

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.

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,

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

⁶ 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: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.

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

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

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

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

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

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

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

- B Banquet Hall¹⁴ – A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event or function, that is not open to the general public, whether or not a fee is charged.

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

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

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

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

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

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

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

¹² Rev. 3/19/85

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

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

¹⁵ Rev. 10/17/94, effective 11/8/94

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁹ Rev. 8/15/94

²⁰ Rev. 7/9/03, effective 7/29/03

²¹ Rev. 10/1/85

²² Adopted 5/3/99, effective 6/7/99

²³ Adopted 5/3/99, effective 6/7/99

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

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

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.²⁶

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

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

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

²⁴ Adopted 7/9/03, effective 7/29/03

²⁵ Rev. 10/1/85

²⁶ Rev. 12/4/89

²⁷ Rev. 4/19/99, effective 5/7/99

²⁸ Rev. 10/2/89

²⁹ Rev. 12/4/89

³⁰ Rev. 4/19/99, effective 5/7/99

³¹ Rev. 12/4/89

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

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

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

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

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

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

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

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

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

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

³² Rev. 10/1/85

³³ Rev. 10/1/85

³⁴ Rev. 10/1/85

³⁵ Rev. 10/1/85

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

³⁷ Rev. 9/3/97, effective 9/23/97

gasoline or an electric engine, used for racing or recreation.³⁸

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

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

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

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

Group Dwelling - Buildings or building containing family dwelling units, each building containing not less than three and not more than eight dwelling units designed and built in accordance with the group dwelling regulations in effect at the time of construction. Group dwellings shall include garden apartments, town houses and row housing.⁴³

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

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

Height of the Building - The vertical distance measured at the center line of its principal front from the established grade or from the average ground level of

³⁸ Adopted 3/6/17, effective 3/23/17

³⁹ Adopted 3/6/17, effective 3/23/17

⁴⁰ Rev. 10/1/85

⁴¹ Rev. 5/15/00, effective 6/3/00

⁴² Rev. 5/15/00, effective 6/3/00

⁴³ Rev. 5/15/00, effective 6/3/00

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

⁴⁵ Adopted 7/9/03, effective 7/29/03

⁴⁶ Adopted 3/1/04, effective 3/20/04

the portion of the lot adjoining and within 10 feet of the building, where it sets back from the street line 10 feet or more, to the level of the highest point of the roof beams in the case of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and the highest ridge in the case of other roofs. Where there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building including such structures wholly or partly above the roof.

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

Horticulture⁴⁸ - The cultivation of plants for commercial purposes.

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

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

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

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

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

⁴⁷ Rev. 07/18/16, effective 08/10/16

⁴⁸ Adopted 3/16/15, effective 4/1/15

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

⁵⁰ Rev. 10/1/85

⁵¹ Adopted 5/2/16, effective 5/18/16

- J Job Printing - Printing operations occupying 20,000 square feet or more of gross floor area.⁵²
- L Livestock - Animals raised for domestic or commercial purposes including but not limited to horses, donkeys, cattle, sheep, pigs, goats, llamas, alpacas and poultry.⁵³

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

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

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

Lot Frontage shall mean:

- (1) The length of a lot line which abuts a street, or
- (2) the length of a line drawn across a lot parallel to the street lot line at the required front yard depth when such method of determination is approved by the Commission for the specific lot.⁵⁷

- M Major Automobile Repair⁵⁸ – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Memorial Garden⁵⁹ - Land used or intended to be used for the disposition of ashes of the dead, including any accessory structures or landscape features

⁵² Adopted 5/3/99, effective 6/7/99

⁵³ Adopted 3/2/15, effective 3/20/15

⁵⁴ Revised 3/1/04, effective 3/20/04

⁵⁵ Adopted 5/3/99, effective 6/7/99

⁵⁶ Rev. 10/20/86

⁵⁷ Rev. 8/7/78

⁵⁸ Rev. 3/3/08, effective 3/22/08

⁵⁹ Rev. 8/15/94

which may be incorporated into that use (walls, fountains, mounds, columbaria, etc.).

