

ARTICLE II            ZONING USES

ARTICLE II            Section 9            GENERAL REQUIREMENTS FOR BUSINESS ZONES<sup>1</sup>

---

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

9.01            Uses

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

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

9.02            Compliance with Zoning

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

9.03            Building Permits

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

9.04            Provision of Public Improvements

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

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

9.05            Noise Abatement

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

---

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

9.06 Yard Requirements When Abutting Residential Zones

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

9.07 Residential Zone Screening

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

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

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

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

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

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

---

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

---

9.08 Yard and Building Lighting

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

9.09 Access to Premises

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

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

9.10 Automobile Parking

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

9.11 Alcoholic Liquor Sales

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

9.12 Public Sanitary Sewer and Water

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

9.13 Accessory Uses

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

- Automobile garages
- On-site vehicle parking and yard illumination
- Maintenance buildings
- Radio and television antennae
- Signs in accordance with Article IV, Section 13, of these regulations
- Rubbish bins and enclosures
- Incinerators - subject to approval by the health director
- Public utility buildings and structures

- Horticultural land use
- Exhibitions, shows and public amusements in accordance with Town Ordinance Chapter 10

9.14 Special Exception Uses

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

9.14.02 The following uses shall require special exception approval from the Planning and Zoning Commission unless approval is required from the Zoning Board of Appeals:

- (a) All uses which include development on a site which is four (4) acres or larger in size.<sup>3</sup>
- (b) All uses which require automobile parking spaces in excess of 60.
- (c) Outside storage of merchandise, or other use of an open lot, shall require the area of storage or use to be developed in a manner required for parking lots in conformance with Article IV, Section 9, except that a fully bermed landscaped border not less than eight feet wide shall be constructed along all sides of any lot which abuts a public street.
- (d) Wireless telecommunication facilities in accordance with the provisions of Article IV, Section 19.
- (e) No yard or public walkway shall be used for the sale or storage of merchandise unless a special exception use is authorized by the Zoning Board of Appeals except that annual sidewalk sales, so called, may be conducted at intervals for not more than a total of 24 days in each year. The traditional outdoor sale of Christmas trees and wreaths shall be permitted only during the months of November and December.
- (f) Sidewalk cafes

The provisions of e) above notwithstanding, sidewalk cafes are permitted in certain zones as permitted uses subject to the following provisions:

---

<sup>3</sup> Rev. 11/03/03, effective 11/28/03

- 1) Sidewalk cafes may be located on public sidewalks adjacent to or abutting the indoor restaurant which operates the cafe. The cafe shall extend no further than the actual street frontage of the operating restaurant.
- 2) Sidewalk cafes shall provide not less than four (4) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk. Obstructions shall include but not be limited to light poles, traffic signal poles, fire hydrants, utility structures and street signs. Further, the location of the cafe cannot obstruct the clear sight distance for vehicles nor access or crossings for the disabled.
- 3) The area of the sidewalk reserved for pedestrian traffic shall consist of concrete only. Any textured pavement, such as brick, cobblestone, bituminous and similar treatment shall not be considered sidewalk for pedestrian traffic. The operator may leave four (4) feet of sidewalk immediately adjacent to the indoor restaurant and locate the cafe on textured pavements.

Design Standards:

- 4) Furnishings of the cafe shall consist solely of moveable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
- 5) Awnings shall be adequately secured, retractable, and meet the provisions of the Manchester Downtown Architectural Guidelines as amended. Umbrellas over tables must be adequately weighted.
- 6) Tables, chairs, and all other furnishings or accessories shall be removed from the sidewalk and stored indoors whenever the cafe is not in operation.
- 7) Outdoor heaters, bus stop shelters, trash receptacles, food preparation stations, and music shall not be permitted in the sidewalk cafe.
- 8) All planters, railings and fences within a sidewalk cafe must be self-supporting. Railings, fences or other enclosures shall not be more than 42 inches in height. Railings and fences must be removed from the sidewalk and stored indoors when the sidewalk cafe is not in operation. No fastening devices of any kind shall be permitted to affix any furnishing or appurtenances to the sidewalk.

- 9) Sidewalk cafes shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, platforms or other surfaces of any kind shall not be permitted at any time in the sidewalk cafe.
- 10) Signs: No sign shall be allowed at any sidewalk cafe except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the area of the sidewalk cafe, mounted on an easel or other easily removable fixture. The sign shall not exceed six (6) square feet.

Operation and Service Requirements:

- 11) The cafe may operate during regular business hours of the restaurant operating the cafe but no later than 10:00 PM.
- 12) The pre-setting of tables with utensils, glass, napkins, condiments and the like is prohibited. The operator of the cafe is responsible for keeping the premises, including the public sidewalk and other furnishings of the cafe, clean at all times.
- 13) The Town reserves the right and power, acting through the general manager or a designee, to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the cafe will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the cafe's operation at any particular time.

Permit Terms and Other Requirements:

- 14) Anyone wishing to operate a sidewalk cafe must file an application with the zoning enforcement officer for a Certificate of Use permit. An application form prescribed must be completed and any fee required must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
- 15) Sidewalk cafe permits shall be issued for an operating period of one year. Thereafter the zoning enforcement officer may issue a renewal application on an annual basis provided a request is made for the renewal and after the zoning officer has made an inspection of the premises. The zoning officer may deny a permit to operate a sidewalk cafe if the operator has a history of violations of any of the requirements governing

---

sidewalk cafes or a failure to correct violations when duly noticed by the zoning officer.

- 16) The zoning enforcement officer shall be empowered to notify the operator of a sidewalk cafe that their permit has been revoked. If the zoning officer finds that the provisions of the sidewalk cafe regulations are not being met by the operator, the operator shall correct the violations within one week of receiving written notice of violation. If the violations are not corrected within that time the permit will be revoked.
- 17) In addition to meeting the requirements of these regulations the zoning officer will route the application to the police department, public works director, director of health, and fire marshal for their review. Any permit requirements of other agencies which regulate restaurants or the public right-of-way must be adhered to and the zoning officer may not issue a certificate of use if the applicant has not received approvals for the operation from other agencies having any jurisdiction on its operation.

The cafe operator must also provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured in that policy. A certificate of use shall not be issued until the insurance certificate is provided.

- 18) Any operator aggrieved by any action of the zoning enforcement officer shall have a right to appeal to the Zoning Board of Appeals as set forth in Article V Section 5 of these regulations.

9.14.03 Multi-family historic mill conversion special exception

(a) Purpose

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

and protection of the distinctive characteristics of mill buildings significant to the history of the Town of Manchester and through the maintenance and improvement of sites for such buildings and places. Use and reuse of properties shall be developed to allow safe access and movement of pedestrians and vehicles; stabilize, improve, and protect property values; strengthen the local economy; and promote and protect the public health, safety, and welfare.

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

9.14.03 (b) Criteria for Approval of the Special Exception

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

1. An historic mill structure within the Town of Manchester shall have previously been recognized by the United State Department of Interior and/or the office of State Historic Preservation of the State of Connecticut, or is recognized by the Town of Manchester in its General Plan of Development as a historic mill structure.
2. The proposed plan of development shows a more appropriate and beneficial use of the land and structure thereon.
3. The proposed use shall be compatible with the character of the neighborhood.
4. The proposed use shall allow the land and structures thereon to retain the historic qualities which allow the Town to maintain a significant reference to its past.
5. This special exception shall apply to only those historic structures as herein defined containing 10,000 square feet or more of useable space.
6. The Commission shall further consider the basic design of the proposed use, buildings or development; the relationship between the buildings and the land; the relationship between the use and between buildings or structures; the overall physical appearance of the proposed use, building or development; and its subsequent compatibility with surrounding development and the neighborhood.



7. The Commission shall also consider the type, size and intensity of the proposed use and compatibility with the adopted town Plan of Development, adjacent zones, and the neighborhood.
8. This special exception shall apply only to a multi-family use and may or may not be deemed appropriate at every or any location therein or without restrictions or conditions being imposed. The Commission may impose reasonable conditions by reason of the natural location and incidence of the use. In addition to the standards imposed in any referenced section of these regulations as to this particular use, the applicant must comply with these additional conditions as they may apply to the specific use proposed:
  - a. The use will not create or aggravate a traffic hazard, fire hazard, or panic hazard.
  - b. The use will not block or hamper the town pattern of highway circulation.
  - c. The use will not tend to depreciate the value of property in the neighborhood, or its residences or alter the neighborhood's essential characteristics.
  - d. The use will not obstruct light or air.
  - e. The use will not create the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities.
  - f. The extent, nature and arrangement of parking facilities, entrances, and exits are appropriate for the use.
  - g. There is adequate public sanitary sewer and water available.
  - h. The use conforms with the Town of Manchester's Plan of Development and other applicable laws, codes or ordinances.
9. Accessory uses will be permitted including but not limited to:

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

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

9.14.03 (c) Building Rehabilitation Criteria

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

1. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed unless specifically approved by the Commission. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
2. All buildings, structures and sites shall be recognized as products of their own time.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and shall be recognized and respected as such.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site as determined by the Commission shall be treated with sensitivity.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities to the extent possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

6. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
7. Modifications and additions to existing buildings shall not be discouraged when such modifications and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color and material of the structure and character of the property, neighborhood or environment.
8. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

9.14.03 (d) Site Development Criteria

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

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

1. Required Lot/Site Area

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

2. Height

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

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

3. Minimum Yards

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

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

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

4. Site Development Requirements of the Multi-Family Structure

A. Residential unit minimum floor area

Units in a multi-family dwelling:

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

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

C. Laundry facilities

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

5. Sidewalks and Curbs

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

6. Site Drainage

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

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

7. Roadways, Driveways

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

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

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

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

- Two-way traffic	24 foot width
- One-way traffic	16 foot width
- One-way traffic with 45 deg. parking on one side	16 foot width
- One-way traffic with 60 deg. parking on one side	18 foot width
- One-way traffic with 90 deg. parking on one side or with 45 deg. parking on both sides	24 foot width
- Inside turning radius	30 feet

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

8. Vehicle Parking, Off Street Parking and Loading

- A. There shall be provided on the building site, 1½ vehicle parking spaces for each residential unit.

