
ARTICLE II ZONING USES

ARTICLE II Section 1 GENERAL REQUIREMENTS FOR RESIDENTIAL ZONES

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.

1.00.02¹ 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 Places of Worship:
 - 1. New facilities shall be constructed 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. 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

¹ Adopted 1/17/01, effective 2/6/01

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.

- 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.
- 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.

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.²
- (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.
- (f) Gazebos, cabanas, or storage sheds, provided the structure does not exceed 240 sq.ft. in gross floor area and 12 feet in height.³
- (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.

² Rev. 01/05/04, effective January 24, 2004

³ Rev. 01/05/04, effective January 24, 2004

- (l)⁴ Hobby automobile rebuilding by the resident only.
 - 1. Automobiles kept for this purpose shall be owned by the resident or member of the household.
 - 2. Automobiles stored outside shall be stored only in the rear yard.
 - 3. Not more than two such automobiles per approved dwelling unit may be kept for such purposes on the premises.
 - 4. Upon the sale, transfer or other disposition of a hobby automobile, no substitute or replacement automobile may be brought to the premises within six months of the date of such sale, transfer or disposition.
 - 5. The hobby rebuilding 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.
- (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:
 - 1. The occupation shall be confined to the inside of the house and shall not be carried on in any attached garage, unattached garage or on the grounds of the premises unless the use is horticultural in character.
 - 2. The house shall not be enlarged to accommodate the occupation.
 - 3. The occupation shall not be visible from the street by display of products or equipment.
 - 4. The occupation shall not cause a nuisance from noise, odors, fumes, vibration or other sources.
 - 5. The occupation shall not deteriorate into commercialism.
 - 6. The occupation shall not be a wholesale or retail sales operation.

⁴ Rev 03/01/85

7. The occupation shall not tend to excessively draw people and vehicles to the premises.
8. The occupation shall be conducted and operated only by the resident or family members.
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.

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.

Where the principal use is a church, memorial gardens shall be a permitted accessory use.⁵

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.⁶

1.03.03 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.
- (b) The keeping of horses.
- (c) The keeping of fowl or poultry.
- (d) The keeping of pigeons.
- (e) The keeping of bees.
- (f) Outside buildings and structures for commercial animal breeding or commercial kennel purposes.
- (g) Buildings for commercial purposes.
- (h) Outside storage or accumulation of junk, including disused automobiles and automobile parts.

⁵ Rev 8/15/94

⁶ Rev. 9/3/97, effective 9/23/97

- (i) 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.⁷
- (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 height⁸ 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)⁹ 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 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

⁷ Rev. 02/21/06, effective 03/12/06

⁸ Rev. 01/05/04, effective 01/24/04

⁹ New 02/21/06, effective 03/12/06

ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.

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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ARTICLE II ZONING USES

ARTICLE II Section 2 RURAL RESIDENCE ZONES

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

2.01 Permitted Uses

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

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

Maximum building density	1.3 houses per acre
Maximum habitable stories	2
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 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 poultry for private use only provided no poultry house or enclosure shall be within 100 feet of an abutting dwelling.
- (d) The keeping of bees provided no hive shall be within 100 feet of an abutting dwelling.
- (e) The keeping of rabbits provided that housing for rabbits in excess of 3 shall not be within 100 feet of an abutting dwelling.
- (f) 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 and schools¹
- 2.01.08 Day care facility conducted in a place of worship² or municipal building³.
- 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.
- 2.01.14 Family day care homes conducted in a dwelling unit.⁴

¹ Rev 11/3/03, effective 11/28/03

² Adopted 1/17/01, effective 2/6/01

³ Rev 12/04/89

- 2.01.15⁵
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁶

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 1.00.02.⁷

2.02.01 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.

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.

⁴ Rev. 12/04/89

⁵ Rev 10/20/97, effective 11/11/97

⁶ New 11/3/03, effective 11/28/03

⁷ Adopted 1/17/01, effective 2/6/01

- (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 Places of worship in accordance with the requirements of Article II, Section 1.00.02 and with the following Special Requirements:⁸

- (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 Reserved⁹

2.02.04 Hospital, medical clinic (excluding veterinary)

Special requirements:

- (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.

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

⁹ Rev. 04/20/98, effective 05/12/98

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 Cemetery¹⁰

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 from excessive glare.
- (c) Site development plans shall be submitted to the Planning and Zoning Commission for approval.¹¹

2.02.07 Golf course, golf driving range, golf instructional facility (excluding miniature)¹²

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.

¹⁰ Rev 11/22/82

¹¹ Rev 11/22/82

¹² Rev 11/19/90

- (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 illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (g) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.09 Child day care center and group day care home ¹³

¹³ Rev. 12/04/89

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 Reserved¹⁴

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 citizens¹⁵

- (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.
- (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.

¹⁴ Rev. 04/20/98, effective 05/12/98

¹⁵ Rev 06/04/79

- (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.¹⁶

2.02.13 Municipal utility buildings and structures¹⁷

- (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 needs¹⁸

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;

¹⁶ Rev 11/03/03, effective 11/28/03

¹⁷ Rev. 01/26/81

¹⁸ Rev 11/30/84

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 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.¹⁹
- (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.²⁰

¹⁹ Rev. 11/03/03, effective 11/28/03

²⁰ 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 Reserved²¹

2.02.16 Adult day care center²²

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

2.02.17²³ 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.

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²¹ Rev 04/20/98, effective 05/12/98

²² Rev. 12/04/89

²³ Rev 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

ARTICLE II Section 3 RESIDENCE AA ZONE

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

3.01 Permitted Uses

The following uses shall be permitted in Residence AA zones:

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

Maximum building density	2.0 houses per acre
Maximum habitable stories	2
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 Schools, public libraries (including customary accessory uses). Day care facilities conducted in a place of worship¹, 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 10.²
- 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.³
- 3.01.07 Family day care homes conducted in a dwelling unit.⁴
- 3.01.08⁵
 - (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁶
- 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 Application Requirements and the requirements of Article II Section 1.00.02.⁷
- 3.02.01 Places of Worship in accordance with the requirements of Article II, Section 1.00.02.^{8 9}

¹ Adopted 01/17/01, effective 02/06/01
² Rev 12/04/89
³ Rev. 01/18/82
⁴ Rev 12/04/89
⁵ Rev 10/20/97, effective 11/11/97
⁶ New 11/3/03, effective 11/28/03
⁷ Adopted 01/17/01, effective 02/06/01
⁸ Rev 04/20/98, effective 05/12/98
⁹ Adopted 01/17/01, effective 02/06/01

- 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 citizens¹⁰
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 2.02.13.¹¹
- 3.02.05 Supervised group homes for children with special needs¹²
Subject to the restrictions and requirements of Article II, Section 2.02.14 of these regulations.
- 3.02.06 Reserved¹³
- 3.02.07 Adult day care center¹⁴
May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18.
- 3.02.08 Child day care center¹⁵
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 facilities¹⁶
May be developed at the discretion of the Planning and Zoning Commission in accordance with the provisions of Article IV, Section 19.

