

ARTICLE III AREA AND HEIGHT REGULATIONS

ARTICLE III Section I NONCONFORMING LOTS OF RECORD¹

- 1.01 No building shall hereafter be erected, altered, enlarged or rebuilt, except in conformity with the regulations prescribed in this article, and in the schedule, which is part thereof; except that:
- a. The provisions covering the minimum lot area and minimum lot frontage shall not prevent the construction of a single family dwelling as a matter of right on smaller lots of record.
 - b. On smaller lots of record located in zoning districts that permit two family houses, the provisions covering the minimum lot area and minimum lot frontage shall not prevent the construction of two family house provided a special exception by the Planning and Zoning Commission pursuant to the provisions of Article IV, Section 20 of these regulations and after a public hearing has been held is approved.
- 1.02 Smaller lots of record for the purpose of this section are:
- 1.02.01 Smaller lots of record in the office of the town clerk on or before August 1, 1945.
 - 1.02.02 Smaller lots of record in the office of the town clerk between August 1, 1945, and November 4, 1950, which met the requirements of the Zoning Regulations in effect during said dates, covering the minimum size of lot.
 - 1.02.03 Smaller lots in a subdivision, duly approved by the agency of the Town authorized to make such approvals, and filed in the office of the town clerk, on or before November 4, 1950.
 - 1.02.04 Smaller lots of record filed in the office of the town clerk between November 4, 1950, and December 1, 1956, which met the requirements of the Zoning Regulations in effect during said dates.
 - 1.02.05 Lots in a subdivision, duly approved by the agency of the Town authorized to make such approvals, and filed in the office of the town clerk on or before December 1, 1956, provided that all requirements for yards and building area specified in the schedule are observed.
- 1.03² For such smaller lots of record no building permit shall be issued for construction of a principal building unless such lot has frontage on a street or highway accepted by the Town or on a street open for vehicular travel on March 1, 1946, or the director of public works shall certify that all work required by the Town of

¹ Rev 11/05/01, effective 11/24/01

² Rev 10/25/82

Manchester "Public Improvement Standards"³ and the approved development plan is installed and acceptable, or a cash or corporate surety bond in the amount of 100% of the public improvement cost has been accepted by the director of public works for the construction of all work as defined by the Subdivision Regulations securing to the Town that such work shall be constructed in accordance with the Town of Manchester "Public Works Standards"⁴. In the event such a bond is required, the applicable "Public Improvement Standards"⁵ shall be those in effect at the time of filing such bond.

The developer of the public improvements shall provide to the director of public works for his approval a development plan indicating the location, grade, size, and details of all improvements.

At the time that application is made to the director of public works for acceptance of the public improvements, a cash or corporate surety bond equal to 10% of the above mentioned bond or 10% of the cost of the public improvements as determined by the developer and approved by the director of public works (whichever is greater) shall be submitted to the director of public works to secure to the Town protection against faulty construction for a two-year period after the town acceptance and adoption.⁶

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³ Rev. 03/17/97, effective 04/01/97

⁴ Rev. 03/17/97, effective 04/01/97

⁵ Rev. 03/17/97, effective 04/01/97

⁶ Rev. 10/25/82

ARTICLE III AREA AND HEIGHT REGULATIONS

ARTICLE III Section 2 MAIN STREET FRONT YARDS

2.01 In the Business III zone on Main Street, between Center Street and Middle Turnpike, the minimum front yard shall be five feet, elsewhere to conform to the schedule.

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ARTICLE III AREA AND HEIGHT REGULATIONS

ARTICLE III Section 3 IRREGULAR SHAPED LOTS

3.01 On an irregular shaped lot having sufficient area to meet the requirements of the zone in which it is located (the mean width of which is equal to or exceeds the minimum width specified for lots in that zone), a permit for erection of buildings thereon may be granted if the width of the lot at the street line is 80% or more of the minimum width of the lot required in the schedule, and if the minimum width of that part of the lot, back from the street line a distance equal to the specified minimum width of lots in that zone, equals or exceeds the minimum width specified for lots in that zone.

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ARTICLE III AREA AND HEIGHT REGULATIONS

ARTICLE III Section 4 CLUSTER SUBDIVISION REGULATIONS

4.00 A cluster subdivision permits the residential lots in Rural Residence zones and Residence AA zones to be reduced in dimension and designed to occupy less than the total tract area of the subdivision provided that the maximum building density is not exceeded. The undeveloped portion of the tract shall be designed and dedicated as public open space.

The Planning and Zoning Commission upon receipt of a petition for a cluster subdivision in a Rural Residence zone, or in a Residence AA zone, shall hold a public hearing and may approve a plan of subdivision containing lots of reduced area and frontage and public open parcel or parcels subject to the following provisions:

4.01 Minimum Area of Subdivision

The area of a tract to be developed as a cluster subdivision shall be not less than 10 acres.

4.02 Open Space Requirement

4.02.01 The area of undeveloped land which shall be conveyed to the Town of Manchester for public open space municipal purpose shall be not less than 25 per cent of the entire tract.

4.02.02 The location and nature of the dedicated open space shall be suitable for the purpose intended and shall be approved by the Commission.

4.03 Rural Residence Cluster Subdivision

The provision for lots and structures shall be as set forth for Residence AA zone in Article II, Section 3.01.01, of these regulations except that the maximum building density for the entire tract shall not exceed 1.3 house lots per acre.

4.04 Residence AA Cluster Subdivision

The provisions for lots and structures shall be as set forth for Residence A zones in Article II, Section 4.01.01, of these regulations except that the maximum building density for the entire tract shall not exceed two house lots per acre.

4.05 Conveyance of Public Open Space Lands

No building permit shall be issued until the public open space lands have been conveyed to the Town of Manchester.

ARTICLE III AREA AND HEIGHT REGULATIONS

ARTICLE III Section 5 UNIT OWNERSHIP

5.01 Provided that they conform in all other respects to the requirements of these regulations, nothing herein shall be interpreted to prohibit the construction, conveyance or ownership of dwelling unit which comply with the Unit Ownership Act as contained in Chapter 825, Section 47-67 et sequor of the General Statutes of Connecticut.

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ARTICLE III AREA AND HEIGHT REGULATIONS

ARTICLE III¹ Section 6 REAR LOTS

- 6.00 This section is intended to permit the creation of rear lots for residential purposes in the following zones: Rural Residence, Residence AA, Residence A, Residence B, Residence C and the Planned Residence Development.
- 6.01² A lot of record, as of December 1, 1986, may be divided into a rear lot subject to the granting of a special exception by the Commission. The Commission shall not grant an approval unless it finds that the location is suitable for the intended use, given the character of the district, the conservation of property values, the proximity of intersecting streets, the width of highway and effect on public travel, and the rear lot will not imperil the safety of the public
- 6.02³ All rear lots shall adhere to the following minimum requirements:
- 6.02.01 Only one rear lot may be created from a lot of record.
- 6.02.02 Both front and rear lots must conform to all minimum lot, area, yard and other requirements prescribed for the zone in which the lots are located.
- 6.02.03 The rear lot shall include an access strip which is owned in fee and:
- (a) Which is a minimum of 25 feet wide along a public street from the street line to the rear lot's front property line.
 - (b) Which is not longer than 300 feet;
 - (c) Which shall not be included in computing lot size requirements; and
 - (d) Which shall be designed so as to adequately provide for watercourses, wetlands and stormwater runoff.
- 6.02.04 All travelways within the access strip must be treated with an all-weather material, including but not limited to processed gravel, trap rock, or bituminous concrete.
- 6.02.05 When issues concerning access strips such as, but not limited to, safety and adequacy are raised, the Commission may require a width in excess of 25 feet to ensure proper design and public safety.
- 6.02.06 The front property line of the rear lot is defined as the rear property line of the front lot.
- 6.02.07⁴ The maximum number of adjoining rear lot access strips shall not exceed two.

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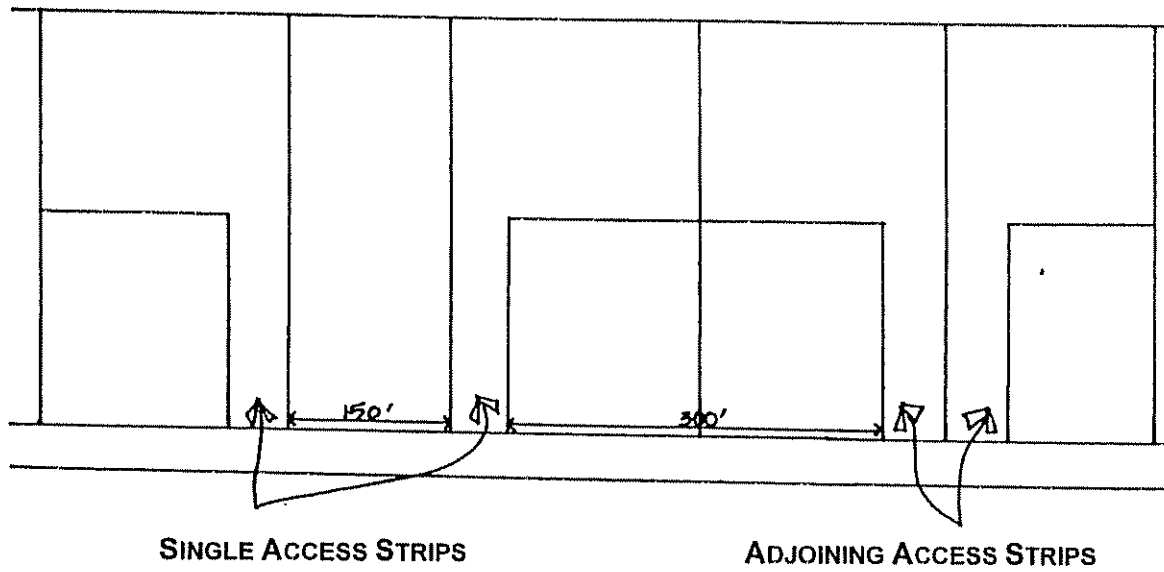
¹ Rev 12/11/86

² Rev 04/04/88

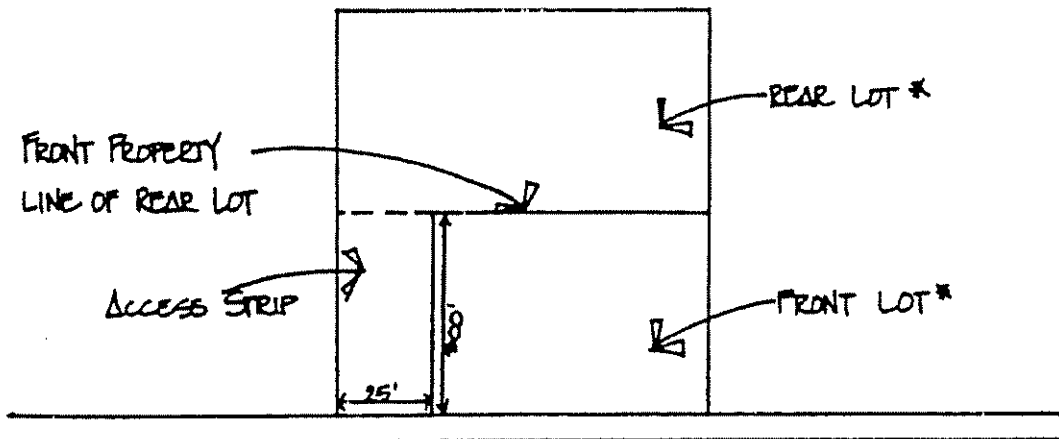
³ Rev 04/04/88

⁴ Rev 04/04/88

MINIMUM SEPARATION DISTANCE BETWEEN ACCESS STRIPS



ILLUSTRATIVE DRAWING - REAR LOTS



*MUST CONFORM TO ALL REQUIREMENTS IN THE ZONING DISTRICT.

DS 12/02

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 1 FLOOR AREA OF RESIDENCES

1.01 No house shall hereafter be erected or converted unless it shall have for living quarters the following minimum requirements for floor areas:

1.01.01 In Rural Residence zone or Residence A zone, a floor area on the ground floor of 750 square feet, and a total floor area of 1,100 square feet; and in Residence AA zone, a floor area on the ground floor of 850 feet, with a total floor area of 1,250 square feet provided, however, that in Residence A zone, single-family dwellings, with two full stories, having a ground floor area of 624 square feet, and a total floor area of 1,248 square feet are permitted.

1.01.02 Residence B and Residence C zones:

The minimum living area contained in new single-family houses shall be 850 square feet. Two-story houses shall have a minimum ground floor area of 550 square feet. Houses containing two separate family residences shall contain not less than 850 square feet of living area for each family.

1.01.03 Planned Residence Development zone:

All dimensions shall be as set forth in Article II, Section 7, of these regulations.

1.01.04 Comprehensive Urban Development zones:

All dimensions shall be as set forth in Article II, Section 8, of these regulations.

1.01.05 All construction and space requirements shall be in compliance with the State of Connecticut Building Code.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 2 HIGH RISE APARTMENTS

2.00 High rise apartments are multi-story buildings exceeding two stories designed and constructed primarily to contain family residential units.

The ground floor may be used for limited business use.

High rise apartments shall be restricted to the Central Business District zone and CUD zones.

2.01 Purpose

To provide for a type of land use which will allow land to be used and developed in an economic manner considering the anticipated population increase and the need to preserve open space.

To permit increased residential occupancy in selected areas.

To ensure that development of this nature will not impair existing environments, nor cause nuisance to persons residing in the vicinity of such use.

