

**TOWN OF MANCHESTER, CONNECTICUT
ZONING REGULATIONS**

**Adopted: May 2, 1938
Amended To: October 25, 2006**

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ARTICLE I GENERAL

ARTICLE I Section 1 INTRODUCTION

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.

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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".

A¹ Accessory Use - 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, and radio or television antennae.

Accessory Use of Building - A subordinate use of building customarily incidental to and located on the lot occupied by the main use of the building.

Adult Bookstore:² 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:³ 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.

Adult Entertainment:⁴ 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,

¹ Rev. 10/20/86

² Adopted 9/6/2006, effective 9/14/2006

³ Adopted 9/6/2006, effective 9/14/2006

⁴ Adopted 9/6/2006, effective 9/14/2006

removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Adult Material:⁵ 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:⁶ 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:⁷ 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.

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.

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".⁸

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

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

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

⁸ Rev. 3/19/85

- B Bed and Breakfast Inn⁹ - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

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

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

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

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

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

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

- C Cemetery¹⁰ - 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.

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.¹¹

⁹ Rev. 10/17/94, effective 11/8/94

¹⁰ Rev. 8/15/94

¹¹ Rev. 7/9/03, effective 7/29/03

Commission shall mean the Planning and Zoning Commission of the Town of Manchester.¹²

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.¹³

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.¹⁴

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.¹⁵

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.¹⁶

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

- D Day Care Center, Adult - A facility for disabled adults and the frail elderly which provides a structured program of health, social and rehabilitative services in a supportive group setting that is designed to serve adults outside their own homes on a regular basis for part of the twenty-four hours in one or more days in a week.¹⁷

Day Care Center, Child - A facility licensed by the State of Connecticut¹⁸ in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis for part of the twenty-four hours in one or more days of the week.¹⁹

¹² Rev. 10/1/85

¹³ Adopted 5/3/99, effective 6/7/99

¹⁴ Adopted 5/3/99, effective 6/7/99

¹⁵ Adopted 7/9/03, effective 7/29/03

¹⁶ Rev. 10/1/85

¹⁷ Rev. 12/4/89

¹⁸ Rev. 4/19/99, effective 5/7/99

¹⁹ Rev. 10/2/89

Day Care Home, Family - A private family home in which care is provided for not more than six (6) children including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. An additional three (3) school age children may be cared for before and after school hours only in the regular school year, including school vacations but excluding summer recess. The provider's own school age children are included in this count.²⁰

Day Care Home, Group - A facility licensed by the State of Connecticut²¹ (generally within a dwelling unit) in which care is provided for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four hours in one or more days in the week.²²

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.²³

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.²⁴

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.²⁵

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

E Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.²⁶

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

F²⁷ Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

²⁰ Rev. 12/4/89

²¹ Rev. 4/19/99, effective 5/7/99

²² Rev. 12/4/89

²³ Rev. 10/1/85

²⁴ Rev. 10/1/85

²⁵ Rev. 10/1/85

²⁶ Rev. 10/1/85

Family Resource Center²⁸ - 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.

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 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.²⁹

Gross Floor Area -gross area of 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 definition as gross floor area.³⁰

Gross Leasable Floor Area - 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.³¹

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.³²

²⁷ Rev. 5/15/00 (deleted floor area definition)

²⁸ Rev. 9/3/97, effective 9/23/97

²⁹ Rev. 10/1/85

³⁰ Rev. 5/15/00, effective 6/3/00

³¹ Rev. 5/15/00, effective 6/3/00

³² Rev. 5/15/00, effective 6/3/00

- H Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.³³

Heavy Industrial³⁴: The manufacturing or processing of materials or products predominantly from extracted or raw materials, or the manufacturing or processing of materials or products which can reasonably be expected to pose significant risks to public safety, to the quality of life on neighboring properties, or to the clean air and waters of the State of Connecticut; including, but not limited to, the use or involvement of explosives, radioactive materials, poisons or pesticides or similar hazardous materials on the premises, or the emission of smoke, noise, or airborne particles.

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

High Rise Apartments - Multi-story buildings exceeding two stories, designed and constructed primarily to contain family residential units, except that the ground floor may be used for business use.

Home-Conducted Occupation - Quasi-business uses of a type and magnitude which render them incidental to the primary residential use, carried on within the confines of the living area of a dwelling.

Offices of a business character such as offices maintained by doctors, dentists, attorneys, real estate agents, insurance agents, accountants, engineers, architects, studios of artists, musicians, clinics, etc., shall not be deemed to be home-conducted occupations after August 12, 1974.

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.

