

ARTICLE I GENERAL

DRAFT

Section 2 DEFINITIONS

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

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

A¹ Accessory Use² - An accessory use shall be a use which is clearly incidental to and customarily found in connection with and clearly subordinate to the principal use including, but not limited to, parking and parking structures, signs, refuse containers, drainage and utility structures, landscaping, fences, maintenance buildings, solar energy systems, and radio or television antennae.

Accessory Structure – A subordinate structure located on the same lot as a principal building.³

Adult Bookstore:⁴ an establishment having a substantial or significant portion (more than 25%) of its stock and trade in books, films, video cassettes, or magazines and other periodicals, alone or in combination, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas and in conjunction therewith have facilities for presentation of adult material as defined herein including adult-oriented films, movies, or live entertainment for observation by patrons therein.

Adult Cabaret:⁵ 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.

¹ Rev. 10/20/86

² Rev. 01/17/18, effective 02/02/18

³ Rev. 01/07/13, effective 01/28/13

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

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

Adult Entertainment:⁶ any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of sexual anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Adult Material:⁷ Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas as defined herein.

Adult Motion Picture Theater:⁸ an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or sexual anatomical areas, as defined herein, for observation by patrons therein.

Adult Oriented Establishment:⁹ shall include, without limitation, adult bookstores, adult cabarets, adult motion picture theaters, sex shops, and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Agriculture: see [CGS 1-1\(q\)](#).

Agri-Tourism: [an activity intended to attract visitors to a farm that members of the general public or special interest groups are allowed to view or participate in, for recreational, entertainment, or educational purposes including, but not limited to, farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.](#)

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

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

⁸ Adopted 9/6/2006, effective 9/14/2006

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

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

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

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

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

Aquaculture¹⁰ – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics¹¹ – The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

Attached Individual Dwelling Units - A dwelling unit intended for occupancy by a single-family, attached to two or more such dwelling units by one or two common vertical walls. "Vertical wall" shall include "common dividing wall".¹²

Awning¹³ – A protective, roof-like covering, as over a window or storefront.

B Banquet Hall¹⁴ – A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event

¹⁰ Adopted 01/21/15, effective 02/13/15

¹¹ Adopted 01/21/15, effective 02/13/15

¹² Rev. 3/19/85

¹³ Adopted 01/17/18, effective 02/02/18

¹⁴ Adopted 05/01/17, effective 05/17/17

or function, that is not open to the general public, whether or not a fee is charged.

Bed and Breakfast Inn¹⁵ - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

Brewery¹⁶ – A facility where beer is manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for on the premises tastings in accordance with Article IV Section 8.

Brewpub¹⁷ – A facility where beer is manufactured, stored, bottled, sold at wholesale or at retail in sealed bottles or other sealed containers for consumption off premises or sold to be consumed on the premises in a room that is ancillary to the production of beer, with or without the sale of food, and in accordance with Article IV Section 8.

Brewpub/restaurant¹⁸ – A restaurant where beer is manufactured, stored, bottled, sold to be consumed on the premises in accordance with Article IV Section 8.

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

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

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

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

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

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

¹⁵ Rev. 10/17/94, effective 11/8/94

¹⁶ Adopted 01/21/15, effective 02/13/15

¹⁷ Adopted 01/21/15, effective 02/13/15

¹⁸ Adopted 01/21/15, effective 02/13/15

- C Cemetery¹⁹ - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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

Clinic – An establishment licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions or chronic diseases or injuries where patients are not lodged overnight.²⁰

Commission shall mean the Planning and Zoning Commission of the Town of Manchester.²¹

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

Convenience Store - A retail store opened for business for extended hours with less than 3,000 square feet of floor area offering a limited selection of grocery items and other goods.²²

Convenience Store / Gas Facility - A building / lot used for the retail sale of gasoline and other automotive fuels used in conjunction with the operation of a convenience store.²³

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

Correctional Facilities – publicly or privately operated facilities housing persons awaiting trial or person serving a sentence after being found guilty of a criminal offense. Correctional facilities shall include custodial care facilities, juvenile detention facilities, and alternative incarceration centers.²⁴

County Soil and Water Conservation District means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22A-315 of the General Statutes.²⁵

