

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 Use - 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, and radio or television antennae.

Accessory Structure – A subordinate structure located on the same lot as a principal building.²

Adult Bookstore:³ 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:⁴ 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.

Adult Entertainment:⁵ 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,

¹ Rev. 10/20/86

² Rev. 01/07/13, effective 01/28/13

³ Adopted 9/6/2006, effective 9/14/2006

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

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

removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered to customers.

Adult Material:⁶ 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:⁷ 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:⁸ 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.

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.

Aquaculture⁹ – The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics¹⁰ – The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

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

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".¹¹

- B Banquet Hall¹² – 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 Inn¹³ - An owner occupied single family detached home, or portion thereof, where short term lodging and meals are provided.

Brewery¹⁴ – 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.

Brewpub¹⁵ – 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/restaurant¹⁶ – 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:

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

¹¹ Rev. 3/19/85

¹² Adopted 05/01/17, effective 05/17/17

¹³ Rev. 10/17/94, effective 11/8/94

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

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

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

- (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.

- C Cemetery¹⁷ - 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.¹⁸

Commission shall mean the Planning and Zoning Commission of the Town of Manchester.¹⁹

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.²⁰

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.²¹

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

¹⁷ Rev. 8/15/94

¹⁸ Rev. 7/9/03, effective 7/29/03

¹⁹ Rev. 10/1/85

²⁰ Adopted 5/3/99, effective 6/7/99

²¹ Adopted 5/3/99, effective 6/7/99

a criminal offense. Correctional facilities shall include custodial care facilities, juvenile detention facilities, and alternative incarceration centers.²²

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.²³

Court - A horizontal space, open to the sky, between exterior walls of a single building or structure, or between two or more buildings of 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.²⁴

Day Care Center, Child - A facility licensed by the State of Connecticut²⁵ 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.²⁶

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.²⁷

Day Care Home, Group - A facility licensed by the State of Connecticut²⁸ (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.²⁹

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

²² Adopted 7/9/03, effective 7/29/03

²³ Rev. 10/1/85

²⁴ Rev. 12/4/89

²⁵ Rev. 4/19/99, effective 5/7/99

²⁶ Rev. 10/2/89

²⁷ Rev. 12/4/89

²⁸ Rev. 4/19/99, effective 5/7/99

²⁹ Rev. 12/4/89

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.³⁰

Development means any construction or grading activities or removal of vegetation to improved or unimproved real estate.³¹

Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.³²

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.³³

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

F³⁴ Family - An individual or two or more persons related by blood, marriage, legal adoption or guardianship.

Family Resource Center³⁵ - 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.

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.³⁶

³⁰ Rev. 10/1/85

³¹ Rev. 10/1/85

³² Rev. 10/1/85

³³ Rev. 10/1/85

³⁴ Rev. 5/15/00 (deleted floor area definition)

³⁵ Rev. 9/3/97, effective 9/23/97

³⁶ Adopted 3/6/17, effective 3/23/17

Go-kart Track – A closed, paved racetrack for go-karts.³⁷

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.³⁸

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.³⁹

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.⁴⁰

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.⁴¹

H⁴² Halfway House – a place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment.⁴³

Heavy Industrial⁴⁴: 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

³⁷ Adopted 3/6/17, effective 3/23/17

³⁸ Rev. 10/1/85

³⁹ Rev. 5/15/00, effective 6/3/00

⁴⁰ Rev. 5/15/00, effective 6/3/00

⁴¹ Rev. 5/15/00, effective 6/3/00

⁴² Rev. 4/3/17, effective 4/18/17 (deleted High Rise Apartments definition)

⁴³ Adopted 7/9/03, effective 7/29/03

⁴⁴ Adopted 3/1/04, effective 3/20/04

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.⁴⁵

Horticulture⁴⁶ - 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.

Hydroponics⁴⁷ - 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.⁴⁸

Inn⁴⁹ - 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.⁵⁰
- L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.⁵¹

⁴⁵ Rev. 07/18/16, effective 08/10/16

⁴⁶ Adopted 3/16/15, effective 4/1/15

⁴⁷ Adopted 01/21/15, effective 02/13/15

⁴⁸ Rev. 10/1/85

⁴⁹ Adopted 5/2/16, effective 5/18/16

⁵⁰ Adopted 5/3/99, effective 6/7/99

⁵¹ Adopted 3/2/15, effective 3/20/15

Light Industrial⁵² - 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.⁵³

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.⁵⁴

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.⁵⁵

M Major Automobile Repair⁵⁶ – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Memorial Garden⁵⁷ - 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 Repair⁵⁸ – 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.

