

2 ZONING DISTRICTS

200 General Provisions

2001 Establishment of Base Zoning Districts

2001.A This ordinance establishes the following zoning districts as shown on the Official Zoning Map and described in *Subpart 210:

- (1) Downtown (DN)
- (2) Town Center (TC)
- (3) Mixed Use 1 (MU-1)
- (4) Mixed Use 2 (MU-2)
- (5) Mixed Use 3 (MU-3)
- (6) Office Industrial (OI)
- (7) Residential 10 (R-10)
- (8) Residential 4 (R-4)
- (9) Residential 1 (R-1)
- (10) Rural Residential
- (11) Rural Agricultural
- (12) Forest Conservation

2002 Establishment of Overlay Zoning Districts

- (1) Historic Review Overlay (HRO)
- (2) Design Review Overlay (DRO)
- (3) Flood Hazard Overlay (FHO)
- (4) Aquifer Protection Overlay (APO)

2003 Official Zoning Map

2003.A The maps delineating the boundaries of the various base and overlay zoning districts established in this subpart are incorporated by reference into this ordinance and adopted as part of these ordinance, and constitute Manchester's Official Zoning Map.

2003.B The Official Zoning Map is on file in the town office. The unofficial versions of the maps included in this ordinance and available from the town website are for convenience only. The Official Zoning Map must be used for all measurements and interpretations of the district boundaries.

2003.C If a specific distance or measurement is not shown on the map, the Zoning Administrator will interpret any Official Zoning Map boundaries indicated as approximately following:

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (1) Streets, railroad lines, power lines or rights-of-way to follow the centerlines of such streets, railroad lines, power lines or rights-of-way.
- (2) Lot lines or municipal boundaries to follow such lines or boundaries.
- (3) Rivers, streams or water bodies to follow the centerlines of such rivers, streams or water bodies.

2003.D The Zoning Administrator will interpret any of the features listed above to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:

- (1) A boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.

2004 Use Standards

2004.A **Allowed Uses.** Land development must be shown on the use table (Section 2113) as a permitted or conditional use in the applicable zoning district unless:

- (1) The subject use is a nonconformity and the proposed land development is in conformance with the requirements of *Subpart 130.

2004.B **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district on the use table (Section 2113) is prohibited unless the applicant demonstrates to the Zoning Administrator that the unlisted use:

- (1) Is materially similar to a listed use in the same zoning district in accordance with *Subsection 2004.C; or
- (2) Is required to be permitted in a zoning district by state or federal law.

2004.C **Materially Similar Uses.** The Zoning Administrator may make a written determination that a proposed use not shown on the use table (Section 2113) is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:

- (1) Similar impacts on the neighborhood such as traffic, noise and lighting as that listed use; and
- (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that permitted or conditional use.

2004.D **Multiple and Mixed Uses.** A landowner may use a lot or structure located within the town core for any combination of uses allowed as permitted or conditional uses in the applicable zoning district.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- 2004.E **Accessory Uses.** A landowner must obtain a zoning permit to establish one or more accessory uses on a lot in accordance with the standards below:
- (1) The total area occupied by all the accessory uses on the lot must not exceed 40% of the total area occupied by the associated principal use. For principal uses conducted primarily indoors, this calculation will be based on gross floor area occupied within the building(s) by each use. For principal uses conducted primarily outdoors, this calculation will be based on lot area occupied by each use.
 - (2) An accessory use must be:
 - (a) A permitted or conditional use in the applicable zoning district;
 - (b) Specifically authorized as an allowed accessory use to the applicable principal use in this ordinance; or
 - (c) Approved by the Development Review Board in accordance with the procedures for conditional use review.
 - (3) A landowner must also obtain site plan approval for any accessory uses if the principal use of the lot is not a single- or two-family dwelling.
 - (4) The standards of this subsection do not apply to accessory dwellings, home occupations, home businesses and family childcare homes.

2005 Dimensional Standards

- 2005.A **Applicability.** Land development must conform to the dimensional standards for the applicable zoning district unless:
- (1) A subject lot or structure is a nonconformity and the proposed land development is in conformance with the requirements of * Subpart 130;
 - (2) The applicant obtains a waiver (Section 4404) or variance (Section 4405) from the Development Review Board; or
 - (3) The proposed land development will be approved as a planned unit development in accordance with the provisions of this ordinance.
- 2005.B **Principal Buildings.** Landowners may locate more than one principal building on a lot in the town center in accordance with the standards below:
- (1) The total amount of development on the lot must not exceed the maximum density allowed in the district.
 - (2) There must not be more than 2 detached single- or two-family dwellings on any lot unless approved as part of a planned unit development in accordance with the provisions of this ordinance.
 - (3) Each principal building must meet the applicable dimensional standards of the zoning district.
 - (4) The distance between new principal buildings or between a new principal building and an existing principal building must not be less than twice the side setback required in the zoning district, unless they are attached.

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (5) Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:
 - (a) The subject lot will be lawfully subdivided in accordance with the provisions of this ordinance.
 - (b) The building will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.

2005.C

Accessory Structures. A landowner must obtain a zoning permit to locate one or more accessory structures on a lot in accordance with the standards below:

- (1) Accessory structures must meet the front setback requirements shown in *dimensional table for the applicable zoning district except:
 - (a) Accessory buildings with a footprint in excess of 400 square feet must be located no closer to the front lot line than the associated principal building.
- (2) Accessory structures:
 - (a) With a footprint of not more than 120 square feet and a height of not more than 10 feet must be set back at least 5 feet from rear and side property lines, or the minimum setback requirements for the district they are located, whichever is less.
 - (b) With a footprint in excess of 120 square feet or a height in excess of 10 feet be set back at least 15 feet from rear and side property lines, or the minimum setback requirements for the district they are located, whichever is less.
- (3) Accessory structures must be located at least 5 feet from any other structure unless they are attached to that structure.
- (4) Accessory structures must not exceed a maximum height of 36 feet or the height of the associated principal building, whichever is less, except as specifically authorized in this ordinance.

2005.D

Lot Size. Lot size will be regulated in accordance with the following:

- (1) Any lot created under this ordinance must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development in accordance with the provisions of this ordinance.
- (2) A pre-existing small lot may be developed in accordance with *Section 1303 irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district.
- (3) An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose (ex. street widening).
- (4) A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district that the portion of the lot with street frontage is located in. If the lot has street frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- 2005.E **Street Frontage.** All lots must front on a public or private road as specified in each zoning district and in accordance with the following:
- (1) **Pre-Existing Lots.** An existing lot without the minimum required frontage on a maintained public or private street must have access to such a street over a permanent easement or right-of-way not less than 20 feet wide for single- and two-family residential lots and 40 feet wide for all other lots.
 - (2) **Corner Lots.** Lots that front on more than one street will only be required to meet minimum frontage requirements on one street.
 - (3) **New Lots.** All new lots created under these regulations must have the minimum frontage on a maintained public or private street unless the Development Review Board:
 - (a) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of this ordinance;
 - (b) Approves a waiver to reduce the frontage requirement to not less than 20 feet for irregularly shaped lots or lots accessed by a shared driveway; or
 - (c) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to agriculture, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.
- 2005.F **Setbacks.** All land development and structures subject to this ordinance must be set back from streets and property lines as shown in the dimensional table (Section 2114) unless otherwise specified in this ordinance. Lots with frontage on more than one street must meet front setback requirements on each street, and must meet side setback requirements on the remaining sides.
- 2005.G **Height.** No structure subject to these regulations may exceed district height limits as specified below unless otherwise specified in these regulations:
- (1) Minimum and/or maximum height requirements for principal structures are shown in the dimensional table (Section 2114) for each zoning district.
 - (2) Accessory structures must not exceed a height of 36 feet or the height of the associated principal structure, whichever is less.
 - (3) Height limits do not apply to:
 - (a) Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
 - (b) Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.
 - (4) Height limits do apply to flag poles, light poles, antenna support structures and similar freestanding structures not located within public rights-of-way.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- (5) Where a minimum building height is specified:
 - (a) Buildings with a footprint of 6,000 square feet or less must maintain that height along the entire facade and for a depth of at least 30 feet or depth of building, whichever is less.
 - (b) Buildings with a footprint of more than 6,000 square feet must maintain that height along at least 30% of the facade and for a depth of at least 30 feet or depth of the building, whichever is less.
- (6) When height is measured in feet, the measurement will be taken from the average finished grade around the building foundation or base of the structure to the roof deck for buildings with flat roofs, to the average height between the eaves and gable for sloped roofs, and to the highest point for other structures. This measurement will exclude the elements listed in Subparagraph (3) above.