To establish requirements for and restrictions on the construction of multi-story and multi-family unit buildings and the land therewith, including but not limited to: land to building ratio; open space and landscaping; architectural design and vehicle parking in order to ensure the maintaining of proper and reasonable standards of planning and land use which is deemed necessary for multi-story and multi-family development and the public safety.

To require that certain design plans be approved by the Commission before construction takes place.

2.02 Site Requirements

2.02.01 In CBD zones, there shall be no minimum site area requirement.

2.02.02 In all CUD zones, the maximum height of any building shall be as permitted in the zone.

2.03 Height, Bulk and Area of Buildings

2.03.01 Building height limits:

(a) In CBD zones, the maximum height of any building shall be as permitted in the zone.

(b)¹ In CUD zones, the maximum height of high-rise apartments shall be 150 feet.

2.03.02 Residential unit density

There shall be no restriction on the number of dwelling units contained in high-rise apartment buildings provided the requirements in this section are maintained.

2.03.03² Residential unit minimum floor area

The floor area of each residential unit, exclusive of public hallways, corridors, etc., in the CBD zone and CUD zone shall be not less than:

Efficiency Unit	450 square feet
One Bedroom Unit	600 square feet
Two Bedroom Unit	750 square feet
and thereafter 150 square feet for each additional bedroom	

2.03.04 Building spacing: The building spacing required by this regulation is for the purpose of assuring adequate light to abutting properties.

(a) CBD zone:

1. Front yards:

The front yard for the part of the building used for business shall be as required by the Zoning Regulations for the CBD zone.

The front yard for a building without business uses shall be not less than 40 feet.

2. Side yards for the part of the building used for business purpose shall be as required by the Zoning Regulations for the CBD zone.

The side yards for the part of the building used for residential occupancy shall not be less than 30 feet.

3. Rear yards:

The rear yard shall be not less than 30 feet.

(b) CUD zone

¹ Rev. 10/20/86

² Rev. 05/24/88

Front, side and rear yard:

The minimum depth of front, side and rear yards shall be not less than 40 feet, provided that the distance between a high-rise building and all residential houses shall be not less than 1-1/2 times the height of the high-rise building.

2.04 Vehicle Parking - All zones where permitted

Vehicle parking shall be provided in accordance with paragraphs 2.08 of Article IV, Section 2, and paragraph 9.02 of Article IV, Section 9.

2.05 Open Space

2.05.01 CBD zone:

There shall be provided on the site landscaped open space at a ratio of one hundred (100) square feet for each residential unit.

2.05.02 CUD zone:

There shall be provided on the site landscaped open space at the following ratios:

- (a) up to four stories - 200 square feet for each residential unit;
- (b) each story in excess of four - 100 square feet for each residential unit.

2.06 Construction Requirements

2.06.01³ High rise apartment buildings shall be constructed in accordance with Connecticut State Building Code.

2.06.02 Adequate soundproofing shall be required in all buildings containing dwelling units. As a minimum requirement for acoustic control herein, the standards and recommendations as set out in the latest edition of Section M 405 of the Federal Housing Administration, Minimum Property Standards for Multi-Family Housing, shall be complied with, and the architect shall certify compliance on all relevant construction drawings.

2.06.03⁴ Elevators shall be provided when required by the Connecticut State Building Code.

2.07 Public Utilities

High rise apartments shall have:

³ Rev 05/24/88

⁴ Rev 05/24/88

- Public sanitary sewer
- Public water supply
- Underground electric power lines

2.08 Vehicle Parking

- 2.08.01 There shall be provided on the building site, 1-1/2 vehicle parking spaces for each residential unit.
- 2.08.02 The vehicle parking area may be within the building, underground, elevated, or at grade level. Underground parking may be beneath open spaces.
- 2.08.03 All driveways serving the parking areas shall be designed for safety and traffic maneuverability.
- 2.08.04 Vehicle parking in the front yard shall be separated from the public sidewalk by a landscaped area not less than 10 feet in width.

2.09 Fire Hazard Precautions

- 2.09.01 Heat detectors shall be installed in all heating rooms and indoor garages, and warning sounding devices shall be installed in the corridors of all buildings.
- 2.09.02 All basements shall be provided with an outside entrance to provide convenient access to the heater room.
- 2.09.03 Fire hydrants shall be installed on the water lines either within the site or external to the site so that all buildings are within 250 feet of a hydrant. The developer shall pay for all hydrants which are required by this section.
- 2.09.04 The developer shall provide and pay for any fire warning communication system which may be required by the Town.
- 2.09.05 All traffic ways shall be designed to provide maximum maneuverability for fire-fighting vehicles and shall include a turnabout circle at the closed end of all cul-de-sacs.

2.10 Accessory Uses

- 2.10.01 The following accessory uses are permitted in high-rise development:
- (a) family recreation facilities such as, but not limited to, swimming pools, tennis courts, badminton courts, children's playground equipment, golf courses, community buildings;

- (b) garages, carports, and underground parking;
- (c) maintenance buildings;
- (d) signs;
- (e) radio and television antennae.

2.11 Bonding Requirements

2.11.01 Before a building permit may be issued, the Town shall have received and accepted a cash bond or a bond of a corporate surety company licensed to do business, and having a business in the State of Connecticut, in an amount and with surety and conditions securing to the Town of Manchester within a time period specified in the bond, the actual construction of all improvements which are to be installed or constructed for the benefit of the general public and shall include landscaping.

2.11.02 The bond shall be in an amount equal to the cost of constructing the improvements as estimated by the Town of Manchester.

In the event the Town of Manchester accepts and adopts streets within, or serving a high rise apartment development, the Town shall release only ninety per cent of the original bond and shall hold ten per cent of the original bond for a period of one year in order that the Town may be protected against faulty construction.

2.12 Control of Certification of Occupancy

2.12.01 The issue of Certificates of Occupancy shall be limited to 80 per cent of the number of dwelling units contained in the project until:

- (a) all improvements covered by the bond have been completed to the satisfaction of the Town;
- (b) plans showing correct location and depth of all utilities within the development, certified by an engineer, have been received and accepted by the Town.

2.13⁵ Application Procedure

2.13.01 All development plans except building construction drawings shall be approved by the Commission and all applicants seeking approval for high rise development shall submit the following:

⁵ Rev 11/03/03, effective 11/28/03

(a) Plot Plan:

A plan having a scale where one inch equals not more than sixty feet (1" = 60') on sheets not exceeding 24 inches by 36 inches, showing:

1. Accurate description of the site prepared by a licensed land surveyor,
2. Existing structures.
3. All easements and nature of easements.
4. All water courses.
5. Grade levels of site by contours based on the U.S.G.S. data.

(b) Engineering Plans and Profiles:

(Plan and profile drawing shall be on the same sheet). A plan having a scale where one inch equals forty feet (1" = 40') on sheets not exceeding 24 inches by 36 inches, showing:

1. Grades and levels to be established (contours) in relation to existing levels based on the U.S.G.S. data.
2. Storm water drainage details.
3. Sanitary sewer and water mains and services indicating size, materials and connection points to existing systems.
4. hydrant locations, existing and proposed.
5. Street construction based on town standards.
6. Street lighting layout.

(c) Location plan:

A plan of proposed development having a scale where one inch equals not more than sixty feet (1" = 60') on sheets not exceeding 24 inches by 36 inches, showing:

1. Location of all structures on the site.
2. Street layout with proposed street names;
3. Vehicle parking with number of spaces.
4. Location of trash collection points.

5. Table of space ratios including open space, parking spaces, number of occupancy units and building floor space.

(d) Key Plan:

A plan having a scale where one inch equals not more than two-hundred feet (1"= 200') on sheets not exceeding 24 inches by 36 inches, showing:

1. Total site area.
2. All streets proposed.
3. All structures proposed.

(e) Building Plan

A plan showing:

1. Floor plan for each building showing floor area in square feet of building and occupancy units.
2. Exterior building elevations identifying the building finish materials and colors.

2.13.02 The Commission may require additional maps, plans, perspective drawings and other relevant documents and information deemed necessary.

2.13.03 The Commission may require that monuments (merestones) be established on site boundaries.

2.13.04 The Commission shall process all application for plan approval in a diligent manner.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 3 ZONE INTERSECTIONS

3.01 On a lot in a business or industrial zone, which has a lot line in common with a side or rear lot line of a lot in any residence zone, no building used for business or industry shall be erected unless the yard adjacent to said residence zone shall conform to the appropriate yard requirement of that zone, as set forth in the accompanying Schedule.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 4 CORNER VISIBILITY

4.01 On any corner lot, no fence or similar structure shall be erected and no hedge, shrub, tree or other growth shall be maintained so as to cause danger to traffic by obstructing the view.

ARTICLE IV GENERAL PROVISIONS
AUTOMOBILE SALES - NEW AND/OR USED
ARTICLE IV Section 5 AUTOMOBILE REPAIR AND SERVICE
GARAGE OR SHOP
GASOLINE SERVICE STATION
BULK OIL STORAGE PLANTS

- 5.01 As of November 1, 1970, all businesses referred to in this section shall be developed in accordance with the requirements and provisions of this section.
- 5.01.01 All automobile sales - new and/or used, automobile repairs and service garages or shops, gasoline service stations and bulk oil plants legally developed prior to November 1, 1970, shall be considered legal and conforming notwithstanding the requirements of this Section.
- 5.01.02 No place of business concerned with automobile sales, repair, servicing, gasoline sales or bulk oil storage shall be established, expanded or altered in use or structure unless the Zoning Board of Appeals has approved the location of such business premises and has approved the expansion, alteration in use or structure of such business premises after a public hearing has been held.
- 5.01.03 The Zoning Board of Appeals shall not give approval unless it finds that the location is suitable for the use intended, due consideration being given to the proximity of schools, places of worship¹, libraries, theaters or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel and that such use will not imperil the safety of the public. In no event shall a business referred to in this section be established if any part of the proposed building will be within 400 feet of any entrance to a public park or playground, school, college, place of worship², public library or residentially zoned dwelling on the same side of the street.
- No business referred to in this section shall become nonconforming by reason of development of any park, playground, school, college, place of worship³, public library or dwelling subsequent to the establishing of the business.
- 5.01.04 The Zoning Board of Appeals may impose such special conditions upon each use as it finds necessary to protect the public safety, convenience and property values notwithstanding the requirements of this section.
- 5.02 General Requirements
- 5.02.01 The minimum area of each site shall be 30,000 square feet if public sanitary sewer or water supply is not available, except that public sanitary sewer and water shall be required in industrial zones.

¹ Rev 10/04/06, effective 10/25/06

² Rev. 10/04/06, effective 10/25/06

³ Rev. 10/04/06, effective 10/25/06

5.02.02 Adequate safeguards shall be provided against surface and subsurface leakage of gas and oil.

5.02.03 Reserved space.⁴

5.02.04 All applications to the Zoning Board of Appeals shall include plans showing the proposed parking and landscaping.

5.02.05 All places of business referred to in this section shall have automobile parking area in accordance with the requirements of Article IV, Section 9, of these regulations.

5.03 Special Requirements

5.03.01 Automobile sales - new and/or used: Automobile Sales in industrial zones are subject to additional special requirements set forth in Article II, Section 16, of these regulations.

Minimum lot frontage	150 feet
Minimum front yard	40 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet

5.03.02 Automobile repair garage or service shop:

Minimum lot frontage	100 feet
Minimum front yard	40 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet

5.03.03 Gasoline service station:

Minimum lot frontage	180 feet
Minimum front yard	60 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet

- (a) Gasoline pumps may be installed in the yards provided that the pumps are no closer than 25 feet to any lot line.
- (b) Notwithstanding the requirements of paragraph 5.01.03 of these regulations, no gasoline station building shall be closer than 200 feet to any residential dwelling which is situated in a residential zone.

⁴ Adopted 11/2/04/00, effective 12/22/00

- (c) No exit or entrance driveway shall be closer than 60 feet to a road intersection.
- (d) Vehicles parked on the premises for periods exceeding 24 hours, and all damaged vehicles stored on the premises, shall be housed in a fenced enclosure so as to obscure same from public view.

5.03.04 Bulk oil storage:

Minimum lot frontage	100 feet
Minimum front yard	60 feet
Minimum side yard	30 feet
Minimum rear yard	30 feet

- (a) No bulk oil storage tanks shall be closer than 200 feet to any residential dwelling which is situated in a residential zone.
- (b) No exit or entrance driveway shall be closer than 100 feet to a road intersection.
- (c) All containers and structures shall be screened with evergreen shrubbery as appropriately as possible.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 6 SPECIAL EXCEPTIONS

6.01 As of December 7, 1970, certain uses are permitted in the various zones if authorized by the Zoning Board of Appeals as a special exception, and a use which requires approval of the Zoning Board of Appeals shall not be established, expanded or altered in use or structure unless the Zoning Board of Appeals has approved the location for such use after a public hearing held in accordance with the Connecticut General Statutes.

6.01.01 The Zoning Board of Appeals shall not give approval unless it finds that the location is suitable for the use intended, due consideration being given to the character of the district, the conservation of property values, the proximity of schools, places of worship¹, libraries, theaters or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect on public travel, and that such will not imperil the safety of the public.

In no event shall a business referred to in this section be established if any part of the proposed building will be within 400 feet of any entrance to a public park or playground, school, college, place of worship², public library or residentially zoned dwelling.

6.01.02 No business referred to in this section shall become nonconforming by reason of development of any park, playground, school, college, place of worship³, public library or dwelling subsequent to the establishing of the business.

