sign** - a sign which is an integral part of the building.
- 13.03.02     **Canopy sign** - a sign placed on the vertical panels of a permanent canopy, or a sign erected above and supported by the canopy and extending no higher than the top of a parapet wall or eaves level.
- 13.03.03     **Free standing sign** - a sign permanently embedded in the ground or supported by a structure permanently embedded in the ground.
- 13.03.04     **Low profile free standing sign** - a sign, the topmost part of which is not more than five feet from the ground, permanently embedded in the ground or supported by a structure permanently embedded in the ground.
- 13.03.05     **Marquee sign** - a sign placed on the vertical panels of a permanent roof marquee.
- 13.03.06     **Mechanical sign** - a sign which involves motion or rotation of any part or which displays flashing lights or creates an illusion of movement.
- 13.03.07     **Novelty sign** – a sign, banner, pennant, valance or advertising display, teardrop banner or portable message center sign, constructed of cloth fabric, cardboard or other light material including air-activated graphics and balloon signs, intended to be displayed for a short period of time.
- 13.03.08     **Portable sign** – a free standing sign not permanently anchored, attached, or secured to the ground including "A" frame or sandwich board signs.
- 13.03.09     **Projecting sign** - a sign supported by a building and projecting more than 18 inches.
- 13.03.10     **Readerboard sign** - a visual display board that conveys information using changeable letters and/or graphic symbols that must be physically manipulated to change the message.
- 13.03.11     **Roof sign** - a sign erected above roof level but not including a sign which does not extend higher than the top of a parapet wall.
- 13.03.12     **Wall sign** - a sign placed on a wall of a building but not extending above roof level any higher than the top of a parapet wall.

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- 13.03.13 **Window sign** – a sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excluding merchandise in a window display.
- 13.04 Definitions - Sign Lighting
- 13.04.01 **Direct Illumination** - a sign illuminated by devices which project artificial light upon it.
- 13.04.02 **Internal Illumination** - a sign which has characters, letters, figures, design or an outline of artificial light provided by electricity. Except for **readerboard signs**, signs that are internally illuminated are prohibited, except when the background is opaque and only the copy or symbols are illuminated.
- 13.05 General Requirements
- The requirements of this section shall apply to all signs in all zoning districts.
- 13.05.01 Signs other than public interest and **directional signs** shall be considered “accessory uses”.
- 13.05.02 No sign shall be permitted in the area of a public right-of-way unless the location is approved by the cognizant authority, except for **portable signs** as permitted in Section 13.10.12.
- 13.05.03 All sign floodlight sources shall be shielded so that the light will not shine into the eyes of any person external to the premises on which the sign is displayed.
- 13.05.04 Sign illumination which simulates traffic lights or emergency warning lights is prohibited.
- 13.05.05 Except for novelty and window signs all new signs should be constructed of durable, rigid, opaque material such as metal, wood or high quality plastic or vinyl. Corrugated plastic signs are not allowed.<sup>2</sup>
- 13.05.06 Signs designed for viewing from one side shall be opaque.
- 13.05.07 **Billboard signs** are prohibited, except in accordance with Article IV, Section 24.02.<sup>3</sup>
- 13.05.08 Unless otherwise specifically regulated in this section, nothing in these regulations shall be construed as regulating the installation of signs by a governmental body or political signs expressing political views or supporting candidates for office.
- 13.05.09 Nothing in this section shall be deemed to prohibit cooperative action between abutting stores or tenants of the same building to combine allocated advertising

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<sup>2</sup> Revised 9/6/17, Effective 9/18/17

<sup>3</sup> Revised 02/17/21, effective 03/10/21

space.

13.05.10 The area of a sign shall be determined from its outside dimensions. Where a sign consists of individual characters and/or other symbols, the area shall be determined from the smallest rectangle enclosing all of the characters, symbols and design features.

13.05.11 **Free standing signs** shall provide not less than seven feet ground clearance if situated in an area where the public may walk. No part of a **free standing sign** shall be less than five feet from a public right of way except as may be necessary for directional and public interest signs. In no case shall the placement of such signs interfere with sight lines necessary for the safe ingress and egress onto streets.

13.05.12 **Window signs** shall not occupy more than 25% of the storefront windows to ensure transparency and visibility.

13.06 General Requirements for Residential Zones

In addition to the above requirements the following is required in the residential zones:

13.06.01 The maximum height of a **free standing sign** shall be 5 feet.

13.07 General Requirements for Business Zones

In addition to the above requirements the following is required in the business zones:

13.07.01<sup>4 5</sup> The maximum sign area for **wall, canopy, marquee and roof signs** shall be calculated on the basis of three square feet for each linear foot of the face of the building supporting such sign. Except in the Central Business District, the area of the sign shall not exceed the following based on the setback of the building face supporting the sign from the right-of-way line of the public street that the sign will face:

<u>Building Location</u>	<u>Maximum Sign Area Per Tenant</u>
Up to and including 50 feet from street	32 Square Feet
Greater than 50 up to and including 100 feet from street	64 Square Feet
Greater than 100 up to and including 150 feet from street	100 Square Feet
Greater than 150 up to and including 250 feet from street	200 Square Feet
Greater than 250 feet from street	300 Square Feet

13.07.02 The side of the building supporting a sign shall face onto a street or onto a parking lot. When facing a parking lot, the distance between the wall of the building facing such lot and a residential lot line shall be not less than 150 feet.

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<sup>4</sup> Revised 10/17/2016, effective 11/08/2016

<sup>5</sup> Revised 10/15/2018, effective 11/01/2018

13.07.03 The maximum height of a **free standing sign** shall be 18 feet.

13.08 General Requirements for Design Overlay Zone

In addition to the above requirements the following is required in the Design Overlay Zone:

13.08.01 The location and the size of proposed signs in the Design Overlay Zone will be in harmony with the orderly development of the area and will not alter the essential characteristics of the area.

13.08.02 The lighting, materials and design elements of the proposed signs in the Design Overlay Zone shall be attractive and suitable in relation to site characteristics and shall be similar and compatible with the architecture of the building. Colors should complement the building and storefront colors and the letters and logos should contrast with the background for easy reading.

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

13.08.04 In multi-use buildings wall mounted signs for ground floor uses shall not be located above the height of the ground floor.

13.09 Signs Permitted in Residential Zones

13.09.01 **Identification signs** for:

- Golf Courses - not exceeding 50 sq. ft.
- Group Dwelling Complex - not exceeding 50 sq. ft.
- Convalescent Home - not exceeding 50 sq. ft.
- Farm & Agricultural Uses - 50 sq. ft.
- Municipal Uses - not exceeding 50 sq. ft.
- Residence C zone office building - not exceeding 32 sq. ft.
- Historical Interest - four sq. ft.
- Places of Worship - 50 sq. ft.

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

13.09.02 One **nameplate sign** not exceeding two sq. ft. per dwelling. The sign may indicate the nature of home occupation or professional use. No artificial illumination is permitted. Signs may be free standing, wall mounted or projecting.

13.09.03 **Temporary signs** may be permitted in any residential zone in accordance with the following paragraphs:

13.09.03.01 One **construction sign** not exceeding 32 sq. ft. to advertise a building project. Subcontractors may each display one sign not exceeding four sq. ft.

**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.

13.09.03.02 One **real estate sign** not exceeding four sq. ft. for each property offered for sale. Real estate signs shall not be displayed after the property has been sold.

13.09.03.03 One **roadside sign** limited to a maximum size of 16 square feet per property. Such signs shall not be displayed during seasons when the roadside stand is not open.

13.09.03.04 **Public interest sign**— the temporary display of public interest signs for a period not to exceed three weeks in locations deemed appropriate for the purpose by the Zoning Enforcement Officer. All such signs must be removed three weeks after erection.

13.10 Signs Permitted in Business Zones

13.10.01 **Architectural signs** shall be approved by the Planning and Zoning Commission.

13.10.02 **Roof signs** shall be approved by the Planning and Zoning Commission and will be permitted only if the Commission deems that the location of the building on the lot, or the location of the building relative to adjacent buildings or properties would cause other types of signs to be ineffective in identifying the business on the property.