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¹⁰ Rev 06/04/79

¹¹ Rev. 01/26/81

¹² Rev. 11/30/84

¹³ Rev 04/20/98, effective 05/12/98

¹⁴ Rev 12/04/89

¹⁵ Rev 12/04/89

¹⁶ Rev 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

ARTICLE II Section 4 RESIDENCE A ZONE

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

4.01 Permitted Uses

The following uses shall be permitted in Residence A zones:

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

Maximum building density	3.0 houses per acre
Maximum habitable stories	2
Maximum building area of lot	30%
Minimum lot area*	12,000 square feet
Minimum lot frontage*	100 feet
Minimum building-line dimension*	100 feet
Minimum front yard	25 feet
Minimum rear yard	25% of lot depth or 30 feet
Minimum side yard	10 feet
Minimum total habitable floor area for houses	1100 square feet
Minimum habitable ground floor area for two-story houses**	750 square feet

* except as provided in 4.01.01 (a)

** except as provided in Article IV Section 1.01.01

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

4.01.02 Residential accessory uses.

4.01.03Sc hools, public libraries, including customary accessory uses. Day care facilities conducted in a place of worship¹, 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 10.²

4.01.04Muni cipal parks, playgrounds and recreation buildings (including customary accessory uses).

4.01.05G reen houses and horticultural nurseries including customary accessory uses.

4.01.06R enting 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.

4.01.07M unicipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.

4.01.08Fa mily day care homes conducted in a dwelling unit.³

4.01.09⁴ (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 19.⁵

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 Application Requirements and the requirements of Article II Section 1.00.02.⁶

4.02.01H ouse conversion to two-family occupancy.

¹ Adopted 01/17/01, effective 02/06/01

² Rev. 12/04/89

³ Rev. 12/04/89

⁴ Rev. 10/20/97, effective 11/11/97

⁵ New 11/03/03, effective 11/28/03

⁶ Adopted 01/17/01, effective 2/6/01

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.

- (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.

4.02.02Pla ces of Worship in accordance with the requirements of Article II, Section 1.00.02^{7 8}

4.02.03C arnivals and circuses.

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

4.02.04Su pervised group homes for mentally retarded citizens.

Subject to the restrictions and requirements of Article II, Section 2.02.12 of these regulations.⁹

⁷ Rev 04/20/98, effective 5/12/98

⁸ Adopted 1/17/01, effective 02/06/01

⁹ Rev 06/04/79

4.02.05M municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹⁰

4.02.06Su supervised group homes for children with special needs.

Subject to the restrictions and requirements of Article II, Section 2.02.14, of these regulations.¹¹

4.02.07R reserved¹²

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 18.¹³

4.02.09 Child day care center and group day care home.

May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV, Section 10.¹⁴

4.02.10¹⁵ 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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¹⁰ Rev. 01/26/81

¹¹ Rev. 11/30/84

¹² Rev. 04/20/98, effective 05/12/98

¹³ Rev. 12/04/89

¹⁴ Rev. 12/04/89

¹⁵ Rev. 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

ARTICLE II Section 5 RESIDENCE B ZONE

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

5.01 Permitted Uses

The following uses shall be permitted in Residence B zones:

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

Maximum building density	4.0 houses per acre
Maximum habitable stories	2
Maximum buildable area of lot	35%
* Minimum lot area	9,000 square feet
* Minimum lot frontage	75 feet
* Minimum building-line dimension	75 feet
Minimum front yard	20 feet
Minimum rear yard	25% of lot depth or 30 feet
Minimum side yard	8 feet providing the two side yards total 20 feet
Minimum total habitable floor area for houses	850 square feet
Minimum habitable ground floor area for two-story houses	550 square feet

* Except as provided in 5.01.01 (a)

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

5.01.02 Two-family houses: ¹

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

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

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

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

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

5.01.03 Residential accessory uses.

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

¹ Rev. 06/02/86

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

³ Rev 12/04/89

- 5.01.05 Municipal parks, playgrounds and recreation building including customary 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 Reserved⁴
- 5.01.09 Hospitals, public and private.
- 5.01.10 Renting of rooms and furnishing of table board for not more than three persons within a home, provided that the renter or furnisher shall permanently reside in the home.
- 5.01.11 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.
- 5.01.12 Family day care homes conducted in a dwelling unit.⁵
- 5.01.13⁶
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁷
- 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 Application Requirements and the requirements of Article II, Section 1.00.02.⁸
- 5.02.01 House conversion to two-family, three-family or four-family occupancy:

⁴ Rev 04/20/98, effective 05/12/98

⁵ Rev 12/04/89

⁶ Rev 12/04/89

⁷ New 11/03/03, effective 11/28/03

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

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 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 Places of Worship⁹ in accordance with the requirements of Article II, Section 1.00.02.¹⁰

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 citizens¹¹

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

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

¹⁰ Rev. 04/20/98, effective 05/12/98

¹¹ Rev. 06/04/79

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- 5.02.05 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹²
- 5.02.06 Supervised group homes for children with special needs¹³
Subject to the restrictions and requirements of Article II, Section 2.02.14 of these regulations.
- 5.02.07 Reserved¹⁴
- 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 18.¹⁵
- 5.02.09 Child day care center and group day care home¹⁶
May be developed at the discretion of the Zoning Board of Appeals as set forth in Article IV, Section 10.
- 5.02.10¹⁷ 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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¹² Rev. 01/26/81

¹³ Rev 11/30/84

¹⁴ Rev. 04/20/98, effective 05/12/98

¹⁵ Rev 12/04/89

¹⁶ Rev. 10/02/89

¹⁷ Rev. 10/20/97, effective 11/11/97

ARTICLE II ZONING USES

ARTICLE II Section 6 RESIDENCE C ZONE

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

6.01 Permitted Uses

The following uses shall be permitted in Residence C zones:

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

Maximum building density	4.8 houses per acre
Maximum habitable stories	2
Maximum buildable area of lot	40%
Minimum lot area	7200 square feet
Minimum lot frontage	60 feet
Minimum building-line dimension	60 feet
Minimum front yard	15 feet
Minimum rear yard	25% of lot depth or 30 feet
Minimum side yard	10 feet
Minimum total habitable floor area for houses	850 square feet
Minimum habitable ground floor area for two-story houses	550 square feet

6.01.02 Two-family houses¹.

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

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

¹ Rev. 07/21/80

Minimum total habitable living area for a residence	850 square feet
Minimum habitable ground floor area for a two-story residence	425 square feet

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

- 6.01.03 Residential accessory uses.
- 6.01.04 Reserved²
- 6.01.05 Schools, public libraries, including customary accessory uses. Day care facilities conducted in a place of worship³, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.⁴
- 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 Reserved⁵
- 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.

² Rev 04/20/998, effective 05/12/98
³ Adopted 01/17/01, effective 02/06/01
⁴ Rev 12/04/89
⁵ Rev 04/20/98, effective 05/12/98

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

6.01.14 Family day care homes conducted in a dwelling unit.⁶

- 6.01.15⁷
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁸

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 Application Requirements and the requirements of Article II Section 1.00.02.⁹

6.02.01 House conversion to two-family, three-family or four-family occupancy.¹⁰

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.