¹⁹ Rev. 8/15/94

²⁰ Rev. 7/9/03, effective 7/29/03

²¹ Rev. 10/1/85

²² Adopted 5/3/99, effective 6/7/99

²³ Adopted 5/3/99, effective 6/7/99

²⁴ Adopted 7/9/03, effective 7/29/03

²⁵ Rev. 10/1/85

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

- D Day Care Center, Adult - A facility for disabled adults and the frail elderly which provides a structured program of health, social and rehabilitative services in a supportive group setting that is designed to serve adults outside their own homes on a regular basis for part of the twenty-four hours in one or more days in a week.²⁶

Day Care Center, Child - A facility licensed by the State of Connecticut²⁷ in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis for part of the twenty-four hours in one or more days of the week.²⁸

Day Care Home, Family - A private family home in which care is provided for not more than six (6) children including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. An additional three (3) school age children may be cared for before and after school hours only in the regular school year, including school vacations but excluding summer recess. The provider's own school age children are included in this count.²⁹

Day Care Home, Group - A facility licensed by the State of Connecticut³⁰ (generally within a dwelling unit) in which care is provided for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four hours in one or more days in the week.³¹

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

Developer shall mean the legal or beneficial owner or owners of land included in a development, including the holder of an option or contract to purchase, or other enforceable proprietary interests in such land. Developer shall include agents, successors and assigns.³²

²⁶ Rev. 12/4/89

²⁷ Rev. 4/19/99, effective 5/7/99

²⁸ Rev. 10/2/89

²⁹ Rev. 12/4/89

³⁰ Rev. 4/19/99, effective 5/7/99

³¹ Rev. 12/4/89

³² Rev. 10/1/85

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.³³

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.³⁴

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

E Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.³⁵

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

F³⁶ Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center³⁷ - A facility which provides training and skill development for families and children including parent education and family management classes, family literacy programs, child development training skills for parents and day care providers, and parent-child oriented training and recreational activities, and may provide referrals to other service agencies for specific needs.

Farm: A tract of land containing two (2) acres or more and used principally for agriculture, with or without an associated single-family dwelling.

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

Farm Stand: as provided in Zoning Regulations Article II, Section 1.03(n): A temporary roadside stand for sale of agricultural produce grown on the premises. Such stands shall be maintained and sales conducted only during the season of sales. Display stands shall be removed during seasons of non-sales.

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

³³ Rev. 10/1/85

³⁴ Rev. 10/1/85

³⁵ Rev. 10/1/85

³⁶ Rev. 5/15/00 (deleted floor area definition)

³⁷ Rev. 9/3/97, effective 9/23/97

Farmers' Market: Connecticut General Statutes Section 22-6r defines a "Farmers' Market" as "a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income."

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

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

- G Go-kart – A small, light, low-slung, four-wheeled vehicle, powered by a gasoline or an electric engine, used for racing or recreation.³⁸

Go-kart Track – A closed, paved racetrack for go-karts.³⁹

Grading means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.⁴⁰

Gross Floor Area -gross area of floors within the exterior perimeter of the outside walls of the building without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. The term floor area, when found in these regulations, shall have the same definition as gross floor area.⁴¹

Gross Leasable Floor Area - The area of a building measured from the exterior perimeter of the outside walls exclusive of common areas of the building such as hallways, vestibules, restrooms, elevators, stairs, mechanical rooms, storage areas, and cafeterias primarily for use by employees.⁴²

Group Dwelling - Buildings or building containing family dwelling units, each building containing not less than three and not more than eight dwelling units designed and built in accordance with the group dwelling regulations in

³⁸ Adopted 3/6/17, effective 3/23/17

³⁹ Adopted 3/6/17, effective 3/23/17

⁴⁰ Rev. 10/1/85

⁴¹ Rev. 5/15/00, effective 6/3/00

⁴² Rev. 5/15/00, effective 6/3/00

effect at the time of construction. Group dwellings shall include garden apartments, town houses and row housing.⁴³

H⁴⁴ Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.⁴⁵

Heavy Industrial⁴⁶: The manufacturing or processing of materials or products predominantly from extracted or raw materials, or the manufacturing or processing of materials or products which can reasonably be expected to pose significant risks to public safety, to the quality of life on neighboring properties, or to the clean air and waters of the State of Connecticut; including, but not limited to, the use or involvement of explosives, radioactive materials, poisons or pesticides or similar hazardous materials on the premises, or the emission of smoke, noise, or airborne particles.