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

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Multi-family Units	1/1/2 spaces per unit
Elderly/handicapped	As required by Article II, Section 20.04.03 of these regulations.

B. Off-street vehicle parking requirements:

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

Location of off-street parking spaces: All off-street parking spaces required by these regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Commission as part of an approved site development plan and provided the following requirements are met.

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

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

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

(1) Ingress and egress

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

(2) Walkways

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

(3) Screening and landscaping

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

(4) Lighting

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

(5) Collective provision

Nothing in these regulations shall be construed to prevent the collective use of off-street parking areas or facilities for two or more structures or uses, provided the total of such off-street

parking spaces supplied collectively shall be not less than the sum of the requirements for the various structures or uses computed separately.

(6) Mixed occupancies and uses

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

(7) Joint use of off-street parking spaces

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

D. Off-street loading requirements

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

9. Fire Protection

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

10. Noise Abatement

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



11. Utilities

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

12. Proof of Land Interest/Restrictions

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

13. Landscaping, Screening and Site Preservation

- A. Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and site preservation is to enhance the visual quality of the area, to protect the integrity of the uses, and to

preserve the historic environment. The development of a site shall be designed with adequate landscaping to complement the intended use of the site and to provide screening to adjacent existing and potential uses.

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

structure, the proposed use, the surrounding environment, and the open space available after development.

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

E. Screening for specific accessory uses and structures

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

F. Screening

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

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

9.14.03 (e) Lighting

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

9.14.03 (f) Signs

1. Permitted Signs

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

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

of such wall-mounted signs shall not exceed 16 square feet. No wall-mounted sign shall project above the cornice line of the building on which it is located.

- C. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of four feet above grade and shall have a maximum size of 20 square feet. In lieu of a freestanding residential sign, a development that has a mixture of residential, commercial, and/or office uses shall be permitted to have a freestanding sign for identification purposes. Such sign shall not exceed a height of five feet above grade and shall have a maximum size of 25 square feet.
- D. A projecting residential sign shall have an area not exceeding 12 square feet.

9.14.03 (g) Application Procedure and Criteria<sup>4</sup>

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

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

- 2. The Preliminary Plan of Development shall be schematic and shall consist on one or more maps at a scale of not less than 1"=100' prepared by a licensed professional in the appropriate discipline. The accompanying documents shall be in sufficient detail to indicate:
  - A. Existing topography with five-foot contours, existing structures, existing roads and rights-of-way, boundary description of the site, and major topographic features (including wooded and open areas, slopes greater than fifteen percent, and inland wetlands and watercourses).

---

<sup>4</sup> Rev. 11/03/03, effective 11/28/03

- B. The location of all proposed vehicular and pedestrian patterns (including location of driveways, public roads, parking areas, proposed open space and recreation areas and proposals for connection of roads and driveways within the site to the existing public road system. A report shall be included regarding existing traffic conditions and information on traffic generated by development of the proposed plan, and improvements necessary to accommodate the site's traffic on affected streets.
- C. The proposed general system of utilities (including domestic water supply, fire protection, storm water drainage, and sanitary sewer). A statement of the projected impact on town water supply, drainage, and sanitary sewer systems including the identification of improvements to the system necessary to accommodate the proposed uses. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.
- D. A general description of conservation measures to be utilized in development of the site to minimize erosion and sedimentation.
- E. Where development within the site is to be in phases or units, the anticipated location and acreage of such phases or units.
- F. Floor plans of each use and each building. In case of buildings designated for residential development, the floor plan and area of each type of living unit are required.
- G. Exterior building elevations including the treatment of walls and finish materials. Exterior building elevations shall show all proposed utility structures, such as roof air conditioners/solar heating systems, exterior building materials, colors, and screening. The developer shall show compliance with the building rehabilitation criteria as set forth herein.
- H. Proposed exterior physical modifications, additions, or demolition on appropriately scaled drawings of floor plans, elevations and sections shall be submitted. Such drawings shall indicate existing conditions, work to be removed or added and appropriate notes and dimensions. The developer shall show compliance with the building rehabilitation criteria as set forth herein.
- I. A table showing uses, ratios, the square footage of areas designated for those uses, open space requirements and the number of parking spaces for this use, the number of units per building proposed and

permitted/required number of dwelling units (type, floor area of units and buildings) and the number of bedrooms per unit.

- J. The design of any sign showing size of the proposed sign, general configuration of lettering and/or symbols, material, color, type of construction, height, illumination, and such descriptive materials as may be necessary to fully explain the intent of the sign.
  - K. The details and location of the proposed sign in relation to the building and all property lines and the dimensions of the structures on which the proposed sign is to be located.
3. Subsequent to approval of the Preliminary Plan of Development the applicant shall submit the Final Plans of Development which shall be approved by the Commission prior to the issuance of a building permit. Such plans shall be in conformance with the approved Preliminary Plan of Development, these regulations, the subdivision regulations, and the "Public Improvement Standards". An application for approval of a Final Plan of Development shall include the following:
- A. Site Information and Engineering Plan and Profile - a plan having a scale of not less than 1"=40' on 24" x 36" sheets showing:
    - an accurate description of the site prepared by a registered land surveyor
    - existing topographic and geographic features including contour lines at two foot intervals
    - existing structures and easements
    - proposed grading and contours at two foot intervals
    - proposed storm water drainage design and details
    - sanitary sewer and water details including connection points to existing systems
    - proposed septic system design and details
    - hydrant locations, existing and proposed
    - roadway and driveway locations and details
  - B. Location Plan - a plan having a scale of not less than 1" = 40' on 24" x 36" sheets showing:
    - location of all principal buildings and accessory structures
    - roadway and driveway layout with proposed names
    - vehicle parking areas with number of spaces
    - landscaping with plant types, sizes and quantities
    - a table of ratios indicating the proposed and permitted/required number of dwelling units (indicating the type of unit and the floor area of the units and buildings) parking, floor area ratios, distance



between buildings and lot line, and the distance between buildings

- circulation and access to building areas
- sidewalks, pedestrian ways
- exterior lighting and signs

C. Building Plan - a plan indicating:

- (1) floor plan for each type of unit and each building
- (2) exterior building elevations showing the building finish materials and colors.

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

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

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

- (1) Archaeological resources are generally defined as objects, ruins and structures of prehistoric, historic and industrial significance.
- (2) If archaeological resources are discovered on the subject site, the developer shall allow the State of Connecticut Historic Preservation Office to make an on-site inspection of the discovery in order to assess the discovery and the effect that development may have on the site.
- (3) The developer shall cooperate with the State Historic Preservation Office and shall, upon its request, provide the office with all information pertinent to a complete archaeological assessment of the subject site.

9.14.03 (h) Application Review Process

Preliminary Consideration

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

9.14.03 (i) Performance and Maintenance Bonds

1. 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.
2. 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 percent of the original approved estimate of the cost of construction and installation in subparagraphs (1) 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 improvement 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.

9.14.03 (j) Control of Issue of Certificates of Occupancy

1. The issue of Certificates of Occupancy shall not be allowed until:
  - A. All public improvements 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, and
  - C. All recreational facilities shown on the approved Final Plan of Development are installed.

2. The issue of Certificates of Occupancy in a multi-family project shall be limited to 80 percent of the dwelling units contained therein until those conditions as set forth in Section 9.14.03(j)1.A., B., and C are satisfied.

9.14.03 (k) Affordable Housing

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

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

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

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

---

ARTICLE II            ZONING USES

ARTICLE II            Section 10        BUSINESS I ZONE

---

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

10.01            Permitted Uses

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

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

10.01.03        Office - including professional

10.01.04        Restaurant.

10.01.05        Residential units - above the first story, provided that:

- (a) minimum floor areas shall be provided in accordance with Article IV, Section 2.03.03;
- (b) parking shall be provided in accordance with Article IV, Section 2.08;
- (c) there shall be provided on the site landscaped areas at a ratio of one hundred (100) square feet for each residential unit. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement;
- (d) residential unit shall be limited to a single story within the structure;
- (e) public water and sewer shall be provided.

