

ARTICLE I GENERAL
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:¹⁰ see Connecticut General Statutes Section 1-1(q), or as amended.

Agri-Tourism:¹¹ an activity conducted on a farm of 2 acres or greater 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,

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

¹⁰ Adopted 1/23/2019, effective 2/8/2019

¹¹ Adopted 1/23/2019, effective 2/8/2019

historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions.

Low-Impact Agri-tourism:¹² 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:¹³ 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.

Aquaculture¹⁴ – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics¹⁵ – 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".¹⁶

Awning¹⁷ – A protective, roof-like covering, as over a window or storefront.

¹² Adopted 1/23/2019, effective 2/8/2019

¹³ Adopted 1/23/2019, effective 2/8/2019

¹⁴ Adopted 01/21/15, effective 02/13/15

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

¹⁶ Rev. 3/19/85

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

B Banquet Hall¹⁸ – A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event or function, that is not open to the general public, whether or not a fee is charged.

Bed and Breakfast Inn¹⁹ - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

Brewery²⁰ – 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.

Brewpub²¹ – 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/restaurant²² – 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

¹⁸ Adopted 05/01/17, effective 05/17/17

¹⁹ Rev. 10/17/94, effective 11/8/94

²⁰ Adopted 01/21/15, effective 02/13/15

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

²² Adopted 01/21/15, effective 02/13/15

- (3) An imaginary line established for certain streets by the Planning and Zoning Commission by authority of the charter.

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

- C Cemetery²³ - 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.²⁴

Commission shall mean the Planning and Zoning Commission of the Town of Manchester.²⁵

Community Garden or Urban Farm:²⁶ 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.

Conference Center – A facility used for service organizations, business and professional conferences and seminars, with or without accommodations. The accommodations can include sleeping, eating, and recreation.

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.²⁷

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.²⁸

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

²³ Rev. 8/15/94

²⁴ Rev. 7/9/03, effective 7/29/03

²⁵ Rev. 10/1/85

²⁶ Adopted 1/23/19, effective 2/8/19

²⁷ Adopted 5/3/99, effective 6/7/99

²⁸ Adopted 5/3/99, effective 6/7/99

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.²⁹

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.³⁰

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.³¹

Day Care Center, Child - A facility licensed by the State of Connecticut³² 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.³³

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.³⁴

Day Care Home, Group - A facility licensed by the State of Connecticut³⁵ (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.³⁶

²⁹ Adopted 7/9/03, effective 7/29/03

³⁰ Rev. 10/1/85

³¹ Rev. 12/4/89

³² Rev. 4/19/99, effective 5/7/99

³³ Rev. 10/2/89

³⁴ Rev. 12/4/89

³⁵ Rev. 4/19/99, effective 5/7/99

³⁶ Rev. 12/4/89

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.³⁷

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.³⁸

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.³⁹

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.⁴⁰

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

F⁴¹ Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center⁴² - 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:⁴³ A tract of land used principally for agriculture, with or without an associated residential dwelling.

Farm Brewery:⁴⁴ any place or premises that is located on a farm 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.

³⁷ Rev. 10/1/85

³⁸ Rev. 10/1/85

³⁹ Rev. 10/1/85

⁴⁰ Rev. 10/1/85

⁴¹ Rev. 5/15/00 (deleted floor area definition)

⁴² Rev. 9/3/97, effective 9/23/97

⁴³ Adopted 1/23/19, effective 2/8/19

⁴⁴ Adopted 1/23/19, effective 2/8/19

Farm Stand:⁴⁵ as provided in Zoning Regulations Article II, Section 1.03(n): A temporary roadside stand for sale of agricultural produce grown on the premises.

Farm Winery:⁴⁶ any place or premises, located on a farm 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.

Farmers' Market:⁴⁷ In accordance with Connecticut General Statutes Section 22-6r, as amended a "Farmers' Market" is "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.⁴⁸

Go-kart Track – A closed, paved racetrack for go-karts.⁴⁹

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.⁵⁰

Gross Floor Area -gross area of floors within the exterior perimeter of the outside walls of the building without deduction for hallways, stairs, closets,

⁴⁵ Adopted 1/23/19, effective 2/8/19

⁴⁶ Adopted 1/23/19, effective 2/8/19

⁴⁷ Adopted 1/23/19, effective 2/8/19

⁴⁸ Adopted 3/6/17, effective 3/23/17

⁴⁹ Adopted 3/6/17, effective 3/23/17

⁵⁰ Rev. 10/1/85

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.⁵¹

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.⁵²

Group Dwelling - Buildings or building containing family dwelling units, each building containing not less than three and not more than eight dwelling units designed and built in accordance with the group dwelling regulations in effect at the time of construction. Group dwellings shall include garden apartments, town houses and row housing.⁵³