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

Home-Conducted Occupation - Quasi-business uses of a type and magnitude which render them incidental to the primary residential use, carried on entirely within the confines of the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.⁴⁷

Horticulture⁴⁸ - The cultivation of plants for commercial purposes.

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

Hydroponics⁴⁹ – A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool.

⁴³ Rev. 5/15/00, effective 6/3/00

⁴⁴ Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)

⁴⁵ Adopted 7/9/03, effective 7/29/03

⁴⁶ Adopted 3/1/04, effective 3/20/04

⁴⁷ Rev. 07/18/16, effective 08/10/16

⁴⁸ Adopted 3/16/15, effective 4/1/15

- I Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.⁵⁰

Inn⁵¹ – A building in which guest rooms are used to provide overnight accommodations to guests for compensation, which may include accessory uses such as serving of meals, conference facilities and indoor and /or outdoor event facilities for guests and patrons.

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

- J Job Printing - Printing operations occupying 20,000 square feet or more of gross floor area.⁵²

- L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.⁵³

Light Industrial⁵⁴ - Uses to include research and development, assembling, testing, and similar processes predominately from previously processed materials or finished products or parts providing all activity of the industry shall be totally contained within a structure or structures, excluding loading facilities.⁵⁵

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

Lot - A parcel of land to be occupied by one principal building or by a group of principal buildings and the accessory buildings or uses incident thereto, including such open spaces as are required by these regulations and such open spaces as are used in connection with the buildings. A lot may or may not be the land shown as a lot on a duly recorded plan. A parcel of land conveyed as part of a "Unit" under the Common Interest Ownership Act, Chapter 828 of the General Statutes of the State of Connecticut, as defined in Section 47-202 (31) thereof, shall not constitute a lot within the meaning of these regulations.⁵⁶

Lot Frontage shall mean:

⁴⁹ Adopted 01/21/15, effective 02/13/15

⁵⁰ Rev. 10/1/85

⁵¹ Adopted 5/2/16, effective 5/18/16

⁵² Adopted 5/3/99, effective 6/7/99

⁵³ Adopted 3/2/15, effective 3/20/15

⁵⁴ Revised 3/1/04, effective 3/20/04

⁵⁵ Adopted 5/3/99, effective 6/7/99

⁵⁶ Rev. 10/20/86

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- (1) The length of a lot line which abuts a street, or
- (2) the length of a line drawn across a lot parallel to the street lot line at the required front yard depth when such method of determination is approved by the Commission for the specific lot.⁵⁷
- M Major Automobile Repair⁵⁸ – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.
- Memorial Garden⁵⁹ - Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features which may be incorporated into that use (walls, fountains, mounds, columbaria, etc.).
- Minor Automobile Repair⁶⁰ – Incidental body and fender work, battery replacement, small part change, tire repair, brake servicing, touch-up painting, oil changing, lubrication, engine tune-up, radio replacement, detailing, and similar services to passenger automobiles and trucks not exceeding one ton capacity.
- Motel - A hotel designed to accommodate the traveling public, usually with large areas for the parking of automobiles.
- N Nonconforming Use - A use legally existing at the time of the adoption of these regulations or their amendment, which does not comply with the requirements of the zone in which such use is located.
- Nursery School - As used in these regulations, the term "nursery school" shall be included within the definitions of child care center, group day care home and family day care home depending upon the number of children to be enrolled in the nursery school.⁶¹
- O Outdoor Entertainment - Provision of entertainment for the pleasure of patrons outdoors or in partially enclosed or screened facilities in conjunction with a permitted principal use on the property. Such entertainment includes but is not limited to vocal and/or instrumental music, dancing, karaoke, motion pictures, theater, comedy and acting. Outdoor entertainment shall exclude the provision of adult entertainment, adult motion pictures and any display of adult material.⁶²

⁵⁷ Rev. 8/7/78

⁵⁸ Rev. 3/3/08, effective 3/22/08

⁵⁹ Rev. 8/15/94

⁶⁰ Rev. 3/3/08, effective 3/22/08

⁶¹ Rev. 12/4/89

⁶² Adopted 02/13/17, effective 03/01/17

- P Pawn Shop: - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, or loans or advances money on personal property deposited as security thereon, and takes and receives such personal property. This definition shall not apply if such properties deposited with a lender and shall not apply to loans made upon stock, bonds, notes or other written or printed evidence of ownership of property or indebtedness to the holder or owner of such securities.⁶³