6.01.03 The Zoning Board of Appeals may impose such special conditions upon each use as it finds necessary to protect the public safety, convenience and property values notwithstanding the requirements of this section.

6.02 General Requirements⁴

The minimum area of each site shall be 30,000 square feet if public sanitary sewer or water supply is not available.

Adequate safeguards shall be provided against surface subsurface leakage of gas and oil.

All applications to the Zoning Board of Appeals shall include plans showing the proposed parking and landscaping.

All places of business referred to in this section shall have automobile parking areas in accordance with the requirements of Article IV, Section 9, of these regulations.

¹ Rev. 10/04/06, effective 10/25/06

² Rev. 10/04/06, effective 10/25/06

³ Rev. 10/04/06, effective 10/25/06

⁴ Adopted 12/04/00, effective 12/22/00

6.03 Special Requirements

6.03.01 Automobile wash establishments:

(a) Yard and site requirements:

Minimum lot frontage	150 feet
Minimum front yard	60 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet

(b) No exit or entrance driveway shall be closer than 100 feet to a road intersection.

(c) Disposal of waste water - pollution control:

All waste water from the washing process shall be treated to remove any matter which may cause pollution before being discharged into a natural water course.

(d) Ice control: The process of washing cars shall include a method of drying which will eliminate dripping water before the vehicle reaches the street.

6.03.02 Restaurant - outside building food consumption:

The requirements of 6.03.02 shall apply if any part of the trade of food vending and dispensation allows prepared food or beverage to be carried out of the building for the purpose of consumption on the premises or adjuncts, except for ice cream sales.

(a) Yard and site requirements:

Minimum lot frontage	150 feet
Minimum front yard	60 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet

(b) No exit or entrance shall be closer than 100 feet to a road intersection.

6.03.03 Restaurant - indoor service and seating only; industrial zone

(a)⁵ Yard and site requirements:

Minimum lot frontage	125 feet
Minimum front yard	60 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet

⁵ Rev. 10/04/06, effective 10/25/06

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 7 NONCONFORMING USES

7.00 Statement of Intent

7.00.01 Within the zones established by these regulations or any amendments that may later be adopted, there exist structures and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments.

7.00.02 It is the intent of these regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these regulations to be incompatible with permitted uses in the zones involved. It is further the intent of these regulations that non-conformities shall not be enlarged upon, expanded, or extended, except as provided herein, if such a change increases the nonconformity. It is further the intent of these regulations not to permit nonconformities to be used as grounds for adding other prohibited structures or use elsewhere in the same zone.

7.00.03 Nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building for which an application for a building permit was received by the chief building official, for which a building permit was issued, or for which construction was lawfully begun prior to the effective date of adoption or amendment of these regulations.

7.01 Nonconforming Structures

Where a lawful structure containing permitted uses exists at the effective date of adoption or amendment of these regulations that could not be built under the provisions thereof by reason of restrictions on building area, lot coverage, building height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

7.01.01 No structure may be enlarged or altered in a way which increases its non-conformity or which creates an additional nonconformity.

7.01.02 Should such structures be destroyed or damaged from fire or other casualty, it may be repaired or replaced to the same dimensions, floor area, cubic volume, bulk and site location existing immediately prior to such damage or destruction provided that such repair or replacement shall be in compliance with all requirements of the Connecticut Basic Building Code. If application for a building permit for such repair or replacement is not made within six months of the date of such damage or reconstruction, the structure may be reconstructed only in conformity with these regulations.

7.01.03 Should such structures be moved in whole or in part, to any other portion of the lot or parcel occupied by such structure at the effective date of adoption or

amendment of these Regulations or to any other lot or parcel, it shall be located so as to conform to the requirements of the zone in which it is located after it is moved.

7.02 Nonconforming Uses

If a lawful use of land, building or structure exists at the effective date of adoption or amendment of these regulations that would not be allowed in the zone under the provisions thereof, such use may be continued so long as it remains otherwise lawful, subject to the following provisions and the provisions of paragraph 7.03.

7.02.01 Except as provided in paragraph 7.02.02 of this section, a nonconforming use may be changed only to a use allowed in the most restricted zone in which the present nonconforming use would be conforming.

7.02.02 No provisions in this section and no provisions elsewhere in these regulations shall be interpreted as allowing a nonconforming use to intensify the sale of alcoholic liquors or to qualify for a liquor permit different from the class of liquor permit existing on August 5, 1976.

7.02.03 No nonconforming use in a residential zone shall be changed to permit the selling or serving of alcoholic liquor.

7.03 Nonconforming Use of Building or Structures

If a lawful use of a structure or building exists at the effective date of adoption or amendment of these regulations that would not be allowed in the zone under the provisions thereof, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

7.03.01 Except for restrictions on the nonconforming sale of alcoholic liquor as stated in paragraph 7.02.02 above, a nonconforming use may be extended to another part of the building designed for such use.

7.03.02 No building devoted to a nonconforming use shall be enlarged or structurally altered if the cost of all such changes exceeds 50% of the total estimated value of the building as assessed at the time of the application for the first change.

7.03.03 Any building or structure used for a non-conforming use which is destroyed or damaged by fire or casualty may be reconstructed provided the cost of such reconstruction is not greater than 50% of the total estimated value of the building or structure at the time of the last revaluation (as recorded in the assessor's office) and an application for such reconstruction is made within six months of the date of such damage or reconstruction.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 8 ALCOHOLIC LIQUORS

8.01 Except for buildings or premises located in Business CBD zone, no building or premises shall be used, and no building shall be erected or altered, which is to be used for the sale or exchange of spirituous and alcoholic liquors either at wholesale or retail or whether for consumption on the premises or otherwise, or for the storage of spirituous and alcoholic liquors for purposes of sale or exchange, if any part of such building or premises is situated:

8.01.01¹ Within 1,000 feet in a direct line from any other building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange.

(a)² A building or premises containing a restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, or a bowling establishment permit (which may sell spirituous and alcoholic liquors between the hours of 5 PM and 1 AM only) may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange.

(b)³ The use of a building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored existing at the time that a permit is issued pursuant to paragraph 8.01.01(a) shall remain a permitted use and shall not be transformed into a nonconforming use by the issuance of said permit.

(c)⁴ A building or premises containing a package store permit or package store beer permit may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored for purposes of sale or exchange containing a permit other than a package store permit or package store beer permit.

8.01.02⁵ Within 200 feet of any part of a lot used for a college, school, place of worship, charitable institution whether supported by public or private funds, hospital, or library, except that a building or premise containing a restaurant permit, restaurant permit for wine or beer only, or restaurant permit for beer only is permitted within 200 feet of such lot further provided such restaurant, building or premise is not

¹ Rev. 10/01/79

² Rev. 06/02/80

³ Rev. 10/01/79

⁴ Rev. 089/06/95; 06/04/01, effective 06/26/01

⁵ Rev. 06/04/01, effective 06/26/01

within 200 feet of any building or premise containing a college, school, place of worship, charitable institution, hospital or library.

- 8.01.03 In residence zones, except that clubs, lodges, and fraternal organizations permitted in a Residence C zone, the chief activity of which is not a service carried on as a business, may after public hearing and approval of the Zoning Board of Appeals, and subject to all the restrictions of this section, apply for a club liquor license to the proper State authority. Such approval to apply for a club liquor license when granted by the Zoning Board of Appeals, shall apply to the applicant only and shall not be transferable.
- 8.02 Stores chiefly engaged in the sale of groceries which sell beer only under a package store permit shall not be regarded as package stores or as selling alcoholic liquor for the purpose of this Section.
- 8.03 These provisions shall not be retroactive, provided however that any building or premises used for the sale of alcoholic liquors, in contravention of these regulations, which is not used for such nonconforming use for a period of 30 days, must thereafter conform to the regulations.
- 8.04 For the purpose of this section, "premises" shall mean only that fractional part of the building used for alcoholic liquor sales, and shall not mean attached land or adjuncts.
- 8.05⁶ In the Business CBD zone there shall be a minimum distance of 1,000 feet in a direct line between premises occupied by establishments in which are held the same class of liquor permit (as the same are defined in the Connecticut General Statutes). The classes of permits to which this applies are: 1) Package Store permit; 2) Package Store beer permit; 3) Club permit; 4) Tavern permit; 5) Druggist permit; and 6) Druggist permit for beer only.
- 8.05.01⁷ A building or premises containing a restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, café permit, or hotel permit may sell, exchange or store spirituous and alcoholic liquor pursuant to said permit regardless of the distance between said building or premises and any other existing building or premises in which spirituous and alcoholic liquors are sold, exchanged or stored for purposes of sale or exchange.
- 8.05.02⁸ The use of a building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored existing at the time that a permit is issued pursuant to paragraph 8.05.01 shall remain a permitted use and shall not be transformed into a nonconforming use by the issuance of said permit.

⁶ Rev 7/9/03, effective 7/29/03

⁷ Rev 06/02/80

⁸ Rev. 10/01/79

- 8.06 No provisions in this section and no provisions elsewhere in these regulations shall be interpreted as allowing a nonconforming use to intensify the sale of alcoholic liquors or to qualify for a liquor permit different from the class of liquor permit existing at the time of adoption of these regulations.
- 8.07⁹ If the site of any liquor permit premises is taken or threatened to be taken in the exercise of the power of eminent domain, the permittee may relocate said permit premises to another site provided such a new location:
- 8.07.01 is in a zone allowing such permit; and
- 8.07.02 is no more than 2,500 feet from the nearest point on the boundary of the site of the old location; and
- 8.07.03 is not within 1,000 feet of any other building or premises in which spirituous and alcoholic liquors are sold, exchanged, or stored by the use of the same class of permit as listed in Connecticut General Statutes Section 30-15.

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⁹ Rev 12/10/79

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 9 AUTOMOBILE PARKING AND
LOADING AREA REQUIREMENTS

- 9.01 As of October 1, 1970, all vehicle parking areas shall be constructed in accordance with the requirements of this section.
- 9.01.01 Any lot or building hereafter used, altered or developed for office, business or industrial purposes shall be provided with adequate space suitably located for the loading and unloading of goods and materials and the parking of vehicles in accordance with this section.¹
- 9.01.02 Each vehicle parking space shall contain a rectangular area not less than 9 feet by 18 feet.
- 9.02 Vehicle Parking Areas, Design & Construction
- 9.02.01 All vehicle parking areas shall be constructed of bituminous or masonry concrete.
- 9.02.02 All vehicle parking areas shall be well drained and all drainage systems shall be approved by the town engineer.
- 9.02.03 All driveways shall be constructed in accordance with town standards.
- 9.02.04 All vehicle parking areas shall include landscaped sections and islands wherever possible designed to relieve the monotony of large areas of bituminous concrete, etc. All landscaped sections and islands shall contain appropriate evergreen shrubs, trees and plantings.
- 9.02.05 All parking lots shall contain landscaped area in the ratio of not less than 20 square feet for each parking space.
- 9.02.06 In vehicle parking lots the traffic lanes shall facilitate traffic movement and maneuverability, especially for ambulances and fire fighting vehicles. Traffic lanes leading to parking stalls shall be constructed to accepted standards.
- 9.02.07 Vehicle parking stalls shall be constructed so that no part of a vehicle extends beyond the property lines.
- 9.02.08 Notwithstanding 9.02.07, no vehicle parking shall be provided in the front yard unless separated from the public right-of-way by a fully bermed landscape border of not less than eight feet. This area shall be landscaped with appropriate trees, shrubs, and plantings. In selecting the types of plantings, consideration shall be

¹ Rev 10/02/89

given to maintaining adequate sight lines to provide for safe access to the property.²

9.02.09³ No vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. Any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.

9.03 Number of Parking Spaces Required

The amount of required vehicle parking will depend on the nature of the land use and varies for different uses. When a specific use is not listed in these regulations, reference shall be made to the following publication, and other professional reference sources as may be available, to aid in determining the required amount of parking: "Parking Generation", by The Institute of Traffic Engineers, Washington, DC, 1987, and as revised.⁴

9.03.01 Industrial establishments - the number of spaces shall be sufficient to accommodate personnel and customers based on the nature of the business.

9.03.02 Business establishments shall provide vehicle parking in the amount of one parking stall for each 250 square feet of gross floor area of the building except that increased parking facilities are required for the following specific uses:

9.03.03 Restaurant (indoor) and/or banquet hall - one parking space for each 25 square feet used for customer service or assembly.

9.03.04 Drive-in restaurant⁵ - Minimum 50 spaces or one parking space for each 25 square feet of gross floor area of the building whichever is the greater number.

9.03.05 Hotel or motel - one parking space for each occupancy unit, plus one parking space for each staff member, plus one parking space for each 25 square feet of all area devoted to customer service for any included restaurant or banquet hall.

9.03.06 Dance hall - one parking space for each 25 square feet of gross floor area, plus one space for each staff member, plus one parking space for each 25 square feet of all area devoted to customer service for any included restaurant or banquet hall.