2006 Residential Density Standards

2006.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except:

- (1) Accessory dwellings approved under Section * will not count as a dwelling unit for the purposes of calculating density.
- (2) Any single-family dwelling on a conforming lot in the town core may be converted to a two-family dwelling irrespective of the district density standard provided that all other applicable standards of this ordinance are met.
- (3) A pre-existing small lot may be developed in accordance with *Section 1303 irrespective of whether it will comply with the residential density standard for the applicable district.

2006.B The maximum residential density of a lot will be based on the amount of developable land (undevelopable land will be excluded in accordance with *Section 3022).

210 Base Zoning Districts

2101 Downtown District (DN)

2101.A **Purpose.** The Town of Manchester intends for the Downtown District to provide concentrated downtown retail, service, office, upper floor housing and other compatible mixed uses in Manchester Center, the town’s historic commercial center. Proposed land development must conform to design and historic preservation standards in order to maintain neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Manchester Center as a historic downtown;
- (2) Provide for the daily needs and services of the community, as well as contributing to the town’s visitor-based economy;
- (3) Provide economic development opportunities through service, office, locally-oriented retail, dining and other compatible commercial and light industrial uses;
- (4) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (5) Ensure that new buildings and major renovations are compatible with the historic architectural framework of Manchester Center; and
- (6) Promote a quality, urban streetscape and pedestrian-friendly environment.

2101.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district. In addition:

- (1) Residential uses are prohibited on the ground floor.
- (2) Food service drive-throughs are prohibited and all other drive-through service will require conditional use approval.

2101.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district. In addition:

- (1) To meet the minimum height requirement, new principal buildings must be constructed with a functional second story that conforms the standards of Subsection 2005.G.

2101.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2102 Town Center District (TC)

2102.A **Purpose.** The Town of Manchester intends for the Town Center District to provide a center for the most intensive commercial activity and mixed-use development in Manchester. Proposed land development must conform to design standards in order to enhance neighborhood commercial scale, pedestrian activity and architectural character. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Manchester's town center;
- (2) Support the town's visitor-based economy, as well as providing for the daily needs and services of the community;
- (3) Provide economic development opportunities through retail, dining, service, office and other compatible commercial and light industrial uses;
- (4) Encourage creation of housing within walking distance of employment, service and retail opportunities;
- (5) Encourage mixed-use infill and redevelopment that increases the value of buildings and property;
- (6) Ensure that new buildings are compatible with the architectural framework of Manchester's town core and preserve a human scale; and
- (7) Promote a quality, urban streetscape and pedestrian-friendly environment.

2102.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district. In addition:

- (1) Residential uses are prohibited on the ground floor.
- (2) Industrial uses must include a retail space from which at least 50% of the products manufactured on the premises are sold direct to consumers.
- (3) Food service drive-throughs are prohibited and all other drive-through service will require conditional use approval.

2102.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2102.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2103 Mixed Use 1 District (MU-1)

2103.A **Purpose.** The Town of Manchester intends for the Mixed Use 1 District to provide a mix of uses within historic neighborhoods in the town core. Proposed land development must conform to design and historic preservation standards in order to maintain neighborhood scale, pedestrian-friendly connectivity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Manchester Center’s historic neighborhoods;
- (2) Provide for the daily needs and services of the community, as well as contributing to the town’s visitor-based economy;
- (3) Provide economic development opportunities through small-scale, low-impact retail, service, office and other business activities that are compatible with nearby residential uses;
- (4) Provide a broad range of housing opportunities within walking distance of employment, service and retail opportunities;
- (5) Ensure that new buildings and major renovations are compatible with the historic architectural framework of Manchester Center’s neighborhoods; and
- (6) Promote a quality streetscape and pedestrian-friendly environment.

2103.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district. In addition:

- (1) Drive-throughs are prohibited.

2103.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district. In addition:

- (1) To meet the minimum height requirement, new principal buildings must be constructed with a functional second story that conforms the standards of Subsection 2005.G.

2103.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2104 Mixed Use 2 District (MU-2)

2104.A **Purpose.** The Town of Manchester intends for the Mixed Use 2 District to provide an opportunity for growth in areas within or adjacent to the town core that are currently served by public infrastructure or where infrastructure could reasonably be provided. The purpose of this district is to:

- (1) Provide economic development opportunities through office, service, lodging, and other compatible, primarily non-retail commercial and light industrial uses;
- (2) Provide opportunities for new compact residential neighborhoods and a range of housing opportunities in proximity to the town core;
- (3) Ensure that proposed land development incorporates access management and avoids congestion; and
- (4) Promote a quality streetscape and pedestrian-friendly environment.

2104.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district. In addition:

- (1) Food service drive-throughs are prohibited and all other drive-through service will require conditional use approval.

2104.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2104.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2105 Mixed Use 3 District (MU-3)

2105.A **Purpose.** The Town of Manchester intends for the Mixed Use 3 District to provide visitor-serving, primarily non-retail uses such as dining, lodging and recreation, and other compatible uses along the main highways. Proposed land development must conform to design standards in order to maintain and enhance community character. The purpose of this district is to:

- (1) Support the town’s visitor-based economy, as well as providing amenities that enhance quality of life in the community;
- (2) Ensure that proposed land development incorporates access management and avoids congestion; and
- (3) Promote quality site and building design to mitigate the effects of linear commercial development, maintain community character and limit sprawl.

2105.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district. In addition:

- (1) Drive-throughs will require conditional use approval.

2105.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2105.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2106 Office Industrial District (OI)

2106.A **Purpose.** The Town of Manchester intends for the Office Industrial District to provide opportunities for diversifying the town’s economy and accommodating the growth of local businesses. The purpose of this district is to promote Manchester’s long-term economic vitality by providing locations for primarily non-retail, non-visitor-based office, service and light industrial uses.

2106.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2106.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2106.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2107 Residential 10 District (R-10)

2107.A **Purpose.** The Town of Manchester intends for the Residential 10 District to provide opportunities for high-density and multi-family housing within the town core. Proposed land development must conform to design standards in order to maintain and enhance neighborhood character. The purpose of this district is to:

- (1) Provide a broad range of housing opportunities within walking distance of employment, service and retail opportunities;
- (2) Ensure that new buildings are compatible with the architectural framework of Manchester's neighborhoods and preserve a human scale; and
- (3) Promote a quality streetscape and pedestrian-friendly environment.

2107.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2107.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2107.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2108 Residential 4 District (R-4)

2108.A **Purpose.** The Town of Manchester intends for the Residential 4 District to provide opportunities for high-density, primarily single-family residential neighborhoods within the town core. The purpose of this district is to provide a broad range of housing opportunities in quality neighborhoods.