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

Personal Service - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.⁶⁴

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

Places of Worship - A building or buildings where people regularly assemble for religious worship, services, meetings or other activities.⁶⁵

Principal Structure - A structure in which is conducted the principal use of the lot on which it is located.⁶⁶

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

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

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

Restaurant - An establishment that serves food and beverages primarily to persons seated within the building or in an outdoor seating area on the premises.⁶⁷

Restaurant - drive-in - An establishment where food or beverages are sold primarily for consumption by customers parked in motor vehicles on the premises, whether or not the establishment also serves customers indoors.⁶⁸

⁶³ Adopted 7/9/03, effective 7/29/03

⁶⁴ Adopted 5/3/99, effective 6/7/99

⁶⁵ Adopted 1/17/01, effective 2/6/01

⁶⁶ Adopted 01/07/13, effective 01/28/13

⁶⁷ Rev. 5/17/93

Restrictive Conservation Easement (RCE)⁶⁹ - a limitation in the form of an easement agreement executed by or on behalf of the owner of the land, water, or wetland (the Land) described in the RCE in favor of the Town of Manchester or its agent. The fee simple interest in the Land contained in the RCE area shall remain with the owner of Land, subject to the RCE in favor of the Town. The purpose of the RCE is to retain such land, water or wetland areas predominately in their natural, scenic, or open condition or in their agricultural, farming, forest, or open space use, and to ensure the long term protection and preservation of these areas.

Retail Sales - Establishments engaged in selling goods or merchandise to the general public primarily for personal or household consumption and rendering services incidental to the sale of such goods.⁷⁰

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

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

Seasonal Vestibule:⁷¹ A temporary exterior passage, hall or room adjacent to a building entrance.

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.⁷²

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.⁷³

⁶⁸ Rev. 5/17/93

⁶⁹ Rev. 4/1/02, effective 4/23/02

⁷⁰ Adopted 5/3/99, effective 6/7/99

⁷¹ Adopted 2/5/18, effective 2/20/18

⁷² Rev. 10/1/85

⁷³ Adopted 5/3/99, effective 6/7/99

Sex Shop:⁷⁴ an establishment offering goods for sale or rent and that meets any of the following: (i) The establishment offers for sale or rent items from any two or more of the following categories: (1) adult media including printed books, magazines, video cassettes, DVD's or similar material, (2) lingerie, or (3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; (ii) More than 5 percent of its stock in trade consists of sexually oriented toys or novelties; (iii) and more than 5 percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

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

Shopping Mall - A building or group of buildings having a gross floor area of 500,000 square feet or more and containing an open or enclosed common pedestrian area serving more than one commercial tenant located within the same building or groups of buildings.⁷⁵

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

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

Site – The entire lot or parcel of land, or combination of contiguous lots or parcels of land on any portion of which development is proposed or on which a building, operation or use or combination of buildings, operations or uses are located.⁷⁶

Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.⁷⁷

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.⁷⁸

⁷⁴ Adopted 9/6/2006, effective 9/14/2006

⁷⁵ Rev. 10/20/86

⁷⁶ Adopted 11/03/03, effective 11/28/03

⁷⁷ Rev. 10/1/85

Solar Energy Systems⁷⁹ - solar collection system consisting of linked series of photovoltaic modules and all components thereof, with the primary purpose to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site or to be delivered to a power grid to offset the cost of energy on-site.

Solar Energy Systems:

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

Roof-mounted - A solar energy system that includes integrated solar shingles, tiles or panels as the surface layer of the roof or awning structure with no apparent change in relief or project, or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.