There shall be no restriction on the number of dwelling units contained within a structure provided the requirements in this section and the requirements of the specific zone are maintained.

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

10.01.07        Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.<sup>1</sup>

---

<sup>1</sup> Rev. 10/14/85

- 10.01.08 Family day care homes conducted in a dwelling unit.<sup>2</sup>
- 10.01.09<sup>3</sup> (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>4</sup>

10.02 Use Provisions

- 10.02.01 All uses shall be subject to the provisions of Article II, Section 9, and any other provisions of these regulations which may be pertinent and applicable.
- 10.02.02 Any business permitted in this zone shall not be construed to include a use which is mentioned for the first time in Article II, Section 11, Business II zone.
- 10.02.03 Not more than two persons shall be engaged in making goods to be sold on the premises.
- 10.02.04 Except as herinafter provided in Section 10.04.06, alcoholic liquor sales shall be limited to grocery store beer permit only, subject to the provisions of Article IV, Section 8 of these regulations.<sup>5</sup>

10.03 Height, Stories and Area

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

10.04 Special Exception Uses

- 10.04.01 Reserved<sup>6</sup>

---

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

<sup>3</sup> Rev. 10/20/97, effective 11/11/97

<sup>4</sup> New 11/03/03, effective 11/28/03

<sup>5</sup> Rev. 02/17/99, effective 03/11/99

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

10.04.02 Carnivals and circuses

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

10.04.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.<sup>7</sup>

10.04.04 Adult day care center<sup>8</sup>

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

10.04.05 Child day care center and group day care home<sup>9</sup>

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

10.04.06<sup>10</sup> Alcoholic liquor sales under a restaurant permit for beer only, restaurant permit for beer and wine only, and restaurant permit shall be permitted after public hearing and approval by the Planning and Zoning Commission under the following provisions, and those provisions of Article IV, Section 8 of these regulations not inconsistent herewith:

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

The Planning and Zoning Commission may impose such special conditions as it finds necessary to protect the public safety, health, general welfare, convenience and property values, including but not limited to restrictions on hours of operation, restrictions on type of entertainment, by area devoted to music, dance, or performance, time of performance, advertising of the availability of alcoholic

---

<sup>7</sup> Rev. 01/26/81

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

<sup>9</sup> Rev 12/04/89

<sup>10</sup> Rev. 02/17/99, effective 03/11/99

ART. II, Sec. 10

---

beverages visible from the exterior of the premises, notwithstanding any provisions to the contrary within the requirements of this section.

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

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

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

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

R:\PLANNING\REGS-NEW\3NOV03 REVISIONS\ART25C10.DOC

ARTICLE II            ZONING USES

ARTICLE II            Section 11        BUSINESS II ZONE

---

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

11.01            Permitted Uses

11.01.01        Uses permitted in Business I zone.

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

11.01.03        Restaurants, sidewalk cafes (See Article II, Section 9.09.01)<sup>1</sup>, taverns, grills.

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

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

11.01.06        Newspaper and job printing.

11.01.07        Radio and television broadcasting studio.

11.01.08        Funeral parlor.

11.01.09        Clubs and fraternal organizations.

11.01.10        Public utility building, municipal building and uses.

11.01.11        Public parking lot.

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

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

11.01.14        Family day care homes conducted in a dwelling unit.<sup>2</sup>

11.02            Special Exception Uses

---

<sup>1</sup> Rev 045/17/93

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



ART. II, Sec. 11

---

- 11.02.01 Automobile sales - new and/or used.  
Automobile repair and service garage or shop.  
Bulk oil storage plant.
- Subject to the requirements of Article IV, Section 5, of these regulations, gasoline service stations deleted January 24, 1972.
- A gasoline service station legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.
- 11.02.02 Automobile wash establishment  
Restaurant - outside building food consumption
- Subject to the requirements of Article IV, Section 6, of these regulations.
- 11.02.03 As of January 25, 1972, group dwellings may not be built in Business II zones but group dwellings and apartments lawfully existing or approved on or before January 25, 1972, shall be legal and conforming.
- 11.02.04 Reserved<sup>3</sup>
- 11.02.05 Carnivals and circuses
- May be conducted at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.
- 11.02.06 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.<sup>4</sup>
- 11.02.07 Multi-family historic mill conversion in accordance with the requirements of Article II Section 9.14.03.<sup>5</sup>
- 11.02.08 Adult day care center
- May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18.<sup>6</sup>
- 11.02.09 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.<sup>7</sup>

---

<sup>3</sup> Rev 04/20/98, effective 05/12/98

<sup>4</sup> Rev 01/26/81

<sup>5</sup> Rev. 10/02/89

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

11.02.10 Schools<sup>8</sup>:

May be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.01. In addition to the special exception requirements in Section 9.14.01, before approving a school as a special exception use, the Commission shall make the following findings:

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

In addition to any other application requirements for a special exception, applications for schools shall include sufficient plans and narrative documentation to enable the Commission to make the findings listed above.

11.03 Use Provisions

All uses shall be subject to the following:

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

---

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

<sup>8</sup> Rev. 03/17/97, effective 04/01/97

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

11.04      Height, Stories and Area

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

ARTICLE II            ZONING USES

ARTICLE II            Section 12        BUSINESS III ZONE

---

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

12.01            Permitted Uses

12.01.01        Uses permitted in Business II zone

12.01.02        Department stores

12.01.03        Family day care homes conducted in a dwelling unit. <sup>1</sup>

12.02            Special Exception Uses

12.02.01        Automobile sales - new and/or used  
Automobile repair and service garage or shop  
Bulk oil storage plants:

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

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

12.02.02        Automobile wash establishments  
Restaurant - outside building food consumption:

Subject to the requirements of Article IV, Section 6, of these regulations.

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

12.02.04        Reserved<sup>2</sup>

12.02.05        Carnivals and circuses

---

<sup>1</sup> Rev 12/04/89

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

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

12.02.06 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.<sup>3</sup>

12.02.07 Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 18.<sup>4</sup>

12.02.08 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.<sup>5</sup>

12.02.09 Schools<sup>6</sup>

May be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.01. In addition to the special exception requirements in Section 9.14.01, before approving a school as a special exception use, the Commission shall make the following findings:

- (a) That the specific type of school use will be compatible with uses on adjacent properties and other uses on the site if applicable; and
- (b) That adequate provisions have been made to ensure the safety of students, staff, and visitors, including such as may arise from uses on adjacent properties or other uses on the site; and
- (c) That the internal site circulation plan for the school provides adequate area for the delivery and retrieval of students at the school; adequate parking for students, faculty, visitors, aides, and others as appropriate to the specific type of school; and sufficient driveways, queuing areas, and parking areas to accommodate automobiles and buses, so that vehicles do not disrupt traffic on the public streets, or interfere with adjacent uses on the site; and
- (d) That outdoor areas on the site for safe active and/or passive recreation as appropriate to the specific type of school are adequate for the number and ages of students expected to attend the school; or if off site, are located to ensure the safety of the students and faculty; and that screening, fencing and

---

<sup>3</sup> Rev. 01/26/81

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

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

<sup>6</sup> Rev 11/23/96

other buffers are provided to ensure the safe play of children, and to provide visual and aural screening from adjacent residential uses; and

- (e) That lighting for the property is adequate for the normal hours of school, including any after school activities, and does not shine off of the property.

In addition to any other application requirements for a special exception, applications for schools shall include sufficient plans and narrative documentation to enable the Commission to make the findings listed above.

12.03 Use Provisions

All uses shall be subject to the following:

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

12.04 Maximum Height and Stories

Minimum Front Yard	25 feet <sup>7</sup>
Maximum stories in building	3
Maximum height of principal building	40 feet
Maximum height of accessory building or structure	18 feet

R:\PLANNING\REGS-NEW\ART25C12.DOC

---

<sup>7</sup> Rev 10/02/89

ARTICLE II            ZONING USES

ARTICLE II            Section 14        BUSINESS V ZONE

---

14.00            A Business V zone is a district where retail shopping and service facilities can be established to serve travelers on restricted access highways, and such a district is intended to be distinct from local neighborhood business districts because of its proximity to points of egress or ingress of such highways.

The uses allowed in a Business V zone are by virtue of being permitted uses or special exception as defined in these regulations and no building or land shall be used and no building shall be erected or altered except in accordance with the provisions and uses set forth in this section.

14.01            Permitted Uses

14.01.01        Retail Sales including department stores and shopping centers, hotels, restaurants and personal service except the following:

- Amusement arcades
- Bulk oil storage except as necessary for gasoline service stations
- Dance halls
- Contractor's plant or storage yard
- Coal, coke and lumber yards
- Livery stables
- Milk bottling and distribution
- Residential uses
- Scrap paper, iron, bottles, rags operations
- Stone cutting and monument works
- Wholesale storage
- Uses set forth in Article II, Section 21 of these regulations<sup>1</sup>
- Any manufacture, processing or storage which is not clearly incidental to the conduct of a retail business conducted on the premises.