2108.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2108.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2108.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



2109 Residential 1 District (R-1)

2109.A **Purpose.** The Town of Manchester intends for the Residential 1 District to provide opportunities for moderate density, primarily single-family housing within and adjacent to the town core.

2109.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2109.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2109.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2110 Rural Residential District (RR)

2110.A **Purpose.** The Town of Manchester intends for the Rural Residential District to provide opportunities for low density housing in a rural setting.

2110.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2110.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2110.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



2111 Rural Agricultural District (RA)

2111.A **Purpose.** The Town of Manchester intends for the Rural Agricultural District to provide opportunities for agriculture, as well as associated agricultural enterprises and housing for people engaged in agriculture.

2111.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2111.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2111.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2112 Forest Conservation District (FC)

2112.A **Purpose.** The Town of Manchester intends for the Forest Conservation District to protect the public and private forested slopes that define the eastern and western sides of town and maintain opportunities for recreation uses and properly managed forestry operations.

2112.B **Allowed Uses.** *Section 1001 establishes the uses allowed in this district.

2112.C **Dimensional Standards.** *Section 2114 establishes the dimensional standards for this district.

2112.D **Character Examples.** The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2113 Use Table

USE & DEFINITION <small>P = Permitted Use C = Conditional Use - = Use Not Allowed</small>	DN	TC	MU-1	MU-2	MU-3	OI	R-10	R-4	R-1	RR	RA	FC
RESIDENTIAL												
Single-family dwelling A detached, single-unit structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	-	-	P	P	P	-	P	P	P	P	P	-
Two-family dwelling A two-unit structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule (also known as a duplex).	-	-	P	P	P	-	P	P	P	P	-	-
Attached dwelling A single-unit dwelling for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, which is attached to another single-unit dwelling in a row of at least three such dwellings with one or more common walls and with each dwelling having its own front and rear access to the outside (also known as a townhouse).	-	-	P	P	C	-	P	P	C	C	-	-
Multi-family dwelling (3+ units) Use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building.	P	P	P	P	-	-	P	-	-	-	-	-
Accessory dwelling Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	-	-	P	P	P	-	P	P	P	P	P	-
Home occupation Accessory use of single-family residential property for a small business that does not alter the residential character of the property.	-	-	P	P	P	-	P	P	P	P	P	-
Home business Accessory use of single-family residential property for a small business that may alter the residential character of the property.	-	-	P	P	C	-	-	-	C	C	C	-
Family childcare home Accessory use of single-family residential property for a small daycare business operated by a resident of the dwelling under state license or registration.	-	-	P	P	P	-	P	P	P	P	P	-
Retirement housing Use of one or more structures to primarily house people age 55 or older that: (a) Contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation; and (b) May offer minimum convenience services to residents as an accessory use.	-	C	P	P	C	-	P	P	P	P	-	-
Assisted living Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license (includes residential care homes).	-	C	C	C	C	-	C	C	-	-	-	-
Skilled nursing service Use of one or more structures to provide housing and 24-hour skilled nursing care to residents and that operates under state license (includes nursing and convalescent homes, and hospice facilities).	-	C	-	C	C	-	-	C	-	-	-	-
Group home Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration.	-	-	P	P	P	-	P	P	P	P	P	-
Residential treatment facility Use of one or more structures to provide housing and 24-hour supervision and care of patients receiving therapy for substance abuse, mental illness or other behavioral problems.	-	-	-	C	C	-	-	-	-	-	-	-
LODGING												
Bed-and-breakfast Accessory use of single-family residential property to provide short-term accommodations for travelers that may have not more than five guestrooms. See *	-	-	P	P	P	-	P	P	P	C	C	-
Inn Use of one or more structures (typically a private home and/or accessory buildings, or buildings designed to appear as such) to provide short-term accommodations for travelers. May include a restaurant, bar, event facility, spa or fitness club as an accessory use.	-	-	P	P	P	-	-	-	-	C	C	-
Rooming and boarding house Accessory use of a single-family residential property to provide accommodations that will typically serve as the boarder's principal residence, and that commonly includes meals, housekeeping and/or laundry services.	-	-	P	P	P	-	P	P	P	-	-	-

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

USE & DEFINITION <small>P = Permitted Use C = Conditional Use - = Use Not Allowed</small>	DN	TC	MU-1	MU-2	MU-3	OI	R-10	R-4	R-1	RR	RA	FC
Hotel or motel Use of one or more structures to provide short-term accommodations for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc.	P	P	P	P	P	-	-	-	-	-	-	-
Resort Use of one or more structures to provide short-term accommodations for transient guests where the primary attraction is recreational amenities or activities. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc.	-	P	-	P	P	-	-	-	-	C	C	-
COMMERCIAL												
Retail sales An establishment that sells goods to the general public for personal or household consumption primarily from within an enclosed structure, excluding any use specifically defined in this section. It may also provide installation, repair or maintenance services as an accessory use.	P	P	C	-	-	-	-	-	-	-	-	-
Fueling station A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. This definition specifically excludes truck or freight transportation.	-	C	-	-	-	-	-	-	-	-	-	-
Carwash A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. This definition specifically excludes truck or freight transportation.	-	C	-	-	-	-	-	-	-	-	-	-
Repair service An establishment that maintains, services, repairs or paints goods such as appliances, vehicles, boats, equipment or machinery. This definition specifically excludes truck or freight transportation.	-	C	-	-	-	C	-	-	-	-	-	-
Sales lot An establishment that sells large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance services as an accessory use.	-	C	-	-	-	C	-	-	-	-	-	-
Lawn, garden and farm supply sales An establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open air structures, excluding any use specifically defined in this section that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use.	-	P	-	C	C	C	-	-	-	C	C	-
Lumberyard and building supply sales An establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures.	-	P	-	-	-	P	-	-	-	-	-	-
Grocery store An establishment that sells food or beverage items to the general public primarily not for immediate consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	-	P	-	-	-	-	-	-	-	-	-	-
Convenience store An establishment that sells a limited line of staple food, packaged food, and convenience items primarily for off-site consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P	P	-	-	-	-	-	-	-	-	-	-
Beer, wine or liquor store An establishment that sells packaged alcoholic beverages for off-site consumption.	P	P	C	-	C	-	-	-	-	-	-	-
Specialty food store An establishment that sells a limited line of specialty, locally-produced and/or gourmet food or beverage items primarily for off-site consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P	P	P	-	C	-	-	-	-	-	-	-
Open market An establishment or site where goods are brought to be immediately sold to the general public for personal or household consumption often from outdoor areas or open air structures, excluding any use specifically defined in this section.	C	C	-	C	C	-	-	-	-	-	-	-
Professional or business office An establishment that: (a) is used to conduct the affairs of a business, organization or profession; or (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	P	P	P	P	P	P	-	-	-	-	-	-
Personal or business service An establishment that provides: (a) services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor; or (b) support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. It may include sales of related products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	P	P	P	C	C	C	-	-	-	-	-	-