13.10.03 **Projecting signs** shall not be erected over a public right of way except within the Central Business District. In the Central Business District signs erected over a public right of way shall not be internally illuminated, must provide a minimum clearance of 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 facade. The total area of the **projecting sign** shall not exceed 12 square feet. The maximum number of such signs permitted on a single building or structure shall be equivalent to the number of establishments located on the ground floor of the building and having direct access from the public sidewalk.

13.10.04 **Temporary signs** may be permitted in any business zone in accordance with the following paragraphs.

13.10.04.01 One **construction sign** not to exceed 32 square feet. In addition to a **construction sign** on a site, subcontractors may each display one sign not exceeding 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 more than 18 months. **Construction signs** may be directly illuminated.

13.10.04.02 One **roadside sign** limited to a maximum size of 16 square feet per property. Such signs shall not be displayed during seasons when the roadside stand is not open. **Roadside signs** may be directly illuminated.

13.10.04.03 One **real estate sign** not exceeding 24 square feet for each property offered for sale or lease. Real estate signs shall not be displayed after the property has been sold.

13.10.04.04 A business can display one **novelty sign** for a period not to exceed twelve weeks



per calendar year. Teardrop banners, air-activated graphics and balloon novelty signs will not exceed 3.5 ft. at their widest point and 18 ft. in height. Other novelty signs will not exceed 32 sq. ft. in area and 18 ft. in height.

- 13.10.04.05 **Public interest sign**– the temporary display of public interest signs for a period not to exceed three weeks in locations deemed appropriate for the purpose by the Zoning Enforcement Officer. All such signs must be removed three weeks after erection.
- 13.10.05 **Business signs** are permitted in all business zones, may be illuminated internally or directly and may be displayed as **architectural signs, roof signs, wall signs, marquee signs, canopy signs, free standing signs, or projecting signs** in accordance with the standards in 13.05, 13.07 and 13.08 above and the following paragraphs:
  - 13.10.05.01 A business may have a **free standing sign** or a **projecting sign**, but not both.
  - 13.10.05.02 Business premises not contained in a shopping center complex may erect only one **free standing or low profile free standing sign** based on the ground floor area of the building as follows: Up to 1200 square feet of building ground floor area, a **free standing sign** of 12 square feet or 24 square feet for **low profile free standing sign**, thence an increase in sign area of one square foot for each additional 200 square feet of building ground floor area to a maximum of 100 square feet. Alternatively, only one **projecting sign** not exceeding one square foot for each lineal foot of the building face containing the sign may be erected. Such sign shall not exceed 25 square feet.
  - 13.10.05.03<sup>6</sup> Shopping centers may erect one free standing **business sign** to display the name of tenants in the shopping center building in addition to a permitted **identification sign**. The sign area ratio shall be six square feet for each tenant. Shopping centers occupying less than 6 acres may erect one **free standing business sign** not exceeding 100 square feet solely to identify the tenants of the shopping center. Shopping centers occupying 6 acres or more may erect one **free standing business sign** not exceeding 200 square feet solely to identify the tenants of the shopping center. Separate business premises within the complex building shall not erect individual **free standing signs**.
  - 13.10.05.04 Gasoline service stations may erect one **projecting sign** not exceeding 32 square feet or one **free standing sign** not exceeding 32 square feet.
  - 13.10.05.05 Gasoline service stations adjoining restricted access highways may erect in the rear yard of the station premises one additional **free standing sign** not exceeding 200 square feet.
- 13.10.06 Free standing **identification signs** are permitted in business zones in accordance with the following paragraphs:
  - 13.10.06.01 Shopping centers occupying less than 6 acres may erect one **free standing sign** not exceeding 100 square feet solely to identify the center. Shopping centers

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<sup>6</sup> Rev. 01/04/17; effective 01/20/17

occupying 6 acres or more may erect one **free standing sign** not exceeding 200 square feet solely to identify the center.

- 13.10.06.02 Motels adjoining restricted access highways may erect one **free standing sign** not exceeding 200 square feet solely to identify the motel. Motels in other locations may erect one **free standing sign** not exceeding 100 square feet solely to identify the motel.
- 13.10.06.03 Shopping malls occupying more than 25 acres may erect one **free standing sign** for each point of vehicular egress from a public street provided that no such individual sign shall exceed 200 square feet on each face with a maximum of two faces per sign. In computing the square footage of each face, the square footage of faces or other supporting structures shall not be counted. Such signs shall be used solely to identify the shopping mall.
- 13.10.07 **Identification signs** may be internally illuminated or directly illuminated.
- 13.10.08 Free standing **directional signs** containing advertising may be erected within a shopping mall site in order to provide direction to the motorist. No such sign shall be located within 100 feet of a public street right-of-way or exceed six square feet in area. The total area of all such **directional signs** shall not exceed 200 square feet.
- 13.10.09 Free standing **directional signs** containing advertising may be utilized to provide direction to the motorist. Such signs shall not exceed 3 square feet in area, and any logo or other advertising on such sign shall not exceed one-third of the area of the sign.
- 13.10.10 **Nameplate signs** not exceeding two square feet per occupant are permitted. One sign is permitted per occupant. Such signs may be free standing, wall mounted, or projecting.
- 13.10.11 **Electronic message board signs** not exceeding 32 sq. ft. of total allowed sign area. The message shall not change more than two (2) times in a 24-hour period.
- 13.10.12 **Portable signs** shall be permitted in the public right-of-way in the Central Business District zone subject to the following requirements:
- (a) Number, Signs, Location
1. Only one **portable sign** shall be permitted for an individual business or establishment and the sign content must be limited to the business, service, or goods of the establishment immediately adjacent to the sign, or to an establishment located on the upper floors of the building immediately adjacent to the sign.
  2. Each property shall be entitled to no more than one **portable sign** for every 20 feet of property frontage on a public street, regardless of the number of businesses in a given property. Properties on corner lots shall only be entitled to count the frontage on Main Street.
  3. The sign shall not exceed eight (8) square feet in total area based on the

dimensions of a single side, and shall not be more than 2.5 feet wide nor more than 4 feet high.

4. Signs shall be located either adjacent to the building frontage or a minimum of 18 inches from the curb, and shall provide at least five (5) feet of unobstructed sidewalk area for pedestrians. Sign shall not obstruct any required means of egress from adjacent buildings.
5. Signs shall be located with the message perpendicular to the street.
6. Signs may be displayed only when the establishment is open for business and must be removed from the right-of-way when the business is closed.
7. Signs must be constructed of durable, weatherproof materials, including wood, metal, or composite wood or synthetic materials. Glass, paper, laminated paper, PVC pipe frames or similar materials are not permitted. Signs may not be illuminated. All signs must be maintained in good repair including the sign frame structure, materials, and lettering and graphics.

(b) Permitting and Enforcement

1. Anyone wishing to display a **portable sign** must file an application with the zoning enforcement officer for a Certificate of Use permit. An application form must be completed and any fee must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
2. **Portable sign** permits shall be issued for an operating period of one year, from January 1 to December 31 except for the year when this section becomes effective, in which case the permit shall be effective from the effective date through December 31 of that year. Thereafter, the zoning enforcement officer may issue a renewal application on an annual basis provided a new Certificate of Use permit is submitted. Applications for renewals will be accepted between 11/30 and 12/30 of each year. Applications made after 1/1 of each year shall expire 12/31 of said year. The zoning enforcement officer may deny a permit if the permittee has a history of violations of any of the requirements of this section.
3. The permittee must provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured on that policy. Certificate of Use shall not be issued until the insurance certificate is provided.
4. The zoning enforcement officer shall be empowered to notify the permittee of a **portable sign** that their permit has been revoked if it is found that any of the terms or requirements of this section are not met. The Town is entitled to remove a sign which violates the regulations, and said signs shall not be returned or be located unless all violations are remedied. The Town may charge a pick-up fee in addition to any fines associated with said enforcement.
5. The Town reserves the right, acting through the general manager or a

designee, to prohibit the use of **portable signs** at any time because of anticipated or actual problems or conflicts in the use of a sidewalk area. These situations include but are not limited to festivals, parades, road races, repairs to the street or sidewalk, or hazardous weather conditions or other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the prohibition is in effect, but failure to give notice shall not affect the right of the Town to prohibit **portable signs** at any time.