14.01.02        Public park and playgrounds

14.01.03        Municipal facilities, buildings and structures

14.01.04        Public utility buildings and structures

14.01.05        Tennis and badminton courts, skating rinks and health and recreation clubs.

14.01.06<sup>2</sup>        (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by

---

<sup>1</sup> Rev. 08/16/82

<sup>2</sup> Rev 10/20/97, effective 11/11/97

the general public together with associated equipment located within or on the roof of the principal or accessory buildings.

- (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.<sup>3</sup>

14.02      Special Exceptions

14.02.01    Automobile sales - new

In accordance with requirements set forth in Article IV, Section 5 of these regulations.

Used car sales may be conducted if incidental to the primary use of new car sales.

14.02.02    Automobile repair, service garage or shop

In accordance with requirements set forth in Article IV, Section 5 of these regulations.

14.02.03    Gasoline service station

In accordance with requirements as set forth in Article IV, Section 5 of these regulations.

14.02.04    Automobile wash establishments

In accordance with requirements set forth in Article IV, Section 6 of these regulations.

14.02.05    Restaurant - outside building food consumption

In accordance with requirements set forth in Article IV, Section 6 of these Regulations.

14.02.06    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.

---

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



14.03      Use Provisions

All uses shall be subject to the following:

- (a) Article II, Section 9 of these regulations
- (b) No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

14.04      Height and Area

The height and area of all permitted uses shall be:

Minimum Front Yard	50 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	30 feet
Maximum Height	60 feet

ARTICLE II ZONING USES

ARTICLE II Section 15 CENTRAL BUSINESS DISTRICT<sup>1</sup>

---

15.00 Purpose

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

15.01 Permitted Uses

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

- 15.01.01<sup>2</sup>
- a) Retail uses to include shops where articles are made or repaired and sold at retail on the premises.
  - b) Personal services and personal service shops.
  - c) Restaurants, cafes, sidewalk cafes, taverns and grills.
  - d) Theaters for the visual or performing arts, and health and recreation clubs.
  - e) Banks and similar financial institutions providing retail banking services to customers.
  - f) Bakeries, groceries, and similar establishments
  - g) Public libraries and municipal offices.
  - h) Hotels with not less than 16 rentable sleeping accommodations.
  - i) Clubs and fraternal organizations.
  - j) Schools and related training facilities.
  - k) Office uses.
  - l) Wholesale sales for food, furniture, hardware, and office supplies
  - m) Artist or commercial live/work quarters subject to Article IV, Section 21 and high-rise apartments subject to Article IV, Section 2 of these Regulations,

---

<sup>1</sup> Revised July 9, 2003, effective July 29, 2003

<sup>2</sup> Revised November 17, 2003, effective December 6, 2003

except that residential uses shall not be permitted on the ground floor on Main Street.

- n) Family and group day care.
- o) Self storage of furniture, documents and records, data processing equipment, office supplies and equipment, and retail merchandise or similar items provided such storage is limited to basement levels of buildings existing at the time of the adoption of these regulations and no loading or access to the self-storage use shall be provided from Main Street.
- p) Alcoholic liquor sales subject to Article IV, Section 8.
- q) Alcoholic liquor sales shall be subject to the requirements of Article IV, Section 8 of these regulations.
- r) Automobile parking for all uses shall be subject to the requirements of Article IV, Section 9, of these regulations except that the Commission can consider the availability of public spaces and consider shared or off-site parking in meeting the parking requirements.
- s) Gasoline service stations legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.
- t) 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.
- u) 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.
- v) All facilities described in (u) and (v) above shall be in accordance with the requirements of Article IV, Section 19.<sup>3</sup>

15.02 Special Exception Uses

15.02.01 Elderly Housing Development<sup>4</sup> as permitted in the elderly housing development zone at Article II Section 20 when that housing is proposed for an existing structure.

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

---

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

<sup>4</sup> Rev 04/20/98, effective 5/12/98

15.02.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.<sup>5</sup>

15.02.04 Adult day care centers may be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 18.<sup>6</sup>

15.02.05 Child day care centers may be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 10.

15.03 Use Provisions

All uses shall be subject to the following:

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

15.04 Building and Design Requirements

15.04.01 Maximum height of principal building - 75 feet

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

Maximum setback from Main Street - 5 feet for the entire length of the building or 80% of the frontage on Main Street provided the area of reduction includes public spaces, plazas and similar amenities developed as part of the project and legally accessible to the general public.

15.04.02 Exterior architecture visible from the public street for all new buildings, and all renovations to existing buildings, shall conform to the Main Street Architectural Guidelines in the Downtown Revitalization Plan dated July 15, 1991. Design plans for building renovation visible from street and new construction exterior design plans shall be approved by the Director of Planning and the chair of the Planning and Zoning Commission before a Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer.

15.05 Prohibited Uses

The following uses are prohibited in the CBD:

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

b. Correctional facilities.

---

<sup>5</sup> Rev. 01/26/81

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

- c. Halfway houses.
- d. Tattoo parlors and/or body piercing studios
- e. Pawn Shops.
- f. Clinics.

R:\PLANNING\REGS-NEW\3NOV03 REVISIONS\ART2\SC15.DOC

ARTICLE II        ZONING USES

ARTICLE II        Section 16     INDUSTRIAL ZONE

---

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

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

16.01        Preservation of Landscape - Site Preparation

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

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

16.02        *Reserved*

16.03        Compliance with Zoning

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

16.04        Building Permits

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

16.05        Provision of Public Improvements

16.05.01    When a site is developed for industrial use the developer shall construct sidewalk and curb to town standards along all sides of the developed site which abut a

public highway, unless such requirements are waived or deferred by the Planning and Zoning Commission.

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

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

16.06 Yard Requirements when Abutting Residential Zones

All yards on developed industrial premises shall be not less in width than the abutting yard required in the residential zone.

16.07 Residential Zone Screening

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

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

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

---

<sup>1</sup> Rev. 10/02/89

16.07.02 The Planning and Zoning Commission may waive all or any requirements in 16.07.01 or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or for any other good reason.

16.08 Noise Abatement

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

16.09 Yard and Building Lighting

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

16.10 Automobile Parking

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

16.11 Access to Premises

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

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

16.12 Area, Height & Bulk of Principal Buildings and Structures

16.12.01 For permitted uses:

Maximum height of building & structure	75 feet
Maximum buildable area of lot	60%
Minimum front yard	40 feet or in accordance with 16.06
Minimum side yard	15 feet or in accordance with 16.06



16.12.02 For special exception uses:

Area, height and bulk of buildings and structures for special exception uses shall be as set forth in 16.12.01 unless the special requirements for a particular special exception use require different provisions. In such cases, the special use provisions shall apply and control.

16.13 Permitted Uses

Subject to the provisions of 16.07 of this section and Article II, Section 21 of these regulations the following industrial, commercial and technical uses are permitted as a principal use:

- (a) Light industrial uses.<sup>2</sup>
- (b) Manufacturing, processing and assembly of materials, compounding, treatment and similar uses.<sup>3</sup>
- (c) Wholesale trade and storage.
- (d) Warehousing<sup>4</sup>
- (e)<sup>4</sup> Construction including building and special trade contractors.
- (f)<sup>4</sup> Business service offices such as advertising, credit reporting and collection, mailing, reproduction, and stenographic services, computer and data processing services.
- (g)<sup>4</sup> Engineering and management services such as engineering and architectural services, accounting and auditing, research, testing and management and public relations.
- (h)<sup>4</sup> Corporate headquarters and/or offices associated with business or industry otherwise permitted in the Industrial zone.
- (i)<sup>4</sup> Public utility buildings, structures and uses.<sup>5</sup>
- (j)<sup>4</sup> Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by

---

<sup>2</sup> Rev. 3/1/04, effective 3/20/04

<sup>3</sup> Rev. 3/1/04, effective 3/20/04

<sup>4</sup> Rev. 10/04/06, effective 10/25/06

<sup>5</sup> Rev. 10/02/89

the general public together with associated equipment located within or on the roof of the principal or accessory buildings.<sup>6</sup>

(k)<sup>4</sup> Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.<sup>7</sup>

(l)<sup>4</sup> Radio and television broadcasting studios.<sup>8</sup>

(m)<sup>4</sup> All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.9

16.14 Retail Sales Restriction

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

16.15 Special Exception Uses

Certain uses are deemed appropriate in industrial zones but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission or by the Zoning Board of Appeals as designated after a public hearing and a finding that the use is appropriate at the proposed location. Said Commission or Board may impose reasonable safe-guarding conditions on any special exception use by reason of the nature, location and incidence of the particular use. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.<sup>10</sup>

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

(a) Restaurant - indoor service and seating only; in accordance with the requirements set forth in Article IV, Section 6.03.03, of these regulations.

(b) Bulk oil storage - in accordance with the requirements set forth in Article IV, Section 5.03.04, of these regulations.