9.03.07 Club - one parking space for each 50 square feet of gross floor area.

² Adopted 05/03/99, effective 06/07/99

³ Adopted 02/21/06, effective 03/12/06

⁴ Adopted 05/03/99

⁵ Rev 05/24/93

- 9.03.08 Bowling lane - five parking spaces for each bowling lane.
- 9.03.09 Theater, auditorium or stadium - one parking space for each three seats or spectator equivalent.
- 9.03.10 Hospital - one space for each two beds.
- 9.03.11 Convalescent and/or nursing home - one space each for three beds.
- 9.03.12 Place of worship - parking space for every three seats for the maximum congregation which can be accommodated at one service. When a place of worship includes accessory uses such as day care, schools or assembly halls for non-religious services the parking requirements for these uses shall also be met. These additional requirements may be waived in whole or in part provided it can be demonstrated to the satisfaction of the Commission that sufficient spaces are committed and available on a non-conflicting basis.⁶
- 9.03.13 Gasoline service station - one parking space for each 50 square feet of gross floor area.
- 9.03.14 Car wash establishment - 50 parking spaces minimum, including capacity of waiting lanes.
- 9.03.15 Tennis courts and badminton courts - eight parking spaces for each court plus additional parking in accordance with this section if containing a club, spectator facilities or other uses which require specific parking provision.
- 9.03.16 Skating rinks - one parking space for each 100 square feet of skating area plus additional parking in accordance with this section if containing a club, spectator facilities, or other uses which require specific parking provision.
- 9.03.17 Golf course - four parking spaces for each hole.
- 9.03.18 Golf driving range - 1.5 parking spaces for each tee for single use facilities (i.e., driving range only). For multi-use facilities, 1 parking space for each tee plus the required number of parking spaces for related facilities (but not less than 1.5 parking spaces per tee in the aggregate), unless otherwise approved by the Commission.

Miniature Golf - two parking spaces for each hole.

Batting Cages - two parking spaces for each batting cage.⁷

⁶ Adopted 01/17/01, effective 02/06/01

⁷ Rev 03/01/99, effective 03/20/99

ART. IV, Sec. 9

- 9.03.19 For shopping centers of more than 200,000 gross square feet, there shall be a minimum of four (4) parking spaces for every 1,000 square feet of gross floor area.⁸
- 9.03.20 Adult day care center, child day care center and group day care home - one space for every employee plus two spaces to accommodate visitors. In addition, a drop off space of 10' by 20' for every ten enrollees.⁹
- 9.03.21 Schools¹⁰ - the number of spaces shall be sufficient to accommodate personnel, students, expected visitors, and service vehicles, depending on the nature of the school.
- 9.03.22¹¹ Self Storage Facilities - a minimum of six spaces, plus one for each employee.
- 9.03.23¹² Medical Offices / Clinics - established and / or expanded after 06/07/99 , 1 space per 150 s.f. of gross leasable¹³ floor area.

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⁸ Rev 12/04/89

⁹ Rev 12/04/89

¹⁰ Rev 11/23/96

¹¹ Adopted 05/03/99, effective 06/07/99

¹² Adopted 05/03/99, effective 06/07/99

¹³ Rev. 05/15/00, effective 06/03/00

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 10 CHILD DAY CARE CENTERS AND GROUP DAY CARE HOMES¹

10.01 Special Exception: The Zoning Board of Appeals may, after a public hearing, grant a special exception for child day care centers and group day care homes subject to the following conditions:

10.01.01 The Board shall find that the location is suitable for child day care purposes.

10.01.02 The Board shall find that the facility shall not cause traffic congestion in the streets.

10.01.03 In residential zones, no advertising or signs shall be maintained on the premises where such a facility is located, or be attached to or painted on the building in which such a facility is located. In business and industrial zones, signs shall be allowed in accordance with the requirements set forth in Article IV, Section 13.

10.01.04² An outdoor play area shall be provided. For the purposes of this Section, outdoor play areas shall include only grassed and landscaped areas, impact absorbing materials (sand, etc.), and structured paved play areas. Parking areas and driveways shall not be included in play area calculations. This play area must be fenced to a height of at least four feet. The play area shall be effectively screened with evergreen shrubs or trees against abutting properties in a manner required by the Board.

The plans submitted to the Board as part of the application shall show all exterior play areas the calculations of the size of those play areas, and a listing of those governmental agency regulations which control the size of outdoor play areas and that are applicable to the current application. The applicant shall provide a copy of the current applicable regulation with the application.

10.01.05 No playground equipment or other equipment used in connection with such facility shall be maintained on the front yard of the premises where such facility is located.

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

10.01.07 Vehicle parking shall be provided in accordance with the requirements set forth in Article IV Section 9.

10.01.08 If new construction, the child day care center may be developed and operated at the discretion of the Zoning Board of Appeals after a public hearing provided:

¹ Rev. 12/04/89

² Rev. 04/19/99, effective 05/07/99

ART. IV, Sec. 10

- (a) The facility meets the conditions set forth in Article IV, Section 10.01 above.
- (b) The area of the site and lot frontage shall be in accordance with the Schedule of Area, Height & Bulk of Buildings and Structures, Article VII Section 1.
- (c) The design of the building shall be compatible with the design of adjacent residential dwellings and not detrimental to property values.

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ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 11 EARTH EXCAVATION

11.0 The purposes of this section are to preserve a cover crop on the land to prevent erosion, and to control any excavation operations that may create a hazard or detriment to the immediate neighborhood, and to promote the public health, safety and welfare of the inhabitants of the Town of Manchester.

11.01 Definitions

Words and phrases used in this section are defined for the purpose hereof, as follows:

11.01.01 "Earth products" shall mean top soil, loam, gravel, stone, sand, dirt, clay, peat and any other minerals found beneath the surface of the earth.

11.01.02 "Department of Public Works" shall mean the Town of Manchester Department of Public Works.

11.01.03 "Borrow Pit" shall mean an area where earth products are excavated and are removed but not processed.

11.01.04 "Commercial Pit" shall mean an area where earth products are processed and/or stockpiled in one form or another.

11.01.05 "Excavation Permit" shall mean a special permit obtained from the Planning and Zoning Commission granting permission for an excavation and removal operation as outlined in this section.

11.02 Excavation and Removal of Earth Products as Part of Construction, Landscape or Agricultural Operation

11.02.01 Unless otherwise provided in this section, there shall be no excavation and removal of earth products from the premises, in any zone, except for the following purposes:

- (a) Normal foundation, trench excavation, grading and landscaping in connection with work on the premises for which a building permit is obtained.
- (b) Normal agricultural operations.
- (c) Normal landscaping operations for an existing structure.
- (d) Normal construction of improvements and the changing of contours in accordance with subdivision plans and contour maps approved by the Commission for the premises.

- (e) Normal site preparation and grading for future developments, provided that such work will not involve an area greater than two acres or require the removal of earth products from the premises. If such work will involve an area greater than two acres, or require the removal of earth products from the premises, an excavation permit will be required, and plans for such work must be submitted to the Commission for approval. If, in the opinion of the Commission, such an operation will actually constitute a borrow pit, the applicant must follow the procedure as set forth in paragraph 11.03.01 or 11.03.02.

11.02.02 No builder or owner of property in Manchester shall cause to remain, in any zone, denuded land caused by, or in connection with, any construction, landscape or agricultural operation, for a period of more than one year. Application may be made to the Commission for an extension of this period.

11.03 Excavation and Removal of Earth Products from Borrow Pits

11.03.01¹ Top soil or loam - In a situation not related to a construction, landscape or agricultural operation, an excavation permit for the excavation and removal of top soil or loam, in any zone, may be secured from the Commission, subject to the following conditions:

- (a) The premises shall be re-covered with not less than four inches of top soil or loam and the entire area shall be re-seeded or put to cultivation. The area, if re-seeded, should be sowed with a seed similar to rye grass, at a rate of two pounds of seed for every 1,000 square feet of area covered.
- (b) It shall be the responsibility of the applicant to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.
- (c) A Certificate of Agreement, listing the conditions under which the application has been approved, shall be signed by the applicant and the Commission.
- (d) The applicant shall file, with the Commission, a performance bond, with adequate surety, or equivalent guarantee. The amount of such bond shall be determined by the Department of Public Works to insure completion of the work following excavation, pursuant to the conditions as set forth in the Certificate of Agreement.
- (e) An excavation permit, issued under this section, shall continue in effect for not more than six months. The Commission may, upon request, extend an excavation permit for additional six-month periods.

¹ Rev 11/03/03, effective 11/28/03

11.03.02² Earth products, other than top soil or loam:

The Commission may, after a public hearing, grant an excavation permit for the excavation and removal of earth products in any zone, only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:

- (a) The applicant shall submit an application and plans, drawn to scale 1" = 100', showing topography and contours of the area, both existing and proposed, with contour intervals of not less than two feet, or more than five feet, as determined by the Department of Public Works. Such plans shall show the adjoining area of land within 100 feet of the property lines and shall also show any natural watercourse or existing utilities or easements on the property.
- (b) The applicant shall provide for proper drainage of the area during the operation to prevent the collection and stagnation of water, and to prevent harmful effects upon surrounding properties. The final plan shall provide for proper drainage upon completion of the operation.
- (c) No bank shall exceed a slope of 2:1 (horizontal: vertical). In any case, the acceptable slope will be determined by the Commission. No removal shall take place within 50 feet of any property line except by mutual agreement of adjoining property owners. Excavation below the established grade of a street will not be permitted within 75 feet of any road or highway.
- (d) Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
- (e) No buildings shall be erected on the premises except as may be permitted in the Zoning Regulations or except as temporary shelter for machinery and field office, subject to approval by the Commission.
- (f) Truck access to the excavation area shall be arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation, being within 500 feet of a street or highway, shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the department of public works.
- (g) No fixed machinery shall be erected or maintained on the premises, and no screening, sifting, washing, crushing, or other forms of processing shall be conducted on the premises.

² Rev 11/03/03, effective 11/28/03

- (h) In determining the extent of excavation, and the final contour of the area, the Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.
- (i) At the conclusion of the operation, or any substantial portion thereof, the exposed area, where removal takes place, shall be covered with at least four inches of top soil or loam, and seeded with a suitable cover crop, similar to rye grass. The seed which is used as a cover crop must be sowed at a rate of two pounds of seed for every 1,000 square feet of area covered.
- (j) A Certificate of Agreement, listing the conditions under which the application has been approved, shall be signed by the applicant and the Commission.
- (k) The applicant shall file with the Commission a performance bond, with adequate surety, or equivalent guarantee. The amount of such bond shall be determined by the department of public works, to insure completion of the work following excavation, pursuant to the conditions as set forth in the Certificate of Agreement.
- (l) The premises shall be excavated and graded in conformity with the plans as approved. Nothing herein shall prevent the applicant from filing a revised plan, modifying or reducing the scope of work originally approved. The Commission may modify the plan, with or without a public hearing, as they deem fit. The department of public works shall have the authority to allow, during the operation of the project, such deviations from the approved plan that may be required for normal operation of field equipment, provided that such deviations will not effect the final results of the approved plan. Any significant deviations from the approved plan, not approved by the Commission, shall be cause for the Commission to revoke the excavation permit.
- (m) The Commission may grant a permit to the applicant for a limited period of time, not exceeding five years. In granting such permit, and fixing the period of time for completion, the Commission shall take into account the size and location of the area upon which the excavation is to take place, and the overall magnitude of the operation. The Commission shall have the authority, upon application to it, to extend the time limit for completion in the original permit.
- (n) It shall be the responsibility of the applicant to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.

11.04 Commercial Pits

A commercial pit shall be allowed only in an industrial zone and shall be subject to the following conditions:

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- 11.04.01 At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- 11.04.02 No excavation shall take place within 50 feet of any property line except by mutual agreement of adjoining property owners. There shall be no excavation below the established grade of the street within 75 feet of any road or highway. At the conclusion of the operation, no bank shall exceed a slope of 2:1 (horizontal: vertical).
- 11.04.03 There shall be no stockpiling of materials or erection or maintenance of fixed machinery within 300 feet of a residential zone. The Commission may modify these requirements by setting up a designed buffer area, or other precautionary measures that will not be detrimental to the immediate neighborhood.
- 11.04.04 Truck access to the operation shall be arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation, being within 500 feet of a street or highway, shall be provided with a dustless surface by the application of calcium chloride, or some other suitable material, as approved by the department of public works.
- 11.04.05 It shall be the responsibility of the operator to repair, immediately, any damage to abutting town sidewalks, curbs, or surface water drains that may be caused as a result of the earth removal operation.
- 11.04.06 No natural watercourse shall be altered in any way until the relocation plans have been referred to and approved by the department of public works.
- 11.04.07 At the abandonment of the operation, the exposed area where removal takes place shall be covered with at least four inches of topsoil or loam, and seeded with a suitable cover crop similar to rye grass. The seed which is used as a cover crop must be sowed at a rate of two pounds of seed for every 1,000 square feet of area covered.
- 11.05 Existing Borrow Pits
- 11.05.01 These regulations shall not be applicable to borrow pits existing at the time of adoption of these regulations, provided that the owner(s) of an existing borrow pit shall file with the Commission by March 1, 1962, a plan showing the boundaries or the extent of his/their operation.
- 11.05.02 Such plan shall show existing watercourses, easements and utilities that may exist on the premises. Any extension beyond these boundaries must conform to the regulations, as set forth in this section.

ART. IV, Sec. 11

11.05.03 The Commission shall have the right to reject any area so filed, if sufficient proof is not presented to warrant the area as an existing borrow pit.

11.06 Existing Commercial Pits

11.06.01 These regulations shall not be applicable to commercial pits existing at the time of adoption of these regulations, provided that the owner(s) of an existing commercial pit shall file with the Commission by March 1, 1962 a plan showing the boundaries or the extent of his/their operation.

11.06.02 Such plan shall show existing water courses, easements and utilities that may exist on the premises. Any extension beyond these boundaries must conform to the regulations as set forth in this section.

11.06.03 The Commission shall have the right to reject any area so filed, if sufficient proof is not presented to warrant the area as an existing commercial pit.