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

USE & DEFINITION <small>P = Permitted Use C = Conditional Use - = Use Not Allowed</small>	DN	TC	MU-1	MU-2	MU-3	OI	R-10	R-4	R-1	RR	RA	FC
Veterinary office An establishment where licensed practitioners of veterinary medicine, dentistry or surgery treat animals. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use.	C	C	C	C	C	P	-	-	-	C	C	-
Domestic animal service An establishment that: (a) provides domestic animal and pet care services other than veterinary service such as boarding, grooming, sitting and training; or (b) breeds, sells or manages adoption of domestic animals. It may include sales of pet food or supplies as an accessory use.	C	C	C	C	C	C	-	-	-	C	C	-
Bank An establishment that engages in financial transactions that create, liquidate or change ownership of financial assets such as accepting deposits, making loans and issuing currency.	P	P	P	-	-	P	-	-	-	-	-	-
Recreation equipment rental An establishment that rents recreational goods such as skis, canoes, kayaks or bicycles. It may also provide repair or maintenance services as an accessory use.	P	P	C	P	P	P	-	-	-	C	C	C
Restaurant, eat-in An establishment that prepares and serves meals, snacks and beverages that are primarily served to seated patrons for immediate consumption on the premises. It may prepare and serve meals, snacks and beverages for consumption off the premises (take-out) provided that the area devoted to patron seating (exclusive of any outdoor dining area) is not less than 40% of the gross floor area of the restaurant (exclusive of any outdoor dining area). Any restaurant with drive-through or drive-in service will be considered a take-out restaurant under this ordinance.	P	P	C	-	P	-	-	-	-	-	-	-
Restaurant, take-out An establishment with no or limited seating that prepares and serves meals, snacks and beverages primarily for consumption off the premises. Any restaurant with drive-through or drive-in service will be considered a take-out restaurant under this ordinance. This definition includes a retail bakery that sells 40% or more of its products on the premises.	C	C	C	-	-	-	-	-	-	-	-	-
Mobile food unit An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts.	C	C	-	-	-	-	-	-	-	-	-	-
Tavern An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service as an accessory use. This definition includes a brewpub that produces less than 15,000 barrels of beer per year and sells 25% or more of its beer on the premises.	C	C	C	-	C	-	-	-	-	-	-	-
Nightclub An establishment that operates as a place of entertainment with music, dancing, or similar live or recorded performances, and where food and drink are served for immediate consumption on the premises.	C	C	-	-	-	-	-	-	-	-	-	-
Catering or commercial kitchen A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a state food processing establishment license (such uses will be considered food or beverage manufacturing under this ordinance).	C	C	C	C	C	P	-	-	-	C	C	-
Parking lot or structure An establishment that provides short-term storage for registered, operable passenger vehicles as its primary function.	C	C	C	-	-	-	-	-	-	-	-	-
INDUSTRIAL												
Light industry An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.	C	C	C	C	C	P	-	-	-	-	-	-
Artisanal or handcrafted manufacturing An establishment that produces artisanal or handcrafted goods from within an enclosed building that are custom-designed and produced in small quantities, which typically is characterized by minimal automation, little division of labor and a small number of skilled craftspeople. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.	C	C	C	C	C	P	-	-	-	-	C	-
Food or beverage manufacturing A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery or a commercial bakery.	C	C	C	C	C	P	-	-	-	-	C	-
Wood products, cabinet or furniture manufacturing An establishment that produces finished wood products from logs or sawed lumber such as cabinets, furniture, decorative items, containers, flooring, trusses, or pre-fabricated buildings or building components from within an enclosed building. It may include a retail shop as an accessory use that primarily sells products produced on the premises.	C	C	C	C	C	P	-	-	-	-	C	-
Warehouse and storage An establishment that stores, but does not sell, goods and may provide a range of services related to the distribution of goods. This definition specifically excludes any use specifically defined in this section.	-	-	-	-	-	P	-	-	-	-	-	-

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

USE & DEFINITION <small>P = Permitted Use C = Conditional Use - = Use Not Allowed</small>	DN	TC	MU-1	MU-2	MU-3	OI	R-10	R-4	R-1	RR	RA	FC
Self-storage facility An establishment that provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods.	-	-	-	-	-	P	-	-	-	-	-	-
Tank farm or fuel storage and distribution services An establishment with one or more tanks that typically store fuels, oils and similar liquid products. It may include sale and distribution of such products.	-	-	-	-	-	C	-	-	-	-	-	-
Wholesale trade An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold.	-	C	-	-	-	P	-	-	-	-	-	-
Contractor's yard An establishment that provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office.	-	-	-	C	C	P	-	-	-	C	C	-
Air transportation services A site or structure intended to accommodate or support air transportation such as a runway, hangar, terminal, control tower or heliport.	-	-	-	-	-	C	-	-	-	-	-	-
Rail transportation services A site or structure intended to accommodate or support rail transportation such as a train station, depot, rail yard, or siding.	-	-	-	-	-	C	-	-	-	-	-	-
Transit or passenger transportation services An establishment that provides public or ground transportation services such as van or bus transportation, and taxi or limousine services.	-	C	-	C	C	C	-	-	-	-	-	-
Truck or freight transportation services An establishment that provides: (a) over-the-road transportation of cargo using trucks and tractor trailers; or (b) services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including trucks, tractor trailers or buses.	-	-	-	-	-	C	-	-	-	-	-	-
Printing or publishing An establishment that issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, databases, calendars, greeting cards, maps, posters, software, sound recordings or video recordings. This definition specifically excludes retail copy shops, which will be considered an personal or business under this ordinance.	-	-	-	-	-	P	-	-	-	-	-	-
Media recording or broadcasting studio An establishment that is used to produce, distribute and/or broadcast radio, television, movie, sound, video or similar media products, programs or recordings.	C	C	C	-	-	P	-	-	-	-	-	-
Communications antenna A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower.	P	P	P	P	P	P	-	-	-	P	P	C
Communications tower A structure used to support one or more communication antennas and related structures and equipment.	-	-	-	-	-	C	-	-	-	-	C	C
Information services or data center An establishment used to house computer systems and associated components such as telecommunications and storage systems, to provide electronic data processing services, or to supply digital information. It generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices.	-	-	-	-	-	P	-	-	-	-	-	-
Laboratory or research facility An establishment used for research or analysis in the physical, engineering, cognitive or life sciences.	-	C	-	C	-	C	-	-	-	-	-	-
Composting facility An establishment used primarily used for the composting of food and other biodegradable wastes.	-	-	-	-	-	C	-	-	-	-	C	-
ART, ENTERTAINMENT AND RECREATION												
Performance theater An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists to an audience.	P	P	C	C	-	-	-	-	-	-	-	-
Movie theater An establishment that shows movies or other recorded entertainment to an audience.	P	P	-	-	-	-	-	-	-	-	-	-
Art gallery or studio An establishment used to produce, display and/or sell works of art or handcrafted jewelry, pottery, or glassware, or similar decorative objects or handcrafted goods.	P	P	P	P	P	P	-	-	-	-	-	-
Museum An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.	P	P	P	P	P	-	-	-	-	C	C	-