⁵² Revised 3/1/04, effective 3/20/04

⁵³ Adopted 5/3/99, effective 6/7/99

⁵⁴ Rev. 10/20/86

⁵⁵ Rev. 8/7/78

⁵⁶ Rev. 3/3/08, effective 3/22/08

⁵⁷ Rev. 8/15/94

⁵⁸ Rev. 3/3/08, effective 3/22/08

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.⁵⁹

- 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.⁶⁰

- 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.⁶¹

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.⁶²

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.⁶³

Principal Structure - A structure in which is conducted the principal use of the lot on which it is located.⁶⁴

⁵⁹ Rev. 12/4/89

⁶⁰ Adopted 02/13/17, effective 03/01/17

⁶¹ Adopted 7/9/03, effective 7/29/03

⁶² Adopted 5/3/99, effective 6/7/99

⁶³ Adopted 1/17/01, effective 2/6/01

- 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.⁶⁵

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.⁶⁶

Restrictive Conservation Easement (RCE)⁶⁷ - 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.⁶⁸

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

⁶⁴ Adopted 01/07/13, effective 01/28/13

⁶⁵ Rev. 5/17/93

⁶⁶ Rev. 5/17/93

⁶⁷ Rev. 4/1/02, effective 4/23/02

⁶⁸ Adopted 5/3/99, effective 6/7/99

not including a school or college giving special or limited instruction, such as business, art, music or dancing college or school.

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.⁶⁹

Self Storage Facility: A warehouse facility opened to the general public consisting of individual, leased, storage units.⁷⁰

Sex Shop:⁷¹ 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.⁷²

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

⁶⁹ Rev. 10/1/85

⁷⁰ Adopted 5/3/99, effective 6/7/99

⁷¹ Adopted 9/6/2006, effective 9/14/2006

⁷² Rev. 10/20/86

a building, operation or use or combination of buildings, operations or uses are located.⁷³

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.⁷⁴

Soil Scientist means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.⁷⁵

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).⁷⁶

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.⁷⁷

Surety means a corporate surety company licensed to do business in the State of Connecticut.⁷⁸

- 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.⁷⁹

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.

⁷³ Adopted 11/03/03, effective 11/28/03

⁷⁴ Rev. 10/1/85

⁷⁵ Rev. 10/1/85

⁷⁶ Rev. 5/15/78

⁷⁷ Adopted 5/3/99, effective 6/7/99

⁷⁸ Rev. 10/1/85

⁷⁹ Adopted 7/9/03, effective 7/29/03

W Warehousing⁸⁰ - a use engaged in the storage of goods, manufactured products, supplies and equipment for later distribution.

⁸⁰ New 10/04/06, effective 10/25/06

ARTICLE II ZONING USES

Section 16 INDUSTRIAL ZONE

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

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

16.01 Preservation of Landscape - Site Preparation

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

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

16.02 *Reserved*

16.03 Compliance with Zoning

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

16.04 Building Permits

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

16.05 Provision of Public Improvements

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

16.05.02 In the event that the vehicle surface of the highway is not constructed up to the curb installed by the developer, the developer shall construct that part of the

vehicle surface to town standards so that the vehicle surface abuts the curb, unless such requirement is waived or deferred by the Planning and Zoning Commission.

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

16.06 Residential Zone Screening

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

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

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

16.06.02 The Planning and Zoning Commission may waive all or any requirements in 16.06.01² or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of residential premises, or for any other good reason.

16.07 Noise Abatement

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

¹ Rev. 10/02/89

² Rev. 02/20/13; effective 03/18/13

16.08 Yard and Building Lighting

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

16.09 Automobile Parking

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

16.10 Access to Premises

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

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

16.11 Area, Height & Bulk of Principal Buildings and Structures

16.11.01 For permitted uses:

Maximum height of building & structure	75 feet
Maximum buildable area of lot	60%
Minimum front yard	40 feet ³
Minimum side yard	15 feet ⁴
Minimum rear yard	30 feet ⁵

16.11.02⁶ For special exception uses:

Area, height and bulk of buildings and structures for special exception uses shall be as set forth in 16.11.01 unless the special requirements for a particular special exception use require different provisions. In such cases, the special use provisions shall apply and control.