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ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 12 CENTRAL FUEL DISTRIBUTION SYSTEMS

12.01 The installation and use of a central underground tank and pipes for the distribution of fuel to individual buildings shall not be construed to be a business use for the purpose of these regulations and shall be considered to be an accessory use to those buildings to which such fuel is distributed.

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ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 13 SIGNS

13.00 Signs

As of April 13, 1970 the erection, display and maintenance of all new signs shall be in accordance with the requirements of this section.

13.00.01 Purpose

This regulation recognizes that signs are an appropriate accessory use in all zones and that in certain circumstances, signs which are not accessory in character may also benefit the public at large.

The permitted types and areas of signs are deemed sufficient for the uses intended, and the requirements and restrictions on the erection and display of signs are deemed necessary to protect the public safety, convenience and property values.

13.01 General Requirements

The requirements of this section shall apply to all signs in all zoning districts.

13.01.01 Signs other than public interest, public warning and directional signs shall be considered “accessory uses”.

13.01.02 No signs shall be permitted in the area of a public right-of-way unless the location is approved by the general manager and other cognizant authorities, except for portable signs as permitted in Section 13.06.05.5.¹

13.01.03 All sign floodlight sources shall be shielded so that the light will not shine into the eyes of any person external to the premises on which the sign is displayed.

13.01.04 Sign illumination which simulates traffic lights or emergency warning lights is prohibited.

13.01.05 No line of exposed lights shall be erected except during the month of December unless approved by the general manager.

13.01.06 Signs designed for viewing from one side shall be opaque.

13.01.07 Billboards are prohibited. For the purpose of this regulation a billboard is a sign advertising a service or commodity which service or commodity is not to be found or available on the premises upon which the sign is displayed. Public interest signs, public warning signs, directional signs and construction signs as defined in paragraph 13.02 of this section and portable signs as permitted in Section 13.06.05.5, shall not be considered billboards.²

¹ Rev 2/21/06, effective 2/24/06

² Rev. 2/21/06, effective 2/24/06

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- 13.01.08 Unless otherwise specifically regulated in this section³, nothing in these regulations shall be construed as regulating the installation of signs by a governmental body or to political signs expressing political views or supporting candidates for office.⁴
- 13.01.09 The construction and erection of all signs shall conform to the requirements of the Town of Manchester Code.
- 13.01.10 Nothing in this section shall be deemed to prohibit cooperative action between abutting stores or tenants of the same building to combine allocated advertising space.
- 13.01.11 The area of a sign shall be determined from its outside dimensions. Where a sign consists of individual characters and/or other symbols, the area shall be determined from the smallest rectangle enclosing all of the characters and symbols and design features.⁵
- 13.01.12⁶ Free standing signs shall provide not less than seven feet ground clearance if situated in an area where the public may walk. No part of a free standing sign shall be less than five feet from a public right of way except as may be necessary for directional, public interest, and public warning signs. In no case shall the placement of such signs interfere with sight lines necessary for the safe ingress and egress onto streets.
- 13.02 Sign Function - Definitions
- 13.02.01 Business Sign - A sign which directs attention to a name, use conducted, product or commodity sold or service performed on the premises but not including a roadside sign.
- 13.02.02 Construction Sign - a sign erected on a site which is to be developed or is being developed.
- 13.02.03 Directional Sign - an on-premise sign providing guidance to the public and containing no advertising, except as provided for in Section 13.06.05.1, 13.06.05.02 and 13.07.06.⁷
- 13.02.04 Identification Sign - a sign indicating the name or nature of buildings or the nature of land-use displayed on the property identified.
- 13.02.05 Nameplate Sign - a sign indicating the name of the building occupant.

³ Rev 4/15/01, effective 5/11/02

⁴ Rev. 3/21/05, effective 4/8/05

⁵ Rev. 4/15/02, effective 5/11/02

⁶ Rev 4/15/02, effective 5/11/02

⁷ Rev 4/15/02, effective 5/11/02

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- 13.02.06 Novelty Sign - a sign, banner, pennant, valance or advertising display constructed of cloth fabric, cardboard or other light material intended to be displayed for a short period of time.
- 13.02.07 Public Interest Sign - a sign informing the public of matters of public interest associated with fraternal, social or service organizations.⁸
- 13.02.08 Public Warning Sign - a sign informing the public of danger, hazard, trespass, infringement or request.
- 13.02.09 Real Estate Sign - a sign offering for sale or lease the property on which it is located. It may include reference to owner or agent.
- 13.02.10 Roadside Sign - a sign which directs attention to the sale of agricultural produce grown on the premises.
- 13.03 Sign Construction - Definitions
- 13.03.01 Architectural Sign - a sign which is an integral part of the building.
- 13.03.02 Canopy Sign - a sign placed on the vertical panels of a permanent canopy, or a sign erected above and supported by the canopy and extending no higher than the top of a parapet wall or eaves level.
- 13.03.03 Wall Sign - a sign placed on a wall of a building but not extending above roof level any higher than the top of a parapet wall.
- 13.03.04 Free Standing Sign - a sign placed on the ground or supported by a structure placed in or upon the ground.
- 13.03.05 Marquee Sign - a sign placed on the vertical panels of a permanent roof marquee.
- 13.03.06 Mechanical Sign - a sign which involves motion or rotation of any part, or which displays flashing lights, intermittent lights, or creates an illusion of movement.
- 13.03.07⁹ Portable Sign – a free-standing sign not permanently anchored, attached, or secured to the ground including "A" frame or sandwich board signs.
- 13.03.08 Projection Sign - a sign supported by a building and projecting more than 18 inches.
- 13.03.09 Roof Sign - a sign erected above roof level but not including a sign which does not extend higher than the top of a parapet wall.
- 13.03.10¹⁰ Low Profile Free Standing Sign

⁸ Rev 5/21/05, effective 4/8/05

⁹ New 2/21/06, effective 2/24/06

¹⁰ Rev. 4/15/02, effective 5/11/02

A sign, the top most part of which is not more than five feet from the ground, placed on the ground or supported by a structure placed in or upon the ground.

13.04 Sign Lighting - Definitions¹¹

13.04.01 Direct Illumination - A sign illuminated by devices which project artificial light upon it.

13.04.02 Internal Illumination - A sign which has characters, letters, figures, design or outline of artificial light provided by electricity as part of the sign.

13.05 Signs Permitted in Residential Zones¹²

13.05.01 Temporary signs to include free standing construction signs, wall or free standing real estate signs, free standing roadside signs, novelty signs, and public interest signs may be permitted in any residential zone in accordance with the following paragraphs.

13.05.01.01 One construction sign not exceeding 100 sq.ft. to advertise a building project. Subcontractors may each display one sign not exceeding four sq.ft.

Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for a time period exceeding 18 months. Construction signs shall be directly illuminated only.

13.05.02 Identification signs for:

- Golf Courses - not exceeding 50 sq.ft.
- Group Dwelling Complex - not exceeding 50 sq.ft.
- Convalescent Home - not exceeding 50 sq.ft.
- Farm & Agricultural Uses - 50 sq.ft.
- Municipal Uses - not exceeding 50 sq. ft.
- Residence C zone office building - not exceeding 32 sq.ft.
- Historical Interest - four sq.ft.
- Places of Worship - 50 sq. ft.

All identification signs shall be directly illuminated only. Wall mounted signs are permitted and only one low-rise free standing is permitted.

13.05.03 One nameplate sign not exceeding two sq.ft. per dwelling. Sign may indicate the nature of home occupation or professional use. No artificial illumination is permitted. Signs may be free standing, wall mounted or projecting.

¹¹ Rev. 4/15/02, effective 5/11/02

¹² Rev 4/15/02, effective 5/11/02

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- 13.05.04 One real estate sign not exceeding four sq.ft. for each property offered for sale. Real estate signs shall not be displayed after the property has been sold.
- 13.05.05 One roadside sign not exceeding 16 sq.ft. Sign shall not be displayed during seasons of non-sale.
- 13.05.06¹³ Public interest sign – the temporary display of public interest signs for a period not to exceed three weeks in locations deemed appropriate for the purpose by the director of neighborhood services and economic development. All such signs must be removed three weeks after erection.
- 13.05.07¹⁴ Public warning sign - the director of neighborhood services and economic development may grant permission for the erection of public warning signs of a size, location, construction and lighting deemed by him appropriate for the purpose.
- 13.06 Signs Permitted in Business Zones¹⁵
- 13.06.01 General Requirements for business zones
- 13.06.01.01 The maximum sign area for wall, canopy, and marquee signs shall be calculated on the basis of three square feet for each linear foot of the face of the building supporting such sign, but in no event shall the area of the sign exceed the following size based on the setback of building face supporting the sign from the right-of-way line of the public street that the sign will face:
- | <u>Building Location</u> | <u>Maximum Sign Area Per Tenant</u> |
|--------------------------------|-------------------------------------|
| Less than 150 feet from street | 100 Square Feet |
| 150 to 250 Feet from street | 200 Square Feet |
| Over 250 Feet from street | 300 Square Feet |
- 13.06.01.02 Architectural signs shall be approved by the Planning and Zoning Commission.
- 13.06.01.03 The side of the building supporting a sign shall face onto a street or onto a parking lot. When facing a parking lot, the distance between the wall of the building facing such lot and a residential lot line shall be not less than 150 feet.
- 13.06.01.04 Roof signs shall be approved by the Planning and Zoning Commission and will be permitted only if the Commission deems that the location of the building on the lot, or the location of the building relative to adjacent buildings or properties would cause other types of signs to be ineffective in identifying the business on the property.
- 13.06.01.05 No line of exposed lights shall be erected except during the month of December.

¹³ Rev 5/21/05, effective 4/8/05

¹⁴ Rev 5/21/05, effective 4/8/05

¹⁵ Rev 4/15/02, effective 5/11/02

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- 13.06.01.06 Projecting signs shall not be erected over a public right of way except within the Central Business District. In the Central Business District signs erected over a public right of way shall not be internally illuminated, must provide a minimum clearance of seven feet six inches from the bottom of the sign to the surface of the sidewalk, shall not extend more than three feet from the building facade. The total area of the projecting sign shall not exceed 12 square feet. The maximum number of such signs permitted on a single building or structure shall be equivalent to the number of establishments located on the ground floor of the building and having direct access from the public sidewalk.
- 13.06.02 Temporary signs to include free standing construction signs, wall or free standing real estate signs, free standing roadside signs, novelty signs, and public interest signs may be permitted in any business zone in accordance with the following paragraphs.
- 13.06.02.1 One construction sign not to exceed 100 square feet for each property offered for sale. In addition to a construction sign on a site, subcontractors may each display one sign not exceeding four square feet. Construction signs shall be removed immediately after the project has been completed. In no event shall a construction sign be displayed for more than 18 months. Construction Signs may be directly illuminated.
- 13.06.02.2 One roadside sign limited to a maximum size of 16 square feet per property. Such signs shall not be displayed during seasons when the roadside stand is not open. Roadside signs may be directly illuminated.
- 13.06.02.3 One real estate sign not exceeding 24 square feet for each property offered for sale or lease. Real estate signs shall not be displayed after the property has been sold.
- 13.06.02.4 Novelty signs may be displayed for a period not to exceed three weeks.
- 13.06.02.5 Public interest signs may be displayed for a period not to exceed three weeks.
- 13.06.03 Business signs are permitted in all business zones and may be displayed as architectural signs, roof signs, wall signs, marquee signs, canopy signs, free standing signs, or projecting signs in accordance with the standards in 13.06.01 above and the following paragraphs.
- 13.06.03.1 A business may have a free standing sign or a projecting sign, but not both.
- 13.06.03.2 Business premises not contained in a shopping center complex may erect one only free standing or low profile free standing sign based on the ground floor area of the building as follows: Up to 1200 square feet of building ground floor area, a free standing sign of 12 square feet or 24 square feet for low profile free standing sign, thence an increase in sign area of one square foot for each additional 200 square feet of building ground floor area to a maximum of 100 square feet. Alternatively, only one projecting sign not exceeding one square foot for each lineal foot of the

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- building face containing the sign may be erected. Such sign shall not exceed 25 square feet.
- 13.06.03.3 Shopping centers may erect one free standing business sign to display the name of tenants in the shopping center building in addition to a permitted identification sign. The sign area ratio shall be six square feet for each tenant. Separate business premises within the complex building shall not erect individual free standing signs.
- 13.06.03.4 Gasoline service stations may erect one projecting sign not exceeding 32 square feet or one free standing sign not exceeding 100 square feet.
- 13.06.03.5 Gasoline service stations adjoining restricted access highways may erect in the rear yard of the station premises one additional free standing sign not exceeding 200 square feet.
- 13.06.03.6 Business signs may be illuminated internally or directly.
- 13.06.04 Free standing identification signs are permitted in business zones in accordance with the following paragraphs:
- 13.06.04.1 Shopping centers occupying less than 6 acres may erect one free standing sign not exceeding 100 square feet solely to identify the center. Shopping centers occupying 6 acres or more may erect one free standing sign not exceeding 200 square feet solely to identify the center.
- 13.06.04.2 Motels adjoining restricted access highways may erect one free standing sign not exceeding 200 square feet solely to identify the motel. Motels in other locations may erect one free standing sign not exceeding 100 square feet solely to identify the motel.
- 13.06.04.3 Shopping malls occupying more than 25 acres may erect one free standing sign for each point of vehicular egress from a public street provided that no such individual sign shall exceed 200 square feet on each face with a maximum of two faces per sign. In computing the square footage of each face, the square footage of faces or other supporting structures shall not be counted. Such signs shall be used solely to identify the shopping mall.
- 13.06.04.4 Identification signs may be internally illuminated or directly illuminated.
- 13.06.05 Miscellaneous signs are permitted in business zones in accordance with the following standards.
- 13.06.05.1 Free standing directional signs containing advertising may be erected within a shopping mall site in order to provide direction to the motorist. No such sign shall be located within 100 feet of a public street right-of-way or exceed six square feet in area. The total area of all such directional signs shall not exceed 200 square feet.
- 13.06.05.2 Free standing directional signs containing advertising may be utilized to provide direction to the motorist. Such signs shall not exceed 3 square feet in area, and any

logo or other advertising on such sign shall not exceed one-third of the area of the sign.