³³ Adopted 7/9/03, effective 7/29/03

³⁴ Adopted 3/1/04, effective 3/20/04

- I Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.³⁵

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

- J Job Printing - Printing operations occupying 20,000 square feet or more of gross floor area.³⁶

- L Light Industrial³⁷ - 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.³⁸

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.³⁹

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.⁴⁰

- M Memorial Garden⁴¹ - Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features

³⁵ Rev. 10/1/85

³⁶ Adopted 5/3/99, effective 6/7/99

³⁷ Revised 3/1/04, effective 3/20/04

³⁸ Adopted 5/3/99, effective 6/7/99

³⁹ Rev. 10/20/86

⁴⁰ Rev. 8/7/78

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

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.⁴²

- 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.⁴³

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

Personal Service - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.⁴⁴

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.⁴⁵

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

⁴¹ Rev. 8/15/94

⁴² Rev. 12/4/89

⁴³ Adopted 7/9/03, effective 7/29/03

⁴⁴ Adopted 5/3/99, effective 6/7/99

⁴⁵ Adopted 1/17/01, effective 2/6/01

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.⁴⁶

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.⁴⁷

Restrictive Conservation Easement (RCE)⁴⁸ - a limitation in the form of an easement agreement executed by or on behalf of the owner of the land, water, or wetland (the Land) described in the RCE in favor of the Town of Manchester or its agent. The fee simple interest in the Land contained in the RCE area shall remain with the owner of Land, subject to the RCE in favor of the Town. The purpose of the RCE is to retain such land, water or wetland areas predominately in their natural, scenic, or open condition or in their agricultural, farming, forest, or open space use, and to ensure the long term protection and preservation of these areas.

Retail Sales - Establishments engaged in selling goods or merchandise to the general public primarily for personal or household consumption and rendering services incidental to the sale of such goods.⁴⁹

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

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

⁴⁶ Rev. 5/17/93

⁴⁷ Rev. 5/17/93

⁴⁸ Rev. 4/1/02, effective 4/23/02

⁴⁹ Adopted 5/3/99, effective 6/7/99

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.⁵⁰

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.⁵¹

Sex Shop:⁵² an establishment offering goods for sale or rent and that meets any of the following: (i) The establishment offers for sale or rent items from any two or more of the following categories: (1) adult media including printed books, magazines, video cassettes, DVD's or similar material, (2) lingerie, or (3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; (ii) More than 5 percent of its stock in trade consists of sexually oriented toys or novelties; (iii) and more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

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

Shopping Mall - A building or group of buildings having a gross floor area of 500,000 square feet or more and containing an open or enclosed common pedestrian area serving more than one commercial tenant located within the same building or groups of buildings.⁵³

Sidewalk Cafes - A portion of an eating establishment located on a public sidewalk and consisting of tables, chairs and other permitted appurtenances and providing waiter and waitress service.

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

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

⁵⁰ Rev. 10/1/85

⁵¹ Adopted 5/3/99, effective 6/7/99

⁵² Adopted 9/6/2006, effective 9/14/2006

⁵³ Rev. 10/20/86

a building, operation or use or combination of buildings, operations or uses are located.⁵⁴

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.⁵⁵

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.⁵⁶

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).⁵⁷

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.⁵⁸

Surety means a corporate surety company licensed to do business in the State of Connecticut.⁵⁹

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.⁶⁰

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

⁵⁴ Adopted 11/03/03, effective 11/28/03

⁵⁵ Rev. 10/1/85

⁵⁶ Rev. 10/1/85

⁵⁷ Rev. 5/15/78

⁵⁸ Adopted 5/3/99, effective 6/7/99

⁵⁹ Rev. 10/1/85

⁶⁰ Adopted 7/9/03, effective 7/29/03

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

W Warehousing⁶¹ - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

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⁶¹ New 10/04/06, effective 10/25/06

ARTICLE I GENERAL

ARTICLE I Section 3 INTRODUCTION

3.01¹ 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 |
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| Planned Residential Development | Industrial |
| Historic ² | Special Design Commercial |
| Comprehensive Urban Development (CUD) | Neighborhood Business |
| Elderly Housing Development ³ | General Business |
| Flood Plain ⁴ | Off-Street Parking |

3.02⁵ 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 rail-road 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.

¹ Rev. 3/03/2003, effective 3/26/03

² Rev 12/07/87

³ Rev 4/20/98, effective 5/12/98

⁴ Rev 12/07/87

⁵ Rev. 3/03/2003, effective 3/26/03

- 3.03.03 Where a zoning boundary line divides a lot in single ownership the Zoning Board of Appeals may, upon receipt of application, authorize an extension of either zoning uses into the abutting zone for a distance of not more than 25 feet from the zoning boundary line.
- 3.03.04⁶ 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 Neighborhood Services and Economic Development⁷ 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 Notwithstanding the legal uses which are set forth in these regulations for any zone, such uses shall be in accordance with the following:
- 3.04.01⁸ Within 50 feet of the banks or edge of a river, stream, brook, pond or lake, no building shall be erected and no landfill or excavation operation including basement excavating, site leveling for construction or filling for flood protection shall be conducted until the particular operation has been authorized by the Planning and Zoning Commission after a public hearing, except that public works operations such as, but not limited to, installation and maintenance of sanitary sewers, water lines, drainage works and other municipal works which promote the public welfare may be conducted by the Town of Manchester or the Eighth Utilities District and except such operations approved after November 17, 1975, for which an inland wetlands permit has been granted, or for which site plan approval required by Article II, Section 19 of these regulations has been granted.⁹
- The development of a residential subdivision and houses thereon which was approved on or before November 17, 1975, shall not be subject to these provisions.
- 3.04.02 No part of sanitary sewer leaching field shall be constructed within 50 feet of the banks or edge of a river, stream, brook, pond or lake.
- 3.04.03 No person or persons shall deposit or abandon, or cause to be deposited or abandoned, any garbage, litter, rubbish, trash, junk, grass clippings, leaves, brush or anything of like nature in any river, stream, brook, watercourse, pond