³ Rev. 02/20/13; effective 03/18/13

⁴ Rev. 02/20/13; effective 03/18/13

⁵ New 02/20/13; effective 03/18/13

⁶ Rev. 02/20/13; effective 03/18/13

16.12⁷ General Requirements

- (a) There shall be a landscaped border along all perimeter side and rear lot lines not less than eight feet in width containing appropriate evergreen trees planted at least four feet in height and spaced at a separation distance which provides for visual screening and the growth of the plantings or a combination of evergreen trees, shrubs, deciduous trees and fencing approved by the Planning and Zoning Commission. The Planning and Zoning Commission may modify this requirement if it finds that existing foliage or natural conditions are sufficient to constitute a screen, or for any other good reason.
- (b) The front yard shall be landscaped sufficiently to provide a pleasing appearance. At minimum, a 10-foot wide landscaped area will be provided along the street frontage. This area shall be landscaped at the rate of one (1) shade or ornamental tree and five (5) shrubs per 50 linear feet of frontage excluding driveway openings.
- (c) Vehicle parking shall be provided in accordance with the requirement set forth in Article IV, Section 9, of these regulations.
- (d) No exit or entrance driveway shall be closer than 100 feet to a road intersection unless a lesser distance is approved by the Planning and Zoning Commission.

16.13 Permitted Uses⁸

Subject to the provisions of 16.06 of this section and Article II, Section 21 of these regulations the following industrial, commercial and technical uses are permitted as a principal use:

- (a) Light industrial uses.⁹
- (b) Manufacturing, processing and assembly of materials, compounding, treatment and similar uses.¹⁰
- (c) Wholesale trade and storage.
- (d) Warehousing
- (e) Construction including building and special trade contractors.
- (f) Business service offices such as advertising, credit reporting and collection, mailing, reproduction, and stenographic services, computer and data processing services.

⁷ Rev. 02/20/13; effective 03/18/13

⁸ Rev. 10/04/06, effective 10/25/06

⁹ Rev. 3/1/04, effective 3/20/04

¹⁰ Rev. 3/1/04, effective 3/20/04

- (g) Engineering and management services such as engineering and architectural services, accounting and auditing, research, testing and management and public relations.
- (h) Corporate headquarters and/or offices associated with business or industry otherwise permitted in the Industrial zone.
- (i) Public utility buildings, structures and uses.¹¹
- (j) 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.¹²
- (k) 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.¹³
- (l) Radio and television broadcasting studios,¹⁴ or studios for audio or video production, recording, editing or related activities.¹⁵
- (m) All facilities described in (k) and (l) above shall be in accordance with the requirements of Article IV, Section 19.
- (n) Restaurant¹⁶
- (o) Tennis and badminton courts - indoor and outdoor, including club and spectator facilities.¹⁷
- (p) Skating rinks - indoor and outdoor, including club and spectator facilities.¹⁸
- (q) Health and recreation facilities and clubs – indoor and outdoor.¹⁹
- (r) Hotel and motel with not less than 16 rentable sleeping accommodations. Hotels and motels may include one or more of the following facilities if developed as a complex on a lot of single ownership.²⁰

1. Restaurant

¹¹ Rev. 10/02/89

¹² Rev. 10/20/97, effective 11/11/97

¹³ Rev. 10/20/97, effective 11/11/97

¹⁴ Rev. 07/06/04, effective 07/27/04

¹⁵ Rev. 08/09/10, effective 09/01/10

¹⁶ Rev. 02/20/13; effective 03/18/13

¹⁷ Rev. 02/20/13; effective 03/18/13

¹⁸ Rev. 02/20/13; effective 03/18/13

¹⁹ Rev. 02/20/13; effective 03/18/13

²⁰ Rev. 02/20/13; effective 03/18/13

2. Banquet hall

- (s) Golf driving ranges - indoor and outdoor, including related facilities. All greens and fairways shall be located so that golf balls will not be played into residential premises.²¹
- (t) Miniature golf and/or batting cages - indoor and outdoor, including related facilities.²²
- (u) Self storage facilities²³
- (v) Brewery, brewpub and brewpub/restaurant²⁴
- (w) The following activities when conducted indoors: Aquaculture, Aquaponics, Horticulture²⁵, and Hydroponics.²⁶

16.14 Retail Sales Restriction

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

16.15 Special Exception Uses

Certain uses are deemed appropriate in industrial zones but not at every or any location therein or without restrictions or conditions being imposed by reason of special problems of use, and such certain uses may be authorized by the Planning and Zoning Commission or by the Zoning Board of Appeals as designated after a public hearing and a finding that the use is appropriate at the proposed location. Said Commission or Board may impose reasonable safe-guarding conditions on any special exception use by reason of the nature, location and incidence of the particular use. Special exception uses shall be subject to the provisions of the Special Exception Criteria and Application Requirements of Article IV, Section 20.²⁷

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

- (a) 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.