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

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

<sup>8</sup> Rev. 07/06/04, effective 07/27/04

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

<sup>10</sup> Rev. 11/03/03, effective 11/28/03

(c) Automobile sales - franchise dealer only; in accordance with the requirements set forth in Article IV, Section 5, of these regulations and subject to the following additional special requirements:

1. The minimum lot size shall be four acres with public sanitary sewer and water.
2. No part of the lot shall be less than 200 feet from a residential zone boundary.
3. The coverage of land by buildings shall not exceed 60 % of the lot area.
4. There shall be a landscaped border not less than eight feet in width containing appropriate evergreen trees or appropriate evergreen species spaced at four feet intervals, not less than four feet high at the time of planting along all side and rear lot lines.<sup>11</sup>
5. The Zoning Board of Appeals may modify the requirements of paragraph (4) if it finds that existing foliage or natural conditions are sufficient to constitute a screen or for any other good reason.
6. Notwithstanding the nature of use, the front yard shall be landscaped sufficiently to provide a pleasing appearance.
7. The site shall be developed in accordance with a plan approved by the Zoning Board of Appeals.

(d) 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.

(e) Automobile repair and service garage or shop

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

(f)<sup>12</sup> Day care centers

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

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

---

<sup>11</sup> Rev. 10/04/06, effective 10/25/06

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

- 16.15.02<sup>13</sup> Uses set forth in 16.15.02 shall require approval from the Planning and Zoning Commission after a public hearing.
- (a) All uses which include development on a site which is four (4) acres or larger in size.
  - (b) All uses which require automobile parking spaces in excess of 60 spaces.
  - (c) All uses which require outside storage.
  - (d) Schools<sup>14</sup>

May be permitted provided that before approving a site or portion of a building for use as a school, the Commission shall make the following findings:

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

---

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

<sup>14</sup> Rev. 11/23/96

6. In addition to any other application requirements for a special exception, applications for schools shall include sufficient plans and narrative documentation to enable the Commission to make the findings listed above.

- (e) Tennis and badminton courts - indoor and outdoor, including club and spectator facilities.
- (f) Skating rinks - indoor uses only, including club and spectator facilities.
- (g) Health and recreation facilities and clubs - indoor use only.<sup>15</sup>
- (h) Golf driving ranges - indoor and outdoor, including related facilities.
- (i) Miniature golf and/or batting cages - indoor and outdoor, including related facilities.
- (j) Hotel and motel with not less than 16 rentable sleeping accommodations. Hotels and motels may include one or more of the following facilities if developed as a complex on a lot of single ownership:
  - 1. Restaurant (indoor services and seating only)
  - 2. Banquet hall
  - 3. Automobile service station (subject to Zoning Board of Appeals approval).

Special requirements for all uses in 16.15.02 (e) through (j) above:

- 1. All uses shall have public sanitary sewer and public water.
- 2. The minimum lot size shall be four acres, except that health and recreation facilities and clubs shall not be subject to this requirement.<sup>16</sup>
- 3. No part of the lot shall be less than 200 feet from a residential zone boundary, except with respect to golf driving ranges, miniature golf and/or batting cages for which the following special requirements shall apply:

---

<sup>15</sup> Rev. 10/17/94

<sup>16</sup> Rev. 03/04/96

- a) No entrance to a golf driving range, miniature golf and/or batting cages shall be within 200 feet of a residential dwelling located within a residential zone.
  - b) No automobile parking area shall be within 200 feet of a residential dwelling located within a residential zone.
  - c) All greens and fairways shall be located so that golf balls will not be played into residential premises.
  - d) No parking facilities or structures, other than lighting, fencing or landscape screening shall be located within 50 feet of a residential zone boundary.
4. There shall be a landscaped border along all perimeter side and rear lot lines not less than eight feet in width containing appropriate evergreen trees planted at least four feet in height and spaced at a separation distance which provides for visual screening and the growth of the plantings or a combination of evergreen trees, shrubs, deciduous trees and fencing approved by the Planning and Zoning Commission. The Planning and Zoning Commission may modify this requirement if it finds that existing foliage or natural conditions are sufficient to constitute a screen, or for any other good reason.
  5. The front yard shall be landscaped sufficiently to provide a pleasing appearance.
  6. Vehicle parking shall be provided in accordance with the requirement set forth in Article IV, Section 9, of these regulations.
  7. No exit or entrance driveway shall be closer than 100 feet to a road intersection.
- (k) Self storage facilities<sup>17</sup>
- (l)<sup>17</sup> School bus parking.

Before approving a use of school bus parking, the Planning and Zoning Commission shall find that the use will not cause traffic congestion in the streets, traffic hazards or nuisance to residential areas.

Special requirements for school bus parking use:

---

<sup>17</sup> Rev. 10/04/06, effective 10/25/06

The minimum lot size shall be three acres.

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

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

- (m)<sup>17</sup> Multi-family historic mill conversion in accordance with the requirements of Article II, Section 9.14.03.<sup>18</sup>
- (n)<sup>17</sup> Wireless telecommunications sites in accordance with the provisions of Article IV, Section 19.<sup>19</sup>
- (o)<sup>17</sup> Heavy industrial uses.<sup>20</sup>
- (p)<sup>17</sup> Adult-Oriented Establishments<sup>21</sup>

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

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

---

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

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

<sup>20</sup> New 3/01/04, effective 3/20/04

<sup>21</sup> Adopted 9/06/2006, effective 9/14/2006

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

16.16

Accessory Uses

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

- (a) Vehicle parking in accordance with Article IV, Section 9.



- (b) Garages
- (c) Maintenance buildings
- (d) Radio Antennae
- (e) Signs in accordance with Article IV, Section 13.
- (f) Child day care centers in accordance with Article IV, Section 10.01.03 through 10.01.06. As an accessory use, a child care center shall only enroll children of employees or provide day care services for the tenants or clients of the principal use.<sup>22</sup>

16.17 Prohibited Uses

The following processes and uses are specifically prohibited:

- (a) Residential use except as provided in Article II, Section 16.15.02 (d).<sup>23</sup>
- (b) Gasoline service stations except as permitted in Article II, Section 16.15.02 (j).<sup>24</sup>
- (c) Ammonia, chlorine or bleaching powder manufacture.
- (d) Explosives manufacture and storage.
- (e) Sulphurous, nitric, picric, carbolic or hydrochloric acids manufacture.
- (f) Gas manufacture.
- (g) Fat rendering in the manufacture of tallow, grease and oils.
- (h) Iron, copper, tin, zinc and lead smelting.
- (i) Refining and recovery of products from fish, animal refuse or offal.
- (j) Fertilizer manufacture except in connection with the operation of sewage disposal plants.
- (k) Any other trade, industry, process or use that is injurious, noxious, offensive or hazardous by reason of emission, of odor, dust, fumes, smoke, or other pollutants, noise and vibration.

R:\PLANNING\REGS-NEWART2\SC16.DOC

---

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

<sup>23</sup> Rev. 10/02/89

<sup>24</sup> Rev. 10/04/06, effective 10/25/06

ARTICLE II            ZONING USES

ARTICLE II            Section 17      OFF STREET PARKING ZONE

---

- 17.00            The purpose of such a zone is to permit off-street parking facilities to be established adjacent to business and industrial uses without permitting those uses to extend into the parking zone, to act as a buffer strip between residence zones and business and industrial zones where off-street parking is desirable and made available, and to reduce the congestion in the streets.
- 17.01            In an off-street parking zone, no building shall hereinafter be erected or altered, and no land shall be used, except for the following uses:
- 17.01.01        The outdoor or outside parking of motor vehicles of customers, visitors and employees of the uses conducted upon the premises adjacent to the zone, and for which the parking use is appurtenant.
- 17.01.02        The outdoor or outside loading and unloading of goods, supplies, merchandise, equipment or products to be used, sold, made or processed upon the premises which the zone abuts, and for which the parking use is appurtenant.
- 17.01.03        Accessory uses may include necessary traffic directional signs not exceeding two square feet each in area, necessary lighting fixtures for illuminating the parking area, provided that the source of light for any part of the premises, or any sign thereon, is suitably shaded and so arranged that the lighting facilities will neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic, and one shelter for an attendant which is not larger than 50 square feet, nor higher than eight feet, outside dimensions. Flashing lights are prohibited. One free-standing identification sign, situated at or near each entrance, will be permitted, provided that no portion of the same is higher than eight feet above ground level and no dimension thereof exceeds four feet.
- 17.01.04        There shall be no visible display of waste, trash or scrap, nor open storage of any material of any kind in this zone.
- 17.01.05        There shall be a landscaped buffer strip consisting of a solid screen of evergreens at least four feet in height at the time of occupancy, or a solid fence at least five feet in the height along each boundary line which abuts or faces a residential zone. Such buffer strip or fence shall be suitably and neatly maintained by the owner and/or lessee, and/or occupant at all times.
- 17.01.06        All areas used for parking and driveways within the zone, except the buffer strip and any other planting strip, shall be provided with a dust free, all weather surface, and all areas shall provide a method of discharging storm water runoff which has been approved by the department of public works.
- 17.01.07        The perimeter of all parking areas which abut any required buffer strip, another property line or a street line shall be provided with wheel or bumper guards, so

situated, designed and maintained, that no part of any vehicle parked therein will extend beyond the zone or street line or into the buffer strip. The Planning and Zoning Commission may also require guards or fences within the area for the regulation of traffic and the alignment of parked vehicles or for either purpose.