⁶ Rev. 12/04/89

⁷ Rev 10/20/97, effective 11/11/97

⁸ New 11/03/03, effective 11/28/03

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

¹⁰ Rev. 01/18/82

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.
- (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 building¹¹

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.¹²

- (b) Residential uses shall be permitted on the second floor in a new office building. Two parking spaces for each unit shall be provided.¹³
- (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.¹⁴

¹¹ Rev 06/20/05, effective 07/18/05

¹² Rev 10/02/89

¹³ Rev. 10/02/89

¹⁴ Rev. 07/26/82

- (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.¹⁵

6.02.03 Conversions of a residence to office use or office/residential use.¹⁶

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.¹⁷
- (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.¹⁸

6.02.04 Places of Worship¹⁹ in accordance with the requirements of Article II, Section 1.00.02.²⁰

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.²¹

¹⁵ Rev 10/02/89

¹⁶ Rev 6/20/05, effective 7/18/05

¹⁷ Rev 06/20/05, effective 07/18/05

¹⁸ Rev. 06/20/05, effective 07/18/05

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

²⁰ Rev 04/20/98, effective 05/12/98

²¹ Rev 06/04/79

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 2.02.13.²²

6.02.08 Supervised group homes for children with special needs.²³

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

6.02.09 Adult day care center.²⁴

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

6.02.10 Child day care center and group day care home²⁵

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 facilities²⁶

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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²² Rev 01/16/81

²³ Rev. 11/30/84

²⁴ Rev 12/04/89

²⁵ Rev 12/04/89

²⁶ Rev 10/20/97, effective 11/11/97

7.01 Purpose¹

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

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

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

7.02 Permitted Uses

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

Maximum building density	4.0 houses per acre
Minimum lot area	9000 square feet
Minimum lot frontage	75 feet
Minimum front yard	25 feet
Minimum rear yard	30 feet
Minimum side yard	10 feet
Minimum total habitable floor area	850 square feet
Maximum buildable area	35% of the lot area
Maximum habitable stories	2

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

¹ Rev. 01/26/81

² Rev. 07/06/05, effective 07/29/05

³ Rev. 07/06/05, effective 07/29/05

⁴ Rev. 04/20/98, effective 05/12/98

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

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

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

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

⁵ Rev. 07/06/05, effective 07/29/05

⁶ Rev. 04/20/98, effective 05/12/98

7.02.03 Multi-family dwellings subject to the following requirements:

- (a) The minimum living area for units in a multi-family dwelling shall be as follows:
- | | |
|----------------------------------|-----------------|
| Efficiency (no separate bedroom) | 400 square feet |
| One bedroom unit | 650 square feet |
- And for each bedroom in excess of one, add an additional 150 square feet.
- (b) The total aggregate of gross floor area contained in a multi-family dwelling shall not exceed 30% of the multi-family dwelling site area for buildings two stories or more in height nor 15% of the multi-family dwelling site area for buildings less than two stories in height.
- (c) The total number of multi-family dwelling units shall not exceed ten (10) per acre of the multi-family dwelling site excluding wetlands and slopes greater than 15%.⁷, except for multi-family elderly units which shall be developed in accordance with Article II, Section 20.04.01 (b).⁸
- (d) The minimum site area for multi-family dwellings shall be 20,000 square feet and the site shall have not less than 50 foot frontage on an improved and town accepted street.
- (e) No multi-family dwelling shall have more than two habitable stories except that the Commission may approve a building with 2-1/2 stories if the natural grade is suitable and the lowest level has access directly to grade level without stairs or ramps. Further, the uppermost story shall have access either from ground level or from an interior stair arrangement which will not require occupants of the uppermost story to traverse more than one story to gain access at grade level.
- (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.⁹

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

⁷ Rev. 04/20/98, effective 05/12/98

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

⁹ Rev. 09/28/81

		garage maintains a minimum front yard of 20 feet. ¹⁰
	Minimum rear yard	30 feet
	Minimum side yard (interior)	0 feet
	Minimum side yard (end unit)	10 feet
7.02.04	Schools, education facilities, public libraries.	
7.02.05	Day care facility conducted in a church, place of worship or municipal building. ¹¹	
7.02.06	Reserved ¹²	
7.02.07	Municipal parks, playgrounds and recreation areas (including accessory buildings and equipment).	
7.02.08	Municipal public safety structures.	
7.02.09	Public utility structures.	
7.02.10	Accessory uses.	
7.02.11	Family day care homes conducted in a dwelling unit. ¹³	
7.02.12 ¹⁴	(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. ¹⁵	
7.02.13 ¹⁶	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.	

¹⁰ Rev. 05/28/82

¹¹ Rev. 12/04/89

¹² Adopted 01/17/01, effective 02/06/01

¹³ Rev. 12/04/89

¹⁴ Rev. 10/20/97, effective 11/11/97

¹⁵ New 11/03/03, effective 11/28/03

¹⁶ 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 Application Requirements and the requirements of Article II, Section 1.00.02.¹⁷

7.03.01 Child day care center and group day care home (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.¹⁸

7.03.02 Child Day care center and group day care home (conducted 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 10.¹⁹

7.03.03 Places of Worship²⁰ in accordance with the requirements of Article II Section 1.00.02.²¹

7.03.04 Adult day care center²²

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 facilities²³

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

7.04 Site Development

7.04.01 Subdivision and public improvements:

(a) Except for parcels which contain only multi-family dwellings, all development shall be subject to subdivision requirements and shall be on lots which are designated on an approved and recorded plan of subdivision and which meet the minimum requirements of paragraphs 7.02.01, 7.02.02, and 7.02.03 (d) herein. A plan of subdivision shall clearly indicate the area or lots which are to be developed for single-family houses, duplex houses, and multi-family dwellings. No building permit shall be issued unless the proposed

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

¹⁸ Rev. 12/04/89

¹⁹ Rev. 12/04/89

²⁰ Adopted 01/17/01, effective 02/06/01

²¹ Rev. 04/20/98, effective 05/12/98

²² Rev. 12/04/89

²³ Rev. 10/20/97, effective 11/11/97

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"²⁴ 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

²⁴ 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 housing²⁵ shall be landscaped, graded and developed to preserve and establish natural vegetation for recreation, screening, shade, aesthetics, and soil stabilization.

- 1.²⁶ 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. There shall be provided grassed or wooded areas suitable for the safe play of children or quiet relaxation of adults throughout the development at a rate of not less than 500 square feet per dwelling unit. Except for age-restricted housing development,²⁷ every bedroom in excess of two per dwelling unit, there shall be provided an additional grassed open area suitable for children's play at a rate of 1000 square feet for each said bedroom. This grassed open area shall be in one parcel and shall have a slope not exceeding 5%.
3. All plants causing skin irritation or allergic reaction shall be eliminated.

²⁵ Rev. 07/06/05, effective 07/29/05

²⁶ Amended 06/19/06, effective 07/08/06

²⁷ Rev. 07/06/05, effective 07/29/05

- (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 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.