²¹ Rev. 02/20/13; effective 03/18/13

²² Rev. 02/20/13; effective 03/18/13

²³ Rev. 02/20/13; effective 03/18/13

²⁴ Rev. 01/21/15, effective 02/13/15

²⁵ Rev. 03/16/15, effective 04/01/15

²⁶ Rev. 01/21/15, effective 02/13/15

²⁷ Rev. 11/03/03, effective 11/28/03

²⁸ Rev. 02/20/13; effective 03/18/13

(b)²⁹ Day care centers

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

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

16.15.02³⁰ Uses set forth in 16.15.02 shall require approval from the Planning and Zoning Commission after a public hearing.

(a) All uses which include development on a site which is four (4) acres or larger in size.

(b) All uses which require automobile parking spaces in excess of 60 spaces.

(c) Schools³¹ and places of worship³² may be developed at the discretion of the Planning and Zoning Commission in accordance with the requirements of Article II, Section 9.14.04.

(d) School bus parking³³

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

Special requirements for school bus parking use:

The minimum lot size shall be three acres.

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

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

(e) Multi-family historic mill conversion in accordance with the requirements of Article II, Section 9.14.03.³⁴

(f) Wireless telecommunications sites in accordance with the provisions of Article IV, Section 19.³⁵

²⁹ Rev. 12/04/89

³⁰ Rev. 02/20/13; effective 03/18/13

³¹ Rev. 11/23/96

³² Rev. 09/15/08, effective 10/05/08

³³ Rev. 10/04/06, effective 10/25/06

³⁴ Rev. 10/02/89

³⁵ Rev. 10/20/97, effective 11/11/97

(g) Heavy industrial uses³⁶

(h) Adult-Oriented Establishments³⁷

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

1. No adult-oriented establishments shall be located within 1,000 feet of any school or child day care center. For the purposes of this section school shall mean a public or private school giving regular instruction at least five days a week for eight or more months per year, and shall also include schools, colleges, or establishments that provide specialized training such as business, art, music, dance, marshal arts training or similar activities whether public or private.
2. No adult-oriented establishments shall be located within 1,000 feet of any place of worship.
3. No adult-oriented establishments shall be located within 1,000 feet of any park, recreational facility, or library.
4. No adult-oriented establishments shall be located within 1,000 feet of any other adult-oriented establishment.
5. No adult-oriented establishments shall be located within 500 feet of any residentially used or zoned lot or parcel.
6. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult oriented establishment is located to the nearest point of the parcel or property from which the adult-oriented establishment is to be separated.
7. No building may contain more than one adult-oriented establishment.
8. No adult-oriented establishment shall be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities or specified anatomical areas, nor the display of any adult material, from any public way.
9. Every adult-oriented establishment shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility

³⁶ New 3/01/04, effective 3/20/04

³⁷ Adopted 9/06/2006, effective 9/14/2006

into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.

10. The operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate everyplace to which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(i) Bulk oil storage - in accordance with the requirements set forth in Article IV, Section 5.03.03, of these regulations.³⁸

(j)³⁹ Automobile sales - in accordance with the requirements set forth in Article IV, Section 5, of these regulations and subject to the following additional special requirements:

1. The coverage of land by buildings shall not exceed 60 % of the lot area.
2. There shall be a landscaped border not less than eight feet in width containing appropriate evergreen trees or appropriate evergreen species spaced at four feet intervals, not less than four feet high at the time of planting along all side and rear lot lines.⁴⁰
3. The Planning and Zoning Commission may modify the requirements of paragraph (2) if it finds that existing foliage or natural conditions are sufficient to constitute a screen or for any other good reason.
4. Notwithstanding the nature of use, the front yard shall be landscaped sufficiently to provide a pleasing appearance.

(k)⁴¹ Automobile repair and service garage or shop

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

³⁸ Rev. 05/07/12, effective 05/30/12

³⁹ Rev. 05/07/12, effective 05/30/12

⁴⁰ Rev. 10/04/06, effective 10/25/06

⁴¹ Rev. 05/07/12, effective 05/30/12

- (l)⁴² Banquet Hall
 - 1. Automobile parking for Banquet Hall use shall be provided in accordance with the requirements set forth in Article IV, Section 9.03.03 of these regulations.
- (m)⁴³ Outdoor entertainment under a permitted Banquet Hall use 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.