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

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

Story - That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. The first story of a building shall be the lowermost story entirely above the grade plane (which is the average of finished ground level adjoining the building at all exterior walls).⁸⁰

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

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

Studio: The workshop of an artist, sculptor, photographer or craftsman.⁸¹

⁷⁸ Rev. 10/1/85

⁷⁹ Adopted 01/17/18, effective 02/02/18

⁸⁰ Rev. 5/15/78

⁸¹ Adopted 5/3/99, effective 6/7/99

Surety means a corporate surety company licensed to do business in the State of Connecticut.⁸²

- T Tattoo Parlor/Body Piercing Studio – an establishment whose principal business activity is the practice of placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in permanent coloration of the skin and/or creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.⁸³

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

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

- W Warehousing⁸⁴ - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

⁸² Rev. 10/1/85

⁸³ Adopted 7/9/03, effective 7/29/03

⁸⁴ New 10/04/06, effective 10/25/06

ARTICLE II ZONING USES

Section 2 RURAL RESIDENCE ZONES

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

2.01 Permitted Uses

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

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

Maximum building density	1.3 houses per acre
Maximum building height	35 feet
Maximum buildable area of lot	30%
* Minimum lot area	30,000 square feet
* Minimum lot frontage	150 feet
* Minimum building-line dimension	150 feet
Minimum front yard	50 feet
Minimum rear yard	30 feet
Minimum side yard	15 feet
Minimum total habitable floor area for houses	1100 sq. feet
Minimum habitable ground floor area for two-story houses	750 sq. feet

* Except as provided in 2.01.01 (a)

- (a) The minimum lot area, building line dimension and lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with Section 2.01.01 (b) and (c).
- (b) Where adverse geographical conditions or difficult site configuration exist the Commission may reduce the minimum requirements for area, building line dimension and lot frontage by amounts not to exceed 15% provided the maximum density is not increased.
- (c) In the event the Commission requires a plan of subdivision to include provisions for additional future access roads to lands not included in the subdivision, or for tracts for public utility uses or park and playground purposes, such provisions shall not cause a reduction of the permitted building density, and lot areas, building line dimensions and lot frontages may be reduced by amounts exceeding 15% so that a building density of 1.3 houses per acre is maintained.

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- 2.01.02¹ Single-family accessory uses:
- (a) Accessory uses as set forth in Article II, Section 1.03.
 - (b) The keeping of pigeons provided no pigeon house shall be within 100 feet of an abutting dwelling.
 - (c) The keeping of bees provided no hive shall be within 100 feet of an abutting dwelling.
 - (d) The keeping of rabbits provided that housing for rabbits in excess of 3 shall not be within 100 feet of an abutting dwelling.
 - (e) The keeping of horses subject to Article IV Section 14.
- 2.01.03 Farming, including dairy.
- 2.01.04 Livestock raising.
- 2.01.05 Agriculture.
- 2.01.06 Horticulture.
- 2.01.07 Municipal facility buildings, parks and playfields²
- 2.01.08 Day care facility conducted in a place of worship³ or municipal building⁴.
- 2.01.09 Clubs, lodges, fraternal or organizations except those in which the chief activity is a service conducted as a business.
- 2.01.10 Renting of rooms and furnishing of table board for not more than 3 persons within a home, provided that the renter or furnisher shall permanently reside in the home.
- 2.01.11 The keeping of horses: subject to Article IV Section 14.
- 2.01.12 The traditional outdoor sales of Christmas trees and wreaths shall be permitted only during the months of November and December.
- 2.01.13 Municipal offices, police stations and fire houses provided the site abuts a major or minor arterial as defined by the town's Plan of Development.

¹ Rev. 3/2/15, effective 3/20/15

² Rev. 9/15/08, effective 10/05/08

³ Adopted 1/17/01, effective 2/06/01

⁴ Rev. 12/04/89

2.01.14 Family day care homes conducted in a dwelling unit.⁵

- 2.01.15⁶
- (a) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
 - (b) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
 - (c) All facilities described in (a) and (b) above shall be in accordance with the requirements of Article IV, Section 19.⁷

2.01.16 Low-Impact Agri-Tourism Activities

Low-Impact Agri-Tourism activities shall be permitted on a farm subject to the following general criteria. A site plan and accompanying narrative shall be prepared in sufficient detail to describe the activity and potential impacts on surrounding neighbors and public rights-of-way. Application materials shall be submitted to the Zoning Enforcement Officer for review and approval.

- (a) The farm shall be a minimum of 2 acres.
- (b) Access from the public street shall have adequate line of sight for visitor traffic entering and exiting the site.
- (c) Adequate internal access thereto and sufficient parking shall be provided in a designated area to accommodate projected visitors. Pervious parking areas are permitted.
- (d) Maximum impervious coverage shall be 15%.
- (e) It is the responsibility of the applicant to ensure that proposed activities are in compliance with all local, state and federal regulations.