H⁵⁴ Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.⁵⁵

Heavy Industrial⁵⁶: 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

⁵¹ Rev. 5/15/00, effective 6/3/00

⁵² Rev. 5/15/00, effective 6/3/00

⁵³ Rev. 5/15/00, effective 6/3/00

⁵⁴ Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)

⁵⁵ Adopted 7/9/03, effective 7/29/03

⁵⁶ Adopted 3/1/04, effective 3/20/04

within the confines of the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.⁵⁷

Horticulture⁵⁸ - 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.

Hydroponics⁵⁹ – 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.

- I Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.⁶⁰

Inn⁶¹ – 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.⁶²

- L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.⁶³

Light Industrial⁶⁴ - 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.⁶⁵

⁵⁷ Rev. 07/18/16, effective 08/10/16

⁵⁸ Adopted 3/16/15, effective 4/1/15

⁵⁹ Adopted 01/21/15, effective 02/13/15

⁶⁰ Rev. 10/1/85

⁶¹ Adopted 5/2/16, effective 5/18/16

⁶² Adopted 5/3/99, effective 6/7/99

⁶³ Adopted 3/2/15, effective 3/20/15

⁶⁴ Revised 3/1/04, effective 3/20/04

⁶⁵ Adopted 5/3/99, effective 6/7/99

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.⁶⁶

Lot Frontage shall mean:

- (1) The length of a lot line which abuts a street, or
- (2) the length of a line drawn across a lot parallel to the street lot line at the required front yard depth when such method of determination is approved by the Commission for the specific lot.⁶⁷

M Major Automobile Repair⁶⁸ – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Memorial Garden⁶⁹ - 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 Repair⁷⁰ – 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.

⁶⁶ Rev. 10/20/86

⁶⁷ Rev. 8/7/78

⁶⁸ Rev. 3/3/08, effective 3/22/08

⁶⁹ Rev. 8/15/94

⁷⁰ Rev. 3/3/08, effective 3/22/08

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.⁷¹

- 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.⁷²
- 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.⁷³

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.⁷⁴

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.⁷⁵

Principal Structure – A structure in which is conducted the principal use of the lot on which it is located.⁷⁶

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

⁷¹ Rev. 12/4/89

⁷² Adopted 02/13/17, effective 03/01/17

⁷³ Adopted 7/9/03, effective 7/29/03

⁷⁴ Adopted 5/3/99, effective 6/7/99

⁷⁵ Adopted 1/17/01, effective 2/6/01

⁷⁶ Adopted 01/07/13, effective 01/28/13

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.⁷⁷

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.⁷⁸

Restrictive Conservation Easement (RCE)⁷⁹ - 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.⁸⁰

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:⁸¹ A temporary exterior passage, hall or room adjacent to a building entrance.

⁷⁷ Rev. 5/17/93

⁷⁸ Rev. 5/17/93

⁷⁹ Rev. 4/1/02, effective 4/23/02

⁸⁰ Adopted 5/3/99, effective 6/7/99

Sediment means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.⁸²

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.⁸³

Sex Shop:⁸⁴ 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.⁸⁵

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

⁸¹ Adopted 2/5/18, effective 2/20/18

⁸² Rev. 10/1/85

⁸³ Adopted 5/3/99, effective 6/7/99

⁸⁴ Adopted 9/6/2006, effective 9/14/2006

⁸⁵ Rev. 10/20/86

a building, operation or use or combination of buildings, operations or uses are located.⁸⁶

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.⁸⁷

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.⁸⁸

Solar Energy Systems⁸⁹ - 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

⁸⁶ Adopted 11/03/03, effective 11/28/03

⁸⁷ Rev. 10/1/85

⁸⁸ Rev. 10/1/85

⁸⁹ Adopted 01/17/18, effective 02/02/18

the average of finished ground level adjoining the building at all exterior walls).⁹⁰

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 craftsperson.⁹¹

Surety means a corporate surety company licensed to do business in the State of Connecticut.⁹²

- 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.⁹³

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 Warehousing⁹⁴ - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

⁹⁰ Rev. 5/15/78

⁹¹ Adopted 5/3/99, effective 6/7/99

⁹² Rev. 10/1/85

⁹³ Adopted 7/9/03, effective 7/29/03

⁹⁴ New 10/04/06, effective 10/25/06

8.01 Purpose

8.01.01 A Comprehensive Urban Development zone allows planned development of various types of commercial, industrial and residential land uses as well as certain accessory uses and special exception uses.