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 deadend drives and roads constructed in accordance with the "Public Improvement Standards"²⁸;
 - 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"²⁹. 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.³⁰
- (c) All private driveways designed for vehicular traffic shall have the following minimum requirements:

²⁸ Rev. 03/17/97, effective 04/01/97

²⁹ Rev. 03/17/97, effective 04/01/97

³⁰ Rev. 10/02/89

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

(d) Off-street vehicle parking:

1. Parking spaces shall be provided on site at the rate of two spaces per dwelling unit 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.³¹
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 paths³²

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

³¹ Rev. 07/06/05, effective 07/29/05³² Rev. 10/04/06, effective 10/25/06

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 2-1/2 story building shall be erected within 100 feet of the boundary of a multi-family dwelling site.³³

(b)³⁴ 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 or private street 25 feet
 - c. Minimum separation between buildings 20 feet (side)
60 feet (rear)

(c) Attached single-family homes on their own subdivided lot, which front on a public road (defined in Article II, Section 7.02.03 (f)) shall have a minimum

³³ Rev. 09/28/81

³⁴ Rev. 04/20/98, effective 05/12/98

side yard space between end building faces of 20 feet, where both facing walls contain a window(s).³⁵

7.04.07 Fire protection:

- (a) Fire hydrants shall be installed so that no portion of a building is more than 250 feet from a hydrant or installed in accordance with requirements of the cognizant fire chief.
- (b) Fire lanes shall be provided as required by the fire marshal. The applicant shall indicate on the plan the location of such lanes and shall provide all fire lane signs as required.

7.04.08 Acoustic control:

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

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

³⁵ Rev. 05/07/84

	<u>STC</u>	<u>IIC</u>
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 final plans.

7.04.09 Laundry facilities:

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

7.05 Application Procedure

7.05.01³⁶ The applicant shall file with the application for a change of zone, a Preliminary Plan of Development for all of the property located within the proposed Planned Residence Development zone. The Commission shall hold a public hearing on the Preliminary Plan of Development 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 of Development 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 of Development subject to the provisions of these Regulations, the Subdivision Regulations and the "Public Improvement Standards".

7.05.02³⁷ The Preliminary Plan of Development shall be schematic and shall consist of one or more maps at a scale of not less than 1" = 100', prepared by a registered professional engineer, a registered architect, or a landscape architect and accompanying documents 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 15%, and inland wetlands and watercourses).
- (b) The location of all proposed vehicular and pedestrian patterns (including location of drive-ways, public roads, sidewalks and pedestrian paths, and parking areas), proposed open space and recreation areas and proposals for connection of roads, driveways, and sidewalks and paths within the site to the existing public road system. A report shall be included regarding existing

³⁶ Rev. 11/03/03, effective 11/28/03

³⁷ Rev. 11/03/03, effective 11/28/03

traffic conditions and information on traffic generated by development of the proposed plan and sidewalk system.

- (c) The proposed location of all buildings within the site and areas proposed for subdivided lots.
- (d) 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. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.
- (e) 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.
- (f) A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
- (g) Where development within the site is to be in phases or units, the anticipated location and acreage of such phases or units.
- (h)³⁸ Building Plan - a 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.
- (i) Such other relevant information as the applicant may wish to submit.

7.05.03³⁹ Final Plan of Development 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"⁴⁰. An application for approval of a Final Plan of Development shall include the following:

- (a) Site Information and Engineering Plan and Profiles - a plan having a scale of not less than 1" = 40' showing:
 - 1. an accurate description of the site prepared by a registered land surveyor;
 - 2. existing topographic and geographic features including contour lines at five foot intervals;

³⁸ Rev. 07/06/05, effective 07/29/05

³⁹ Rev. 11/03/03, effective 11/28/03

⁴⁰ Rev. 03/17/97, effective 04/01/97

3. existing structures and easements;
4. proposed grading and contours at two foot intervals;
5. proposed storm water drainage design and details;
6. sanitary sewer and water details including connection points to existing systems;
7. proposed septic system design and details;
8. hydrant locations, existing and proposed; and
9. roadway and driveway locations and details.

(b) Location Plan - a plan having a scale of not less than 1" = 40', showing:

1. location of all principal buildings and accessory structures;
2. roadway and driveway layout with proposed names;
3. location of all proposed sidewalks and pedestrian paths;⁴¹
4. vehicle parking areas with number of spaces;
5. landscaping with plant types, sizes and quantities; and
6. 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.

(c) Building Plan - a 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.

Minor changes in an approved Final Plan of Development may be made with the concurrence of the chairman of the Planning and Zoning Commission and the Director of Neighborhood Services and Economic Development, 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. 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

⁴¹ Revised 10/04/06, effective 10/25/06

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.⁴²

7.05.04 Performance and maintenance bonds:

- (a) Before a building permit may be issued, the director of public works, on behalf of the Planning and Zoning Commission, shall have accepted a cash bond, a bond of a corporate surety company licensed to do business in and having a business in the State of Connecticut, or a letter of credit in an amount and with surety and conditions securing to the Town of Manchester within a time period specified in the bond or letter equal to the actual cost of construction and installation of all public improvements and all landscaping. The estimated cost of construction and installation of said improvements and landscaping shall be prepared by the developer and approved by the director of public works.
- (b) When the developer petitions the Town of Manchester to accept the public improvements, he shall agree to place with the Town a maintenance bond or letter of credit equal to 10% of the original approved estimate of the cost of construction and installation in subparagraph (a) above. Said bond or letter of credit shall secure to the Town protection against faulty construction for a one-year period after the town acceptance. When the public improvements and landscaping are accepted by the Town, the director of public works shall release the original bond or letter upon receipt and acceptance of a maintenance bond as set forth herein.

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 and landscaping covered by the bond have been completed to the satisfaction of the director of public works.
- (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 Final Plan of Development are installed.

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

⁴² New 11/03/03, effective 11/28/03

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.

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ARTICLE II ZONING USES

ARTICLE II Section 8 COMPREHENSIVE URBAN DEVELOPMENT ZONE

8.01 Purpose

8.01.01 A Comprehensive Urban Development zone is an urban use district which 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, consequently, more creative and imaginative design for development than generally is possible under conventional zoning. It is further intended to promote 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.

8.01.04 Phased development of a "CUD" site's public improvements shall be permitted in accordance with an approved Preliminary Development Plan.

8.01.05 A Preliminary Development Plan of the entire site must be submitted to the Commission for approval. An applicant may submit a Preliminary Development Plan prior to or concurrent with the submission of a Final Development Plan. The area, location, intensity and type of land uses in a "CUD" site shall be as determined by a Preliminary Development Plan for each "CUD" site. The Preliminary Development Plan shall be prepared in accordance with the procedures outlined in Section 8.10 of these regulations.

8.01.06 A Final Development Plan must be submitted to the Commission before any actual development may occur. The Final Development Plan shall be prepared in accordance with the procedures outlined in Section 8.10.04 of these regulations. A Final Development Plan may be submitted for each phase of the site or for the entire site at the discretion of the applicant.

8.02 Definitions

8.02.01 In addition to the definitions included in Article I, Section 2, of these regulations, the following definitions shall apply to this Section:

Final Development Plan - A plan for the development of a site or lot submitted in accordance with Section 8.10.04.

Gross Leasable Area - Total floor area exclusive of common areas, service corridors and mechanical rooms.

Land use areas - An area defined on a Preliminary Development Plan designated to be developed with one or more of the land use types listed in Table II 8-1.

Open Space - An area which is undisturbed and preserves existing natural features, or an area which is suitable for active and/or passive recreation uses or an area which encompasses natural and/or landscape elements including, without limitations, trees, shrubs, ground cover, earthworks, street furniture and lighting, ponds, and fountains, excluding building foundation planting or required parking lot landscaping.¹

Preliminary Development Plan - A plan for the development of a site submitted in accordance with Section 8.10.03.