2.02 Special Exception Uses

All special exceptions are subject to the requirements of Article IV Section 20, Special Exception Criteria and Application Requirements and the requirements of Article II Section 1.00.02.⁸

⁵ Rev. 12/04/89

⁶ Rev. 10/20/97, effective 11/11/97

⁷ New 11/03/03, effective 11/28/03

⁸ Adopted 1/17/01, effective 2/06/01

2.02.01 House conversion to two-family occupancy

A single-family house may be converted to house two families at the discretion of the Planning and Zoning Commission.

Before approval the Commission shall find that the house to be converted is no longer suitable for single-family occupancy because of its size and that a house converted to two-family occupancy will not impair the character of the neighborhood or jeopardize single-family property values.

Special requirements for two-family conversion:

- (a) The house shall not have been increased in size during the last five years prior to the public hearing.
- (b) The lot area shall be not less than 30,000 square feet.
- (c) If private sanitary sewer is used the sewer system shall be suitable for two-family use and shall be certified by the director of health.
- (d) No additional family unit shall have less than 700 square feet of private living area.
- (e) The original living area shall not be reduced to less than 1100 square feet.
- (f) No exterior structural changes shall be made except for suitable egress for each family.
- (g) No outside stairway shall be constructed on the front or sides of the building.
- (h) On corner lots, all stairways shall be contained inside the building.
- (i) On-site vehicle parking shall be provided for each family on properly constructed bituminous or cement concrete areas.

2.02.02 Schools⁹ and places of worship in accordance with the requirements of Article II, Section 1.00.02 and with the following Special Requirements:¹⁰

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

2.02.03 Reserved¹¹

2.02.04 Hospital, medical clinic (excluding veterinary)

⁹ Rev. 9/15/08, effective 10/05/08

¹⁰ Adopted 01/17/01, effective 02/06/01

¹¹ Rev. 04/20/98, effective 05/12/98

Special requirements:

- (a) The minimum lot size to contain the use shall be two acres.
- (b) The lot shall have frontage on a public street of not less than 200 feet.
- (c) The development shall have public sanitary sewer and public water.
- (d) Vehicle parking shall be in accordance with the requirements set forth in Article IV, Section 9.
- (e) The site shall be suitably landscaped.
- (f) All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (g) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.05 Veterinary premises

Special requirements:

- (a) The minimum lot size to contain the use shall be one acre.
- (b) No part of the site shall be within 400 feet of a residential dwelling.
- (c) The site shall be suitably landscaped.
- (d) All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (e) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.06 Cemetery¹²

May be developed at the discretion of the Planning and Zoning Commission.

Special requirements:

- (a) No cemetery shall be developed until the State Department of Health has approved the tract for cemetery purposes.

¹² Rev. 11/22/82

- (b) All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (c) Site development plans shall be submitted to the Planning and Zoning Commission for approval.¹³

2.02.07 Golf course, golf driving range, golf instructional facility (excluding miniature)¹⁴

Special requirements:

- (a) No entrance to a golf course or driving range or golf instructional facility shall be within 200 feet of a residential dwelling.
- (b) No automobile parking area shall be within 200 feet of a residential dwelling.
- (c) Vehicle parking shall be in accordance with the requirements set forth in Article IV, Section 9.
- (d) All greens and fairways shall be located so that golf balls will not be played into residential premises.
- (e) All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (f) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.08 Sport and athletic clubs

Special requirements:

- (a) The minimum lot area to contain the use shall be four acres.
- (b) The development shall have public sanitary sewer and public water if the Commission finds that the nature of use is such that private systems are unsuitable.
- (c) No part of the site shall be within 400 feet of a residential dwelling or within 400 feet of a recorded single-family subdivision.
- (d) The nature of use and incidents of the use shall not cause nuisance from noise, odor or lighting.

¹³ Rev. 11/22/82

¹⁴ Rev. 11/19/90

- (e) The site shall be suitably landscaped.
- (f) All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- (g) Site development plans shall be submitted to the Planning and Zoning Commission for approval.