8.01.02 The intent of the "CUD" regulations is to permit greater flexibility and more economical and efficient use of the land while allowing a harmonious variety of land uses, a higher level of urban amenities, and preservation of natural scenic qualities of open spaces.

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

8.02 Permitted Uses

The following land uses are permitted in a "CUD" zone after a Detailed Site Development Plan (Detailed Plan) is approved by the Planning and Zoning Commission:

8.02.01 Retail sales, including retail shops, department stores, shopping centers and shopping malls.

8.02.02 Personal service shops.

8.02.03 Office, including professional.

8.02.04 Restaurant and brewpub/restaurant, including outside building food consumption.

8.02.05 Bowling alley, theaters, museums, cultural and/or social community facilities, and similar amusement enterprises.

8.02.06 Hotel, motel.

8.02.07 Radio and television broadcasting studio.

8.02.08 Public, quasi-public and utility buildings, structures and uses. As used herein, a quasi-public use shall mean a public service company, public transportation or a charitable use.

8.02.09 Indoor and outdoor recreation facilities including tennis court, skating rink, health and recreation club, and other similar facilities.

~~8.02.10 Places of worship² and schools. Day care facilities conducted in a church, a municipally owned building, or in a building used primarily for public recreation or~~

¹ Repealed and replaced with new version 09/29/2016, effective 10/21/2016

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

~~education shall not be subject to the provisions of Article IV, Section 10.~~³

- 8.02.~~11~~10 Research and development facilities, data processing and laboratories.
- 8.02.~~12~~11 Medical clinic, hospitals, medical offices.
- 8.02.~~13~~12 Telecommunications services and facilities.
- 8.02.~~14~~13 Accessory uses.
- 8.02.~~15~~14 Family day care homes conducted in a dwelling unit.⁴
- 8.02.~~16~~15⁵ (a) Wireless telecommunication antennas located on buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the principal or accessory buildings.
- (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 wireless telecommunications facilities shall be in accordance with the requirements of Article IV, Section 19.⁶
- 8.02.~~17~~16⁷ Elderly Housing Development as permitted in Article II, Section 20.
- 8.02.~~18~~17⁸ Gasoline Service Stations incidental to, operated by, and located on the same lot as a wholesale or retail store in excess of 100,000 square feet, subject to the following:
- (a) Such uses shall be limited to the sale of motor vehicle fuels (including gasoline, diesel, ethanol, and bio-fuels) and incidental automotive products, and shall not include automotive repairs.
- (b) Such uses shall be exempt from (i) the requirements set forth in Article IV, Section 5.
- (c) Approval by the Commission for such use shall operate as a certificate of approval of the location for such use.
- (d) No Gasoline Service Station building shall be closer than 200 feet to any residential dwelling.

³ ~~Rev. 12/04/89~~

⁴ Rev. 12/04/89

⁵ Rev. 10/20/97, effective 11/11/97

⁶ New 11/03/03, effective 11/28/03

⁷ Rev. 04/20/98, effective 05/12/98

⁸ Rev. 01/21/09, effective 2/11/09

(e) No gasoline pumps may be located closer than 25 feet to any lot line.

8.02.1918 Accessory use of yards, walkways and parking lots as allowed under Article II Sections 9.13.02, 9.13.03 and 9.13.04.⁹

8.03 Special Exceptions

Certain uses are deemed appropriate in the "CUD" zone but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission (unless authorization by the Zoning Board of Appeals is designated) after a public hearing. Special exception uses shall be subject to the provisions of the Special Exception Criteria in Article IV, Section 20.¹⁰

8.03.01^{11 12} All uses which include development on a site which is four (4) acres or larger in size.¹³

8.03.02 All uses which require automobile parking spaces in excess of 60.

8.03.03¹⁴ Stand-alone multi-family or multi-family above the ground floor commercial subject to the following requirements:

1. The aggregate of all building ground floor commercial uses shall not be less than 50% of the total ground floor uses for all buildings on the site

2. Building Height:

i. Maximum fifty (50) feet. Minimum height shall be 30' (minimum of two stories of residential use). ~~Maximum Eighty-eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet. Minimum height shall be 40 feet (minimum of three stories of residential use)~~

ii. Maximum sixty (60) feet (maximum of five stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 100,000 square feet.