Minor Automobile Repair⁶⁰ – Incidental body and fender work, battery replacement, small part change, tire repair, brake servicing, touch-up painting, oil changing, lubrication, engine tune-up, radio replacement, detailing, and similar services to passenger automobiles and trucks not exceeding one ton capacity.

Motel - A hotel designed to accommodate the traveling public, usually with large areas for the parking of automobiles.

- N Nonconforming Use - A use legally existing at the time of the adoption of these regulations or their amendment, which does not comply with the requirements of the zone in which such use is located.

Nursery School - As used in these regulations, the term "nursery school" shall be included within the definitions of child care center, group day care home and family day care home depending upon the number of children to be enrolled in the nursery school.⁶¹

- O Outdoor Entertainment - Provision of entertainment for the pleasure of patrons outdoors or in partially enclosed or screened facilities in conjunction with a permitted principal use on the property. Such entertainment includes but is not limited to vocal and/or instrumental music, dancing, karaoke, motion pictures, theater, comedy and acting. Outdoor entertainment shall exclude the provision of adult entertainment, adult motion pictures and any display of adult material.⁶²

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

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

⁶⁰ Rev. 3/3/08, effective 3/22/08

⁶¹ Rev. 12/4/89

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

⁶³ Adopted 7/9/03, effective 7/29/03

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

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

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

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

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

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

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

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

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

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

⁶⁴ Adopted 5/3/99, effective 6/7/99

⁶⁵ Adopted 1/17/01, effective 2/6/01

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

⁶⁷ Rev. 5/17/93

⁶⁸ Rev. 5/17/93

⁶⁹ Rev. 4/1/02, effective 4/23/02

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

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

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

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

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

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

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

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

Shopping Mall - A building or group of buildings having a gross floor area of 500,000 square feet or more and containing an open or enclosed common

⁷⁰ Adopted 5/3/99, effective 6/7/99

⁷¹ Adopted 2/5/18, effective 2/20/18

⁷² Rev. 10/1/85

⁷³ Adopted 5/3/99, effective 6/7/99

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

pedestrian area serving more than one commercial tenant located within the same building or groups of buildings.⁷⁵

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

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

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

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

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

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

Solar Energy Systems:

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

Roof-mounted - A solar energy system that includes integrated solar shingles, tiles or panels as the surface layer of the roof or awning structure with no apparent change in relief or project, or

⁷⁵ Rev. 10/20/86

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

⁷⁷ Rev. 10/1/85

⁷⁸ Rev. 10/1/85

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

separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface.

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

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

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

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

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

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

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

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

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

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

⁸⁰ Rev. 5/15/78

⁸¹ Adopted 5/3/99, effective 6/7/99

⁸² Rev. 10/1/85

⁸³ Adopted 7/9/03, effective 7/29/03

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

⁸⁴ New 10/04/06, effective 10/25/06

ARTICLE II ZONING USES

Section 15 CENTRAL BUSINESS DISTRICT¹

15.00 Purpose

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

15.01 Permitted Uses

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

- 15.01.01^{2,3}
- a) Retail uses to include shops where articles are made or repaired and sold at retail on the premises.
 - b) Personal services and personal service shops.
 - c) Restaurants, brewpub/restaurants⁴, cafes, taverns and grills.⁵
 - d) Theaters for the visual or performing arts, and health and recreation clubs.
 - e) Banks and similar financial institutions providing retail banking services to customers.
 - f) Bakeries, groceries, and similar establishments
 - g) Public libraries and municipal offices.
 - h) Hotels with not less than 16 rentable sleeping accommodations.
 - i) Clubs and fraternal organizations.
 - j) Schools and related training facilities.
 - k) Office uses.
 - l) Wholesale sales for food, furniture, hardware, and office supplies
 - m) Artist or commercial live/work quarters subject to Article IV, Section 21 and residential units on the second floor and above.