Site - That land area which is included in a Preliminary Development Plan.

8.03 Permitted Uses

The following land uses are permitted in a "CUD" zone:

- 8.03.01 Retail sales, including retail shops, department stores, shopping centers and shopping malls.
- 8.03.02 Personal service shops.
- 8.03.03 Office, including professional.
- 8.03.04 Restaurant, including outside building food consumption.
- 8.03.05 Alcoholic liquor sales provided the building or portion thereof containing same is located not closer than 200 feet to a lot used as a church, school, college, charitable institution or library.
- 8.03.06 Bowling alley, theaters, museums, cultural and/or social community facilities, and similar amusement enterprises.
- 8.03.07 Hotel, motel.
- 8.03.08 Radio and television broadcasting studio.
- 8.03.09 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.

¹ Rev 07/20/87

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- 8.03.10 Wholesale store and sample room.
- 8.03.11 Indoor and outdoor recreation facilities including tennis court, skating rink, health and recreation club, and other similar facilities.
- 8.03.12 Places of worship² and schools. Day care facilities conducted 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 10.³
- 8.03.13 Research, data processing and development facilities and laboratories.
- 8.03.14 Multi-family dwelling units in accordance with Article II Section 7 (provided, however, that the maximum density of ten units per acre as set forth in Article II, Section 7, shall not be applicable in a "CUD" zone) and high rise apartments in accordance with Article IV, Section 2. The maximum density of multi-family dwelling units and high rise apartments in a "CUD" zone shall be twenty units per acre on a site.⁴
- 8.03.15 Medical clinic.
- 8.03.16 Land sales/construction facilities for land or buildings within the site.
- 8.03.17 Telecommunications services and facilities.
- 8.03.18 Open space.
- 8.03.19 Accessory uses.
- 8.03.20 Uses shown on a plan of development approved prior to October 20, 1986, shall be permitted and conforming, and may be constructed and developed in accordance with Sections 8.07, 8.08, 8.09 and 8.11 of this regulation. Any amendment to such approved plan of development shall be subject to the regulations applicable at the time of submission of such amendment.
- 8.03.21 Family day care homes conducted in a dwelling unit.⁵
- 8.03.22⁶ (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.

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

³ Rev. 12/04/89

⁴ Rev 07/20/87

⁵ Rev 12/04/89

⁶ Rev. 10/20/97, effective 11/11/97

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

8.03.23⁸ Elderly Housing Development as permitted in Article II, Section 20.

8.04 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 and Application Requirements of Article IV, Section 20.⁹

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.

In addition to the standards imposed in any referenced section of these regulations as to a particular use, if any, no permits for special exceptions shall be issued by the Commission or Board unless it finds in each case that the proposed building or structure or 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;
- d) Is in conformity with an approved Preliminary Development Plan.

⁷ New 11/03/03, effective 11/28/03

⁸ Rev. 04/20/98, effective 05/12/98

⁹ Rev 11/03/03, effective 11/28/03

8.04.01¹⁰ 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, provided that the use must be located in a land use area on a Preliminary Development Plan designated as Land Use Type I in Table II 8-1.

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 8-1.¹¹

c) Child day care center and group day care home

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 10. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.¹²

8.04.02 The following land uses may be permitted by special exception in a "CUD" zone with approval of the Commission:

Industrial, commercial and technical uses with a principal character of: (1) light manufacturing, or (2) processing and assembly of materials, except that the processes and uses enumerated in Article II, Section 16.17 (c)-(k), of these regulations are specifically prohibited in a "CUD" zone and wireless telecommunication facilities in accordance with the provisions of Article IV, Section 19.¹³

8.05 Minimum "CUD" Zone Area

8.05.01 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.

8.05.02 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

¹⁰ Rev 08/05/02, effective 08/30/02

¹¹ Rev 12/04/89

¹² Rev 12/04/89

¹³ Rev. 10/20/97, effective 11/11/97

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.

8.05.03 An applicant for a change of zone to a "CUD" zone may, but is not required to, apply simultaneously for approval of a Preliminary Development Plan as set forth in Section 8.10.03 or for approval of both a Preliminary Development Plan, as set forth in Section 8.10.03, and a Final Development Plan, as set forth in Section 8.10.04.

8.06 Site Development Criteria

8.06.01 The following site development criteria include the standards used to review, and which must be met for approval of, both Preliminary and Final Development Plans. The standards apply to the entire area covered by a Preliminary or Final Development Plan. Individual lots within the site may differ from the standards for the land use area coverage, land use area floor area ratio and lot open space ratio so long as all of the land use area dedicated to a particular land use type within the overall site covered by a Preliminary or Final Development Plan conform to the standards as set forth in Table II 8-1. Open space may be designated as a land use area in one or more locations to satisfy the open space requirements of all or a portion of other land use areas shown in a Preliminary Development Plan. In approving a Preliminary Development Plan, the Commission may require that a portion of designated open space areas be dedicated for municipal open space/recreation purposes, with such portion having frontage on a public street and containing not less than one acre and not more than six acres.

8.06.02 (a) The entire site covered by a Preliminary Development Plan shall be divided into land use areas with each such area designated to be one or a combination of the land use types set forth in Table II 8-1. If a combination of land use types is chosen, then the applicable criteria for ratios and dimensions as set forth in Table II 8-1 shall be as set forth for each land use type.

(b) 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.

8.06.03 The Commission may approve development of public improvements of any "CUD" site in phases. Phases may be modified by the Commission with respect to sequence of phase development, or alteration of phase boundary lines upon the request of the applicant. No changes in the development plan as to the site or any phase therein regarding land use types as those are classified in Table II 8-1 may

be approved without the submission of another Preliminary Development Plan for the site. The submission of a new Preliminary Development Plan shall be regarded as a new submission with respect to the site and shall be subject to all requirements of Section 8.10.03.

- 8.06.04 If a "CUD" zoned site with an approved Preliminary Development Plan is enlarged in accordance with Paragraph 8.05.02, the added area may be planned as a separate site or may be planned as part of an existing site at the discretion of the Commission. If the ownership of the two sites is different, appropriate agreements for use of private facilities shall be presented to the Commission with the application for a Preliminary Development Plan.
- 8.06.05 A site may be subdivided into lots by an applicant in accordance with and subject to the requirements of bodies having jurisdiction. All development which is subject to subdivision requirements shall be on lots which are designated on a plan of subdivision which has also been recorded. The requirements of Table II 8-1 which applied to the site before subdivision shall remain in force and apply to lots after subdivision; however, the individual lots may differ from the standards for land use area coverage, land use area floor area ratio and lot open space ratio so long as all of the land use areas dedicated to a particular land use type within the overall site covered by a Preliminary or Final Development Plan conform to the standards as set forth in Table II 8-1.
- 8.06.06 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"¹⁴ whether or not subdivision approval is required.
- 8.06.07 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"¹⁵;
 - (d) telephone service installed in accordance with the Town of Manchester "Public Improvement Standards"¹⁶.
- 8.06.08 Area, Height & Bulk:

¹⁴ Rev. 03/17/97, effective 04/01/97

¹⁵ Rev. 03/17/97, effective 04/01/97

¹⁶ Rev. 03/17/97, effective 04/01/97

- (a) Development in a "CUD" zone shall be in accordance with the criteria shown in Table II 8-1;
- (b) The total floor area ratio for any site shall be a maximum of 0.5.