iii. Maximum eighty (80) feet (maximum of seven stories of residential use) if within one half mile of existing mass transit and if existing commercial space exceeds 200,000 square feet. ~~Maximum height shall comply with CUD zone requirements forty~~

⁹ New 02/13/17, effective 03/01/17
¹⁰ Rev. 11/03/03, effective 11/28/03
¹¹ Rev. 7/21/14, effective 8/1/14
¹² Rev. 07/06/16, effective 07/20/16
¹³ Rev. 11/03/03, effective 11/28/03
¹⁴ New 02/13/17, effective 03/01/17

~~(40) feet if more than one half mile from existing mass transit or if existing commercial space is less than 200,000 square feet. Minimum height shall be 30' (minimum of two stories of residential use).~~

3. Open Space: Open space on the site shall be provided for the use of residences as well as for the benefit and use of all users of the site. The following open space for the entire property shall be provided as follows.
 - i. Up to four residential stories – 250 square feet for each residential unit
 - ii. Each residential story in excess of four – 125 square feet for each residential unit.
 - iii. A minimum of 25% of the total open space required shall be dedicated exclusively to residential tenants
 1. Such open space may include but not necessarily be limited to swimming pools, community uses, tennis, play and passive areas, common balconies, rooftop gardens or patios, or similar common areas.
 2. Open space dedicated for residential tenants shall be located no greater than 100' from the nearest residential building or mixed use building containing residential units.
 - iv. A minimum of 25% of the total open space required shall be available to all users or patrons of the property.
 1. Such open space may include but not necessarily be limited to common plazas and sitting areas, central entertainment spaces, outdoor dining areas, and other spaces as the commission deems appropriate to satisfy the intent of this subsection.
 2. Such open space shall be centrally located and connected to all site uses via pedestrian sidewalks.
4. Parking: Parking shall be provided in accordance with Article IV Section 9 except as follows:
 - i. For residential units on sites within a one half mile radius of existing mass transit and where the unit mix consists of 50% or more one bedroom units the minimum parking ratio shall be 1 space per dwelling unit.
 - ii. For all other residential sites, minimum parking shall be 1.5 spaces per dwelling unit

- iii. No more than 1.5 spaces per dwelling unit may be reserved for the exclusive use of residential tenants.
- iv. Parking for all other site uses shall comply with the CUD zone.
- v. The commission may approve a maximum 15% reduction in total required onsite parking if the site is within one quarter mile of existing mass transit and upon the preparation and review by the commission of a parking plan prepared by a traffic engineer licensed in the State of Connecticut.
- vi. Site driveways shall be completely connected and integrated between all site uses and features. Residential circulation shall not be disconnected from overall site vehicular circulation and parking areas.

5. Building Design Standards:

- i. Façade Length and Articulation - Buildings or portions of a building with front elevations of over 50 feet in width shall be divided into smaller parts through such means as variation in wall plane articulation or the use of facade divisions such as building jogs, architectural detailing, changes in surface materials, colors, textures and roof lines. Uninterrupted facades shall not exceed 50% of the building wall, and in no case shall an uninterrupted wall expanse exceed 100 feet in length. For buildings exceeding four stories in height there shall be a distinct change in façade treatment at the 3rd or 4th floor. This treatment may include building step backs or architectural treatments such as cornices or other horizontal architectural features along the entire length of the building façade.
- ii. Building Entrances - Every building should have a primary entrance facing a street, primary drive or a civic space.
- iii. Incorporate Architectural Features – To create interesting buildings, architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches should be used.
- iv. Transparency - Transparency is the percentage of windows, doors, or other openings that cover a ground or upper story facade. Openings shall be proportional to facade length and height. For non-residential first floor uses not including under building parking, a minimum transparency of 20% of the façade and a maximum of 80% of the façade on the ground floor, and a minimum of 20% of the façade and a maximum of 70% of the façade above the ground floor is required. For ground floor residential uses a minimum transparency of 10% of the façade and a maximum of 40% of the façade on the ground floor, and a

minimum of 10% of the façade and a maximum of 70% of the façade above the ground floor is required.

1. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
2. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
3. All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill shall be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.
4. Ground level parking under buildings is prohibited within 20' of a public street. Transparency requirements for the facades of ground level parking shall include a minimum 3' high wall from ground level. Transparency shall be between 20% and 70% of the ground floor façade facing public spaces, primary drives and where visible from a public street. Openings may consist of open façade walls, grills, grates or other semi open architectural features. Other site screening elements such as berms, fences and landscape shall be employed where appropriate.