16.16 Accessory Uses

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

- (a) Vehicle parking in accordance with Article IV, Section 9.
- (b) Garages
- (c) Maintenance buildings
- (d) Radio Antennae
- (e) Signs in accordance with Article IV, Section 13.
- (f) Child day care centers in accordance with Article IV, Section 10.01.03 through 10.01.06. As an accessory use, a child care center shall only enroll children of employees or provide day care services for the tenants or clients of the principal use.⁴⁴
- (g)⁴⁵ The sale of alcoholic beverages indoors in specially permitted recreation facilities under a restaurant permit, café permit or club permit as defined by

⁴² New 05/01/17, effective 05/17/17

⁴³ New 05/01/17, effective 05/17/17

⁴⁴ Rev. 12/04/89

⁴⁵ Rev. 4/21/08, effective 5/15/08

Connecticut Statutes. Any such facility serving alcoholic beverages shall have parking spaces as required under Article IV Section 9 of these regulations relating to the area of customer service or assembly for restaurants and shall comply with the applicable requirements of Article IV Section 8 of these regulations.

(h) Accessory Outdoor Storage of Materials or Products provided that:⁴⁶

1. No materials, supplies or equipment (including trash removal facilities) shall be stored within a front yard.
2. No materials, supplies or equipment (including trash removal facilities) shall be stored in any area on a site except inside a closed building or behind a visually solid barrier, constructed of materials acceptable to the Director of the Planning Department and Chairman of the Planning and Zoning Commission , or within a chain-link fence enclosed with evergreen plantings sufficient to visually screen such areas so that the stored items are not visible to a person standing on any part of immediately adjacent sites or an adjacent public street at an elevation no greater than the elevation of the base of the items being viewed.
3. The area of storage must be developed in manner required for parking lots in conformance with Article IV Section 9.

(i)⁴⁷ Walkways may be used for the sale and display of merchandise by business tenants of properties in the Industrial zone provided the location of the displays does not impede pedestrian movement by maintaining a minimum 4-foot clear pathway.

(j)⁴⁸ Yards, walkways, or parking lots may be used by vendors who are not business tenants of a property in an Industrial zone, provided the vendor has the permission of the property owner, obtains a vending permit from the Town of Manchester, and meets the following requirements:

1. Vendors may not obstruct sidewalks, impede traffic, or create a traffic hazard.
2. All items offered for sale shall be maintained within the tent, booth, cart or vehicle designated for such purpose, and signs must be on or inside the tent, booth, cart, or vehicle.
3. All vendor tents, booths, carts, vehicles or any appurtenant structures must be self-contained as far as water, sanitary or other facilities and no connections to such facilities shall otherwise be permitted.
4. All vendor tents, booths, carts, vehicles, or any appurtenant structures shall be removed from the property when the vendor is not in operation.

⁴⁶ New 02/20/13; effective 03/18/13

⁴⁷ Rev. 07/06/16, effective 07/20/16

⁴⁸ Rev. 07/06/16, effective 07/20/16

The operation of any such business at any location shall not be conducted before 7:00 a.m. or after 9:00 p.m. on any day.

- (k)⁴⁹ Yards, walkways, or parking lots may be used by business tenants of an Industrial zoned property or vendors for seasonal or special sales for a period not to exceed a total of 24 days annually, provided the tenant or vendor has the permission of the property owner and locates the display and sales area in a manner that does not impede traffic flow, and provides for the safe movement of pedestrians. Vendors who are not tenants will also need to obtain a Town of Manchester Vendor Permit.

16.17 Prohibited Uses

The following processes and uses are specifically prohibited:

- (a) Residential use except as provided in Article II, Section 16.15.02 (e).⁵⁰
- (b) Gasoline service stations.⁵¹
- (c) Ammonia, chlorine or bleaching powder manufacture.
- (d) Explosives manufacture and storage.
- (e) Sulphurous, nitric, picric, carbolic or hydrochloric acids manufacture.
- (f) Gas manufacture.
- (g) Fat rendering in the manufacture of tallow, grease and oils.
- (h) Iron, copper, tin, zinc and lead smelting.
- (i) Refining and recovery of products from fish, animal refuse or offal.
- (j) Fertilizer manufacture except in connection with the operation of sewage disposal plants.
- (k) Any other trade, industry, process or use that is injurious, noxious, offensive or hazardous by reason of emission, of odor, dust, fumes, smoke, or other pollutants, noise and vibration.

⁴⁹ Rev. 07/06/16, effective 07/20/16

⁵⁰ Rev. 02/20/13; effective 03/18/13

⁵¹ Rev. 02/20/13; effective 03/18/13