8.06.09 Parking:

- (a) Parking shall be provided as required in accordance with Article IV, Section 9, unless otherwise modified herein.¹⁷
- (b) For high-rise office use one parking space for every 300 gross square feet of floor area shall be provided.
- (c) Required parking for shopping centers and shopping malls shall be as follows:
 - 1. 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.
 - 2. 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.
 - 3. For shopping centers or shopping malls of less than 500,000 gross square feet, there shall be a minimum of four (4) parking spaces for every 1000 square feet of gross floor area.
- (d) Private driveways designed for vehicular traffic shall have the following minimum requirements:
 - 1. Two-way traffic - 24 feet wide;
 - 2. One-way traffic - 16 feet wide;
 - 3. One-way traffic with 45 degree parking on one side - the minimum driveway travelway shall be at least 16 feet wide;
 - 4. One-way traffic with 60 degree parking on one side - the minimum driveway travelway shall be at least 18 feet wide;
 - 5. 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.

8.06.10 Landscaping:¹⁸

- (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

¹⁷ Rev 07/20/87

¹⁸ Rev. 07/20/87

provide shade and visual interest. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three inch caliper measured at 12 inches above ground, and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.

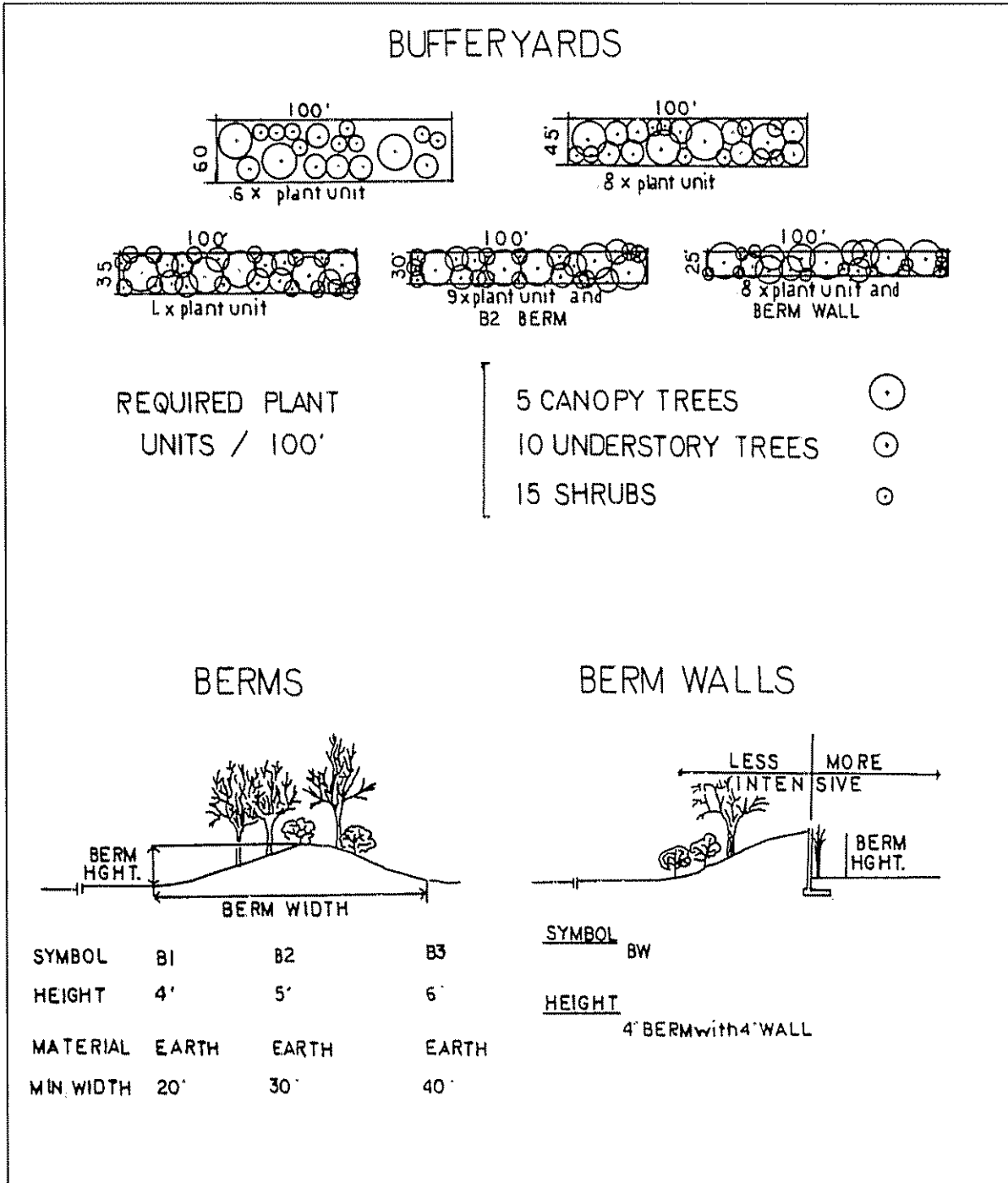
- (b) Bufferyards of sufficient width and with adequate treatment to screen existing or approved residential uses from nonresidential uses shall be provided. Such landscaping shall screen residential uses from visual intrusion of other uses, mitigate noise generated from other uses, and provide separation between residential and nonresidential uses. Bufferyards necessary for required screening shall not be included in the open space ratio unless specifically approved by the Commission. At a minimum bufferyards shall be 30 feet wide but they may be widened or narrowed subject to the approval of the Commission depending upon the amount and type of landscaping treatment in accordance with Illustration One.
- (c) Landscaping shall be provided on all land use areas to provide transitions, including visual and pedestrian connections, between buildings of different size, scale, architecture or use and to provide continuity of urban design. Landscaping shall provide shade and visual interest on pedestrian systems and 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, ground cover, earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture and lighting.

8.06.11¹⁹ Signs:

- (a) Signs shall be in conformance with Article IV, Section 13, of these regulations for each use on the site unless otherwise modified herein.
- (b) In addition to (a) above, sites over 100 acres planned and developed as a single project and shown on a Preliminary Development Plan shall be allowed a maximum of three signs for the overall site which identify only the project and contain no advertising of uses, products or services available within the site. Each sign shall not exceed 200 square feet on each face and a maximum of two faces are permitted.

¹⁹ Rev 07/07/97, effective 07/26/97

ILLUSTRATION ONE: BUFFER YARDS AND BERMS



- (c) 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. In no cases shall the total number of free standing signs on a site occupied by a theater exceed three.

8.06.12 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 Development Plan.

8.06.13 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.

8.06.14 Design Review Criteria: ²⁰

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

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

²⁰ Rev 07/20/87

8.07 Engineering and Construction

8.07.01 The engineering and construction of public improvements such as highways, roads, walkways, pathways, site drainage and protection against soil erosion, etc. shall be in accordance with the "Public Improvement Standards"²¹ of the Town of Manchester.

8.07.02 Where the storm drainage system is proposed to discharge into a town drainage system, the development shall make provision, in the event that the town system is not adequate, to accommodate the anticipated additional discharge.