8.03.04 Outdoor entertainment provided that:

- (a) To the extent possible, sound amplification and light equipment is oriented in a manner that directs the sound and light away from abutting properties, and buffering is provided to mitigate noise and light trespass;
- (b) Outdoor entertainment shall start no earlier than 11 AM and shall cease no later than 10 PM;
- (c) The Planning and Zoning Commission may impose additional requirements regarding buffering and days and hours of operation in cases when the site on which the outdoor entertainment is proposed is located within 200 feet of a residential property, place of worship or school.

8.03.05 The following activities when conducted indoors: Aquaculture, Aquaponics,

Horticulture, and Hydroponics.

8.03.06 Banquet Hall

8.03.07 Conference Center

8.03.08 Places of worship¹⁵ and schools. Day care facilities conducted in a church, a municipally owned building, or in a building used primarily for public recreation or education shall not be subject to the provisions of Article IV, Section 10.¹⁶

8.03.~~05~~ 09¹⁷ The following land uses may be permitted by special exception in a "CUD" zone with approval of the Zoning Board of Appeals:

(a) Carnivals and circuses in accordance with Article IV, Section 16.¹⁸

(b) Adult day care center

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 18. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.¹⁹

(c) Child day care center and group day care home

May be developed at the discretion of the Zoning Board of Appeals in accordance with the requirements of Article IV Section 10. The area, height and bulk of buildings shall be in accordance with the requirements of Land Use Type I in Table II 8-1.²⁰

8.04 Minimum "CUD" Zone Area

8.04.01 The minimum area of a "CUD" zone shall be 100 acres upon initial creation. A "CUD" zone shall be created in accordance with the procedures for zone change subject to the requirements of all regulatory bodies having jurisdiction.

8.04.02 An existing "CUD" zone may be enlarged by the addition of contiguous parcels in accordance with the procedure for zone change and subject to the requirements of all regulatory bodies having jurisdiction. (Parcels shall be considered contiguous even if they are separated by public streets.) The contiguous parcels must have frontage on and access to a public street unless the owner of the contiguous parcel and the owner of the existing "CUD" parcel with frontage on a public street agree to access to the contiguous parcel over existing or proposed public or private streets in the existing "CUD" parcel. Evidence of a permanent right to use such

¹⁵ Adopted 01/17/01, effective 02/06/01

¹⁶ Rev. 12/04/89

¹⁷ Rev. 08/05/02, effective 08/30/02

¹⁸ Rev. 05/16/11, effective 06/13/11

¹⁹ Rev. 12/04/89

²⁰ Rev. 12/04/89

private street shall be presented to the Commission in the application for change of zone on the contiguous parcel.

8.05 Site Development Criteria

8.05.01 All roads which are proposed to become town-owned streets and all improvements which are constructed within public rights-of-way or which are to be dedicated to the Town shall be constructed in accordance with the Town of Manchester "Public Improvement Standards"²¹ whether or not subdivision approval is required.

8.05.02 All developments shall have:

- (a) public sanitary sewer;
- (b) public water supply;
- (c) electric power installed in accordance with the Town of Manchester "Public Improvement Standards"²²;
- (d) telephone service installed in accordance with the Town of Manchester "Public Improvement Standards"²³.

8.05.03 Area, Height & Bulk:

- (a) Development in a "CUD" zone shall be in accordance with the criteria shown in Table II 8-1;

8.05.04 Parking:

All parking shall be in accordance with Article IV Section 9.

8.05.05 Landscaping:²⁴

- (a) Street trees at a minimum rate of one tree for every 50 feet or part thereof of street frontage shall be provided in all yard areas abutting public streets to provide shade and visual interest. Street trees, whether deciduous shade trees, flowering trees or evergreen trees, shall be a minimum of three inch caliper measured at 12 inches above ground, and selected for hardiness and appropriateness of use and soil conditions. Trees may be planted at intervals and/or in groups to assure the desired effect is achieved subject to the approval of the Commission.
- (b) Bufferyards of sufficient width and with adequate treatment to screen existing or approved residential uses from nonresidential uses shall be provided. Such

²¹ Rev. 03/17/97, effective 04/01/97

²² Rev. 03/17/97, effective 04/01/97

²³ Rev. 03/17/97, effective 04/01/97

²⁴ Rev. 07/20/87

landscaping shall screen residential uses from visual intrusion of other uses, mitigate noise generated from other uses, and provide separation between residential and nonresidential uses. Bufferyards necessary for required screening shall not be included in the open space ratio unless specifically approved by the Commission. At a minimum bufferyards shall be 30 feet wide but they may be widened or narrowed subject to the approval of the Commission depending upon the amount and type of landscaping treatment in accordance with Illustration One.