⁶ Rev 12/07/87

⁷ Rev 11/3/03, effective 11/28/03

⁸ Rev 10/16/78

⁹ Rev. 08/16/82

or lake, nor in any way defile or pollute any river, stream, brook, watercourse, pond or lake.

3.04.04 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.¹⁰

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

3.04.06¹¹ 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.

3.04.06.01¹² 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.

3.04.06.02¹³ 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 storm water 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.

B. Said plan shall contain, but not be limited to:

1. A completed application form prescribed by the Planning and Zoning Commission.
2. A narrative describing:
 - a. The development;
 - b. The schedule for grading and construction activities, including

¹⁰ Rev 12/07/87

¹¹ Rev 10/01/85

¹² Rev. 10/01/85

¹³ Rev 11/03/03, effective 11/28/03

- 1) Start and completion dates;
 - 2) Sequence of grading and construction activities;
 - 3) Sequence for installation and/or application of soil erosion and sediment control measures;
 - 4) Sequence for final stabilization of the project site.
- c.¹⁴The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- d.The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 3.¹⁵A site plan map drawn to a scale of 1" = 40'. For sites which exceed fifty (50) acres in area, the Director of Neighborhood Services and Economic Development may authorize an alternative scale not greater than 1" = 20' or less than 1" = 100'. The site plan shall be on a sheet size of 24" x 36" showing:
- a. The location of the proposed development and adjacent properties;
 - b.The existing and proposed topography, with contour intervals not greater than two feet, including soil types, wetlands, watercourses and water bodies;¹⁶
 - c. Any existing structures on the project site;
 - d.The proposed area alterations including cleared, excavated, filled or graded areas and locations of existing and proposed structures, utilities, roads, easements and, if applicable, new property lines and proposed easements;

¹⁴ Rev 10/01/85

¹⁵ Rev. 11/3/03, effective 11/28/03

¹⁶ Rev. 04/06/87

- e. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - f. The sequence of grading and construction activities;
 - g. The sequence for installation and/or application of soil erosion and sediment control measures;
 - h. The sequence for final stabilization of the development site.
 - i. A narrative as described above.
 - j. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
- C. The number of copies of the narrative and site plan required from the applicant for submittal shall be prescribed by the Planning and Zoning Commission and set forth on the application form.
- D. 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 contain the following certification signature blocks:

"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".

Signature _____

Date of Approval _____

"I hereby certify that this 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".

(Signature)

(Name) CERTIFICATION NO.

3.04.06.03¹⁷ 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.

3.04.06.04¹⁸ 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 in a performance bond acceptable to the Commission. The amount of said bond must be approved by the town engineer, and by the town attorney.¹⁹
- 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 bond is posted with the Department of Public Works.
- C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan, and one copy of the certified plan shall be on the project site during construction.

¹⁷ Rev 10/01/85

¹⁸ Rev 10/01/85

¹⁹ Rev. 10/01/85

- 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. 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. 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 any agent designated by it to act shall advise the developer and the surety in writing of this fact and direct that any necessary work be completed within a specified time. If the developer and/or the surety do not comply with the directions of said Commission or its designated agent, the Commission may arrange for said necessary work to be done by town forces and recover the cost thereof from the developer and/or the surety.

3.04.06.05²⁰ 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.

²⁰ Rev 10/01/85

3.04.07²¹ 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.

3.05²² 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.

3.06²³ Application Submittal Requirements

For activities, uses and developments requiring review and approval by the Planning and Zoning Commission, application shall be made on the forms prescribed by the 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.

Electronic copies of site development 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.

For any minor modification of an approved site plan which does not materially alter the approved site plan or special exception, the Director of Neighborhood Services and Economic Development may waive specific application requirements provided the information required is not necessary for the particular application and the lack of such information will not impair or prejudice the Commission's determination as to the application's conformity to the Zoning Regulations. Minor modifications are defined as a building expansion or construction of an accessory building of 500 square feet or less, a change in parking spaces of ten (10) spaces or less, the siting and screening of mechanical or trash disposal facilities, a revision to a building's exterior façade including design features, color or materials involving no change to the building's footprint, and other similar minor modifications provided that the project meets all site, bulk and area requirements of the applicable zone regulations.

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²¹ New 3/17/97, effective 4/1/97

²² New 11/3/03, effective 11/28/03

²³ New 11/3/03, effective 11/28/03