8.07.03 Where it is necessary to discharge water to a watercourse or publicly owned storm drainage system across private lands not included in the "CUD" plan of development, the applicant shall obtain from the owners of said private lands an easement or right which grants to the applicant a right to discharge water across said land to reach said watercourse or storm drainage system. Said easement or right shall be obtained after the Plans of Development have been approved; however, the applicant shall be required to produce some evidence of general agreement to the easement or right from the owners of said private lands prior to the approval of the Final Plan of Development. Such discharge easements will be obtained by the applicant and copies transmitted to the Town at the time that approved Final Development Plans are submitted for signature of the Commission.

8.07.04 Where it is necessary to drain a public highway across lands included in the "CUD" plan of development, or any other lands, the applicant shall provide an easement or right to discharge for the discharge of water in favor of the Town of Manchester. Such easement shall be provided after the approval of the Final Plan of Development but before the issuance of any building permits by the Town.

- 8.07.05 (a) In residential areas hydrants shall be located wherever possible at street intersections but in no event shall the distance between a lot and a hydrant exceed 500 feet unless a greater spacing is approved in writing by the cognizant fire chief.
- (b) In retail land use areas the hydrants shall be placed at intervals not exceeding 300 feet unless a greater space between hydrants is approved in writing by the cognizant fire chief.
- (c) In industrial land use areas the hydrants shall be placed in the most appropriate locations to ensure adequate fire protection for all properties. The hydrant spacing shall be approved in writing by the cognizant fire chief. In no event shall the distance between a hydrant and an industrial building exceed 250 feet.

²¹ Rev 03/17/97, effective 04/01/97

8.08 Bonding

8.08.01 Before a building permit shall be issued for construction in a "CUD" zone, the director of public works shall have received and accepted a letter of credit, a cash bond, or a bond of a corporate surety company licensed to do business and having an office in the State of Connecticut, in an amount and with surety and conditions securing to the Town of Manchester within a time period as determined by the Commission the actual construction and installation of all streets and walkways which are to become public rights-of-way, all storm drainage systems, drain installations and all other public improvements which are proposed to be dedicated to the Town of Manchester, and all landscaping required in these regulations and approved by the Commission in the approved Final Development Plan or in any approved phase thereof.²²

8.08.02 The bond shall be in an amount equal to the cost of completing the construction of public improvements as estimated by the applicant and approved by the director of public works.

8.08.03 The bond amount may be reduced by the director of public works as the construction progresses. Requests for reduction in the bond amount may be made no more frequently than every 90 days.

8.09 Public Improvement Acceptance Procedure

8.09.01 A petition asking for acceptance and adoption of public improvements shall be made to the director of public works. The petition shall include the following:

- (a) A request in writing for a field inspection of all completed public improvements.
- (b) Warranty deeds for land constituting public rights-of-way.
- (c) Utility easements in favor of the Town of Manchester.
- (d) Drainage easements and rights in favor of the Town of Manchester.
- (e) A set of "as-built" plans on transparent cloth and/or other approved transparent material certified as to accuracy by a registered land surveyor or civil engineer. These plans shall show the location of all water main gates, corporations, curb stops, sewer lateral "Y"s and sewer laterals at property lines. The locations shall be fixed with a minimum of three dimensions to the nearest 0.1 feet. For sewer laterals one dimension shall be from the nearest sanitary sewer manhole and for water corporations one measurement shall be from the water main gate. Wherever possible range and offset distances from building foundations shall be shown.

²² Rev 07/20/87

- (f) Results of infiltration testing on sanitary sewer systems as described in "Public Improvement Standards"²³ certified by a registered civil engineer.
- (g) Results of hydrostatic testing for water supply system as described in "Public Improvement Standards"²⁴ certified by a registered civil engineer.
- (h) Certification from the sanitary sewer authority that outlet charges have been paid.

8.10 Development Plan Application Procedure

8.10.01 The applicant shall file with the Commission an application for development plan approval. The Commission shall hold a public hearing on the Preliminary Development Plan. The Commission shall approve, modify and approve or deny the application.

8.10.02 The minimum area covered by a Preliminary Development Plan shall be all contiguous land owned or under option by the applicant. Owners of multiple adjacent properties zoned "CUD" may submit a Preliminary Development Plan covering such areas at their option. The minimum area included in a Preliminary Development Plan shall be twenty (20) acres except for lots of record as of October 20, 1986.

8.10.03²⁵ A Preliminary Development Plan shall be submitted for the purpose of having the Commission approve the proposed conceptual development of a site. The purpose of a Preliminary Development Plan is to show proposed land use mix, proposed land use areas, land use intensity, utility systems and location, circulation and street networks, and drainage systems and location for the site. The plan shall include:

- (a) Drawings on 24" x 36" sheets at an appropriate scale showing:
 - i. On a single sheet, the entire land area included in the original preliminary development plan site divided into discrete land use areas with the land use types, or combinations thereof, set forth in Table II 8-1 proposed for development and open space;
 - ii. The land uses and building locations within 500 feet of the site;
 - iii. The general location of all proposed roadways, and access locations from connecting roads and driveways within the site to the existing or proposed public road system.

²³ Rev. 03/17/97, effective 04/01/97

²⁴ Rev. 03/17/97, effective 04/01/97

²⁵ Rev. 11/03/03, effective 11/28/03

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- iv. A table of ratios for the entire preliminary development plan site indicating the area of proposed land uses in acres, amount of building development proposed for each land use in square feet, wetland areas in acres, flood plain areas in acres, parking, overall site floor area ratio, and overall site lot coverage.

For applications to modify an approved preliminary development plan, a plan shall be provided depicting the entire land area included in the approved preliminary development plan site and identifying the land use areas and specific areas of proposed revision.

- (b) Drawings at a scale of not less than 1" = 100' on 24" x 36" sheets with match lines as needed showing:
 - i. Existing topography with contours of sufficient spacing to show the general gradient of the site, existing structures, existing roads and rights-of-way, boundary description of the site, major topographic features (including wooded and open areas, inland wetlands, watercourses and flood plains)
 - ii. Proposed general system of utilities (including domestic water supply, fire protection, storm water drainage, and sanitary sewer) and their sizes, connection points to existing systems, and the proposed location of major storm drainage culverts and drainage basins serving the site.
 - iii. Limits of phases where development of public improvements within the site is to be in phases.

For revisions to specific areas within a preliminary development plan site, these drawings may be provided for only the lot or lots encompassing the area of revision.

- (c) In order to determine whether or not the preliminary development plan meets site development criteria and design review criteria the following site analysis information shall be provided at a scale of not less than 1" = 100' on 24" x 36" sheets with match lines as needed. This plan may be prepared freehand and be schematic.
 - Identification of the buildable areas on the site and the proposed location of a building or group of buildings including proposed building footprints and location of parking areas.
 - Identification and location of the vehicular and pedestrian systems, whether public or private, which connect the site to other approved or existing systems or which serve the site internally.

- Identification of the width of all landscape areas and buffer yard areas and typical illustrative sections showing planting schemes.
 - Open space areas that are primarily intended to preserve natural features and those intended primarily for active or passive recreation purposes shall be shown and separately identified.
- (d) A report regarding existing traffic conditions and information on traffic generated by development of the proposed land, and traffic impact of the traffic generated prepared by a registered professional engineer.
- (e) A statement of the projected impact on town water supply and distribution system, drainage, and sanitary sewer systems shall be included.
- (f) Such other relevant information as the applicant may wish to submit or the Commission may request.