6. Any permittee aggrieved by any action of the zoning enforcement officer shall have a right to appeal the Zoning Board of Appeals as set forth in Article V, Section 5 of these regulations. Any sign subject to an enforcement action must be removed from the sidewalk until the appeal is decided.

13.10.13<sup>7</sup> Theaters shall be allowed one (1) free-standing sign. For buildings up to 1200 sq. ft. of building ground floor area, a sign area of 12 sq. ft. shall be permitted. Thence, an increase in sign area of one (1) sq. ft. for each additional 200 sq. ft. of building ground floor area to a maximum of 200 sq. ft. or, alternatively, one (1) only projecting sign not exceeding one (1) sq. ft. for each lineal foot of the building face containing the sign to a maximum of 100 sq. ft.

13.11 Signs Permitted in Industrial Zones

13.11.01 One wall, marquee or **projecting sign** not exceeding 100 sq. ft. Signs may be internally illuminated or directly illuminated.

13.11.02 One free standing **identification sign** not exceeding 200 sq. ft. Signs may be internally illuminated or directly illuminated.

13.11.03 One **nameplate sign** not exceeding six sq. ft. for each establishment. Signs may be internally illuminated or directly illuminated.

13.11.04 **Electronic message board sign** not exceeding 32 sq. ft. of total allowed sign area. The message shall not change more than two (2) times in a 24-hour period.

13.11.05 Free standing **directional signs** containing advertising may be utilized to provide direction to the motorist. Such signs shall not exceed 3 square feet in area, and any logo or other advertising on such sign shall not exceed one-third of the area of the sign.

13.11.06 **Temporary signs** may be permitted in Industrial zones in accordance with the following paragraphs:

13.11.06.01 **One construction sign** not exceeding 32 sq. ft. to advertise a building project. Subcontractors may each display one sign not exceeding 4 sq. ft. Signs may be internally illuminated or directly illuminated.

**Construction signs** shall be removed immediately after the project has been

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<sup>7</sup> Rev. 09/29/2016, effective 10/21/2016

completed. In no event shall a **construction sign** be displayed for a time period exceeding 18 months.

13.11.06.02 One **real estate sign** not exceeding 32 sq. ft. for each property offered for sale. Real estate signs shall not be displayed after the property has been sold. No artificial illumination is permitted for real estate signs.

13.11.06.03 **Public interest sign**– the temporary display of public interest signs for a period not to exceed three weeks in locations deemed appropriate for the purpose by the Zoning Enforcement Officer. All such signs must be removed three weeks after erection.

13.12 Signs Permitted in Off-street Parking Zones

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



## ARTICLE IV      GENERAL PROVISIONS

### Section 14              THE KEEPING OF HORSES<sup>1</sup>

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14.00              In any zoning district where the keeping of horses is permitted, the keeping shall be in conformance with this regulation and any pertaining state or local regulation or ordinance.

#### 14.01              Residential Lots

14.01.01          The keeping of horses on a residential lot shall be restricted to the rear yard of the premises and for the private use of the resident only. No horses shall be kept for gain, direct or indirect.

14.01.02          The minimum area of a rear yard used for the keeping of horses shall be a half acre for each horse kept.

14.01.03          Stabling of horses shall be an accessory use to the keeping of horses.

14.01.04          The use of trailers for stabling purposes is prohibited.

14.01.05          No stable or feed trough shall be within 50 feet of a residential dwelling on abutting premises or within 60 feet from the building line of any abutting undeveloped lot.

14.01.06          Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.

14.01.07          There shall be no open or outside storage of feed or bedding material.

14.01.08          Trailers for horse conveyance shall not be parked in the front or side yards of the premises.

14.01.09          All rear yards used for the keeping of horses shall be completely and adequately fenced to confine the animals to the rear yard.

#### 14.02              Unsubdivided Lands

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

(a) The minimum area of any lot, parcel or paddock which is used for the keeping of horses shall be a half-acre for each horse kept.

(b) No stable or feed trough shall be within 60 feet of a residential lot line.

(c) Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.

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<sup>1</sup> Adopted 12/16/74; effective 01/01/75

- (d) There shall be no open or outside storage of feed or bedding material.
- (e) All lots, parcels or paddocks shall be completely and adequately fenced to confine the horse or horses to the lot, parcel or paddock.

14.02.02 Commercial uses - Commercial uses shall be restricted to:

- Riding academies
- Livery stables
- Breeding

and shall be subject to the following:

- (a) The minimum area for commercial uses shall be three acres and there shall be one half-acre for each horse permanently kept on the site.
- (b) No building shall be within a distance of 200 feet from a residential dwelling, or 100 feet from a public highway.
- (c) Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- (d) There shall be no outside storage of feed or bedding material.
- (e) All paddocks shall be securely fenced to confine animals to the paddock, and all gates shall be self-closing.
- (f) Automobile parking areas shall be provided on the site sufficient to accommodate all visitors.
- (g) No automobiles shall be parked within a distance of 100 feet from a residential dwelling.
- (h) The entrance point of all uses shall be no closer than 200 feet to a residential lot or residential dwelling unless said lot or dwelling is owned by the operator of the commercial use.
- (i) Public address systems shall be modulated so that noise shall not become a nuisance to adjacent residential occupants.
- (j) All flood lighting and all other types of lighting which are intended to illuminate the areas of use 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.
- (k) Toilet facilities shall be provided as required and approved by the director of health.



## ARTICLE IV      GENERAL PROVISIONS

### Section 15      MORATORIUM<sup>1</sup>

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#### 15.00      Purpose

The Town of Manchester Planning and Zoning Commission (PZC) has determined that a review of its commercial zoning regulations as they pertain to adult oriented businesses is necessary to ensure that the regulations are adequately protecting the health, safety, and welfare of its residents and protecting and conserving property values in the community. The PZC further finds that a temporary limited moratorium is necessary to provide time for the PZC to study pertinent law and conduct research on possible zoning provisions, and to consider drafting zoning regulations for such adult oriented businesses.

#### 15.01      Definitions

For the purposes of this section, the following businesses, establishments, or uses are considered adult oriented businesses and are subject to the moratorium:

- (a) Adult Bookstore: 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 may in conjunction therewith have facilities for presentation of adult material, as defined herein, and including adult-oriented films, movies, or live entertainment for observation by patrons therein.
- (b) Adult Cabaret: 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.
- (c) Adult Entertainment: any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type, which has 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

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<sup>1</sup> New 3/16/06, effective 3/18/06

unclothed, pantomime, modeling or any other personal services offered to customers.

- (d) Adult Material: 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.
- (e) Adult Motion Picture Theater: 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.
- (f) Adult Oriented Establishment: shall include, without limitation, adult bookstores and adult motion picture theaters, 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.
- (g) Sex Shop: an establishment offering goods for sale or rent and that meets any of the following: (i) The establishment offers for sale items from any two or more of the following categories: (1) adult media, (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.

15.02

#### Applicability

During the moratorium period, no applications for certificates of zoning compliance for adult oriented businesses as required under Article II, Section 9.02 and/or Article V, Section 4.01, or building permits for adult oriented businesses as required in Article II, Section 9.03, shall be accepted

or issued.

15.03

Effective Date

The moratorium shall take effect on March 18, 2006 upon publication of the legal notice of the adoption of this amendment and the filing of the amendment in the Town Clerk's office, and shall be in effect for a six-month period from the effective date.



## **ARTICLE IV      GENERAL PROVISIONS**

### **Section 16                      CARNIVALS AND CIRCUSES**

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- 16.01            Nothing in these regulations shall prevent a civic, fraternal, religious, educational, charitable or similar nonprofit organization to conduct or cause to be conducted a performance, show or exhibition commonly known as a carnival or circus the proceeds of which are for the benefit of said organization or for the benefit of a similar organization, as limited herein, and provided that said organization shall first obtain a special exception in accordance with paragraph 16.02 of this section.
- 16.01.01       Any such organization shall be limited to conducting or causing to be conducted only one such carnival or circus in any one calendar year.
- 16.01.02       Such carnivals or circuses shall be conducted at any location only once in any one calendar year and then for a single period not to exceed seven (7) days.
- 16.01.03       All general illumination lighting fixtures (including, but not limited to, flood lighting and spot lighting but not including illuminated signs or decorative lighting on amusement rides) shall be shielded so that the filament or light source is not visible off the approved site.
- 16.01.04       Adequate parking shall be provided, either on site or within a reasonable distance of the site, to ensure that the conducting of such carnival or circus will not cause congestion in the streets.
- 16.02            The Zoning Board of Appeals may, after a public hearing, grant a special exception to any organization described in Section 16.01 herein to hold an event as described and limited in Section 16.01 herein.