¹ Revised July 9, 2003, effective 7/29/2003

² Revised November 17, 2003, effective 12/6/2003

³ Revised 7/20/09, effective 8/8/09

⁴ Revised 01/21/15, effective 02/13/15

⁵ Revised 2/5/18, effective 2/20/18

- n) Family day care.⁶
- o) Self storage of furniture, documents and records, data processing equipment, office supplies and equipment, and retail merchandise or similar items provided such storage is limited to basement levels of buildings existing at the time of the adoption of these regulations and no loading or access to the self-storage use shall be provided from Main Street.
- p) Alcoholic liquor sales subject to Article IV, Section 8.
- q) Alcoholic liquor sales shall be subject to the requirements of Article IV, Section 8 of these regulations.
- r) Gasoline service stations legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.
- s) 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.
- t) 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.
- u) All facilities described in (t) and (u)⁷ above shall be in accordance with the requirements of Article IV, Section 19.⁸
- v) Sidewalk cafes and seasonal vestibules subject to Article IV Section 23.⁹

15.02¹⁰ Special Exception Uses

15.02.01 Elderly Housing Development¹¹ as permitted in the elderly housing development zone at Article II Section 20 when that housing is proposed for an existing structure.

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

⁶ Revised 07/02/07, effective 7/22, 2007

⁷ Revised 07/02/07, effective 7/22, 2007

⁸ New 11/03/03, effective 11/28/03

⁹ New 2/5/18, effective 2/20/18

¹⁰ Revised 07/02/07, effective 7/22, 2007

¹¹ Rev. 04/20/98, effective 5/12/98

15.02.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.¹²

15.02.04¹³ 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.

15.03 Use Provisions

All uses shall be subject to the following:

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

15.04¹⁴ Building, Design and Parking Requirements

15.04.01 Maximum height of principal building - 75 feet

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

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

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

If the design plans are found not to conform with the [Main Street Architectural Guidelines](#) by either the Planning Director or the Planning and Zoning

¹² Rev. 01/26/81

¹³ New 02/13/17, effective 03/01/17

¹⁴ Revised 7/20/09, effective 8/8/09

¹⁵ Revised 01/03/18, effective 01/19/18

Commission Chair, the application will be referred to the full Planning and Zoning Commission for review. Also, an applicant may request a review before the full Planning and Zoning Commission instead of the administrative approval of the Planning Director and Planning and Zoning Commission Chair.

15.04.03¹⁶ The floor area of each residential unit, exclusive of public hallways, corridors, etc. shall be not less than:

Efficiency Unit	400 square feet
One Bedroom Unit	650 square feet
and thereafter 150 square feet for each additional bedroom	

15.04.04¹⁷ Automobile parking for all uses shall be subject to the requirements of Article IV, Section 9, of these regulations except that the availability of public spaces and shared or off-site parking shall be considered in meeting the parking requirements. Specific and appropriate shared off-street parking within the zone may be permitted in response to a particular development situation, only if a written agreement between the parties involved clearly stipulates the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

The number of parking spaces required for residential uses shall be as follows:

Efficiency Unit	1 space
One or more Bedrooms	1.5 spaces

15.05 Prohibited Uses

The following uses are prohibited in the CBD:

- a. No principal or accessory use shall be detrimental to public welfare by reason of noise, vibration, smoke, dust, fumes or odor.
- b. Correctional facilities.
- c. Halfway houses.
- d. Tattoo parlors and/or body piercing studios
- e. Pawn Shops.
- f. Clinics.

¹⁶ Revised 7/20/09, effective 8/8/09

¹⁷ Revised 7/20/09, effective 8/8/09

ARTICLE IV GENERAL PROVISIONS

Section 23 SIDEWALK CAFÉS¹ AND SEASONAL VESTIBULES²

23.01 Sidewalk cafes and seasonal vestibules are permitted in certain zones as permitted uses subject to the following provisions:

23.01.01 Sidewalk cafes and seasonal vestibules may be located on public sidewalks adjacent to or abutting the indoor restaurant which operates the cafe. The cafe or vestibule shall extend no further than the actual street frontage of the operating restaurant.

23.01.02 Sidewalk cafes and seasonal vestibules shall provide not less than four (4) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk. Obstructions shall include but not be limited to light poles, traffic signal poles, fire hydrants, utility structures and street signs. Further, the location of the cafe or seasonal vestibule cannot obstruct the clear sight distance for vehicles nor access or crossings for the disabled.

23.01.03 The area of the sidewalk reserved for pedestrian traffic shall consist of concrete only. Any textured pavement, such as brick, cobblestone, bituminous and similar treatment shall not be considered sidewalk for pedestrian traffic. The operator may leave four (4) feet of sidewalk immediately adjacent to the indoor restaurant and locate the cafe on textured pavements.