- 17.02 Before a Certificate of Occupancy shall be issued by the zoning enforcement officer for the use of any land within the zone, an application for a Certificate of Occupancy shall be made to the Commission showing:
- 17.02.01 The size and shape of the land within the zone, drawn to scale 1" = 40', and the size, shape and location of each sign, the proposed method of discharging storm water runoff, and size, shape and location of each building upon the premises, for which the parking use is appurtenant.
- 17.02.02 The area and location to be used for customer, visitor and employee parking and for loading and unloading.
- 17.02.03 That the location and width of all access and service drives connecting with the principal traffic street or streets are located and designed so as not to create or result in unsafe or hazardous movement of vehicles and pedestrians to, from and within the zone.
- 17.02.04 The existing and proposed finished grades sufficient to indicate surface flow within the parking area and method of grade connection to streets and abutting properties.
- 17.02.05 The location and size of all buffer strips, signs, the attendant's shelter, the area to be paved, the type and location of wheel or bumper guards and the height and location of all lighting fixtures, a plan for the movement of vehicles and pedestrians to within and from the area, the location and size of all traffic directional signs, and the size and location of all entrances and exits.
- 17.02.06 The location of all traffic lights or other traffic directional devices, if needed, provided they are approved by the town traffic authority and State Traffic Commission. The installation of all traffic lights and other traffic directional devices shall be the responsibility of the owner(s) of the property involved.
- 17.03 If the application for a Certificate of Occupancy complies with Section 17.02, and the location, width, design and plan of access and service drives, the movement of vehicles and pedestrian traffic, and the finished grades are reasonable and safe in the opinion of the town traffic authority, and the storm water drainage discharge has been approved by the department of public works, the Commission shall approve the application and a Certificate of Occupancy shall be issued after completion, provided that the entire project is in conformity with the application for a Certificate of Occupancy, as finally approved.

- 17.04 An application for a Certificate of Occupancy may be amended by the Commission upon the filing of a new or amended application before completion of the work.
- 17.05 Any change in the layout or completed work or use which is different from the approved application for Certificate of Occupancy shall be cause for the zoning enforcement officer to revoke the Certificate of Occupancy, or to take any other method authorized by law to remedy or enforce any violation thereof.
- 17.06 It shall be a violation of the Zoning Regulations to use any land situated in an off-street parking zone without first having obtained a Certificate of Occupancy therefore or a violation of these regulations to use any land situated in an off-street parking zone not in accordance with the Certificate of Occupancy as approved by the Commission.
- 17.07 The Commission may permit a temporary Certificate of Occupancy to be issued where circumstances amounting to a hardship may prevent or hinder an applicant from completing all of the work which would be required by the Certificate of Occupancy as finally approved. No temporary Certificate will be issued before the Commission has approved an application for a Certificate of Occupancy which meets all requirements of this section of the Zoning Regulations in all other respects, except that all of the work need not have been completed. In lieu of the completion of all the work, the Commission may accept a performance bond, with adequate surety or equivalent guarantee, in an amount and for a period of time satisfactory to the Commission, conditioned upon the completion of the work within the time so limited. If the work is not completed within the time limited, the Town may complete the same and charge the cost of completion to the principal and/or surety.
- 17.08 The application for a Certificate of Occupancy required by Section 17.02, hereof, or any amendment thereto, shall be considered to be a part of any Certificate of Occupancy approved by the Commission.
- 17.09 Special Exception Uses
- 17.09.01 Carnivals and circuses
- May be held at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV, Section 16.

---

ARTICLE II            ZONING USES

ARTICLE II            Section 18        HISTORIC ZONE<sup>1</sup>

---

18.01            Purpose

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

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

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

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

18.02            Permitted Uses<sup>4</sup>

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

---

<sup>1</sup> Rev 06/02/2003, effective 06/25/2003

<sup>2</sup> Rev. 09/18/89

<sup>3</sup> Rev 09/18/89

<sup>4</sup> Rev 10/17/94, effective 11/8/94

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

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

Site development plan approval by the Commission shall be required for the following uses:

18.02.01 Multi-family dwellings:

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

Flexibility in the type of housing in a building or in a portion thereof shall be permitted. A building or a portion thereof having multi-family dwelling units as the primary use may be developed with secondary uses such as permitted office uses and/or special exception commercial uses.<sup>5</sup>

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

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

18.02.04 Elderly housing as permitted in the elderly housing development zone Article II Section 20 when that housing is proposed for an existing structure.<sup>6</sup>

18.02.05 Museum; theater; cultural and/or social community facility; art gallery; place of worship.<sup>7 8</sup>

18.02.06 Visitor information center.

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

---

<sup>5</sup> Rev 09/18/89

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

<sup>7</sup> Rev 12/21/92

<sup>8</sup> Adopted 01/17/01, effective 02/06/01

- 
- 18.02.08 Municipal buildings, municipal parks, playgrounds and recreation buildings including customary accessory uses.
- 18.02.09 Public utility buildings, structures and uses.
- 18.02.10 Accessory uses will be permitted including but not limited to:
- Radio and television antennae; signs in accordance with Article II, Section 18.05.12 of these regulations; maintenance buildings; vehicle parking areas and parking structures for residents, customers, visitors and employees of the uses conducted and for which the parking use is appurtenant; recreational facilities such as tennis, badminton, racquet ball courts (indoor and outdoor club and spectator facilities) except at bed and breakfast inns<sup>9</sup>; and health and recreation facilities including indoor and outdoor pools except at bed and breakfast inns.
- 18.02.11 Single-family dwellings in the Silk Mill area<sup>10</sup> existing as of October 2, 1989 may continue to be utilized on lots conforming to the following minimum requirements:<sup>11</sup>
- |                               |                |
|-------------------------------|----------------|
| Maximum buildable area of lot | 30%            |
| Minimum lot area              | 18,000 sq. ft. |
| Minimum front area            | 40 ft.         |
| Minimum rear yard             | 30 ft.         |
| Minimum side yard             | 15 ft.         |
- 18.02.12 No principal or accessory use shall be detrimental to the public welfare by reason of noise, vibration, smoke, dust, fumes or odor.
- 18.02.13 Family day care homes conducted in a dwelling unit.<sup>12</sup>
- 18.02.14<sup>13</sup> (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.

---

<sup>9</sup> Rev 10/17/94, effective 11/08/94

<sup>10</sup> Rev. 10/17/94, effective 11/08/94

<sup>11</sup> Rev 09/18/89

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

<sup>13</sup> Rev. 10/20/97, effective 11/11/97

- (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.<sup>14</sup>

18.03 Special Exception Uses

Certain uses are deemed appropriate in this zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use. Such uses and their required site development plans shall require approval by the Commission after a public hearing. Site development shall be in accordance with these regulations. The Commission in approving a special exception use and site development plan may stipulate such conditions as appear to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety and welfare, zoning principles, proper land use, site planning and land development, and better overall neighborhood compatibility. Such conditions shall apply to the site development plan, relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design and architectural treatment. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.<sup>15</sup>

18.03.01 Commercial uses:

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

(a) Retail shop:

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

(b) Personal service shop:

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

---

<sup>14</sup> New 11/03/03, effective 11/28/03

<sup>15</sup> Rev 11/03/03, effective 11/28/03



(c) Restaurant:

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

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

18.03.02 Industrial establishments:

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

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

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

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

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

18.03.03 Child day care centers and group day care home shall meet the requirements of Article IV, Section 10.<sup>16</sup>

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

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

18.03.06 Adult day care centers subject to the provisions of Article IV, Section 18 and Article II, Section 18.05.01 (Schedule of Area, Height, Yards and Bulk of Buildings and Structures).<sup>17</sup>

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

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

18.03.07<sup>18</sup> Bed and Breakfast Inns may be permitted subject to meeting the site development and building standards in these regulations and to the following additional standards:

- (a) The operator of the inn must be the owner of the property and reside in the principal dwelling where the inn will be.
- (b) The establishments shall not contain more than six guest rooms.
- (c) The only meal provided to guests shall be breakfast, and it shall only be served to guests of the establishment.
- (d) Individual rooms to be rented to guests shall not contain cooking facilities.
- (e) Guest stays shall not exceed 14 consecutive calendar days.
- (f) The architectural integrity and arrangement of the interior spaces must be maintained. Internal modifications shall not be injurious to this integrity or architectural details, such as woodwork, fireplaces, windows and doors, moldings or chair rails.