- (c) Landscaping shall be provided on all land use areas to provide transitions, including visual and pedestrian connections, between buildings of different size, scale, architecture or use and to provide continuity of urban design. Landscaping shall provide shade and visual interest on pedestrian systems and pedestrian systems designed for the movement of people between buildings and from buildings to parking shall be lighted to provide safety and security.
- (d) All accessory uses, such as utility structures, dumpsters, storage facilities, loading or parking areas or similar uses shall be screened to minimize visual intrusion or landscaped to integrate these elements into the site development plan.
- (e) In order to meet the above requirements, landscaping elements may include, but are not limited to, a variety and combination of trees, shrubs, groundcover, earthworks (mounding, grading, etc.), pavement materials, fountains, ponds, flower beds, street furniture and lighting.

8.05.06 Entrances and Exits:

Driveway curb cuts along each side of arterial and collector classified public streets shall be spaced not less than 500 feet apart unless otherwise approved by the Commission. Driveways on opposite sides of such streets shall be offset at least 250 feet between center lines. The proposed driveway curb cuts shall be shown on the Preliminary Plan.²⁵

8.05.07 Minimum Setback Along Arterial and Collector Streets:

There shall be a minimum front yard setback along all arterial and collector public streets within a "CUD" zone of 40 feet for buildings and 15 feet for parking provided, however, that parking shall be separated from any such arterial or collector street by a landscape buffer.

8.05.08 Design Review Criteria: ²⁶

The following design review criteria will be used by the Commission in determining whether the proposed land uses meet the purpose and intent of the

²⁵ Rev. 05/16/11, effective 06/13/11

²⁶ Rev. 07/20/87

regulation as set forth in sections 8.01.01 and 8.01.02:²⁷

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

8.06 Financial Guarantee Requirements²⁸

8.06.01 A financial guarantee to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality shall be required in accordance with Article IV Section 22 of these regulations.²⁹