# ARTICLE IV      MULTI-FAMILY HOUSING MORATORIUM

## Section 17      RESERVED/MULTI-FAMILY HOUSING MORATORIUM

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### 17.00      Purpose

The Town of Manchester Planning and Zoning Commission (PZC) has determined that a review of the zoning regulation provisions that govern the location, type, density, and design of multi-family housing, and the procedures by which various types of multi-family housing units are approved, is necessary to ensure the regulations are protecting the health and welfare and protecting or conserving property values. The PZC further finds that a temporary limited moratorium is necessary to provide an opportunity to review the zoning regulations and conduct research on possible regulation revisions for multi-family housing.

### 17.01      Definitions

For the purpose of this section the following are subject to the moratorium:

Multi-family units: three or more residential units contained within a single structure including apartments, townhouses, or attached single-family dwellings.

### 17.02      Applicability

During the moratorium period, no application shall be accepted for filing on the following:

- a) Zoning district changes to Planned Residence Development or Elderly Housing Development if the preliminary development plan includes multi-family units.
- b) Preliminary or final development plan applications for any multi-family proposal in the Comprehensive Urban Development zone.
- c) Special exception applications for the conversion of historic mill buildings in the Business II, General Business or Industrial zones, and special exceptions for multi-family units in Business I, Business II, Business III, General Business and Neighborhood Business zones when the proposed development is on a site larger than four acres or requires more than 60 parking spaces.
- d) Special exceptions for the conversion of existing one or two-family dwelling units to multi-family units as provided for in the Residence A, B or C zones.
- e) Site development application for multi-family housing in the Historic District.

### 17.03      Effective Date

The moratorium shall take effect on January 27, 2009 upon publication of the legal notice of the adoption of this amendment and the filing of the amendment in the Town Clerk's office, and shall be in effect for a six-month period from the effective date. Building permits or certificates of zoning compliance associated with any application that has been received or approved prior to the effective date of the moratorium shall not be affected by the moratorium.





## ARTICLE IV      GENERAL PROVISIONS

### Section 18              ADULT DAY CARE CENTER

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#### 18.01              Adult Day Care Center<sup>1</sup>

- 18.01.01      The Zoning Board of Appeals may, after a public hearing, and subject to appropriate safeguards in harmony with the general purpose of these regulations, grant a permit for an adult day care center, subject to the following conditions:
- (a) If in an existing residential building, the residential appearance of the building shall be preserved and no structural changes to the exterior shall be made except to provide suitable means of egress and handicap accessibility.
  - (b) If new construction, the Schedule of Area, Height and Bulk of Buildings and Structures for the applicable zone shall be followed. (See Article VII, Section 1). The design of the building shall be compatible with the design of adjacent residential dwellings and not detrimental to property values.
  - (c) The site shall be determined by the Board to be a suitable location for adult day care use including the availability of public water and sewer, the condition of traffic in the streets, the character of the neighborhood, etc.
  - (d) Vehicle parking shall be provided in accordance with Article IV, Section 9.
  - (e) A minimum outdoor passive recreation area of 50 square feet per enrollee shall be provided on site unless greater requirements are imposed by the regulations of any other applicable governmental agency.
  - (f) 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.

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<sup>1</sup> Rev. 12/04/89



## ARTICLE IV      GENERAL PROVISIONS

### Section 19

### WIRELESS TELECOMMUNICATIONS FACILITIES<sup>1</sup>

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19.01<sup>2</sup>      The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Manchester while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. This regulation shall apply to such wireless telecommunications facilities regulated by the Town of Manchester and may be used to provide guidance for those proposing or reviewing wireless telecommunications facilities regulated by the State of Connecticut Siting Council or other agencies. More specifically this regulation has been developed in order to:

Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;

Encourage providers to co-locate their facilities on a single facility;

Site facilities below visually prominent ridge lines;

Minimize the location of facilities in visually sensitive areas;

Encourage creative design measures to camouflage facilities;

Protect historic and residential areas from potential adverse impacts of communication towers;

Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Avoid interference with existing natural scenic vistas.

19.02      DEFINITIONS: For the purpose of applying the provisions of this section the terms below shall be defined as follows:

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

CO-LOCATION means locating wireless communication facilities of more than one provider on a single site.

WIRELESS TELECOMMUNICATION SERVICES means licensed communications including, but not necessarily limited to, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized

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<sup>1</sup> New 10/20/97, effective 11/11/97

<sup>2</sup> Rev. 11/03/03, effective 11/28/03

mobilized radio (ESMR), paging and similar services that are marketed to the general public.

WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

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

TOWER means a structure that is specifically intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

19.03 Location Preferences. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in paragraphs 1 through 5 below, in order of preference.

1. On existing structures such as buildings, water towers, utility poles, and existing or previously approved towers.
2. On new towers less than 60 feet in height located in commercial or industrial zones or on municipal property.
3. On new towers less than 60 feet in height located in residential zones or residential land use type areas in the CUD zone.
4. On new towers 60 feet or greater in height located in commercial and industrial zones or on municipal property.
5. On new towers 60 feet or greater in height located in residential zones or residential land use type areas in the CUD zone.

19.04 Permitted Uses.

1. In all zoning districts except off street parking wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the existing principal or accessory buildings are permitted subject to the requirements in Sections 19.06 and 19.07 and site plan review requirements of Section 19.08 and provided the following standards are met:

- a. No changes are made to the height of such structure.
  - b. No panel antenna shall exceed 96 inches in height and 24 inches in width.<sup>3</sup>
  - c. No dish antenna shall exceed 48 inches in diameter.
2. In the Historic Zone, and in land use areas VII and VIII of the CUD zone, wireless communications sites where the antenna is mounted to an existing multi-family building are permitted subject to the requirements of Sections 19.06 and 19.07 and site plan review requirements of Section 19.08 and provided the following standards are met:
    - a. No changes are made to the height of such structure.
    - b. No panel antenna shall exceed 96 inches in height and 24 inches in width.<sup>4</sup>
    - c. No dish antenna shall exceed 48 inches in diameter.
    - d. Equipment boxes shall be installed within buildings or roof mounted.
  3. In all zoning districts except off street parking, wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings provided the following standards are met:
    - a. No changes are made to the height of such structure.
    - b. No panel antenna shall exceed 96 inches in height and 24 inches in width.<sup>5</sup>
    - c. No dish antenna shall exceed 48 inches in diameter.

19.05 Special Exception Uses. The following uses shall be permitted by special exception only subject to the requirements in Section 19.06 and 19.07 and the site plan review requirements of Section 19.08:

In all business zoning districts, except the Central Business District and in Industrial, Rural Residence, and CUD zone other than in land use types areas VII and VIII, wireless telecommunication sites not otherwise permitted in Section 19.04. Any proposed new construction of a tower shall be required to provide for co-location of telecommunication services. The applicant shall be required to submit to the Commission, in a form satisfactory to it, evidence that it is bound to share antenna space with other telecommunications providers. This may take the form of an affidavit, caveat, declaration of covenants, etc. on the land records once approved by the Commission.

19.06 General Requirements

1. Applications for any commercial telecommunications service facility shall be made by a licensed carrier only.

<sup>3</sup> Rev. 12/1/14, effective 12/19/14

<sup>4</sup> Rev. 12/1/14, effective 12/19/14

<sup>5</sup> Rev. 12/1/14, effective 12/19/14

2. No wireless telecommunication tower site shall be located within 200 feet of a residence.
3. No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of an approved historic district.
4. No lights shall be mounted on proposed towers unless otherwise required by the Federal Aviation Administration (FAA). Strobe lighting shall be permitted only where required by applicable regulations.
5. Towers not requiring special FAA painting or markings shall be non-contrasting blue, grey or black or another color consistent with their proposed camouflaging.<sup>6</sup>
6. Towers, antennas and equipment boxes may not be used to exhibit advertising or any signage other than a public warning sign.
7. All towers shall be monopole design unless otherwise approved by the Commission.
8. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 150 feet in height or for at least one additional comparable antenna if the tower is 150 feet in height or under. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
9. The Commission may require that towers, antennas, antenna mounts, equipment buildings/boxes and telecommunication structures be of such design and material so that they are camouflaged.
10. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
11. Each telecommunications facility site shall be provided with a paved driveway and parking space for at least one vehicle in accordance with Article IV, Section 9.
12. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
13. The design of all wireless telecommunication sites shall comply with the standards promulgated by the Federal Communications Commission (FCC) for non-ionizing electromagnetic emissions. In the absence of such standards

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<sup>6</sup> Rev. 11/03/03, effective 11/28/03

sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields. Approved tower owners shall submit an annual report detailing the maximum current measurement and future projection of the measurement of radio frequency emissions.

14. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
15. All generators installed in conjunction with any wireless telecommunication site shall comply with all State and local noise regulations.
16. All towers shall be fenced and all accompanying equipment buildings or boxes shall be screened and fenced to minimize visual intrusion as approved by the Manchester Planning and Zoning Commission as part of the site plan review.

#### 19.07 Height and Area Requirements

1. Lot Size. Wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
2. Height. The maximum height of a tower proposed under this regulation shall be 175 feet including the antenna and all other appurtenances.

The maximum height of any roof top mounted equipment building or box shall be 15 feet.

3. Setbacks
  - a. All freestanding monopole or other towers shall comply with the minimum property line setbacks except that in no cases shall a monopole or tower be constructed so that it is set back from the property line less than a distance equal to the height of the tower.
  - b. All equipment buildings/boxes or equipment areas, including areas devoted to parking, screening and equipment shall comply with the following minimum property line setbacks:
    - Front Yard or Side Yard Along a Street - Same as for a principal building in the underlying zone.
    - Rear and Side Yards - 20 feet.
  - c. All applications shall comply with any applicable requirements of Article II, Section 19 with respect to flood hazard areas.

#### 19.08 Site Plan Requirements. For all proposals to develop a wireless telecommunication site as a permitted use or special exception the following

information shall be submitted in accordance with each particular application where applicable.

1. Permitted Use:

- a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure. Plans shall be at a scale of not less than 1" = 40'.
- b. Details of all proposed antenna and mounting equipment including size and color.
- c. Elevations of all proposed shielding and details of materials including color.
- d. An elevation of all proposed equipment buildings or boxes and details of proposed screening and enclosures including materials and colors.
- e. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
- f. A report from a licensed professional engineer registered in the State of Connecticut indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 19.06.13 of this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications. Such report shall include a description of the maximum power density with all channels operating at highest wattages for all existing and proposed emissions and ambient levels at the site. Modeling shall be performed at the fence line.
- g. An analysis of the fall zone for the proposed tower prepared by a licensed professional engineer registered in the State of Connecticut.
- h. All applications shall include proof that either the applicant or co-applicant holds bona fide license from the FCC to provide the telecommunication services that the proposed tower is designed to support.
- i. A map prepared depicting the extent of the provider's planned coverage within the Town of Manchester and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site and all existing towers and structures over a height of 50 feet within the planned coverage area.<sup>7</sup>
- j. The applicant shall demonstrate need for the network as proposed and shall describe feasibility of alternative facility locations including existing

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<sup>7</sup> Rev. 11/03/03, effective 11/28/03



towers and structures and tower heights.

- k. For proposed tower installations, all plans shall be certified by a licensed professional engineer registered in the State of Connecticut that the site's soils are acceptable for this use and that the site can be adequately drained.

2. Special Exception Use:

- a. All of the plans and information required for Permitted Uses in the previous subsection.
- b. Upon request of the Commission the applicant shall provide a graphic representation of the proposed installation in relation to the site and its vicinity in order to help the Commission ascertain the visual impacts associated with such proposal. Such representation may include computer simulation, enhanced photographs or architectural drawings or renderings.
- c. For towers located in or within 1,000 feet of an RR, RAA, RA, RB, RC, PRD or Historic zone or land use types VII or VIII in the CUD zone, the applicant shall provide an analysis showing all areas from which the tower would be visible.

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

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

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

- c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed professional engineer registered in the State of Connecticut and that the interference cannot be prevented or eliminated at a reasonable cost.
- d. Any restriction or limitation imposed by the FCC.

19.10 Abandonment. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

In the event that a licensed carrier fails to give such notice, the facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuance of use, the carrier shall physically remove the facility within 90 days from the date of abandonment. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.

19.11<sup>8</sup> Matrix of Type of Telecommunications Facilities as Permitted Uses or by Special Exception by Zoning District (This listing pertains only to those telecommunications facilities under the regulatory jurisdiction of the Town of Manchester PZC.)

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

<b><u>ZONE</u></b>	<b><u>ALLOWED AS PERMITTED USE</u></b>	<b><u>ALLOWED BY SPECIAL EXCEPTION</u></b>
<b>RR</b>	A/B, A/S	NT
<b>RAA</b>	A/B, A/S	
<b>RA</b>	A/B, A/S	
<b>RB</b>	A/B, A/S	
<b>RC</b>	A/B, A/S	
<b>PRD</b>	A/B, A/S	
<b>CUD - land use types VII, VIII</b>	A/B, A/MF, A/S	
<b>CUD - all other land use types</b>	A/B, A/S	NT
<b>HIST</b>	A/B, A/MF, A/S	
<b>BI</b>	A/B, A/S	NT
<b>BII</b>	A/B, A/S	NT
<b>BIII</b>	A/B, A/S	NT
<b>BV</b>	A/B, A/S	NT
<b>CBD</b>	A/B, A/S	
<b>Off Street Parking</b>	No	No
<b>Industrial</b>	A/B, A/S	NT

- A/B = antennas located on existing nonresidential buildings together with associated equipment located within or on the roof of the principal or accessory building
- A/MF = antennas mounted on an existing multi-family building together with associated equipment located within or on the roof of the principal or accessory building
- A/S = antennas mounted on an existing structure other than a building
- NT = new tower and associated equipment and facilities
- No = no facilities permitted



## ARTICLE IV      GENERAL PROVISIONS

### Section 20              SPECIAL EXCEPTION CRITERIA<sup>1</sup>

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#### 20.01              Special Exception Criteria

20.01.01      The Planning and Zoning Commission or the Zoning Board of Appeals, in acting upon any application for a special exception shall, after a public hearing,<sup>2</sup> determine compliance with the conditions in the following paragraphs. The Commission or the Board may attach reasonable conditions of approval to special exception applications, to include necessary off site improvements, to insure compliance with the criteria of this Section.

- (a) Suitable Location for Use. That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area, compatible with other existing uses, and, if applicable, further the goals and objectives of the Plan of Conservation and Development.
- (b) Suitable Structures for Use. That the kind, size, location and height of structure and the nature and extent of landscaping on the lot are appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
- (c) Neighborhood Compatibility. That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood. In determining neighborhood compatibility, the Commission /Board may refer to the Design Review Guidelines contained in the Rules of Procedure for the Planning and Zoning Commission/Zoning Board of Appeals.
- (d) Adequate Parking and Access. That the parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.
- (e) Adequate Streets for Use. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use, and the proposed use will not impede the implementation of the Transportation and Circulation recommendations of the Plan of Conservation and Development.

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<sup>1</sup> Adopted 05/17/99, effective 06/07/99

<sup>2</sup> Adopted 12/04/00, effective 12/22/00

- (f) Adequate Emergency Access. That the proposed use and or site shall have proper accessibility for fire apparatus and police protection, and is laid out and equipped to further the provision of emergency services.
- (g) Adequate Public Utilities. That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
- (h) Environmental Protection and Conservation. That the proposed plans have provided for the reasonable conservation of natural features to include the preservation of specimen trees, the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

<sup>3</sup>To ensure that the proposed plans provide for the reasonable conservation of natural features or environmentally sensitive areas, the applicant may propose, or the Commission may require as a condition to approval of the plan, a Restrictive Conservation Easement (RCE) as a way to conserve the natural features or environmentally sensitive area in question. The RCE may be established to:

- (1) preserve, protect, and/or provide for recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms, or any other natural features, as well as scenic or historic resources;
- (2) supplement existing open space and/or recreational areas, as well as any other existing condition in (a) above;
- (3) promote the development of land in a way that is sensitive to the environment;
- (4) promote the development of land in a way that is compatible with surrounding areas;
- (5) preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion, and water pollution;
- (6) control the extent to which steep slopes and problem soils are utilized for roadways, sewage disposal systems and other aspects of development;
- (7) meet the objectives and goals of the Town Plan of Conservation and Development.