13.06.05.3 Public warning signs of a size, location, construction, and lighting appropriate to their purpose are permitted.

13.06.05.4 Nameplate Signs not exceeding two square feet per occupant are permitted. One sign is permitted per occupant. Such signs may be free standing, wall mounted, or projecting.

13.06.05.5¹⁶ Portable signs shall be permitted in the public right-of-way in the Central Business District zone subject to the following requirements:

(a) Number, Signs, Location

1. Only one portable sign shall be permitted for an individual business or establishment and the sign content must be limited to the business, service, or goods of the establishment immediately adjacent to the sign, or to an establishment located on the upper floors of the building immediately adjacent to the sign.
2. Each property shall be entitled to no more than one portable sign for every 20 feet of property frontage on a public street, regardless of the number of businesses in a given property. Properties on corner lots shall only be entitled to count the frontage on Main Street.
3. The sign shall not exceed eight (8) square feet in total area based on the dimensions of a single side, and shall not be more than 2.5 feet wide nor more than 4 feet high.
4. Signs shall be located either adjacent to the building frontage or a minimum of 18 inches from the curb, and shall provide at least five (5) feet of unobstructed sidewalk area for pedestrians. Sign shall not obstruct any required means of egress from adjacent buildings.
5. Signs shall be located with the message perpendicular to the street.
6. Signs may be displayed only when the establishment is open for business and must be removed from the right-of-way when the business is closed.
7. Signs must be constructed of durable, weatherproof materials, including wood, metal, or composite wood or synthetic materials. Glass, paper, laminated paper, PVC pipe frames or similar materials are not permitted. Signs may not be illuminated. All signs must be maintained in good repair including the sign frame structure, materials, and lettering and graphics.

¹⁶ New 2/21/06, effective 2/24/06

(b) Permitting and Enforcement

1. Anyone wishing to display a portable sign must file an application with the zoning enforcement officer for a Certificate of Use permit. An application form must be completed and any fee must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
2. Portable sign permits shall be issued for an operating period of one year, from January 1 to December 31 except for the year when this section becomes effective, in which case the permit shall be effective from the effective date through December 31 of that year. Thereafter, the zoning enforcement officer may issue a renewal application on an annual basis provided a new Certificate of Use permit is submitted. Applications for renewals will be accepted between 11/30 and 12/30 of each year. Applications made after 1/1 of each year shall expire 12/31 of said year. The zoning enforcement officer may deny a permit if the permittee has a history of violations of any of the requirements of this section.
3. The permittee must provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured on that policy. Certificate of Use shall not be issued until the insurance certificate is provided.
4. The zoning enforcement officer shall be empowered to notify the permittee of a portable sign that their permit has been revoked if it is found that any of the terms or requirements of this section are not met. The Town is entitled to remove a sign which violates the regulations, and said signs shall not be returned or be located unless all violations are remedied. The Town may charge a pick-up fee in addition to any fines associated with said enforcement.
5. The Town reserves the right, acting through the general manager or a designee, to prohibit the use of portable signs at any time because of anticipated or actual problems or conflicts in the use of a sidewalk area. These situations include but are not limited to festivals, parades, road races, repairs to the street or sidewalk, or hazardous weather conditions or other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the prohibition is in effect, but failure to give notice shall not affect the right of the Town to prohibit portable signs at any time.
6. Any permittee aggrieved by any action of the zoning enforcement officer shall have a right to appeal the Zoning Board of Appeals as set forth in Article V, Section 5 of these regulations. Any sign subject to an enforcement action must be removed from the sidewalk until the appeal is decided.

13.07 Signs Permitted in Industrial Zones¹⁷

- 13.07.01 One wall, marquee or projecting sign not exceeding 100 sq.ft. Signs may be internally illuminated or directly illuminated.
- 13.07.02 One construction sign not exceeding 200 sq.ft. to advertise a building project. Subcontractors may each display one sign not exceeding 32 sq.ft. Signs may be internally illuminated or directly illuminated.
- 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.
- 13.07.03 One free standing identification sign not exceeding 200 sq.ft. Signs may be internally illuminated or directly illuminated.
- 13.07.04 One nameplate sign not exceeding six sq.ft. for each establishment. Signs may be internally illuminated or directly illuminated.
- 13.07.05 One real estate sign not exceeding 32 sq.ft. for each property offered for sale. Real estate signs shall not be displayed after the property has been sold. No artificial illumination is permitted for real estate signs.
- 13.07.06 Free standing directional signs containing advertising may be utilized to provide direction to the motorist. Such signs shall not exceed 3 square feet in area, and any logo or other advertising on such sign shall not exceed one-third of the area of the sign.
- 13.07.07 Public warning sign - the director of neighborhood services and economic development¹⁸ may grant permission (without public hearing) for the erection of public warning signs of a size, location, construction and lighting deemed by him appropriate for the purpose.
- 13.07.08¹⁹ Public interest sign – the temporary display of public interest signs for a period not to exceed three weeks in locations deemed appropriate for the purpose by the director of neighborhood services and economic development. All such signs must be removed three weeks after erection.

13.08²⁰ Signs Permitted in Off-street Parking Zones

An identification sign only may be erected in off-street parking zones with a sign area at a ratio of 16 square feet for each acre of zoned area.

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¹⁷ Rev 4/15/02, effective 5/11/02

¹⁸ Rev 5/21/05, effective 4/8/05

¹⁹ Rev. 5/21/05, effective 4/8/05

²⁰ Rev 5/21/05, effective 4/8/05

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 14 THE KEEPING OF HORSES¹

- 14.00 In any zoning district where the keeping of horses is permitted, the keeping shall be in conformance with this regulation and any pertaining state or local regulation or ordinance.
- 14.01 Residential Lots
- 14.01.01 The keeping of horses on a residential lot shall be restricted to the rear yard of the premises and for the private use of the resident only. No horses shall be kept for gain, direct or indirect.
- 14.01.02 The minimum area of a rear yard used for the keeping of horses shall be a half acre for each horse kept.
- 14.01.03 Stabling of horses shall be an accessory use to the keeping of horses.
- 14.01.04 The use of trailers for stabling purposes is prohibited.
- 14.01.05 No stable or feed trough shall be within 50 feet of a residential dwelling on abutting premises or within 60 feet from the building line of any abutting undeveloped lot.
- 14.01.06 Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- 14.01.07 There shall be no open or outside storage of feed or bedding material.
- 14.01.08 Trailers for horse conveyance shall not be parked in the front or side yards of the premises.
- 14.01.09 All rear yards used for the keeping of horses shall be completely and adequately fenced to confine the animals to the rear yard.
- 14.02 Unsubdivided Lands
- 14.02.01 Private use - The keeping of horses on unsubdivided and undeveloped land shall be subject to the following requirements:

¹ Adopted 12/16/74; effective 01/01/75

- (a) The minimum area of any lot, parcel or paddock which is used for the keeping of horses shall be a half-acre for each horse kept.
- (b) No stable or feed trough shall be within 60 feet of a residential lot line.
- (c) Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- (d) There shall be no open or outside storage of feed or bedding material.
- (e) All lots, parcels or paddocks shall be completely and adequately fenced to confine the horse or horses to the lot, parcel or paddock.

14.02.02 Commercial uses - Commercial uses shall be restricted to:

- Riding academies
- Livery stables
- Breeding

and shall be subject to the following:

- (a) The minimum area for commercial uses shall be three acres and there shall be one half-acre for each horse permanently kept on the site.
- (b) No building shall be within a distance of 200 feet from a residential dwelling, or 100 feet from a public highway.
- (c) Stable manure shall not be allowed to accumulate or cause a health hazard from any cause.
- (d) There shall be no outside storage of feed or bedding material.
- (e) All paddocks shall be securely fenced to confine animals to the paddock, and all gates shall be self-closing.
- (f) Automobile parking areas shall be provided on the site sufficient to accommodate all visitors.
- (g) No automobiles shall be parked within a distance of 100 feet from a residential dwelling.
- (h) The entrance point of all uses shall be no closer than 200 feet to a residential lot or residential dwelling unless said lot or dwelling is owned by the operator of the commercial use.

- (i) Public address systems shall be modulated so that noise shall not become a nuisance to adjacent residential occupants.
- (j) All flood lighting and all other types of lighting which are intended to illuminate the areas of use shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (k) Toilet facilities shall be provided as required and approved by the director of health.

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ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 15 MORATORIUM¹

15.00 Purpose

The Town of Manchester Planning and Zoning Commission (PZC) has determined that a review of its commercial zoning regulations as they pertain to adult oriented businesses is necessary to ensure that the regulations are adequately protecting the health, safety, and welfare of its residents and protecting and conserving property values in the community. The PZC further finds that a temporary limited moratorium is necessary to provide time for the PZC to study pertinent law and conduct research on possible zoning provisions, and to consider drafting zoning regulations for such adult oriented businesses.

15.01 Definitions

For the purposes of this section, the following businesses, establishments, or uses are considered adult oriented businesses and are subject to the moratorium:

- (a) Adult Bookstore: an establishment having a substantial or significant portion (more than 25%) of its stock and trade in books, films, video cassettes, or magazines and other periodical which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas and in conjunction therewith has facilities for presentation of adult material, as defined herein, and including adult-oriented films, movies, or live entertainment for observation by patrons therein.
- (b) Adult Cabaret: an establishment such as but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of sexual anatomical areas or by sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or relating to sexual activities or sexual anatomical areas for observation by patrons therein.
- (c) Adult Entertainment: any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of sexual anatomical areas, removal of articles of clothing or appearing

¹ New 3/16/06, effective 3/18/06

unclothed, pantomime, modeling or any other personal services offered to customers.

- (d) Adult Material: Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas as defined herein.
- (e) Adult Motion Picture Theater: an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or sexual anatomical areas, as defined herein, for observation by patrons therein.
- (f) Adult Oriented Establishment: shall include, without limitation, adult bookstores and adult motion picture theaters, and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures; adult cabaret, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.
- (g) Sex Shop: an establishment offering goods for sale or rent and that meets any of the following: The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; More than 5 percent of its stock in trade consists of sexually oriented toys or novelties; and more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

15.02 Applicability

During the moratorium period, no applications for certificates of zoning compliance for adult oriented businesses as required under Article II, Section 9.02 and/or Article V, Section 4.01, or building permits for adult oriented businesses as required in Article II, Section 9.03, shall be accepted or issued.

15.03 Effective Date

The moratorium shall take effect on March 18, 2006 upon publication of the legal notice of the adoption of this amendment and the filing of the amendment in the Town Clerk's office, and shall be in effect for a six-month period from the effective date.

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ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 16 CARNIVALS AND CIRCUSES

- 16.01 Nothing in these regulations shall prevent a civic, fraternal, religious, educational, charitable or similar nonprofit organization to conduct or cause to be conducted a performance, show or exhibition commonly known as a carnival or circus the proceeds of which are for the benefit of said organization or for the benefit of a similar organization, as limited herein, and provided that said organization shall first obtain a special exception in accordance with paragraph 16.02 of this section.
- 16.01.01 Any such organization shall be limited to conducting or causing to be conducted only one such carnival or circus in any one calendar year.
- 16.01.02 Such carnivals or circuses shall be conducted at any location only once in any one calendar year and then for a single period not to exceed seven (7) days.
- 16.01.03 All general illumination lighting fixtures (including, but not limited to, flood lighting and spot lighting but not including illuminated signs or decorative lighting on amusement rides) shall be shielded so that the filament or light source is not visible off the approved site.
- 16.01.04 Adequate parking shall be provided, either on site or within a reasonable distance of the site, to ensure that the conducting of such carnival or circus will not cause congestion in the streets.
- 16.02 The Zoning Board of Appeals may, after a public hearing, grant a special exception to any organization described in Section 16.01 herein to hold an event as described and limited in Section 16.01 herein.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 18 ADULT DAY CARE CENTER

18.01 Adult Day Care Center¹

- 18.01.01 The Zoning Board of Appeals may, after a public hearing, and subject to appropriate safeguards in harmony with the general purpose of these regulations, grant a permit for an adult day care center, subject to the following conditions:
- (a) If in an existing residential building, the residential appearance of the building shall be preserved and no structural changes to the exterior shall be made except to provide suitable means of egress and handicap accessibility.
 - (b) If new construction, the Schedule of Area, Height and Bulk of Buildings and Structures for the applicable zone shall be followed. (See Article VII, Section 1). The design of the building shall be compatible with the design of adjacent residential dwellings and not detrimental to property values.
 - (c) The site shall be determined by the Board to be a suitable location for adult day care use including the availability of public water and sewer, the condition of traffic in the streets, the character of the neighborhood, etc.
 - (d) Vehicle parking shall be provided in accordance with Article IV, Section 9.
 - (e) A minimum outdoor passive recreation area of 50 square feet per enrollee shall be provided on site unless greater requirements are imposed by the regulations of any other applicable governmental agency.
 - (f) In residential zones, no advertising or signs shall be maintained on the premises where such a facility is located, or be attached to or painted on the building in which such a facility is located. In business and industrial zones, signs shall be allowed in accordance with the requirements set forth in Article IV, Section 13.