23.02 Design Standards – Sidewalk Cafes

23.02.01 Furnishings of the cafe shall consist solely of moveable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.

23.02.02 Awnings shall be adequately secured, retractable, and meet the provisions of the Manchester Downtown Architectural Guidelines as amended. Umbrellas over tables must be adequately weighted.

23.02.03 Tables, chairs, and all other furnishings or accessories shall be removed from the sidewalk and stored indoors whenever the cafe is not in operation.

23.02.04 Outdoor heaters, busing stations, trash receptacles, food preparation stations, and music shall not be permitted in the sidewalk cafe.

23.02.05 All planters, railings and fences within a sidewalk cafe must be self-supporting. Railings, fences or other enclosures shall not be more than 42 inches in height. No fastening devices of any kind shall be permitted to affix any furnishing or

¹ Rev. 7/21/14, effective 8/1/14

² Rev. 2/5/18, effective 2/20/18

appurtenances to the sidewalk.³

- 23.02.06 Sidewalk cafes shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, platforms or other surfaces of any kind shall not be permitted at any time in the sidewalk cafe.
- 23.02.07 Signs: No sign shall be allowed at any sidewalk cafe except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the area of the sidewalk cafe, mounted on an easel or other easily removable fixture. The sign shall not exceed six (6) square feet.
- 23.03 Operation and Service Requirements for Sidewalk Cafes
- 23.03.01 The cafe may operate during regular business hours of the restaurant operating the cafe but no later than 10:00 PM.
- 23.03.02 The pre-setting of tables with utensils, glass, napkins, condiments and the like is prohibited. The operator of the cafe is responsible for keeping the premises, including the public sidewalk and other furnishings of the cafe, clean at all times.
- 23.04 Criteria for Seasonal Vestibules
- 23.04.01 Seasonal vestibules shall not encroach more than 3 feet beyond the lot line and into the public sidewalk.
- 23.04.02 Seasonal vestibules shall conform to Article II Section 15.04.02.
- 23.04.03 Seasonal vestibules shall not be erected prior to December 1 and shall be removed by March 31 each year.
- 23.05 Permit Terms and Other Requirements
- 23.05.01 Anyone wishing to operate a sidewalk cafe or seasonal vestibule must file an application with the zoning enforcement officer for a Certificate of Use permit. An application form prescribed must be completed and any fee required must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
- 23.05.02 Sidewalk cafe and seasonal vestibule permits shall be issued for an operating period of one year. Thereafter the zoning enforcement officer may issue a renewal application on an annual basis provided a request is made for the renewal and after the zoning officer has made an inspection of the premises. The zoning officer may deny a permit to operate a sidewalk cafe or seasonal vestibule if the operator has a history of violations of any requirements or a failure to correct violations when duly noticed by the zoning officer.

³ Rev. 7/21/14, effective 8/1/14

- 23.05.03 The zoning enforcement officer shall be empowered to notify the operator of a sidewalk cafe or seasonal vestibule that their permit has been revoked. If the zoning officer finds that the provisions of the regulations are not being met by the operator, the operator shall correct the violations within one week of receiving written notice of violation. If the violations are not corrected within that time the permit will be revoked.
- 23.05.04 In addition to meeting the requirements of these regulations the zoning officer will route the application to the police department, public works director, director of health, chief building inspector, and fire marshal for their review. Any permit requirements of other agencies which regulate restaurants or the public right-of-way must be adhered to and the zoning officer may not issue a certificate of use if the applicant has not received approvals for the operation from other agencies having any jurisdiction on its operation.
- The operator must also provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured in that policy. A certificate of use shall not be issued until the insurance certificate is provided.
- 23.05.05 The Town reserves the right and power, acting through the general manager or a designee, to prohibit the operation of a sidewalk cafe or seasonal vestibule at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, snow removal, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the cafe will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the cafe's operation at any particular time.
- 23.05.06 Any operator aggrieved by any action of the zoning enforcement officer shall have a right to appeal to the Zoning Board of Appeals as set forth in Article V Section 5 of these regulations.