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<sup>3</sup> Rev. 04/01/02, effective 04/23/02

- (i) Consistent with Purposes. That the proposed use will not have any detrimental effects upon the public health, safety, welfare, or property values, and that the proposed use will not conflict with the purposes of the Regulations.
- (j)<sup>4 5</sup> Integration of Use. For proposed multi-family residential applications in the GB and CUD zones the location and design of residential buildings on the site shall be completely integrated with the existing retail / commercial uses. Proposed residential shall be located and developed so as to create walkable, pedestrian friendly connectivity for all site uses.
  - (1) Pedestrian walkways and open space systems shall connect and integrate all site land uses and features.
  - (2) On site sidewalks shall be developed to access existing or potential off site paths, walkways or bikeways connecting mass transit or public parking to the subject property.
  - (3) Site driveways and parking fields shall be completely connected and integrated between all site land uses and features. Residential units shall not be disconnected from the overall vehicular circulation of the site.

20.01.02<sup>6</sup> The applicant shall file with the application for Special Exception, a Preliminary Site Development Plan (Preliminary Plan) in accordance with Article I Section 4.02 and Article I Section 4.03.04 of these regulations. The Commission shall hold a public hearing on the Preliminary Plan together with the Special Exception application as provided by the Connecticut General Statutes. Applicant can choose to combine the Preliminary and Detailed Plan into a single submission.

20.01.03<sup>7</sup> A Detailed Site Development Plan (Detailed Plan) shall be approved by the Commission prior to the issuance of a building permit. Such plan shall be in conformance with the approved Preliminary Plan, these regulations, the Subdivision Regulations if applicable, and the Public Improvement Standards. 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 of these regulations.

20.01.03 (a)<sup>8</sup> 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 4.03.04.

<sup>4</sup> Rev. 09/19/2016; effective 10/07/2016

<sup>5</sup> Rev. 02/13/17; effective 03/01/17

<sup>6</sup> Rev. 05/16/11, effective 06/13/11

<sup>7</sup> Rev. 05/16/11, effective 06/13/11

<sup>8</sup> New 05/16/11, effective 06/13/11

20.01.04<sup>9</sup>Minor Changes to Approved Special Exception Plans

Minor changes to approved special exceptions 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 or design of the site development plan or building architecture. 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,<sup>10</sup> landscaping and minor exterior building elevation changes. 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 Detailed Plan which is not considered to be a minor change by the chairman or director shall be processed as a formal modification to the approved Detailed Plan and shall require the preparation of modified plans and the approval of the Commission.<sup>11</sup>

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<sup>9</sup> New 1/20/10, effective 2/10/10

<sup>10</sup> Rev. 10/03/12, effective 10/19/12

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



## ARTICLE IV      GENERAL PROVISIONS

### Section 21              LIVE/WORK QUARTERS<sup>1</sup>

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#### 21.00              Purpose

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

#### 21.02              Definitions

For the purpose of applying the provisions of this section the terms below will be defined as follows:

Live/work quarters: A contiguous integrated space comprising a dwelling unit and work space occupied by an individual or family.

Artist live/work: Live/work quarters occupied by artists and craft persons who are skilled and engaged in one or more art forms including but not limited to visual arts such as painting, photography, and printing, and video and films; music; pottery; carving; jewelry; sculpture; or performing arts such as singing and acting.

Commercial live/work quarters: Live/work quarters occupied by persons who are engaged in business services including but not limited to management or business consulting; research and analysis; secretarial services; software development; architecture; marketing services; or wholesale or retail trade activities which do not involve more than sample stock in trade on the premises.

#### 21.03              Development review standards

21.03.01      Live/work quarters shall meet the minimum dwelling unit sizes for the zoning districts where they are located and permitted.

21.03.02      Residential and work spaces shall be contiguous and integrated in floor plan, and there shall be no separate access to either space unless separate access is required by building, fire or health codes.

21.03.03      Live/work quarters shall contain full kitchen facilities, bathing facilities, and other sanitary facilities.

21.03.04      The work space must be used by the resident occupants, and neither the residential space nor the work space shall be rented separately.

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<sup>1</sup> Adopted 6/2/2003, effective 6/25/2003

- 21.03.05      There shall be no more than one full-time equivalent employee other than occupants of the live/work unit and a full time equivalent shall mean someone working no more than 40 hours per week.
- 21.03.06      There will be no retail activity conducted for the general public in a live/work quarters, except to sell goods made on the premises.
- 21.03.07      No instructional activity may occur for more than four students at any one time.
- 21.03.08      In order to ensure the artist or commercial activity is consistent with other residential and/or commercial or arts uses, and to ensure public safety, the creation of art or provision of services shall not cause vibration, smoke, odors, humidity, dust or dirt, or electrical disturbance.
- 21.03.09      Each live/work quarter shall be provided with not less than one parking space for each studio or one-bedroom live/work unit and two parking spaces for each live/work unit with two or more bedrooms.<sup>2</sup>

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<sup>2</sup> Rev. 11/15/2021, effective 12/06/2021

## ARTICLE IV

## FINANCIAL GUARANTEE REQUIREMENTS<sup>1</sup>

### Section 22

### FINANCIAL GUARANTEE REQUIREMENTS

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

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

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

#### 22.02 Financial Guarantee for Public Improvements

- (a) The Director of Public Works, on behalf of the Commission, may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to,

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<sup>1</sup> New 06/03/13, effective 06/21/13

letters of credit, provided such financial guarantee is in a form acceptable to the commission and the financial institution or other entity issuing any letter of credit is acceptable to the commission.

- (b) The financial guarantee shall be in the amount that is allowed under subsection (g) of section 8-3 of the Connecticut General Statutes to fully cover the anticipated cost of completing the construction of public improvements plus contingency amount not to exceed ten per cent of such cost. The amount of financial guarantee will be estimated by the applicant and approved by the Commission or its agent, the Director of Public Works. Said estimate shall be made and delivered to the Director of Public Works in accordance with subsection (g) of the section 8-3 of Connecticut General Statutes as amended. Twenty-five percent (25%) up to a maximum of \$100,000 of the estimated bond must be provided in cash, passbook, or letter of credit.
- (c) If the person posting a financial guarantee requests a release of all or a portion of such financial guarantee, the Director of Public Works may release the financial guarantee if he/she approves the completed improvements. The financial guarantee release will be conducted in accordance with subsection (g) of section 8-3 of the Connecticut General Statutes as amended. The cash, passbook, or letter of credit shall be the last portion of the financial guarantee to be released.
- (d) When the developer petitions the Town of Manchester to accept the public improvements, he shall agree to place with the Town a financial guarantee equal to 10 percent of the original approved estimate of the cost of construction and installation of public improvements. Said financial guarantee shall secure to the Town protection against faulty construction for a one-year period after the Town accepts the public improvements. When the public improvement is accepted by the Town, the Director of Public Works shall release remainder of the financial guarantee in accordance with subsection (g) of section 8-3 of the Connecticut General Statutes as amended.

## ARTICLE IV

## GENERAL PROVISIONS

### Section 23

### SEASONAL OUTDOOR DINING AREAS AND VESTIBULES<sup>1, 2</sup>

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

23.01.01<sup>3</sup> Seasonal outdoor dining areas or vestibules may be located on public sidewalks adjacent to or abutting the indoor establishment which operates the outdoor dining area or vestibule, provided that:

1. The outdoor dining area or vestibule shall extend no further than the actual street frontage of the operating business, except that outdoor dining areas may extend beyond said frontage with written authorization from the property owner(s).
2. Seasonal outdoor dining areas and vestibules shall provide not less than five (5) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk. Obstructions shall include but not be limited to light poles, traffic signal poles, fire hydrants, utility structures and street signs. Where there is a traffic control signal pedestrian push button, the sidewalk shall remain clear of obstructions between the push button and the associated sidewalk ramp(s). Further, the location of the cafe or vestibule cannot obstruct the clear sight distance for vehicles nor access or crossings for the disabled.
3. The area of the sidewalk reserved for pedestrian traffic shall consist of concrete with a slip resistant finish only. Any textured pavement, such as brick, cobblestone, bituminous and similar treatment shall not be considered sidewalk for pedestrian traffic. For outdoor dining areas, the operator may leave five (5) feet of sidewalk immediately adjacent to the indoor restaurant and locate the outdoor dining area on textured pavements.