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¹ Rev 12/04/89

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 19 WIRELESS TELECOMMUNICATIONS FACILITIES¹

19.01² The intent of this proposed regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Manchester while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. This regulation shall apply to such wireless telecommunications facilities regulated by the Town of Manchester and may be used to provide guidance for those proposing or reviewing wireless telecommunications facilities regulated by the State of Connecticut Siting Council or other agencies. More specifically this regulation has been developed in order to:

Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;

Encourage providers to co-locate their facilities on a single facility;

Site facilities below visually prominent ridge lines;

Minimize the location of facilities in visually sensitive areas;

Encourage creative design measures to camouflage facilities;

Protect historic and residential areas from potential adverse impacts of communication towers;

Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Avoid interference with existing natural scenic vistas.

19.02 DEFINITIONS: For the purpose of applying the provisions of this section the terms below shall be defined as follows:

ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

CO-LOCATION means locating wireless communication facilities of more than one provider on a single site.

¹ New 10/20/97, effective 11/11/97

² Rev 11/03/03, effective 11/28/03

WIRELESS TELECOMMUNICATION SERVICES means licensed communications including, but not necessarily limited to, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

HEIGHT OF TOWER means the vertical distance measured in feet from the average existing ground elevation surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of the application. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

TOWER means a structure that is specifically intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

19.03 Location Preferences. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in paragraphs 1 through 5 below, in order of preference.

1. On existing structures such as buildings, water towers, utility poles, and existing or previously approved towers.
2. On new towers less than 60 feet in height located in commercial or industrial zones or on municipal property.
3. On new towers less than 60 feet in height located in residential zones or residential land use type areas in the CUD zone.
4. On new towers 60 feet or greater in height located in commercial and industrial zones or on municipal property.
5. On new towers 60 feet or greater in height located in residential zones or residential land use type areas in the CUD zone.

19.04 Permitted Uses.

1. In all zoning districts except off street parking wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the existing principal or accessory buildings are permitted subject to the requirements in Sections 19.06 and 19.07 and site plan review requirements of Section 19.08 and provided the following standards are met:

- a. No changes are made to the height of such structure.
- b. No panel antenna shall exceed 72 inches in height and 24 inches in width.
- c. No dish antenna shall exceed 48 inches in diameter.

2. In the Historic Zone, and in land use areas VII and VIII of the CUD zone, wireless communications sites where the antenna is mounted to an existing multi-family building are permitted subject to the requirements of Sections 19.06 and 19.07 and site plan review requirements of Section 19.08 and provided the following standards are met:

- a. No changes are made to the height of such structure.
- b. No panel antenna shall exceed 72 inches in height and 24 inches in width.
- c. No dish antenna shall exceed 48 inches in diameter.
- d. Equipment boxes shall be installed within buildings or roof mounted.

3. In all zoning districts except off street parking, wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings provided the following standards are met:

- a. No changes are made to the height of such structure.
- b. No panel antenna shall exceed 72 inches in height and 24 inches in width.
- c. No dish antenna shall exceed 48 inches in diameter.

19.05 Special Exception Uses. The following uses shall be permitted by special exception only subject to the requirements in Section 19.06 and 19.07 and the site plan review requirements of Section 19.08:

In all business zoning districts, except the Central Business District and in Industrial, Rural Residence, and CUD zone other than in land use types areas VII and VIII, wireless telecommunication sites not otherwise permitted in Section

19.04. Any proposed new construction of a tower shall be required to provide for co-location of telecommunication services. The applicant shall be required to submit to the Commission, in a form satisfactory to it, evidence that it is bound to share antenna space with other telecommunications providers. This may take the form of an affidavit, caveat, declaration of covenants, etc. on the land records once approved by the Commission.

19.06 General Requirements

- 1.A applications for any commercial telecommunications service facility shall be made by a licensed carrier only.
- 2.No wireless telecommunication tower site shall be located within 200 feet of a residence.
- 3.No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of an approved historic district.
- 4.No lights shall be mounted on proposed towers unless otherwise required by the Federal Aviation Administration (FAA). Strobe lighting shall be permitted only where required by applicable regulations.
- 5.Towers not requiring special FAA painting or markings shall be non-contrasting blue, grey or black or another color consistent with their proposed camouflaging.³
- 6.Towers, antennas and equipment boxes may not be used to exhibit advertising or any signage other than a public warning sign.
- 7.All towers shall be monopole design unless otherwise approved by the Commission.
- 8.Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 150 feet in height or for at least one additional comparable antenna if the tower is 150 feet in height or under. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- 9.The Commission may require that towers, antennas, antenna mounts, equipment buildings/boxes and telecommunication structures be of such design and material so that they are camouflaged.

³ Rev. 11/03/03, effective 11/28/03

10. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
11. Each telecommunications facility site shall be provided with a paved driveway and parking space for at least one vehicle in accordance with Article IV, Section 9.
12. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
13. The design of all wireless telecommunication sites shall comply with the standards promulgated by the Federal Communications Commission (FCC) for non-ionizing electromagnetic emissions. In the absence of such standards sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields. Approved tower owners shall submit an annual report detailing the maximum current measurement and future projection of the measurement of radio frequency emissions.
14. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
15. All generators installed in conjunction with any wireless telecommunication site shall comply with all State and local noise regulations.
16. All towers shall be fenced and all accompanying equipment buildings or boxes shall be screened and fenced to minimize visual intrusion as approved by the Manchester Planning and Zoning Commission as part of the site plan review.

19.07

Height and Area Requirements

1. Lot Size. Wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
2. Height. The maximum height of a tower proposed under this regulation shall be 175 feet including the antenna and all other appurtenances.

The maximum height of any roof top mounted equipment building or box shall be 15 feet.

3. Setbacks

- a. All freestanding monopole or other towers shall comply with the minimum property line setbacks except that in no cases shall a monopole or tower be constructed so that it is set back from the property line less than a distance equal to the height of the tower.
- b. All equipment buildings/boxes or equipment areas, including areas devoted to parking, screening and equipment shall comply with the following minimum property line setbacks:

Front Yard or Side Yard Along a Street - Same as for a principal building in the underlying zone.

Rear and Side Yards - 20 feet.

- c. All applications shall comply with any applicable requirements of Article II, Section 19 with respect to flood hazard areas.

19.08

Site Plan Requirements. For all proposals to develop a wireless telecommunication site as a permitted use or special exception the following information shall be submitted in accordance with each particular application where applicable.

1. Permitted Use:

- a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure. Plans shall be at a scale of not less than 1" = 40'.
- b. Details of all proposed antenna and mounting equipment including size and color.
- c. Elevations of all proposed shielding and details of materials including color.
- d. An elevation of all proposed equipment buildings or boxes and details of proposed screening and enclosures including materials and colors.
- e. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.

- f. A report from a licensed professional engineer registered in the State of Connecticut indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 19.06.13 of this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications. Such report shall include a description of the maximum power density with all channels operating at highest wattages for all existing and proposed emissions and ambient levels at the site. Modeling shall be performed at the fence line.
 - g. An analysis of the fall zone for the proposed tower prepared by a licensed professional engineer registered in the State of Connecticut.
 - h. All applications shall include proof that either the applicant or co-applicant holds bona fide license from the FCC to provide the telecommunication services that the proposed tower is designed to support.
 - i. A map prepared depicting the extent of the provider's planned coverage within the Town of Manchester and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site and all existing towers and structures over a height of 50 feet within the planned coverage area.⁴
 - j. The applicant shall demonstrate need for the network as proposed and shall describe feasibility of alternative facility locations including existing towers and structures and tower heights.
 - k. For proposed tower installations, all plans shall be certified by a licensed professional engineer registered in the State of Connecticut that the site's soils are acceptable for this use and that the site can be adequately drained.
2. Special Exception Use:
- a. All of the plans and information required for Permitted Uses in the previous subsection.
 - b. Upon request of the Commission the applicant shall provide a graphic representation of the proposed installation in relation to the site and its vicinity in order to help the Commission ascertain the visual impacts associated with such proposal. Such representation may include computer simulation, enhanced photographs or architectural drawings or renderings.

⁴ Rev. 11/03/03, effective 11/28/03

- c. For towers located in or within 1,000 feet of an RR, RAA, RA, RB, RC, PRD or Historic zone or land use types VII or VIII in the CUD zone, the applicant shall provide an analysis showing all areas from which the tower would be visible.

19.09 Factors Upon Which Special Exception Decisions of the Commission Shall Be Based

In order to approve applications for wireless telecommunication sites, the Commission shall also find:

1. In the event a wireless telecommunication site is proposed to be located on, or within 1,000 feet of a property designated on the national Historic Register that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
2. In the event where an application for the proposed location of a wireless telecommunication site is not a preference 1 or 2 location the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:
 - a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed professional engineer registered in the State of Connecticut and that the interference cannot be prevented or eliminated at a reasonable cost.
 - b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed professional engineer registered in the State of Connecticut and that such deficiencies cannot be eliminated at a reasonable cost.
 - c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed professional engineer registered in the State of Connecticut and that the interference cannot be prevented or eliminated at a reasonable cost.
 - d. Any restriction or limitation imposed by the FCC.

- 19.10 Abandonment. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or

discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

In the event that a licensed carrier fails to give such notice, the facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuance of use, the carrier shall physically remove the facility within 90 days from the date of abandonment. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.

19.11⁵ Matrix of Type of Telecommunications Facilities as Permitted Uses or by Special Exception by Zoning District (This listing pertains only to those telecommunications facilities under the regulatory jurisdiction of the Town of Manchester PZC.)

<u>ZONE</u>	<u>ALLOWED AS PERMITTED USE</u>	<u>ALLOWED BY SPECIAL EXCEPTION</u>
RR	A/B, A/S	NT
RAA	A/B, A/S	
RA	A/B, A/S	
RB	A/B, A/S	
RC	A/B, A/S	
PRD	A/B, A/S	
CUD - land use types VII, VIII	A/B, A/MF, A/S	
CUD - all other land use types	A/B, A/S	NT
HIST	A/B, A/MF, A/S	
BI	A/B, A/S	NT
BII	A/B, A/S	NT
BIII	A/B, A/S	NT
BV	A/B, A/S	NT
CBD	A/B, A/S	
Off Street Parking	No	No
Industrial	A/B, A/S	NT

A/B = antennas located on existing nonresidential buildings together with associated equipment located within or on the roof of the principal or accessory building

⁵ Rev 11/03/03, effective 11/28/03

A/MF =an tennas mounted on an existing multi-family building together with associated equipment located within or on the roof of the principal or accessory building

A/S =an tennas mounted on an existing structure other than a building

NT =ne w tower and associated equipment and facilities

No =no facilities permitted

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ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 20 SPECIAL EXCEPTION CRITERIA &
APPLICATION REQUIREMENTS¹

20.01 Special Exception Criteria

20.01.01 The Planning and Zoning Commission or the Zoning Board of Appeals, in acting upon any application for a special exception shall, after a public hearing,² determine compliance with the conditions in the following paragraphs. The Commission or the Board may attach reasonable conditions of approval to special exception applications, to include necessary off site improvements, to insure compliance with the criteria of this Section.

- (a) Suitable Location for Use. That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area, compatible with other existing uses, and, if applicable, further the goals and objectives of the Plan of Conservation and Development.
- (b) Suitable Structures for Use. That the kind, size, location and height of structure and the nature and extent of landscaping on the lot are appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
- (c) Neighborhood Compatibility. That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood. In determining neighborhood compatibility, the Commission /Board may refer to the Design Review Guidelines contained in the Rules of Procedure for the Planning and Zoning Commission/Zoning Board of Appeals.
- (d) Adequate Parking and Access. That the parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.
- (e) Adequate Streets for Use. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use, and the proposed use will not impede the implementation of the Transportation and Circulation recommendations of the Plan of Conservation and Development.

¹ Adopted 05/17/99, effective 06/07/99

² Adopted 12/04/00, effective 12/22/00

- (f) Adequate Emergency Access. That the proposed use and or site shall have proper accessibility for fire apparatus and police protection, and is laid out and equipped to further the provision of emergency services.
- (g) Adequate Public Utilities. That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
- (h) Environmental Protection and Conservation. That the proposed plans have provided for the reasonable conservation of natural features to include the preservation of specimen trees, the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

³To ensure that the proposed plans provide for the reasonable conservation of natural features or environmentally sensitive areas, the applicant may propose, or the Commission may require as a condition to approval of the plan, a Restrictive Conservation Easement (RCE) as a way to conserve the natural features or environmentally sensitive area in question. The RCE may be established to:

- (1) preserve, protect, and/or provide for recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms, or any other natural features, as well as scenic or historic resources;
- (2) supplement existing open space and/or recreational areas, as well as any other existing condition in (a) above;
- (3) promote the development of land in a way that is sensitive to the environment;
- (4) promote the development of land in a way that is compatible with surrounding areas;
- (5) preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion, and water pollution;
- (6) control the extent to which steep slopes and problem soils are utilized for roadways, sewage disposal systems and other aspects of development;

³ Rev 04/01/02, effective 04/23/02

(7) meet the objectives and goals of the Town Plan of Conservation and Development.