8.07 Use Variances

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

²⁷ Rev. 05/16/11, effective 06/13/11

²⁸ Rev. 06/03/13, effective 06/21/13

²⁹ Rev. 06/03/13, effective 06/21/13

ILLUSTRATION ONE: BUFFER YARDS AND BERMS

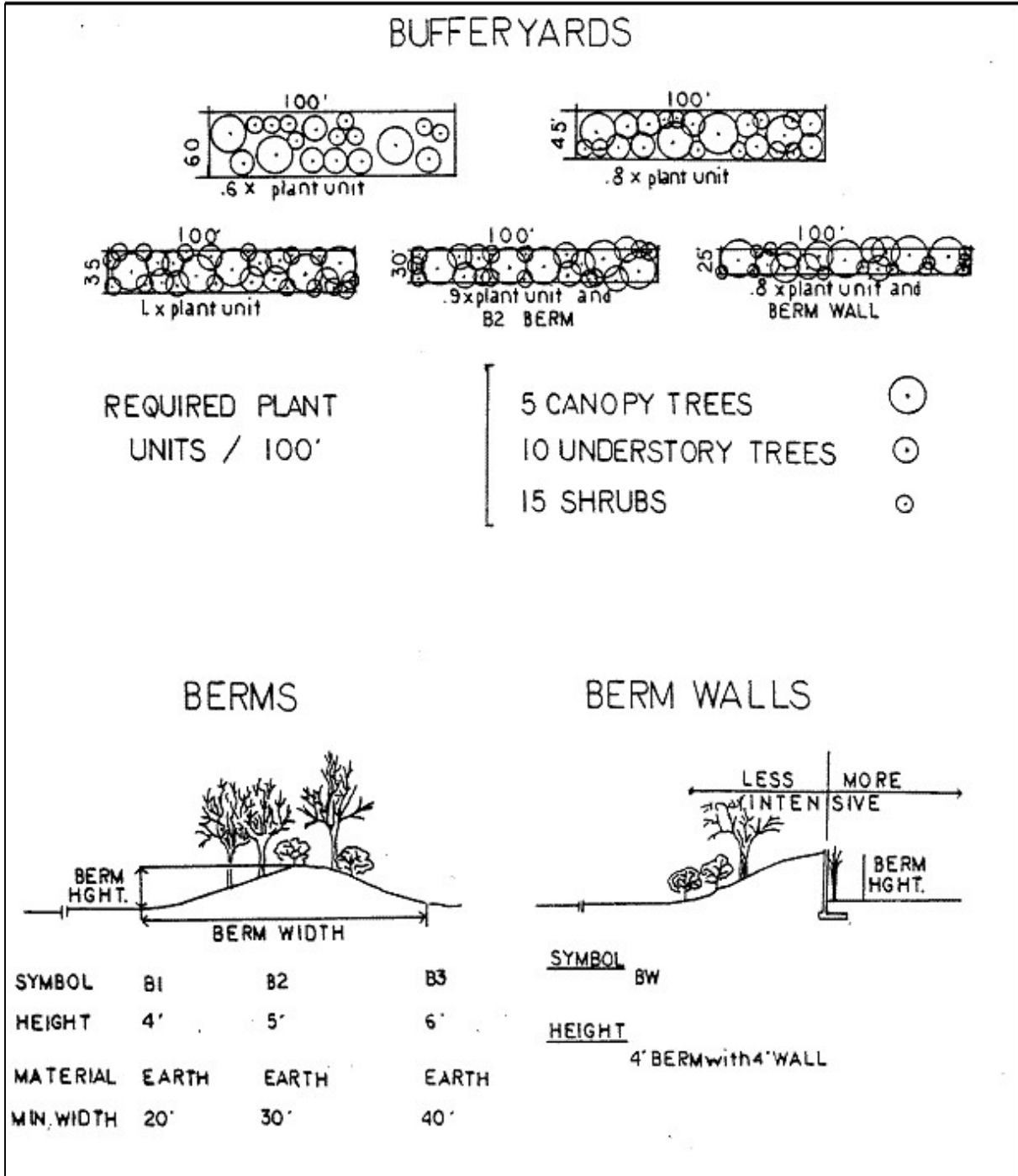


TABLE II 8-1 AREA, HEIGHT & BULK CRITERIA

Land Use	Height (maximum) Feet *	Floor Area Ratio** (maximum)	Lot Open Space Ratio (minimum)	Lot Yards*** (minimum in feet)****		
				Front*****	Side	Rear
Retail sales, Personal Service Shop, Restaurant, Alcoholic Liquor Sales, Bowling Alley, Museum, Theater, Cultural and/or Social Community facilities and similar Amusement Enterprises, Radio/TV Studio, Places of Worship ²⁸ , Schools, Medical Clinic, Land Sales/Construction facility, Carnivals and Circuses, Indoor and Outdoor Recreation facilities	60	.5	.10	25	15	25
Office & Motel/Hotel	70	1.0	.20	30	15	15
Public, quasi-public, and utility buildings, structures, and uses	no limit	.50	none	30	15	15
research/data processing and development facilities and laboratories	50	.40	.10	30	15	15
Multi-family dwellings ²⁹	As provided in Art II Sec 8.03.03	.30	As provided in Article II Section 8.03.03	40	15	15
Telecommunications services and facilities	40	.40	10	40	15	15
Elderly Housing Development ³⁰	as permitted in Article II, Section 20					
Gasoline Sales ³¹	30	.40	.10	60	25	30
* Height in feet shall not include roof mounted equipment or their enclosures, mechanical, mechanical penthouses, or other non-habitable floor area. ** Does not include structures used solely for vehicle parking.				*** No parking in any front yards **** In planned multi-building projects such as, but not limited to, connected office and/or hotel buildings or shopping malls, no yard or setback is required between the connected buildings when the land upon which the buildings are located is divided. ***** There shall be a minimum front yard setback along all arterial and collector public streets within a "CUD" zone of 40 feet for buildings and 15 feet for parking provided, however, that parking shall be separated from any such arterial or collector street by a landscape buffer.		

²⁸ Adopted 01/17/01, effective 01/06/01

²⁹ Rev. 02/13/17, effective 03/01/17

³⁰ Rev. 04/20/98, effective 05/12/98

³¹ Rev. 01/21/09, effective 2/11/09

ARTICLE IV GENERAL PROVISIONS

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 given to maintaining adequate sight lines to provide for safe access to the

¹ Rev. 10/02/89

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.

9.02.10⁴ Private driveways designed for vehicular traffic shall have the following minimum requirements:

- (a) Two-way traffic - 24 feet wide;
- (b) One-way traffic - 16 feet wide;
- (c) One-way traffic with 45 degree parking on one side - the minimum driveway travelway shall be at least 16 feet wide;
- (d) One-way traffic with 60 degree parking on one side - the minimum driveway travelway shall be at least 18 feet wide;
- (e) One-way traffic with 90 degree parking on one side or with parking on both sides - the minimum driveway travelway shall be at least 24 feet wide.