23.01.02 Seasonal outdoor dining areas may be located on off-street parking spaces, except ADA accessible spaces, associated with the permitted use, provided that:

1. Parking lot circulation, including emergency vehicle access, shall remain unencumbered;
2. Protective barriers around temporary outdoor dining areas must be present. If a temporary outdoor dining area will be used in the evening hours,

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<sup>1</sup> Rev. 2/5/18, effective 2/20/18

<sup>2</sup> Rev. 10/3/22, effective 10/24/22

<sup>3</sup> Rev. 02/17/21, effective 03/10/21

barriers must have reflective materials; and

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

23.01.03 Seasonal outdoor dining areas may be located on any lot, yard, court or open spaces abutting the area permitted for the principal use, provided that:

1. Such use in in compliance with the zoning district in which the lot, yard, court or open space is located;
2. Such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines under the Americans with Disabilities Act; and
3. The permittee obtains written authorization to engage in such use from the owner of the lot, yard, court or open space and provides a copy of authorization to the zoning enforcement officer.

23.02 Design Standards – Seasonal Outdoor Dining Areas

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

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

23.02.03<sup>4</sup> Tables, chairs, and all other furnishings or accessories shall be secured or removed from the sidewalk and stored indoors whenever the outdoor dining area is not in operation.

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

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

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<sup>4</sup> Rev. 02/17/21, effective 03/10/21

<sup>5</sup> Rev. 02/17/21, effective 03/10/21

<sup>6</sup> Rev. 7/21/14, effective 8/1/14

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- 23.02.06<sup>7</sup> Seasonal outdoor dining areas shall be at the same elevation as the public sidewalk or provide accessible egress. Platforms or other surfaces must be shown on the site plan and approved by the Town.
- 23.02.07 Signs: No sign shall be allowed at any seasonal outdoor dining area except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the outdoor dining area, mounted on an easel or other easily removable fixture. The sign shall not exceed six (6) square feet.
- 23.03 Operation and Service Requirements for Seasonal Outdoor Dining Areas
- 23.03.01<sup>8</sup> Seasonal outdoor dining areas may operate between April 1 and October 31 each year.
- 23.03.02 The outdoor dining area may operate during regular business hours of the associated restaurant but no later than 10:00 PM.
- 23.03.03<sup>9</sup> The operator of the outdoor dining area is responsible for keeping the premises, including the public sidewalk and other furnishings of the cafe, clean at all times.
- 23.04 Criteria for Seasonal Vestibules
- 23.04.01 Seasonal vestibules shall not encroach more than 3 feet beyond the lot line and into the public sidewalk.
- 23.04.02 Seasonal vestibules shall conform to Article II Section 15.04.02.
- 23.04.03 Seasonal vestibules shall not be erected prior to December 1 and shall be removed by March 31 each year.
- 23.05 Permit Terms and Other Requirements
- 23.05.01 Anyone wishing to operate a seasonal outdoor dining area or vestibule must file an application with the zoning enforcement officer for a Certificate of Use permit. An application must be completed and any fee required must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
- 23.05.02 Seasonal outdoor dining area and seasonal vestibule permits shall be issued for an operating period of one year. Thereafter the zoning enforcement officer may issue a renewal application on an annual basis provided a request is made for the renewal and after the zoning officer has made an inspection of the premises. The zoning officer may deny a permit to operate a seasonal outdoor dining area or seasonal vestibule if the operator has a history of violations of any requirements or a failure to correct violations when duly noticed by the zoning officer.

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<sup>7</sup> Rev. 02/17/21, effective 03/10/21

<sup>8</sup> Rev. 02/17/21, effective 03/10/21

<sup>9</sup> Rev. 02/17/21, effective 03/10/21

- 23.05.03 The zoning enforcement officer shall be empowered to notify the operator of a seasonal outdoor dining area or vestibule that their permit has been revoked. If the zoning officer finds that the provisions of the regulations are not being met by the operator, the operator shall correct the violations within one week of receiving written notice of violation. If the violations are not corrected within that time the permit will be revoked.
- 23.05.04 In addition to meeting the requirements of these regulations the zoning officer will route the application to the police department, public works director, director of health, chief building inspector, and fire marshal for their review. Any permit requirements of other agencies which regulate restaurants or the public right-of-way must be adhered to and the zoning officer may not issue a certificate of use if the applicant has not received approvals for the operation from other agencies having any jurisdiction on its operation.
- If the seasonal outdoor dining area or vestibule is located on the public sidewalk or other Town property, the operator must also provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured in that policy. A certificate of use shall not be issued until the insurance certificate is provided.
- 23.05.05 The Town reserves the right and power, acting through the general manager or a designee, to prohibit the operation of a seasonal outdoor dining area or vestibule at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to planned construction work, festivals, parades, marches, road races, repairs to the street or sidewalk, utility repair, snow removal, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the outdoor dining area will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the outdoor dining area's operation at any particular time.
- 23.05.06 Any operator aggrieved by any action of the zoning enforcement officer shall have a right to appeal to the Zoning Board of Appeals as set forth in Article V Section 5 of these regulations.



## ARTICLE IV

## GENERAL PROVISIONS

### Section 24

### ELECTRIC VEHICLE CHARGING STATION<sup>1</sup>

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24.01 Electric Vehicle Charging Stations shall be a permitted accessory use in all zones, subject to the following conditions<sup>2</sup>:

- (a) Electric Vehicle Charging Stations will be considered an accessory use.
- (b) Electric Vehicle Charging Positions shall be specifically designated for charging an electric vehicle with a sign referencing such use in accordance with the Town of Manchester “Public Improvement Standards.” The total number of Electric Vehicle Charging Positions shall equal the number of electric vehicles that may be simultaneously served by the total number of Electric Vehicle Charging Stations.
- (c) Charging Station equipment components shall at all times be maintained and operated in accordance with all applicable federal, state and local laws, rules and regulations.
- (d) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the Charging Station, and unique ID number shall be posted on each station as contact to report all issues relating to the particular station.

24.02 Electric Vehicle Charging Stations in the Historic Zone<sup>3</sup>

To ensure that the unique historical and architectural qualities of the Historic Zone are preserved in accordance with Article II, Section 18, the Cheney Brothers National Historic District Commission will review the Detailed Plan and make a recommendation to the Planning and Zoning Commission. The Commission will then review and act upon the Detailed Plan prior to the issuance of a building permit.

24.02.01 Applicants shall demonstrate to the Commission’s satisfaction that any proposal for electric vehicle charging stations in the Cheney Family Mansion Area as outlined in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District, dated April, 1980, shall not be visible from the public street.

24.03 Signage:

In addition to any signage allowed under Article IV, Section 13, the Operator shall be entitled, subject to approval of a Special Exception by the Planning and

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<sup>1</sup> New 02/17/21, effective 03/10/21

<sup>2</sup> Rev. 01/19/22, effective 02/09/22

<sup>3</sup> New 01/19/22, effective 02/09/22

Zoning Commission, to erect and install the following additional signage in connection with any Electric Vehicle Charging Station:

- (a) For each charging station, changeable copy signage limited to a maximum of ten (10) square feet per side per unit (maximum of two sides), advertising a commodity or service which may not be found or available on the premises hosting the charging station. No video or audio content shall be permitted.
- (b) Charging Station display screens may be internally back-lit and advertisements may cycle at a rate of no more than every 8 seconds. Display screens utilizing internal back-lighting or similar shall utilize a night or dimmer mode to automatically reduce the brightness.
- (c) Signage associated with electric vehicle charging stations in accordance with the provisions of this section shall be permitted by Special Exception from the Planning & Zoning Commission.<sup>4</sup>
- (d) No more than 20 Electric Vehicle Charging Stations with changeable copy signage as described in this section shall be permitted per property.
- (e) The signage described in this section shall only be permitted in the CUD zone.