- (i) Consistent with Purposes. That the proposed use will not have any detrimental effects upon the public health, safety, welfare, or property values, and that the proposed use will not conflict with the purposes of the Regulations.

20.01.02⁴ Applications for special exception uses shall include plans and information sufficient to show compliance with the requirements set forth in this section. Plans and information to be submitted for initial applications for special exception approval shall include all of the following. For special exception modifications, plans and information to be submitted shall include all of the following necessary to fully evaluate the proposed changes as determined by the Director of Neighborhood Services and Economic Development.

- (a) Site Information and Engineering Plan - a plan having a scale of not less than 1" = 40' showing:
1. An accurate boundary description of the site prepared by a registered land surveyor;
 2. Existing topographic and geographic features including contour lines at five foot intervals;
 3. Major topographic features (including wooded and open areas, slopes greater than 15%, and inland wetlands and watercourses).
 4. Existing structures, easements, roads and rights-of-way;
 5. Proposed grading and contours at two foot intervals;
 6. Proposed storm water drainage design and details;
 7. Sanitary sewer and water mains and services indicating size, materials and connection points to existing systems and plans and profiles at 1" = 40' horizontal and 1" = 4' vertical;
 8. Hydrant locations, existing and proposed;
 9. Trash collection facilities; and
 10. Roadway, driveway, pedestrian walkway, and parking area locations and details. Plans should show connection of roads and driveways within the site to the existing public road system and with abutting property.
- (b) Location Plan - a plan having a scale of not less than 1" = 40', showing:
1. location of all principal buildings and accessory structures;
 2. roadway and driveway layout with proposed names;
 3. vehicle parking areas with number of spaces;
 4. landscaping with plant types, sizes and quantities; and

⁴ Rev 11/03/03, effective 11/28/03

5. a table of ratios indicating parking, floor area ratios, distance between buildings and lot lines, the distance between buildings, building heights, total landscaped area and parking lot landscaped area.
- (c) Building Plan - a plan indicating:
 1. Floor plan for each building calling out floor areas in square feet;
 2. Exterior building elevations identifying the building finish materials and colors.
 - (d) Photographs or a table indicating building height and roof style of all buildings on abutting properties.
 - (e) A report regarding existing traffic conditions and information on traffic generated by development of the proposed plan and impacts on the road system. For drive through facilities traffic impact analyses shall describe peak hours of operation, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service on adjacent streets.
 - (f) The proposed general system of utilities (including domestic water supply, fire protection, storm water drainage, and sanitary sewer with the size, materials and points of connection to existing systems indicated). A statement on the projected impact of the project on public water supply, drainage and sanitary sewer systems. The proposed location of major storm drainage culverts and drainage basins serving the site shall be indicated.

A storm water management report as required in the "Town of Manchester Public Improvement Standards" shall also be submitted. All developments shall meet the applicable provisions of the "Town of Manchester Public Improvement Standards".
 - (g) The proposed Restrictive Conservation Easement agreement if an RCE is proposed by the applicant.
 - (h) Such other relevant information as the applicant may wish to submit or the Commission may require.

ARTICLE IV GENERAL PROVISIONS

ARTICLE IV Section 21 LIVE/WORK QUARTERS¹

21.00 Purpose

Live/work quarters are intended to provide opportunities for artists and certain business people to live and work in an integrated space. Live/work quarters are intended to be permitted in buildings and locations which will add to the vitality and desirability of such buildings and locations, and improve the residential and economic condition of those areas.

21.02 Definitions

For the purpose of applying the provisions of this section the terms below will be defined as follows:

Live/work quarters: A contiguous integrated space comprising a dwelling unit and work space occupied by an individual or family.

Artist live/work: Live/work quarters occupied by artists and craft persons who are skilled and engaged in one or more art forms including but not limited to visual arts such as painting, photography, and printing, and video and films; music; pottery; carving; jewelry; sculpture; or performing arts such as singing and acting.

Commercial live/work quarters: Live/work quarters occupied by persons who are engaged in business services including but not limited to management or business consulting; research and analysis; secretarial services; software development; architecture; marketing services; or wholesale or retail trade activities which do not involve more than sample stock in trade on the premises.

21.03 Development review standards

21.03.01 Live/work quarters shall meet the minimum dwelling unit sizes for the zoning districts where they are located and permitted.

21.03.02 Residential and work spaces shall be contiguous and integrated in floor plan, and there shall be no separate access to either space unless separate access is required by building, fire or health codes.

21.03.03 Live/work quarters shall contain full kitchen facilities, bathing facilities, and other sanitary facilities.

21.03.04 The work space must be used by the resident occupants, and neither the residential space nor the work space shall be rented separately.

¹ Adopted 6/2/2003, effective 6/25/2003

ART. IV, Sec. 21

- 21.03.05 There shall be no more than one full-time equivalent employee other than occupants of the live/work unit and a full time equivalent shall mean someone working no more than 40 hours per week.
- 21.03.06 There will be no retail activity conducted for the general public in a live/work quarters, except to sell goods made on the premises.
- 21.03.07 No instructional activity may occur for more than four students at any one time.
- 21.03.08 In order to ensure the artist or commercial activity is consistent with other residential and/or commercial or arts uses, and to ensure public safety, the creation of art or provision of services shall not cause vibration, smoke, odors, humidity, dust or dirt, or electrical disturbance.
- 21.03.09 Each live/work quarter shall be provided with not less than two parking spaces for each live/work unit.

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ARTICLE V ADMINISTRATION AND ENFORCEMENT

ARTICLE V Section 1 INTERPRETATION

1.01 In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except for the Zoning Regulations approved September 1, 1945, and the amendments thereto, it is not intended by these regulations to repeal, amend, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinances, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or require larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by easements covenants or agreements, the provisions of these regulations shall control.

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ARTICLE V ADMINISTRATION AND ENFORCEMENT

ARTICLE V Section 2 COMPLETION OF EXISTING BUILDINGS

2.01 Nothing herein contained shall require any change in the location, construction, or designated use of a building, for which a building permit has been heretofore issued, or plans for which are on file with the building inspector, at the time of the adoption of these regulations, and the construction of which, in either case, shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six months, and which entire building shall have been completed, according to such plans as filed, within one year from date of the adoption of these regulations.

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ARTICLE V ADMINISTRATION AND ENFORCEMENT

ARTICLE V Section 3 ENFORCEMENT¹

- 3.01 All applications for Certificate of Zoning Compliance shall be accompanied by a plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the location of buildings upon the adjacent lots when necessary, the dimensions of all open spaces, the established building lines within the block and such other information as may be necessary to provide for the enforcement of these regulations.
- 3.02 These regulations shall be enforced by the appointed zoning enforcement officer who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat, in violation of any provisions of these regulations. The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed or shall exist; or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist; or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation shall have been committed or shall exist; shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues.

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¹ Rev 05/17/93

ARTICLE V ADMINISTRATION AND ENFORCEMENT

ARTICLE V Section 4 CERTIFICATE OF ZONING COMPLIANCE¹

- 4.01 No land shall be occupied or used, and no buildings hereafter erected or altered, shall be occupied or used, in whole or in part, for any purpose whatsoever on of, until a Certificate of Zoning Compliance shall have been issued by the zoning enforcement officer, stating that the premises or building complies with all provisions of the Zoning Regulations.
- 4.02 No change or extension of use, and no alterations of use or structures shall be made to a nonconforming use of premises without a Certificate of Zoning Compliance having first been issued by the zoning enforcement officer that such change, extension or alteration is in conformity with the provisions of the Zoning Regulations. A record of all certificates shall be kept on file.
- 4.03 No permit for excavation for, or the erection of, any building shall be issued before a Certificate of Zoning Compliance has been issued. No building or premises, for which a Certificate of Zoning Compliance is required, may be occupied until such Certificate shall have been issued. (Reference is made to Section 8-3(f) of the Connecticut General Statutes.)

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¹ Rev 05/17/93

ARTICLE V ADMINISTRATION AND ENFORCEMENT

ARTICLE V Section 5 ZONING BOARD OF APPEALS

- 5.01 The Zoning Board of Appeals shall have the following powers and duties:
- 5.01.01 Hear and decide appeals where it is alleged there is error in any order, requirements, or decision made by the zoning enforcement officer in the enforcement of these regulations.¹
- 5.01.02 Where a zoning boundary line divides a lot in single ownership authorize an extension of either zoning uses into the abutting zone for a distance of not more than 25 feet from the zoning boundary line.
- 5.01.03 Adopt, from time to time, such rules and procedure as may be deemed necessary to carry into effect the provisions of these regulations.
- 5.01.04 Authorize on appeal, variances from the strict application of the provisions of these regulations to a specific lot or piece of property where, by reason or exceptional shape, exceptional topography or other exceptional situation or conditions, unusual difficulty or unreasonable hardship would result to the owners of said property; provided that relief can be granted without impairment of the integrity of these regulations and without substantial detriment to the public welfare. Before any variance is granted, it shall be shown that special circumstances attach to the property, which do not generally apply to other property in the same neighborhood.
- 5.01.05 To hear and decide all matters including special exceptions upon which it is required to pass the specific terms of the Zoning Regulations.
- 5.01.06 All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these regulations. In addition to this general rule of guidance, and to particular requirements, hereinbefore specified in these regulations, no permit for special exceptions shall be issued by the board unless it finds in each case that the proposed building or structure of the proposed use of land:
- (a) Will not create or aggravate a traffic hazard, fire hazard, or panic hazard.
 - (b) Will not block or hamper the town pattern of highway circulation.
 - (c) Will not tend to depreciate the value of property in the neighborhood, or its residences, or alter the neighborhood's essential characteristics.
- 5.01.07 Every appeal taken under this section, and every application for variance, and request for special exception, shall be made on forms especially provided, which

¹ Rev. 11/03/03, effective 11/28/03

shall include all the data required by the Board. Such forms shall be filed in duplicate with the Board.

- 5.01.08 Whenever the Board grants or denies a special exception or variance or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the zoning regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

No variance or special exception granted shall be effective until a certified record containing a description of the premises to which it relates, specifying the nature of such variance or special exception including the regulation which is varied or to which a special exception is granted, and stating the name of the owner of record, is recorded by the applicant in the land records of the town clerk's office.

ARTICLE VI AMENDMENTS AND VALIDITY

ARTICLE VI Section 1 CHANGES IN REGULATIONS

1.01 These regulations may, from time to time, be amended or changed or repealed, as provided in the General Statutes of the State of Connecticut and the Charter of the Town of Manchester, as amended; but no petition for a change of zone, or amendment of text of the Zoning Regulations which has been rejected after public hearing, will be heard within one year from the date of rejection, except that after four months from such rejection, the Planning and Zoning Commission may grant a hearing, if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioner.

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ARTICLE VI AMENDMENTS AND VALIDITY

ARTICLE VI Section 2 VALIDITY OF REGULATIONS

2.01 If any section, paragraph, subsection, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

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SCHEDULE OF AREA, HEIGHT & BULK OF BUILDINGS & STRUCTURES¹

ZONE	MAXIMUM HEIGHT MINIMUM LOT SIZE				MAXIMUM			MINIMUM YARDS (Feet)			
	(a) Stories	(b) Ft.	Area (Sq.Ft.)	Frontage (Ft.)	Lot Coverage	Density (houses/acre)	Front	Side	Side (Total)	Rear	
RURAL RESIDENCE	2	--	30,000	150	30%	1.3	50	15	--	30	
RESIDENCE AA & RRC	2	--	18,000	120	30%	2.0	40	15	--	30	
RESIDENCE A & aa	2	--	12,000	100	30%	3.0	25	10	--	25% of lot depth or 30 feet	
RESIDENCE B	2	--	9,000	75	35%	4.0	20	8	20	25% of lot depth or 30 feet	
RESIDENCE C	2	--	7,200	60	40%	4.8	15	10	--	25% of lot depth or 30 feet	
PRD	See Article II, Section 7 of Zoning Regulations: Planned Residential Development Zone										
EHD	See Article II, Section 20 of Zoning Regulations: Elderly Housing Development Zone										
BUSINESS I	3	40	--	--	--	--	25	15(c)	--	(c)	
BUSINESS II	3	40	--	--	--	--	15	(c)	--	(c)	
BUSINESS III	3	40	--	--	--	--	25	(c)	--	(c)	
BUSINESS V	--	60	--	--	--	--	50	25	--	30	
BUSINESS CBD	--	75	See Article IV, Section 2 for high-rise apartments				--	--	(c)	--	(c)
NEIGHBORHOOD BUSINESS	3	40	--	--	--	--	25	15	--	(c)	
GENERAL BUSINESS	3	40	--	--	--	--	25	(c)	--	(c)	
SPECIAL DESIGN COMMERCIAL	--	40	--	--	--	--	50(d)	15(d)	--	30(d)	
INDUSTRIAL	--	75	--	--	60%	--	40(c)	15(e)	--	(e)	
CUD	See Article II, Section 8 of Zoning Regulations: Comprehensive Urban Development zone										

- (a) The maximum height shall not apply to places of worship, hospitals, chimneys, flagstuffs, light poles, municipal and utility buildings or structures.
- (b) Accessory buildings and structures shall not exceed 18 feet in height unless specifically provided for in the Zoning Regulations.
- (c) See Article II, Section 9.06 when yard abuts a residential zone.
- (d) See Article II, Section 22.06.
- (e) See Article II, Section 16.06 when yard abuts a residential zone.

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¹ Revisions Adopted 3/03/2003, effective 3/26/03, revised 12/19/05