2.02.09 Child day care center and group day care home ¹⁵

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

2.02.10 Reserved¹⁶

2.02.11 Carnivals and circuses

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

2.02.12 Supervised group homes for mentally retarded citizens¹⁷

- (a) Definitions: A supervised group home is a dwelling house owned or operated by a social or private agency, and staffed by appropriately trained persons who reside on the premises, in which a maximum of ten (10) mentally retarded citizens who are involved in vocational rehabilitation programs in the Town of Manchester reside.
- (b) Supervised group homes for mentally retarded citizens owned or operated by an agency properly licensed by the Department of Mental Retardation of the State of Connecticut may be conducted by permission of the Planning and Zoning Commission.
- (c) Maximum occupancy - every room occupied for sleeping purposes shall contain the minimum usable square footage required by the Town of Manchester Housing Code.
- (d) Development of premises and construction and remodeling of principal buildings shall be compatible with the residential character of the surrounding neighborhood. No enlargement of the structures nor construction of an additional structure shall be permitted on the premises unless approved by the Planning and Zoning Commission at the initial granting of the special

¹⁵ Rev. 12/04/89

¹⁶ Rev. 04/20/98, effective 05/12/98

¹⁷ Rev. 06/04/79

exception or subsequently as a new special exception approval under this section.

- (e) The principal building or buildings shall be constructed and remodeled so as to remain usable and saleable for dwelling use if the group home facility use is terminated.
- (f) Adequate fire exits shall be provided to ensure the safety of the occupants. No outside stairway shall be constructed on the front or sides of the house. On corner lots, all stairways shall be contained inside the building.
- (g) No site of a supervised group home shall be within 1,000 feet of the site of another supervised group home.
- (h) The loss of any state license by any supervised group home facility shall be deemed to be an automatic revocation of the special exception granted under this ordinance.
- (i) Building plans showing all rooms, room sizes, intended uses of each room, and alterations to the building shall be submitted with the application to the Planning and Zoning Commission for approval.¹⁸

2.02.13 Municipal utility buildings and structures¹⁹

- (a) May be developed after approval by the Planning and Zoning Commission for public water and sewer utilities.
- (b) Special requirements:
 - 1. No part of the building or structure shall be within 150 feet of an existing residential dwelling.
 - 2. The building or structure shall conform to zoning requirements of the zone in which the site is located as to maximum buildable area and minimum yards.
 - 3. The site shall have street frontage or access to a public street through an easement to the Town.
 - 4. Evergreen plantings (at least four feet high and four foot on center) and fencing (at least 6 feet high) shall be installed to create visual screening from adjacent residential dwellings unless waived by the Commission due to existing topography, existing vegetation, site configuration or location or the type of utility use.

¹⁸ Rev. 11/03/03, effective 11/28/03

¹⁹ Rev. 01/26/81

5. Site development plans shall be submitted to the Commission for approval.

2.02.14 Supervised group homes for children with special needs²⁰

Purpose: A special exception for supervised group homes for children with special needs is intended to provide a location which offers a safe, secure, homelike environment for the children; to secure proper individual treatment for each child; to provide an environment which will aid in the development of educational, vocational and independent living skills; and to assist the home's residents in establishing a more permanent living situation with their family, a foster family, or in independent living. Such homes shall be located with due consideration being given to the adequacy of the building to support the use, to the character of the neighborhood, to the ability of the proposed group home to look and function as if it were a single-family unit, and to the concern for the health, safety and welfare of both the residents of the home and the residents of the immediate neighborhood.

(a) Definitions:

1. A supervised group home for children with special needs is a dwelling (1) owned or operated by a public agency or a private non-profit organization properly licensed by the Department of Children and Youth Services of the State of Connecticut and (2) staffed by appropriately trained persons who reside on the premises.
2. A "child with special needs" is a child between ages 13 and 18 requiring residential care but who has not been involved in violent crime, is not overly aggressive, is not self-destructive and is not a known substance abuser.

(b) Supervised group homes for such children may be conducted after approval by the Planning and Zoning Commission which may in its discretion limit the use of the special exception to the applicant.

(c) The special exception authorized under this regulation shall be automatically revoked in the event that the supervised group home facility (1) loses its license from the State Department of Children and Youth Services or (2) ceases to be used as a supervised group home for children with special needs for more than one year. The operator shall notify the Planning and Zoning Commission in writing of the date the facility ceases to be so used, within 30 days of the day of cessation.

(d) The Planning and Zoning Commission shall set minimum floor areas, but in no event shall they be less than the minimum floor area requirements of the Town of Manchester Housing Code for sleeping and other habitable areas. In no event shall a group home provide housing for more than eight children

²⁰ Rev. 11/30/84

with special needs and two resident staff.