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<sup>4</sup> Rev. 01/19/22, effective 02/09/22

## ARTICLE V

## ADMINISTRATION AND ENFORCEMENT

### Section 1

### INTERPRETATION

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- 1.01 In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except for the Zoning Regulations approved September 1, 1945, and the amendments thereto, it is not intended by these regulations to repeal, amend, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinances, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or require larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by easements covenants or agreements, the provisions of these regulations shall control.



## **ARTICLE V        ADMINISTRATION AND ENFORCEMENT**

### **Section 2                COMPLETION OF EXISTING BUILDINGS**

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



# ARTICLE V      ADMINISTRATION AND ENFORCEMENT

## Section 3                      ENFORCEMENT<sup>1</sup>

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- 3.01              All applications for Certificate of Zoning Compliance shall be accompanied by a plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the location of buildings upon the adjacent lots when necessary, the dimensions of all open spaces, the established building lines within the block and such other information as may be necessary to provide for the enforcement of these regulations.
- 3.02              These regulations shall be enforced by the appointed zoning enforcement officer who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat, in violation of any provisions of these regulations. The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed or shall exist; or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist; or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation shall have been committed or shall exist; shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues.

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<sup>1</sup> Rev. 05/17/93





## **ARTICLE V      ADMINISTRATION AND ENFORCEMENT**

### **Section 4                      CERTIFICATE OF ZONING COMPLIANCE<sup>1</sup>**

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- 4.01            No land shall be occupied or used, and no buildings hereafter erected or altered, shall be occupied or used, in whole or in part, for any purpose whatsoever on of, until a Certificate of Zoning Compliance shall have been issued by the zoning enforcement officer, stating that the premises or building complies with all provisions of the Zoning Regulations.
- 4.02            No change or extension of use, and no alterations of use or structures shall be made to a nonconforming use of premises without a Certificate of Zoning Compliance having first been issued by the zoning enforcement officer that such change, extension or alteration is in conformity with the provisions of the Zoning Regulations. A record of all certificates shall be kept on file.
- 4.03            No permit for excavation for, or the erection of, any building shall be issued before a Certificate of Zoning Compliance has been issued. No building or premises, for which a Certificate of Zoning Compliance is required, may be occupied until such Certificate shall have been issued. (Reference is made to Section 8-3(f) of the Connecticut General Statutes.)

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<sup>1</sup> Rev. 05/17/93



# ARTICLE V      ADMINISTRATION AND ENFORCEMENT

## Section 5                      ZONING BOARD OF APPEALS

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- 5.01              The Zoning Board of Appeals shall have the following powers and duties:
- 5.01.01          Hear and decide appeals where it is alleged there is error in any order, requirements, or decision made by the zoning enforcement officer in the enforcement of these regulations.<sup>1</sup>
- 5.01.02          Where a zoning boundary line divides a lot in single ownership authorize an extension of either zoning uses into the abutting zone for a distance of not more than 25 feet from the zoning boundary line.
- 5.01.03          Adopt, from time to time, such rules and procedure as may be deemed necessary to carry into effect the provisions of these regulations.
- 5.01.04          Authorize on appeal, variances from the strict application of the provisions of these regulations to a specific lot or piece of property where, by reason or exceptional shape, exceptional topography or other exceptional situation or conditions, unusual difficulty or unreasonable hardship would result to the owners of said property; provided that relief can be granted without impairment of the integrity of these regulations and without substantial detriment to the public welfare. Before any variance is granted, it shall be shown that special circumstances attach to the property, which do not generally apply to other property in the same neighborhood.
- 5.01.05          To hear and decide all matters including special exceptions upon which it is required to pass the specific terms of the Zoning Regulations.
- 5.01.06          All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these regulations. In addition to this general rule of guidance, and to particular requirements, hereinbefore specified in these regulations, no permit for special exceptions shall be issued by the board unless it finds in each case that the proposed building or structure of the proposed use of land:
- (a) Will not create or aggravate a traffic hazard, fire hazard, or panic hazard.
  - (b) Will not block or hamper the town pattern of highway circulation.
  - (c) Will not tend to depreciate the value of property in the neighborhood, or its residences, or alter the neighborhood's essential characteristics.
- 5.01.07          Every appeal taken under this section, and every application for variance, and request for special exception, shall be made on forms especially provided, which

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<sup>1</sup> Rev. 11/03/03, effective 11/28/03

shall include all the data required by the Board. Such forms shall be filed in duplicate with the Board.

- 5.01.08 Whenever the Board grants or denies a special exception or variance or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the zoning regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

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

**ARTICLE VI            AMENDMENTS AND VALIDITY**  
**Section 1                CHANGES IN REGULATIONS**

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- 1.01            These regulations may, from time to time, be amended or changed or repealed, as provided in the General Statutes of the State of Connecticut and the Charter of the Town of Manchester, as amended; but no petition for a change of zone, or amendment of text of the Zoning Regulations which has been rejected after public hearing, will be heard within one year from the date of rejection, except that after four months from such rejection, the Planning and Zoning Commission may grant a hearing, if it finds, on facts presented in writing, that a material change is the situation justifies this action in the interest of the public as well as the petitioner.



## **ARTICLE VI      AMENDMENTS AND VALIDITY**

### **Section 2                      VALIDITY OF REGULATIONS**

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- 2.01                      If any section, paragraph, subsection, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.





# ARTICLE VII SCHEDULE OF AREA, HEIGHT & BULK OF BUILDINGS & STRUCTURES <sup>1</sup>

ZONE	<div> <div>MAXIMUM HEIGHT</div> <div>MINIMUM LOT SIZE</div> <div>MAXIMUM</div> <div>MINIMUM YARDS (Feet)</div> </div>									
	(a) Stories	(b) Ft.	Area (Sq.Ft.)	Frontage (Ft.)	Lot Coverage	Density (houses/acre)	Front	Side	Side (Total)	Rear
RURAL RESIDENCE	--	35 ft.	30,000	150	30%	1.3	50	15	--	30
RESIDENCE AA & RRC	--	35 ft.	18,000	120	30%	2.0	40	15	--	30
RESIDENCE A & aa	--	35 ft.	12,000	100	30%	3.0	25	10	--	25% of lot depth or 30 feet
RESIDENCE B	--	35 ft.	9,000	75	35%	4.0	20	8	20	25% of lot depth or 30 feet
RESIDENCE C	--	35 ft.	7,200	60	40%	4.8	15	10	--	25% of lot depth or 30 feet
PRD	See Article II, Section 7 of Zoning Regulations: Planned Residential Development Zone									
EHD	See Article II, Section 20 of Zoning Regulations: Elderly Housing Development Zone									
BUSINESS I	3	40	--	--	--	--	25	15(c)	--	(c)
BUSINESS II	3	40	--	--	--	--	15	(c)	--	(c)
BUSINESS III	3	40	--	--	--	--	25	(c)	--	(c)
BUSINESS V	--	60	--				50	25	--	30
BUSINESS CBD	--	75	See Article II, Section 15 (Central Business District zone) <sup>2</sup>					(c)	--	(c)
NEIGHBORHOOD BUSINESS	3	40	--	--	--	--	25	15	--	(c)
GENERAL BUSINESS	3	40	--	--	--	--	25	(c)	--	(c)
SPECIAL DESIGN COMMERCIAL	--	40	--	--	--	--	50(d)	15(d)	--	30(d)
INDUSTRIAL	--	75	--	--	60%	--	40	15	--	30
CUD	See Article II, Section 8 of Zoning Regulations: Comprehensive Urban Development zone									

- (a) The maximum height shall not apply to places of worship, hospitals, chimneys, flagstaffs, light poles, municipal and utility buildings or structures.
- (b) Accessory buildings and structures shall not exceed 18 feet in height unless specifically provided for in the Zoning Regulations.
- (c) See Article II, Section 9.06 when yard abuts a residential zone.
- (d) See Article II, Section 22.06.

<sup>1</sup> Revisions Adopted 3/03/2003, effective 3/26/03, revised 12/19/05, revised 11/22/11, revised 2/20/13

<sup>2</sup> Revised 4/3/17, effective 4/18/17