In approving the Preliminary Development Plan, the Commission shall find that the proposed land uses are compatible with the location and natural features of the site, that the proposed location of the land use areas on the site avoids adjacent placement of incompatible uses, that the transition between the different proposed uses is suitable and that adequate buffering as required in Section 8.06.10 (b) is provided. The Commission shall also find that the proposed land uses meet the purpose and intent of the regulation as set forth in Sections 8.01.01 and 8.01.02 and 8.06.14.

8.10.04 A Final Development Plan shall be submitted for the purpose of providing detail sufficient to evaluate the proposed development of the site or one or more lots within the site in regard to these regulations. The Commission shall approve, modify and approve, or deny the plan. An approved Final Development Plan shall be used by the Town in conjunction with approval of construction plans for buildings. A Final Development 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 Final Development Plan, unless the Final Development Plan is submitted in conjunction with the Preliminary Development Plan. If the two plans are submitted together, then there shall be a public hearing on the plans in accordance with the requirements of Section 8.10.03. In either case, the Final Development Plan shall include:

- (a) Drawings at a scale of not less than 1" = 100'.
- (b) Site information and engineering plans showing an accurate description of the area covered by the Final Development Plan prepared and sealed by a registered land surveyor or registered professional engineer, as applicable, existing topographic and geographic features including contour lines at no more than five foot intervals, existing structures and easements, proposed

grading and contours at no more than two foot intervals, proposed storm water drainage design and details (including storm detention/retention basin calculations and typical details, public sanitary sewer and water details including connection points to existing systems, hydrant locations, and roadway and driveway locations, details and names).

- (c) Site plan showing the locations of all principal buildings and accessory structures, vehicle parking areas with number of spaces, landscaping, signage, and 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. Landscaping plans must be prepared and sealed by a registered landscape architect.
- (d) 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.²⁶
- (e) A report stating that traffic conditions as described in the Preliminary Development Plan have not changed, or, if they have, in what way.
- (f) A tabular statement on the site plan showing with respect to each land use area, and within each land use area with respect to each land use type, affected by the Final Development Plan:
 - 1. total land area already developed or subject to an approved Final Development Plan;
 - 2. land area included in applicant's Final Development Plan;
 - 3. remaining land area;
 - 4. total floor area already developed or subject to an approved Final Development Plan;
 - 5. floor area included in the applicant's Final Development Plan;
 - 6. remaining buildable floor area;
 - 7. total open space reserved under approved Final Development Plan;
 - 8. open space to be reserved in the applicant's Final Development Plan; and
 - 9. remaining open space required to be reserved.

8.10.05 Engineering plans at a scale of not less than 1" = 40' showing details of all public improvements to be dedicated to the Town shall be provided to the Town after approval of the Final Development Plan and approved by the director of public

²⁶ Rev 07/20/87

works prior to the issuance of a building permit and before the start of construction of said public improvements.²⁷

8.10.06 The Commission may require additional plans, maps and other relevant information in addition to that submitted with the Preliminary Development Plan or the Final Development Plan as necessary to evaluate the submitted application.

8.10.07 Changes to a Final Development Plan shall be permitted in accordance with the provisions of Section 8.11.²⁸

8.10.08 No building permit shall be issued for construction unless said construction is in accordance with the approved Final Development Plan.

8.11 Changes to Plans²⁹

An approved Preliminary Development Plan may be changed, or a Final Development Plan may be approved with the changes from an approved Preliminary Development Plan subject to the approval of the Commission.

Material changes to any plan shall require a public hearing. A material change shall be (a) any change in land use types or (b) any increases in floor area ratio, lot area coverage, or number of dwelling units per acre or (c) increases in traffic generated by the site uses which adds more than 100 trips at a single point during peak hour except that the Commission may hold a public hearing for increases less than this threshold if it believes other traffic factors warrant a hearing based upon review of the applicant's revised information.

Non-material changes may be approved subject to Planning and Zoning Commission approval. Nonmaterial changes may include, but are not limited to changes in the location of buildings, parking areas, landscaped areas or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded in accordance with 8.06.01; reduction of landscaping; expansion, demolition, or reconstruction of buildings; alteration of building façade features, materials or colors; reduction of more than ten parking spaces; and significant changes in grading or drainage.

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 Neighborhood Services and Economic Development, 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

²⁷ Rev 10/02/89

²⁸ Rev 11/03/03, effective 11/28/03

²⁹ Rev. 07/20/87; Rev. 11/03/03, effective 11/28/03

screening of trash disposal and mechanical facilities; slight alterations of finished contours; minor rearrangement of lighting fixtures, benches, and other incidental street furniture. 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 that is not considered a minor change by the chairman or director shall be processed as a non-material change to the approved site development plan and shall require the preparation of amended plans and the approval of the Commission.

8.12 Use Variances

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

TABLE II 8-1 AREA, HEIGHT & BULK CRITERIA³⁰

Land Use Type	Height Stories	(maximum) Feet *	Lot Size (min.) (acres)	Land Use Area Coverage** (maximum)	Land Use Area Floor Area Ratio*** (maximum)	Lot Open Space Ratio (minimum)	Lot Yards**** (minimum in feet)***** Front**** Side Rear
I. 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, Schools, Medical Clinic, Land Sales/Construction facility, Carnivals and Circuses	3	60	1.5	35%	.50	.10	25 15 25
II Low Rise Office & Low Rise Motel/Hotel	3	45	2.0	50%	.50	.20	25 15 15
III High Rise Office & High Rise Motel/Hotel	no limit		3.5	40%	1.0	.20	30 15 15
IV Free Standing Restaurant	2	30	.75	50%	.50	.10	25 15 15
V Public, quasi-public, and utility buildings, structures, and uses	no limit		none	50%	.50	none	30 15 15
VI Wholesale store and sample room, indoor and outdoor recreation facilities, research/data processing and development facilities and laboratories	2	50	2.0	40%	.40	.10	30 15 15
VII Multi-family dwellings	2½	none	20,000 sq.ft.	15%	.30	As provided in Article II Section 7.04.03 (b)	30 30 30
VIII High Rise Apartments	none	150	3.0	none	none	As provided in Article IV Section 2.05.02	40 40 40
XIII Industrial, commercial and technical uses with a principal character of light manufacturing, processing and assembly of materials, warehousing	2	40	2.0	40%	.40	.10	15 15 15
XIII Telecommunications services and facilities	1	40	2.0	40%	.40	10	40 15 15
XIV Open Space	0	0	0	0	0	0	0 0 0
XV Elderly Housing Development ³¹	as permitted in Article II, Section 20						
* Height in feet shall not include roof mounted equipment or their enclosures, mechanical, mechanical penthouses, or other non-habitable floor area.							
** Does not include structures used solely for vehicle parking.							
*** No parking in any front yards **** See also 8.06.02(b) ***** Subject to requirements of Section 8.06.13							

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³⁰ Rev. 03/05/02, effective 08/30/02
³¹ Adopted 01/17/01, effective 01/06/01
³² Rev. 04/20/98, effective 05/12/98