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

USE & DEFINITION <small>P = Permitted Use C = Conditional Use - = Use Not Allowed</small>	DN	TC	MU-1	MU-2	MU-3	OI	R-10	R-4	R-1	RR	RA	FC
Indoor recreation An establishment that offers physical fitness, sports, games and other leisure-time activities to the general public primarily from within an enclosed building. This definition specifically excludes any use defined in this section.	P	P	C	P	P	P	-	-	-	-	-	-
Fitness center or health club An establishment that offers fitness or recreational sports facilities and services to members and their guests primarily from within an enclosed building.	C	P	-	P	P	P	-	-	-	-	-	-
Spa An establishment that offers health, beauty, weight loss and relaxation treatments and therapies through means such as massage, facials, steam and sauna facilities, waxing, electrolysis, and exercise facilities and instruction. It may offer food and beverages to clients for immediate consumption on the premises. It may offer personal services such as hair salons, make-up consultations, manicures or pedicures as additional services.	P	P	P	P	P	-	-	-	-	-	-	-
Event facility An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibition halls and meeting rooms	P	P	C	P	P	-	-	-	-	C	C	-
Outdoor recreation An establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. This definition specifically excludes any use defined in this section.	-	C	-	P	P	C	-	-	C	C	C	C
Golf course or country club An establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, driving range and shelters. It may provide additional recreational activities and/or retail sales of golf-related merchandise as an accessory use.	-	-	-	C	P	-	-	-	-	C	C	-
Campground An establishment designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles, or to provide overnight recreation camping or outdoor adventure retreats. It may provide additional facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities.	-	-	-	-	C	-	-	-	-	C	C	C
Summer camp An establishment that offers accommodations in tents, cabins or similar rustic structures and organized, group recreational or educational activities for specified periods of time typically not less than one week. It may be used on a limited basis to provide meeting, recreation or social facilities for a private association or group as an accessory use.	-	-	-	-	C	-	-	-	-	C	C	C
Primitive camp A seasonal dwelling used for a limited period of time each year that lacks complete kitchen and/or indoor sanitation facilities.	-	-	-	-	-	-	-	-	-	P	P	P
Park or nature preserve A site maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.	P	P	P	P	P	P	P	P	P	P	P	P
CIVIC AND COMMUNITY												
Grade school A state-recognized institution used to educate children from pre-school through grade 12.	P	P	P	P	-	-	P	P	P	-	-	-
College or university An accredited institution of higher learning that grants undergraduate and/or graduate degrees.	P	P	C	P	-	-	-	-	-	-	-	-
Technical or trade school An establishment that offers vocational and technical training typically required for specific trades or occupations, and often leading to job-specific certification.	C	C	-	C	-	P	-	-	-	-	-	-
Specialty school A commercial establishment that offers instruction, classes or training such on a specific topic such as cooking, arts, crafts, dance, music, sports or fitness.	C	C	C	C	C	-	-	-	-	-	-	-
Government office or courthouse An establishment used by federal, state or local government agencies to administer, oversee and manage public programs, and to carry-out government functions. This definition specifically excludes public safety facility and highway maintenance facility	P	-	P	P	-	-	-	-	-	-	-	-
Community center A public or non-profit establishment used as a place of meeting for civic, recreational and social activities that is generally open to the public.	P	-	C	P	C	-	-	-	-	-	-	-
Public safety facility An establishment that provides fire, rescue, police and/or emergency response services.	-	-	-	P	-	P	-	-	-	-	-	-
Highway maintenance facility An establishment used to store, maintain and repair the vehicles, machinery, equipment and materials necessary for public highway repair and maintenance, or to provide municipal infrastructure and services such as water or sewer.	-	-	-	C	-	P	-	-	-	-	-	-

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

USE & DEFINITION <small>P = Permitted Use C = Conditional Use - = Use Not Allowed</small>	DN	TC	MU-1	MU-2	MU-3	OI	R-10	R-4	R-1	RR	RA	FC
Medical clinic or office An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients.	P	P	C	P	-	P	-	-	-	-	-	-
Child day care An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.	P	P	P	P	-	C	-	-	-	-	-	-
Social assistance and charitable services An establishment that provides social assistance services directly to individuals, and that does not offer residential or accommodation services.	P	P	C	P	-	P	-	-	-	-	-	-
Religious institution An establishment that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities as an accessory use.	P	P	P	P	-	-	-	-	C	C	-	-
Funeral and cremation services An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.	P	-	C	P	-	P	-	-	-	-	-	-
Cemetery A site designed to inter or otherwise store the remains of deceased people.	-	-	-	C	-	-	-	-	C	P	P	-
Social or membership club A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.	P	P	C	P	P	-	-	-	-	-	-	-
NATURAL RESOURCE BASED												
Agriculture or forestry An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats.	-	-	-	P	P	-	-	-	P	P	P	P
Greenhouse or nursery A commercial establishment that grows nursery products, nursery stock, trees, shrubs or flowers. It may include retail sale of products grown on-site as an accessory use.	-	-	-	P	-	P	-	-	-	C	C	-
Agriculture support services An establishment that performs support activities related to raising livestock such as breeding services, livestock sales or auctions, and slaughterhouses or slaughtering services.	-	-	-	-	-	P	-	-	-	C	C	-
Stable or riding facility An establishment intended to house, train or care for horses.	-	-	-	C	C	-	-	-	C	P	P	C
Firewood production An establishment that processes timber harvested off-site into firewood.	-	-	-	-	-	P	-	-	-	-	C	C
Sawmill An establishment that processes timber harvested off-site into wood construction and manufacturing materials such as lumber, plywood, veneers, etc.	-	-	-	-	-	P	-	-	-	-	C	C
Fishing or game preserves An establishment that is used for commercial hunting or trapping, or as a commercial or recreational game or hunting preserve.	-	-	-	-	-	-	-	-	-	P	P	P
Mining or quarrying An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening.	-	-	-	-	-	P	-	-	-	-	C	C
On-farm business An establishment that engages in agri-tourism, agri-education, direct marketing of locally-produced farm or forest products, or that adds value to locally-produced farm or forest products.	-	-	-	C	C	-	-	-	-	-	C	C

2114 Dimensional Standards Table

	DN	MU-1	MU-2	MU-3	TC	OI	R-10	R-4	R-1	RR	RA	FC
LOTS												
Minimum lot size	3,000 sf	4,000 sf	12,000 sf	1 acre	15,000 sf	20,000 sf	8,000 sf	10,000 sf	1 acre	5 acre	10 acre	25 acre
Minimum lot frontage	30 ft	45 ft	90 ft	150 ft	120 ft	120 ft	45 ft	60 ft	120 ft	300 ft	300 ft	300 ft
Maximum lot coverage	100%	85%	75%	50%	75%	70%	80%	60%	Lesser of 50% or 1 acre	Lesser of 10% or 1 acre	Lesser of 5% or 1 acre	Lesser of 1% or 1 acre
DENSITY												
Maximum residential density (DU = dwelling unit)	no max	1 DU per 4,000 sf of lot area	1 DU per 4,000 sf of lot area	1 DU per 1 acre of lot area	1 DU per 2,000 sf of lot area	n/a	1 DU per 4,000 sf of lot area	1 DU per 10,000 sf of lot area	1 DU per 1 acre of lot area	1 DU per 5 acres of lot area	1 DU per 10 acres of lot area	n/a
SETBACKS												
Minimum front setback	0 ft	10 ft	15 ft	30 ft	15 ft	20 ft	15 ft	15 ft	30 ft	30 ft	30 ft	30 ft
Maximum front setback	15 ft	30 ft	no max	no max	30 ft	no max	30 ft	30 ft	no max	no max	no max	no max
Minimum side setback	0 ft	10 ft	15 ft	20 ft	15 ft	15 ft	10 ft	10 ft	15 ft	20 ft	20 ft	20 ft
Minimum rear setback	0 ft or 10 ft if abutting a residential or mixed use district	10 ft or 20 ft if abutting a residential district	10 ft or 20 ft if abutting a residential district	20 ft	10 ft or 20 ft if abutting a residential district	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum riparian setback	10 ft	20 ft	50 ft	50 ft	20 ft	50 ft	20 ft	30 ft	30 ft	50 ft	50 ft	50 ft
BUILDINGS												
Maximum building footprint	no max	6,000 sf	no max	6,000 sf	no max	no max	6,000 sf	no max	no max	no max	no max	no max
Maximum building coverage	no max	no max	40%	no max	40%	no max	no max	no max	15%	no max	no max	no max
Minimum building height	2 stories	2 stories	20 ft for nonresidential buildings	no min	20 ft	no min	no min	no min	no min	no min	no min	no min
Maximum building height Measured as average between eaves and ridge for pitched roofs and to roof deck for flat roofs	40 ft	30 ft	30 ft	30 ft	40 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft

220 Overlay Districts

2201 Design Review Overlay District (DRO)

2201.A **Purpose.** The Town of Manchester intends for the Design Review Overlay District to:

- (1) Preserve, maintain, and enhance the architectural integrity, historic character, quality of design and construction, aesthetics of streetscapes and buildings, and walkability that support Manchester’s visitor-based economy and the vitality of the town core.
- (2) Preserve, maintain, and enhance the physical qualities of Manchester’s historic districts by regulating exterior modifications to contributing historic structures and by requiring new structures to be compatible with and respond to their historic setting and context in accordance with the principles summarized below:
 - (a) Buildings should function to meet today’s needs just as they met certain needs at the time they were built. The changes required to meet new demands should be a compromise between the existing integrity of the structure and new functions. Good preservation seeks both of these goals.
 - (b) Every attempt should be made to preserve as much of a historic building’s original design, architectural details and building materials as is feasible. When it is necessary to introduce modern elements to a historic building exterior, every effort should be made to maintain the building’s overall architectural character.
 - (c) New construction should be a product of its own time and not be a copy of an older architectural style with associated details no longer practical. The unity of an existing street or block should be a major consideration in the design of any new construction. Rather than copying a particular style, the new building should relate in materials, form, massing, proportion and rhythm of common elements to those present on the street or block.

2201.B **Use Standards.** Within this overlay district, all land development allowed (permitted or conditional use) in the base zoning district requires design approval from the Design Review Committee and must conform to the standards of this section except for the following:

- (1) Subdivision of land.
- (2) Interior alteration or a change in use that will not result in any exterior modifications.
- (3) Normal repair and maintenance with materials of similar composition, type and appearance. This includes any repainting of previously painted surfaces, irrespective of color, but does not include painting of existing, unpainted surfaces.
 - (a) For contributing historic structures, normal repair and maintenance must be undertaken in accordance with the practices recommended in

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

the *Guidelines for Rehabilitating Historic Buildings* developed by the U.S. Department of Interior's Technical Preservation Services (a link is provided on the town website).

- (4) Exterior modifications to a noncontributing structure that will not be visible from the street.
- (5) Demolition of a noncontributing structure.
- (6) The removal of a sign provided that no evidence of the sign's installation remains.
- (7) The replacement of a lawful sign provided that the replacement sign is no larger than the previously approved sign or is located entirely within the building's sign band.
- (8) Construction of a freestanding accessory structure with a footprint of no more than 200 square feet in area and a height of no more than 15 feet.
- (9) Non-substantial alterations as determined by the Zoning Administrator.

2201.C **Dimensional Standards.** The dimensional standards within this overlay district will be as specified for the base zoning district except that front setback requirements may be modified to be consistent with neighboring properties on the same side of the same street.

2201.D **Design Review Standards.** All proposed land development within this overlay district must incorporate frontage and facade elements that will contribute to a pedestrian-oriented streetscape, and must be compatible in form, massing, proportion and rhythm with its historic context. More specific, detailed guidance may be found in the *Design Guidelines for Manchester's Commercial and Historic Districts* (as most recently amended and incorporated into this ordinance by reference). Specifically:

- (1) **Architectural Design.** Architectural design must be of a form, style, and scale that maintains and enhances those qualities noted in the purpose section, and the historical traditions described in the town plan.
- (2) **Site Design.** Site design must enhance the streetscape and provide pedestrian amenities consistent with the town plan. At a minimum, applicants seeking major site plan approval must:
 - (a) Propose site design elements that may include, but are not limited to, planting of street trees; greenspace and landscaped areas; park benches, sidewalks or other pedestrian paths; doorways, porches, and entries that provide transition for and bridge the gap between public and private space; and carriage-type street or building lighting that is appropriate in style and design to the 19th- and early 20th-century historic architecture and character of the overlay district.
 - (b) Consider the location, installation, and design of utility poles, power lines, and all associated infrastructure. Wherever feasible, power lines must be consolidated, buried, or moved behind buildings
- (3) **Historic Preservation Standards.** Applicants must demonstrate that any proposed land development involving a contributing historic structure will implement the practices recommended by the U.S. Department of Interior's Technical

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

Preservation Services in the *Guidelines for Rehabilitating Historic Buildings*. The Secretary's Standards for Rehabilitation are listed below and detailed recommendations on appropriate rehabilitation practices are available online. Applicants are also encouraged to refer to the *Design Guidelines for Manchester's Commercial and Historic Districts* for further guidance on appropriate development practices. The applicant must:

- (a) Use a building or property for its historic purpose or a new use that requires minimal change to its defining characteristics.
- (b) Retain and preserve the historic character of a building or property, and avoid removing historic materials or altering the historic features and spaces that characterize a building or property.
- (c) Recognize that each building or property is a physical record of its time, place, and use, and not undertake changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings
- (d) Recognize that most buildings or properties change over time, and retain or preserve those changes that have acquired historic significance in their own right.
- (e) Preserve distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property or building.
- (f) Repair rather than replace deteriorated historic features whenever feasible. If a feature is deteriorated to an extent that makes repair unfeasible, the replacement must match the original in design, color, texture, and other visual qualities and, where possible, materials.
- (g) Not use chemical or physical treatments, such as sandblasting, that cause damage to historic materials. If the surface cleaning of structures is appropriate, the gentlest means possible must be used.
- (h) Protect and preserve significant archeological resources affected by a project. If such resources must be disturbed, mitigation measures must be undertaken.
- (i) Not destroy historic materials that characterize the property or building as a result of new additions, exterior alterations, or related new construction. The new work must be differentiated from the old and must be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property or building.
- (j) Design and construct any new additions and adjacent or related new construction in such a manner that if removed in the future, the essential form and integrity of the historic property or building would be unimpaired.

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

2202 Aquifer Protection Overlay District (APO)

2202.A The purpose of the APA is to protect public health and safety by preventing contamination, promoting recharge and maintaining the supply of the town's drinking water sources.

2202.B **Protection Areas.** The Aquifer Protection Overlay District includes the following zones as depicted on *map:

- (1) **Zone A.** Zone A, the Drinking Water Critical Impact Zone, is the area within Zones 1 and 2 identified in a water system's Source Protection Plan.
- (2) **Zone B.** Zone B, the Drinking Water Potential Impact Zone, is the area within Zone 3 identified in a water system's Source Protection Plan.