18.04 Building construction/rehabilitation criteria<sup>19</sup>

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

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

---

<sup>18</sup> Rev. 10/17/94, effective 11/8/94

<sup>19</sup> Rev. 09/18/89

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

18.04.02 The construction of new buildings shall be subject to the review and approval of the Commission. Furthermore, findings as to the design, architectural treatment and aesthetic character of proposed buildings shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings could adversely affect the desirability of the immediate area and the neighboring areas and be detrimental to the preservation of the historic character of the area. Designs for buildings shall recommend appropriate materials, colors, style, etc. intended to maintain the historical integrity of the architectural character of the area and of adjacent structures within the zone.<sup>20</sup>

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

18.05 Site development criteria

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

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

(a) Required Lot/Site Area

1. Every lot to be used for a use or uses allowed in this zone shall have a minimum lot area no less than the lot of record in existence at the time of adoption of this regulation with the exception of subparagraph (2).
2. In the case of an existing principal building or a portion of an existing principal building on one lot of record, the minimum site area for the

---

<sup>20</sup> Rev 09/18/89

development of that building or that portion thereof sufficient in amount to satisfy the site development criteria of this section while still leaving adequate land area for the future site development of any remaining buildings or portions of buildings on that lot.

(b) Height

1. Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities including but not limited to radio and television antennae, air conditioning, ventilation, solar heating and elevator systems.
2. New principal buildings shall not exceed the height of existing principal buildings adjacent to the new building but in no case higher than 40 feet.
3. New accessory building shall not exceed the 18 feet in height.

(c) Minimum Yards

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

Side yard	15 feet
Rear yard	30 feet

(d) Yard requirements when abutting residential zones:

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

18.05.02 Sidewalks and curbs:

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

18.05.03 Site drainage:

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

18.05.04 Roadways, driveways:

- (a) All private roadways, driveways and parking areas shall be:
  - 1. designed to facilitate traffic circulation and emergency vehicle movement including the provision of cul-de-sacs at all dead end drives;
  - 2. subject to modifications recommended by the cognizant fire chief and the traffic authority and required by the Commission.
- (b) All roadways which are proposed to become town-owned streets shall be constructed in accordance with the Town of Manchester "Public Improvement Standards".
- (c) Access to premises shall be from existing public streets which abut the premises or from private roadways which have been developed in accordance with the "Public Improvement Standards".
- (d) All private roadways and driveways designed for vehicular traffic shall have the following minimum requirements:

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

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

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

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

---

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

(a) Location of off-street parking spaces:

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

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

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

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

1. Ingress and egress:

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

2. Walkways:

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

3. Screening and landscaping:

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

4. Lighting:

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

(c) Collective provision:

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

(d) Mixed occupancies and uses:

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

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

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

(f) Change of parking spaces:

The number of off-street parking spaces required by these regulations may be reduced or shall be increased at the time that the use of a building or lot is



changed to a new use which would require less or more off-street parking spaces.

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

<u>USE</u>	<u>PARKING REQUIREMENTS</u>
Multi-family units	1-1/2 spaces per unit
Library, museum, art gallery	1 space per 600 gross square feet
Adult and child day care center and group day care homes	Per Article IV, Section 9.03.20 <sup>21</sup>
Educational	10 per classroom
Cultural/social community facility	1 space per 250 gross square feet or 1 per each 3 seats whichever is greater
Visitor information	5 spaces minimum or 1 space per 250 gross square feet
Recreation facility (except those uses in Article IV, Section 9)	1 space per two legal occupants as defined by the Conn. Basic Building Code.
Bed and breakfasts <sup>22</sup>	Two spaces for the main residence and one space for each guest room. Stacked spaces in driveways may be counted towards the required parking if approved by the Commission.

- (h) Off-street loading requirements:

1. On the same premises with every building or part thereof erected or occupied for a use involving the receipt or distribution of materials or merchandise, there shall be provided and maintained adequate space for

<sup>21</sup> Rev 12/04/89

<sup>22</sup> Rev 10/17/94, effective 11/8/94

off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and without encroachment on any off-street parking area.

2. Such off-street loading space shall be provided as determined by the Commission based on building volume, location or particular use of the development.

18.05.06 Fire protection:

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

18.05.07 Noise abatement:

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

18.05.08 Utilities:

- (a) All uses shall have public sanitary sewer and public water.
- (b) If improvements to the town water, sanitary or drainage system are necessary to accommodate increased sanitary and drainage discharge from the site or increased water service to the site, the developer shall make such improvements as may be required by the Commission and such improvements shall be shown on the site development plan.
- (c) All on-site utilities such as electric power and cable television shall be underground.
- (d) All engineering and construction shall be in accordance with the requirements of the Town of Manchester "Public Improvement Standards"<sup>23</sup> current at the time of application for site development approval unless specifically waived or deferred by the Commission for any good reason.

18.05.09 Proof of land interest/restrictions:

- (a) The applicant or applicants for approval of a site development plan shall submit evidence of his interest in all land included in the application. In addition, the applicant shall supply the Commission with information on all easements and restrictions.

---

<sup>23</sup> Rev 03/17/97, effective 04/01/97

- (b) The developer will be responsible to obtain any covenants, easements or other provisions necessary for the development of the site.
- (c) Where it is necessary to place public utility lines across the land comprising the site, or on land not contained in the site, the developer shall provide easements in favor of the Town of Manchester on said lands.
- (d) All easements which are granted to the Town of Manchester shall be not less than 20 feet wide.

18.05.10 Landscaping, screening and site preservation:

- (a) Every developed site shall be landscaped in accordance with these regulations and approved by the Commission. The intent of landscaping, screening and site preservation is to enhance the visual quality of the area, to protect the integrity of the uses, and to preserve the historic environment. The development of a site shall be designed with adequate landscaping to complement the intended use of the site and to provide screening to adjacent existing and potential uses.
- (b) Landscape treatment shall consist of shrubs, ground cover, and trees. Existing trees shall be conserved and integrated into the landscape plan wherever possible. Small or inaccessible areas should be planted with a ground cover other than grass. On large sites the use of knolls, berms, etc. to visually break up large flat areas is encouraged. All new deciduous trees shall be a minimum of 2 to 2½ • inch caliper measured one foot above the root crown when planted and all evergreen trees shall be not less than six feet in height when planted unless otherwise noted or required by the Commission. All plant materials shall be selected on the basis of hardiness and appropriateness to its intended use. The landscaping on each site shall be maintained in good order, repair and condition.
- (c) Landscaping shall be designed to compliment site areas such as pedestrian access, off-street loading areas, parking areas, the building perimeter, etc. All accessory uses and structures shall be landscaped appropriately to integrate those elements into an attractive plan of development. Any portion of a parking area not used for parking spaces or circulation shall be landscaped. All portions of a developed site not covered by buildings, structures or paving shall be landscaped with ground cover, shrubs and trees.
- (d) Special landscape treatment shall be required of those sites that abut or are included in areas that are designated in the Preservation and Development Plan for the Cheney Brothers National Historic Landmark District as proposed open spaces and green belt areas. Such site development shall have

landscaping that is in conformance with the development objectives of said Preservation and Development Plan and is complementary to landscaping designs for the areas of the Elm Street Green, Hartford Road access area, Hop Brook areas, etc.

(e) Multi-family housing sites<sup>24</sup>:

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

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

(f) Commercial and industrial sites:

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

(g) Screening for specific accessory uses and structures:

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

---

<sup>24</sup> Rev 04/20/98, effective 05/12/98

---

Screening for roof top equipment shall be designed as an integral part of the building.

(h) Residential zone screening:

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

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

18.05.11 Lighting:

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

18.05.12 Signs:

(a) Permitted signs:

1. No advertising signs shall be permitted other than those approved by the Commission. Unless otherwise specified elsewhere in this section, all signs shall pertain to the principal use, service rendered, or product sold on the premises on which the sign is located and shall not include advertisement, identification, publicity or notice of goods, services, establishment, enterprises, activities, persons, organizations and facilities which are not located on the premises. Signs offering the site for sale or

---

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

lease and construction signs shall be the exception. One free-standing construction sign, not exceeding 32 square feet, to advertise a building project and one sign, not exceeding four square feet, for each subcontractor are permitted and shall be removed immediately after the project has been completed.

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

2. Directional signs, public warning signs, and traffic control signs on a site shall be permitted with approval of the zoning enforcement officer. Signs identifying on-premises traffic, parking or other functional activity, such as lavatory facilities, telephone, signs denoting entrances, office, etc., bearing no commercial advertising shall be permitted. There shall be no more than one sign for each activity and each sign shall not exceed two square feet if wall-mounted and four square feet if free-standing.
  3. A parking facility shall have no signs of any kind other than those specifically designating entrance, exit and conditions of use. Such signs shall not exceed five square feet in area each and an overall height above grade of six feet.
  4. Historical interest signs not exceeding four square feet shall be permitted.
  5. Temporary signs no larger than 12 square feet advertising special events of charitable or public service groups shall be permitted with approval of the zoning enforcement officer provided that such signs shall not be in place for more than three weeks and shall not be mechanical.
  6. Signs on awnings shall be permitted provided that any sign so located shall be affixed flat to the surface thereof. No such sign shall extend vertically or horizontally beyond the limits of said awning or have a total area in excess of one-half a square foot for each lineal foot of the front of the awning. Such signs shall not be mechanical and shall not be illuminated.
- (b) Signs and identifications on buildings or building sites shall be as approved by the Commission. The design and color of signs shall be encouraged to be architecturally and historically appropriate to the building and of uniform design where appropriate.
- (c) Sign lighting by means of floodlighting or illumination as defined in Article IV, Section 13.04, shall be approved by the Commission. Light sources which

---

cast light on signs shall be shielded so as not to be visible from off the property where they are located. Light sources and shields which are an integral part of the sign shall be subject to all regulations for the sign itself.