- (e) The group home shall look and function as if it were housing a single-family unit. Any development of the premises or construction and remodeling of principal or accessory buildings shall be compatible with the residential character of the surrounding neighborhood.
- (f) The principal building or buildings shall be constructed and remodeled so as to remain usable and saleable as a single-family dwelling if the group home facility use is terminated. No enlargement of the structure or construction of an additional structure shall be permitted on the premises unless approved by the Planning and Zoning Commission at the initial granting of the special exception or subsequently as a new special exception approval under this section.
- (g) Adequate fire exits as determined by the chief building official and cognizant fire marshal shall be provided to ensure the safety of the occupants. No outside stairway shall be constructed on the front or sides of the dwelling. On corner lots all stairways shall be contained inside the building.
- (h) No site of a supervised group home for children with special needs shall be within 1,000 feet of the site of another supervised group home.
- (i) Parking requirements:
 - 1. Parking spaces shall be provided to serve residents and visitors, but a minimum of two off-street parking spaces shall be provided. Parking spaces within a garage shall be credited towards this parking requirement. All parking surfaces shall be paved. No parking surface other than an entrance drive shall be permitted in the front yard.
 - 2. Plans for parking areas shall include landscaping and fencing sufficient to assure the residential character of the premises and to minimize the intrusion of vehicular lights onto adjacent residential property.
 - 3. The stormwater management aspects of the site development shall comply with the Town of Manchester "Public Improvement Standards" unless the Public Works Director/Town Engineer or designee grants a waiver, in writing, if the applicant demonstrates that the proposed development does not increase the site's impervious area or alter the site's existing drainage patterns in any way.²¹
- (j) Outdoor recreation facilities shall not be substantially different from those which serve a single-family dwelling. The parcel shall include at least 1,500 square feet of passive recreation area, unless, for good cause shown, the

²¹ Rev. 11/03/03, effective 11/28/03

Planning and Zoning Commission approves a smaller passive recreation area.

- (k) Building plans showing all rooms, room sizes, intended uses of each room, and alterations to the building shall be submitted with the application to the Planning and Zoning Commission for approval.²²
- (l) Any alteration or additions to the structure or construction of an additional structure shall comply with the area, yard and bulk requirement for the respective zone for single-family dwellings.
- (m) The Planning and Zoning Commission may, based on reasonable and minimum standards, impose such additional conditions and modifications as it finds necessary to protect the public health, safety and welfare.

2.02.15 Reserved²³

2.02.16 Adult day care center²⁴

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

2.02.17²⁵ Wireless telecommunication facilities

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

2.02.18²⁶ Bed and Breakfast Inns may be permitted subject to meeting the following standards:

- (a) The lot shall meet the minimum lot area of 30,000 square feet.
- (b) The operator of the inn must be the owner of the property and reside in the principal dwelling where the inn will be.
- (c) The establishments shall not contain more than six guest sleeping rooms.
- (d) The only meal provided to guests shall be breakfast, and it shall only be served to guests of the establishment.
- (e) Individual rooms to be rented to guests shall not contain cooking facilities.
- (f) Guest stays shall not exceed 14 consecutive calendar days.

²² Rev. 11/03/03, effective 11/28/03

²³ Rev. 04/20/98, effective 05/12/98

²⁴ Rev. 12/04/89

²⁵ Rev. 10/20/97, effective 11/11/97

²⁶ New 07/15/13, effective 08/01/13

- (g) Full bathrooms shall be provided at a minimum rate of one per two guest sleeping rooms.
- (h) Parking will be provided in accordance with provisions of the Article IV Section 9.03.25

2.02.19 High-Impact Agri-Tourism Activities

High-Impact Agri-tourism activities may be permitted on a farm subject to the following:

- (a) The farm meets the general criteria listed 2.01.16;
- (b) The Commission shall consider the impacts of a proposal on the ability for the land to remain a productive farm;
- (c) The Commission may set restrictions to mitigate the potential for noise and light to impact surrounding properties. Limitations may include, but are not limited to, hours of operation, buffering of parking or facilities, limitations on the type of outdoor entertainment, and use of sound amplification equipment.
- (d) The provisions of Article IV, Section 20.