2202.C **Uses.** The uses allowed within this overlay district will be as allowed in the underlying zoning district except that Town of Manchester prohibits the following uses within Zone A, but may allow them as a conditional use within Zone B to the extent allowed in the underlying zoning district:

- (1) Funeral home or cemetery
- (2) Golf course
- (3) Pesticide, herbicide and fungicide applications, with the exception of those reviewed and approved by the Vermont Department of Health
- (4) Fueling station, carwash or repair service
- (5) Light industry or manufacturing use
- (6) Transportation services
- (7) Laboratory or research facility
- (8) Printing facility
- (9) On-site wastewater disposal system or wastewater treatment facility
- (10) Stormwater management facility
- (11) Highway maintenance facility
- (12) Contractor's yard
- (13) Salvage yard
- (14) Extracting, quarrying or stone cutting
- (15) Landfill or waste management facility
- (16) Composting facility
- (17) Storage of snow brought in from outside the overlay district
- (18) Underground storage tanks
- (19) Bulk storage of flammable, combustible, toxic or hazardous materials, including but not limited to petroleum products, road salt and de-icing chemicals
- (20) Any other use which involves as a principal activity the generation, storage, use, treatment, transportation, or disposal of hazardous materials

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (21) Extraction or use of more than 10,000 gallons of water per day for purposes other than supplying the water system associated with the protection area

2202.D **Nonconforming Uses.** The Development Review Board may approve the extension or expansion of an existing prohibited use within the APA provided the following conditions are satisfied:

- (1) The requirements of Subpart 130 are satisfied;
- (2) The applicant demonstrates that all hazardous waste generated on the site is contained and transported from the site in a manner approved by the State of Vermont for the containment and transportation of such waste; and
- (3) Wastewater disposal is accomplished via connection to the municipal sewer system, or the extension or expansion does not result in the generation of any additional wastewater.

2202.E **Performance Standards.** Property owners must undertake land use and development within this overlay district as follows:

- (1) All new development must be connected to the Town of Manchester sewer system. All sewer lines must be constructed in conformance with applicable public works standards.
- (2) Applicants must locate proposed development outside the overlay district to the maximum extent feasible if the subject lot includes land outside the overlay district.
- (3) For any proposed activity, with the exception of a one or two family dwelling on an individual lot, which will render more than 20% of the total lot area impervious, the application shall be accompanied by drainage calculations utilizing U.S. Soil Conservation Service methodology, demonstrating that any increase in the volume of runoff shall be recharged on-site and diverted toward areas with vegetation for surface infiltration to the maximum extent possible. No more than 50% of the total lot area shall be made impervious.
- (4) For any use, with the exception of a one or two family dwelling on an individual lot, retaining less than 30% of the total lot area in its natural vegetative state, the application shall be accompanied by evidence to demonstrate that such removal of vegetative cover shall not result in decreased recharge of the ground water deposit, or increased sedimentation of surface waters. The application shall indicate any restoration and erosion control measures proposed for the site.
- (5) All facilities must adhere to applicable federal and state standards for the storage, handling, use and disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.
- (6) Floor drains may only be allowed if they drain into approved sewer systems. On-site discharge from floor drains is prohibited.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- (7) Any above ground facility (including open lagoons or ponds) involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment must have a secondary containment system that:
 - (a) Is designed to intercept any leak or spill from the primary containment vessel or structure;
 - (b) Is provided with an overflow recovery catchment area (sump).
 - (c) Is easily inspected; and
 - (d) Capable of containing 110% of the largest volume of storage (a larger volume of storage may be necessary if precipitation will be able to collect in the secondary containment system).
 - (e) Any below ground facility (including storage tanks and pipes) containing or carrying of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment must:
 - (f) Have double walls and inspectable sumps.
 - (g) Include a monitoring system and secondary standpipe for monitoring and recovery.
- (8) All facilities involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment must maintain an up-to-date contingency plan for preventing contamination of the drinking water supply should floods, fires, other natural catastrophes, equipment failure or other releases occur.
- (9) All necessary precautions shall be taken during the application of pesticides, herbicides, or fungicides to prevent the accumulation of hazardous concentrations of these materials in the water or on the land within the APA.
- (10) Special care shall be taken during construction and maintenance to avoid spills of oil, grease, fuel, solvents, or other hazardous materials.
- (11) All releases of materials or wastes that have the potential to contaminate the drinking water supply must be reported to the Town of Manchester.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2203 Flood Hazard Overlay District (FHO)

2203.A **Authority.** In accordance with 10 VSA Chapter 32, 24 VSA Chapter 59, and 24 VSA Chapter 117 §4424, §4411 and §4414, this section of the ordinance is hereby established for areas at risk of flood damage. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117. This section of the ordinance shall be known and referred to herein as these flood hazard regulations.

2203.B **Purpose.** The purpose of these flood hazard regulations is to:

- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- (2) Ensure that the selection, design, creation, and use of development in flood hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, floodplain services, or the stream corridor;
- (3) Manage all flood hazard areas designated pursuant to 10 VSA Chapter 32 §753; and
- (4) Make the Town of Manchester, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

2203.C **Precedence.** The provisions of these flood hazard regulations shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.

2203.D **Disclaimer of Liability.** These flood hazard regulations do not imply that land outside of the areas covered by this section will be free from flood or erosion damages. These regulations shall not create liability on the part of the Town of Manchester, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on these regulations, or any administrative decision lawfully made hereunder.

2203.E **Lands to Which These Regulations Apply.** These regulations shall apply to development in all areas in the Town of Manchester identified in the FEMA Flood Insurance Study of 2015 for Bennington County, Vermont, as well as areas of special flood hazard on the National Flood Insurance Program maps, dated 2015 or as may be superseded when updated by the state or federal government and received for use by the Town of Manchester, which are hereby adopted by reference and declared to be a part of this zoning bylaw.

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (1) **Regulated Flood Hazard Areas.** These regulations shall apply to the river corridors and special flood hazard areas (hereafter called “flood hazard areas”) in the Town of Manchester as described below. These flood hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These flood hazard areas include:
 - (a) The river corridors as published by the Vermont Agency of Natural Resources including mapped Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where river corridors are not mapped, the standards in §11.4.3 shall apply to the area measured as 50 feet from the top of bank or slope.
 - (b) The special flood hazard area in and on the most current flood insurance study and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 VSA Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations.
- (2) **Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas.** Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the flood insurance study and accompanying maps shall be used to administer and enforce these regulations. In special flood hazard areas where base flood elevations or floodway limits have not been provided by the National Flood Insurance Program in the flood insurance study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, state, or other federal agencies.
- (3) **Interpretation.** The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
 - (a) If uncertainty exists with respect to the boundaries of the special flood hazard area or the floodway, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with such a determination, a letter of map amendment from FEMA shall constitute proof of boundary.
 - (b) If uncertainty exists with respect to the boundaries of the river corridor, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with such determination, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof of boundary.

2203.F

Land Uses in Flood Hazard Areas

- (1) **Exempted Development.** The following uses or activities are exempt from regulation under these flood hazard regulations:
 - (a) The removal of a building or structure in whole or in part;
 - (b) Maintenance of roads and stormwater facilities;

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- (c) Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP); and
 - (d) Silvicultural activities conducted in accordance with the Vermont Department of Forests, Parks and Recreation's Acceptable Management Practices (AMP).
- (2) **Prohibited Development.** The following development activities or uses are prohibited in flood hazard areas:
- (a) New primary structures, including the placement of manufactured homes or mobile homes, within the floodway;
 - (b) Storage yards or junk yards;
 - (c) New fill except as necessary to elevate structures above the base flood elevation;
 - (d) Accessory structures in the floodway;
 - (e) Critical facilities; and
 - (f) All development not exempted, permitted, or conditionally permitted.
- (3) **Permitted Development.** The following uses or development activities are permitted in flood hazard areas:
- (a) Recreational uses;
 - (b) Non-substantial improvements to existing structures;
 - (c) Construction of accessory structures;
 - (d) Development related to on-site wastewater or water supply systems;
 - (e) Utilities for existing buildings;
 - (f) At-grade parking for existing buildings and uses; and
 - (g) Storage or parking of recreational vehicles.
- (4) **Conditional Uses.** Conditional use review and approval by the Development Review Board is required prior to the issuance of a permit for the following proposed uses or development activities:
- (a) New construction outside of the floodway;
 - (b) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
 - (c) New or replacement storage tanks for existing structures;
 - (d) Improvements to existing structures in the floodway;
 - (e) Grading, excavation; or the creation of a pond;
 - (f) Improvements to existing roads;
 - (g) Bridges, culverts, channel management activities, or public projects that are functionally dependent on stream access or stream crossing;
 - (h) Public utilities;
 - (i) Improvements to existing primary structures in the river corridor that

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

do not expand the footprint of the existing structure more than 500 square feet;

- (j) Accessory structures in the river corridor, of 500 square feet or less, that represent a minimal investment;
- (k) Building utilities in the river corridor; and
- (l) At-grade parking for existing buildings in the river corridor.