- (d) Signs, unless otherwise noted in this section, shall be subject to the following limitations of size, location and height, except that the Planning and Zoning Commission in approving a site development plan may, in harmony with the provisions of this Section, require more stringent limitations for the permitted size, location and height provisions for a particular sign or group of signs. Signs may not revolve, simulate motion, flash, etc. Roof signs are not permitted. All projecting signs may extend a maximum of four feet from a building, wall, or screening surface but in no case shall a sign extend beyond the property line. Any sign which extends over a walkway shall be at least seven feet above said walkway. All free-standing signs shall not extend beyond the property line of the lot on which they are located.
- (e) Residential signs:
1. There shall be no more than one residential sign per lot except, if the building fronts on two streets, two signs will be permitted (one sign per street).
  2. Wall-mounted residential signs at major entrances designed to identify a multi-family residential use shall be permitted. The area of such wall-mounted signs shall not project above the cornice line of the building on which it is located.
  3. A freestanding residential sign shall be permitted if it is located at least five feet from any property line. No freestanding residential sign shall exceed a height of six feet above grade and shall have a maximum size of 24 square feet. In lieu of a freestanding residential sign, a development that has a mixture of residential, commercial, and/or office uses shall be permitted to have one freestanding sign for identification purposes except, if the building fronts on two streets, two signs will be permitted (one sign per street). Such sign shall not exceed a height of six feet above grade and shall have a maximum size of 32 square feet.<sup>26</sup>
  4. A projecting residential sign shall have an area not exceeding 12 square feet.
  5. For bed and breakfast inns, one free standing sign identifying the establishment by name shall be permitted, not to exceed two square feet in area or three and one half feet in height.

---

<sup>26</sup> Rev. 09/17/90

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

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

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

18.05.13 Special site development requirements for multi-family<sup>27</sup> housing:

(a) Residential unit minimum floor area:

Units in a multi-family dwelling:

Efficiency (no separate bedroom)	400 sq. ft.
One bedroom unit	650 sq. ft.
And for each bedroom in excess of one, add an additional 150 sq. ft.	

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

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

(c) Laundry facilities:

---

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



---

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

18.06 Application Procedure

18.06.01 Approval of plans:

- (a) A site development plan shall be approved by the Commission for all uses before a building permit will be issued.
- (b) Minor changes in an approved site development plan may, with the concurrence of the chairman of the Planning and Zoning Commission and the Director of Neighborhood Services and Economic Development, be made, 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 location of sidewalks, driveways, and other structures due to unforeseen topographical or surface or subsurface geological features; siting and screening of trash disposal and mechanical facilities; slight alterations of finished contours; minor rearrangement of lighting fixtures, benches, and other incidental street furniture. A letter or narrative describing and justifying the need for the minor changes and plans calling out the minor changes must be provided for consideration by the chairman and director. Following approval of a minor revision, the applicant shall submit within ten days one Mylar copy and four paper copies of the amended plan. Any changes in an approved site development plan which is not considered to be a minor change by the chairman or director shall be processed as an amendment to the approved site development plan and shall require the preparation of amended plans and the approval of the Commission. Major amendments requiring Commission approval may include, but are not limited to, reduction of landscaping; expansion, demolition, or reconstruction of buildings; alteration of building materials or colors; addition of signs or lighting; reduction of parking; significant changes in grading or drainage; and so forth.<sup>28</sup>
- (c) Any change of use for which a site development plan has been previously approved under these regulations will require a new site development plan approval by the Commission.

18.06.02 Approval of special exception uses:

Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20. In addition the Commission shall consider the following:<sup>29</sup>

---

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

<sup>29</sup> Rev 11/03/03, effective 11/28/03

(a) Criteria for special exception application:

The Commission shall give particular attention to the following characteristics of the proposed use and the site development plan:

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

---

(b) Change of special exception use:

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

18.06.03 Application review process:

(a) Preliminary consideration:

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

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

18.06.04 Required application documentation:

An application for approval of a site development plan for permitted uses and for special exception uses shall include the following. Plans shall bear the seal of a licensed land surveyor, professional engineer, architect or landscape architect in their own respective areas. Such plans shall be in conformance with these Regulations and the Town of Manchester "Public Improvement Standards".<sup>30</sup>

(a) Site information plan:

A plan having a scale of not less than 1" = 40', showing:<sup>31</sup>

1. Accurate boundary description of the site, prepared by a licensed land surveyor.
2. Topographic and geographic features including existing contour lines at two foot intervals.
3. Existing structures and easements.

---

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

<sup>31</sup> Rev 11/03/03, effective 11/28/03

(b) Location plan:<sup>32</sup>

A plan having a scale of not less than 1" = 40', showing:

1. Location of buildings and accessory structures.
2. Vehicle parking areas with number of spaces.
3. Circulation and access to building areas.
4. Sidewalks, pedestrian ways.
5. Landscaping with plant types, sizes and quantities.
6. Exterior lighting and signs.

Such plan may be part of the Site Information Plan.

(c) Engineering Plan and Profile:<sup>33</sup>

A plan having a scale of not less than 1" = 40', showing:

1. Grades and levels to be established (contours).
2. Storm water drainage details.
3. Sanitary sewer and water mains and services indicating size, material and connection points to existing systems.
4. Hydrant locations, existing and proposed.
5. Roadway details for public streets.

(d) Building/Sign Detail Plans:

Architectural plans of the building(s) and signs, prepared by a registered architect, drawn to scale, showing:

1. Floor plans for each use and each building. In case of buildings designated for residential development, the floor plan and area of each type of living unit are required.

---

<sup>32</sup> Rev 11/03/03, effective 11/28/03

<sup>33</sup> Rev 11/03/03, effective 11/28/03

2. Exterior building elevations indicating the treatment of walls and finish materials. Exterior building elevations shall show all proposed utility structures, such as roof air conditioning/solar heating systems, exterior building materials and colors, and screening.
  3. Where any exterior physical change, addition, or demolition is proposed, appropriately scaled drawings of floor plans, elevations and sections shall be submitted. Such drawings shall indicate existing conditions, work to be removed or added and appropriate notes and dimensions.
  4. A table showing uses, ratios, the square footage of areas designated for those uses, and the number of parking spaces for the various uses. If residential development, the number of units per building and the number of bedrooms per unit.
  5. The design of any sign showing size of the proposed sign, general configuration of lettering and/or symbols, material, color, type of construction, height, illumination, and such descriptive materials as may be necessary to fully explain the intent of the sign.
  6. The location of the proposed sign in relation to the building and all property lines and the dimensions of the structures on which the proposed sign is to be located.
- (e) A written application on the prescribed form and the filing fee as designated by the Commission.
- (f) The Commission may require additional maps, plans, perspective drawings and other relevant documents and information deemed necessary. A traffic report regarding existing traffic conditions and projected traffic generation may be required.

18.06.05 Performance and maintenance bonds:

- (a) Before a building permit may be issued, the director of public works on behalf of the 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 cost of construction and installation of all public improvements and all landscaping required to be done by the developer as shown on plans approved by the Commission. 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. When the Commission has approved development of a project in stages, the

## TABLE 1

### SUMMARY OF USES

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

<u>Use</u>	<u>Section</u>	<u>Silk Mill</u>	<u>Family Mansion</u>
Multi-family dwellings	18.02.01	P	
Office	18.02.02	P	
Educational facilities	18.02.03	P	
Elderly housing <sup>34</sup>	18.02.04	P	
Museum, theater, etc.	18.02.05	P	
Visitor information center	18.02.06	P	
Clubs, lodges, etc.	18.02.07	P	
Municipal buildings, etc.	18.02.08	P	
Public utility buildings	18.02.09	P	
Accessory uses	18.02.10	P	P
Single family dwellings	18.02.11	P	P
Family day care homes	18.02.13	P	P
Commercial uses	18.03.01		
Retail	18.03.01 (a)	S	
Personal Service	18.03.01 (b)	S	
Restaurant	18.03.01 (c)	S	
Bed & Breakfast	18.03.07		S
Industrial establishments	18.03.02	S	
Child day care centers	18.03.03	S	
Vehicle parking areas	18.03.04	S	
Recreational facilities	18.03.05	S	
Adult day care centers	18.03.06	S	

P = Permitted: Site development plan approval required.

S = Special Exception: public hearing and site plan approval required.

R:\PLANNING\REGS-NEW\NOV03 REVISIONS\ART25C18.DOC

<sup>34</sup> Rev. 04/20/98, effective 05/12/98