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 Transportation Engineers, Washington, DC, 2010, as revised.^{5 6}

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 three (3) seats

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

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

⁴ Rev. 09/29/2016, effective 10/21/2016

⁵ Adopted 05/03/99

⁶ Rev. 09/29/2016, effective 10/21/2016

and one space for each two employees on the largest shift.⁷

- 9.03.04 Drive-in restaurant⁸ - Minimum 50 spaces or one parking space for each three (3) seats and one space for each two employees on the largest shift⁹ whichever is the greater number.
- 9.03.05 Restaurant (indoor) located in a shopping center of equal to or less than 200,000 gross square feet – one parking space for each four (4) seats.¹⁰
- 9.03.06 Hotel or motel - one parking space for each occupancy unit, plus one parking space for each staff member, plus one parking space for each four (4) seats¹¹ for any included restaurant or banquet hall.
- 9.03.07 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 four (4) seats¹² for any included restaurant or banquet hall.
- 9.03.08 Club - one parking space for each 50 square feet of gross floor area.
- 9.03.09 Bowling lane - five parking spaces for each bowling lane.
- 9.03.10 Theater, auditorium or stadium - one parking space for each three seats or spectator equivalent.
- 9.03.11 Hospital - one space for each two beds.
- 9.03.12 Convalescent and/or nursing home - one space each for three beds.
- 9.03.13 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.¹³
- 9.03.14 Gasoline service station - one parking space for each 50 square feet of gross floor area.
- 9.03.15 Car wash establishment - 50 parking spaces minimum, including capacity of

⁷ Revised 4/7/2010, effective 4/28/2010

⁸ Rev. 05/24/93

⁹ Revised 4/7/2010, effective 4/28/2010

¹⁰ New 4/7/2010, effective 4/28/2010

¹¹ Revised 4/7/2010, effective 4/28/2010

¹² Revised 4/7/2010, effective 4/28/2010

¹³ Adopted 01/17/01, effective 02/06/01

waiting lanes.

- 9.03.16 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.
- 9.03.17 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.
- 9.03.18 Golf course - four parking spaces for each hole.
- 9.03.19 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.¹⁴
- 9.03.20¹⁵ Parking requirements for shopping centers or malls are as follows:
- (a) For shopping centers of less than 500,000 gross square feet, there shall be a minimum of four (4) parking spaces for every 1,000 square feet of gross floor area.¹⁶
 - (b) For shopping centers and shopping malls of 500,000 gross square feet or more, there shall be a minimum of five (5) parking spaces for every 1000 square feet of gross leasable area.
 - (c) For shopping centers and shopping malls of 700,000 gross square feet or more, there shall be a minimum of four and one-half (4.5) parking spaces for every 1000 square feet of gross leasable area.
- 9.03.21 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.¹⁷
- 9.03.22 Schools¹⁸ - the number of spaces shall be sufficient to accommodate personnel, students, expected visitors, and service vehicles, depending on the nature of the school.

¹⁴ Rev. 03/01/99, effective 03/20/99

¹⁵ Rev. 09/29/2016, effective 10/21/2016

¹⁶ Rev. 12/04/89

¹⁷ Rev. 12/04/89

¹⁸ Rev. 11/23/96

- 9.03.23¹⁹ Self Storage Facilities - a minimum of six spaces, plus one for each employee.
- 9.03.24²⁰ Medical Offices / Clinics - established and / or expanded after 06/07/99 , 1 space per 150 s.f. of gross leasable²¹ floor area.
- 9.03.25²² Bed and Breakfast Inns- one (1) parking space per one guest sleeping room plus two (2) parking spaces for property owners. Parking shall be located in side and rear yards only. Vehicle parking areas shall be constructed of bituminous concrete pavement, masonry concrete, pervious pavement, pervious pavers or crushed stone. When requested by the applicant an alternative parking surface material may be approved if the Commission finds the proposed material is suitable.
- 9.03.26²³ Brewpub – one parking space for each three (3) customer seats and one space for each two employees on the largest shift.
- 9.03.27 Conference Center – one parking space for each four (4) seats or one parking space for every 50 square feet of assembly area or meeting rooms, whichever is greater.

¹⁹ Adopted 05/03/99, effective 06/07/99

²⁰ Adopted 05/03/99, effective 06/07/99

²¹ Rev. 05/15/00, effective 06/03/00

²² New 07/15/13, effective 08/01/13

²³ New 01/21/15, effective 02/13/15