(5) **Variances**

- (a) Variances may be granted by the Development Review Board only in accordance with all the criteria in 24 VSA §4469, and Title 44 of the Code of Federal Regulations (CFR) Section 60.6.
- (b) A variance for development within the river corridor may be allowed if, based on a review by the Vermont Agency of Natural Resources, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- (c) Any variance issued in the special flood hazard area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

(6) **Nonconforming Structures and Uses.** The Development Review Board may approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

- (a) The proposed development is in compliance with all the standards in §10.4 of this ordinance;
- (b) A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
- (c) Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
- (d) An individual manufactured or mobile home lot in an existing manufactured or mobile home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured or mobile homes must be placed so as to meet the development standards in §11.4 of this ordinance.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

2203.G **Development Standards**

- (1) **Special Flood Hazard Area.** Development within the Special Flood Hazard Area shall meet the following standards based on type of development and the location of that development within the Special Flood Hazard Area:
 - (a) All development within the Special Flood Hazard Area shall be:
 - (i) Reasonably safe from flooding;
 - (ii) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - (iii) Constructed with materials resistant to flood damage;
 - (iv) Constructed by methods and practices that minimize flood damage;
 - (v) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (vi) Adequately drained to reduce exposure to flood hazards;
 - (vii) Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - (viii) Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Area) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
 - (b) In Zones AE, AH, and A1 through A30 where base flood elevations or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
 - (c) Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
 - (d) Structures to be substantially improved for non-residential use shall:
 - (i) Meet the standards in §10.4.1.3; or,
 - (ii) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that up to two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.)

- (e) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
- (f) Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:
 - (i) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - (ii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (g) Recreational vehicles must be fully licensed and ready for highway use;
- (h) A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in §10.4.1.6.
- (i) Water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- (j) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (k) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (l) The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
- (m) Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Vermont Agency of Natural Resources where applicable.

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (n) Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.
 - (o) Existing buildings, including manufactured or mobile homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.
- (2) **Floodway Areas.** Within designated floodway areas, development shall conform to the following standards:
- (a) Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:
 - (i) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - (ii) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
 - (b) Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
- (3) **River Corridors.** Within designated river corridors development shall conform to the following standards:
- (a) Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
 - (b) Development shall not increase the susceptibility of the subject property or other properties to fluvial erosion damage;
 - (c) Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
 - (d) Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
 - (e) Bridge and culvert projects must have a stream alteration permit; and
 - (f) Channel management activities must be authorized by the Vermont Agency of Natural Resources.

2203.H

Administration

- (1) **Application Submission Requirements.** Applications for land use or development within the regulated flood hazard area shall include a site plan that includes the following:

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- (a) depiction of the proposed land use or development;
 - (b) all water bodies on the subject property;
 - (c) boundaries of special flood hazard areas, floodways, and river corridors on the subject property;
 - (d) the shortest horizontal distance from the proposed land use or development to the top of bank of any stream;
 - (e) any existing and proposed drainage;
 - (f) any proposed fill, and pre and post development grades; and
 - (g) the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.
 - (h) Applications for land use or development within the regulated flood hazard area shall also include a Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all state and federal agencies from which permit approval is required for the proposal, and shall be submitted as a required attachment to the municipal permit application. All required state and federal permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator before work can begin.
- (2) **Referral**
- (a) Upon receipt of a complete application for substantial improvement or new construction within the regulated flood hazard area, the Zoning Administrator shall submit a copy of the application and supporting information to the National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources (ANR) in accordance with 24 VSA §4424. A permit may be issued only following receipt of comments from the ANR NFIP Coordinator, or the expiration of 30 days from the date the application was mailed to the ANR, whichever is sooner.
 - (b) If the applicant is seeking a permit for the alteration or relocation of a watercourse, the Zoning Administrator shall provide copies of the application to the town clerk of any abutting municipality downstream from the proposed alteration or relocation, the ANR Stream Alteration Engineer, and the Army Corps of Engineers. The Zoning Administrator shall also provide a copy of the application for alteration or relocation of a watercourse to the ANR NFIP Coordinator. A permit may be issued only following receipt of comments from the ANR NFIP Coordinator, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.
- (3) **Decision.** The Zoning Administrator and Development Review Board shall consider comments from the ANR NFIP Coordinator prior to deciding on an application for land use or development within the regulated flood hazard area. The DRB may recess the proceedings on any application pending submission of additional information.

Chapter 3: Town of Manchester Land Use and Development Ordinance
Draft (2017-05-02)

- (4) **Records.** The Zoning Administrator shall properly file and maintain a record of:
- (a) All permits issued for development in the regulated flood hazard area;
 - (b) An elevation certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory structures) in the Special Flood Hazard Area;
 - (c) All flood proofing and other certifications required under this regulation; and
 - (d) All decisions of the Development Review Board (including regarding variances and violations) and all supporting findings of fact, conclusions of law, decision and order with any conditions.
- (5) **Certificate of Occupancy**
- (a) In accordance with 24 VSA §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within the regulated flood hazard area until a certificate of occupancy is issued by the Zoning Administrator, certifying that the proposed use of the structure or land conforms to the requirements of this ordinance.
 - (b) A certificate of occupancy is not required for structures that were built in compliance with the ordinance at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the Zoning Administrator shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the Zoning Administrator fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to any lender of record.
- (6) **Enforcement and Penalties**
- (a) These flood hazard area regulations shall be enforced under this ordinance in accordance with 24 VSA Chapter 117 §4451, §4452 and 24 VSA Chapter 59 §1974(a). The Zoning Administrator shall provide a copy of any notice of violation involving lands falling within the flood hazard areas to the ANR NFIP Coordinator.
 - (b) If any appeals have been resolved, but a violation remains, the Zoning Administrator shall submit a declaration to the administrator of the National Flood Insurance Program requesting a denial of flood insurance to the violator. The declaration shall consist of:
 - (i) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (ii) a clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
 - (iii) a clear statement that the Zoning Administrator making the declaration has authority to do so and a citation of that authority;
 - (iv) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
 - (v) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- (c) To assure that agriculture minimizes adverse impacts on water quality, violations of required agricultural practices pursuant to 6 VSA §4810(a) shall be considered violations of these flood hazard regulations. Upon learning of such violations, the Zoning Administrator shall immediately report them to the Vermont Secretary of Agriculture, Food and Markets for enforcement.

2203.1

Flood Hazard Area Definitions

- (1) The definitions provided in Section 12 apply throughout this ordinance, including to these flood hazard regulations. The definitions provided in this section are specific to these flood hazard regulations.
- (2) Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (3) Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by a community.
- (4) Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.
- (5) New construction under the flood hazard regulations, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.
- (6) Structure means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

Chapter 3: Town of Manchester Land Use and Development Ordinance

Draft (2017-05-02)

- (7) Violation means the failure of a structure or other development to be fully compliant with these flood hazard regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided. Agriculture within flood hazard areas not conducted according to required agricultural practices shall constitute a violation of these flood hazard regulations.