

15.00 Purpose

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

15.01 Permitted Uses

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

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

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

² Revised November 17, 2003, effective December 6, 2003

³ Revised 7/20/09, effective 8/8/09

- m) Artist or commercial live/work quarters subject to [Article IV, Section 21](#) and residential units on the second floor and above.
- n) Family day care.⁴
- o) Self storage of furniture, documents and records, data processing equipment, office supplies and equipment, and retail merchandise or similar items provided such storage is limited to basement levels of buildings existing at the time of the adoption of these regulations and no loading or access to the self-storage use shall be provided from Main Street.
- p) Alcoholic liquor sales subject to Article IV, Section 8.
- q) Alcoholic liquor sales shall be subject to the requirements of [Article IV, Section 8](#) of these regulations.
- r) Gasoline service stations legally developed or approved prior to February 15, 1972, shall be a legal and conforming use.
- s) Wireless telecommunication antennas located on nonresidential buildings and camouflaged from view from all surrounding streets and driveways used by the general public together with associated equipment located within or on the roof of the principal or accessory buildings.
- t) Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings.
- u) All facilities described in (t) and (u)⁵ above shall be in accordance with the requirements of [Article IV, Section 19](#).⁶

15.02⁷ Special Exception Uses

15.02.01 Elderly Housing Development⁸ as permitted in the elderly housing development zone at [Article II Section 20](#) when that housing is proposed for an existing structure.

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

⁴ Revised 07/02/07, effective 7/22, 2007

⁵ Revised 07/02/07, effective 7/22, 2007

⁶ New 11/03/03, effective 11/28/03

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

⁸ Rev. 04/20/98, effective 5/12/98

- 15.02.03 Municipal utility buildings and structures in accordance with the requirements of [Article II, Section 2.02.13](#).⁹
- 15.03 Use Provisions
- All uses shall be subject to the following:
- (a) [Article II, Section 9](#) of these regulations.
- 15.04¹⁰ Building, Design and Parking Requirements
- 15.04.01 Maximum height of principal building - 75 feet
- Maximum height of accessory building [or structure] - 18 feet
- Maximum setback from Main Street - 5 feet for the entire length of the building. ~~or~~ Up to 80% of the a building's frontage on Main Street may be set back further provided the ~~area-of-reduction-space created~~ includes outdoor dining space associated with an adjacent restaurant or public spaces, plazas and similar amenities developed as part of the project and legally accessible to the general public.
- 15.04.02 Exterior architecture visible from the public street for all new buildings, and all renovations to existing buildings, shall conform to the Main Street Architectural Guidelines in the Downtown Revitalization Plan dated July 15, 1991. Design plans for building renovation visible from street and new construction exterior design plans shall be approved by the Director of Planning and the chair of the Planning and Zoning Commission before a Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer.
- 15.04.03¹¹ The floor area of each residential unit, exclusive of public hallways, corridors, etc. shall be not less than:
- | | |
|--|-----------------|
| Efficiency Unit | 400 square feet |
| One Bedroom Unit | 650 square feet |
| and thereafter 150 square feet for each additional bedroom | |
- 15.04.04¹² Automobile parking for all uses shall be subject to the requirements of [Article IV, Section 9](#), of these regulations except that the availability of public spaces and shared or off-site parking shall be considered in meeting the parking requirements. Specific and appropriate shared off-street parking within the zone may be

⁹ Rev. 01/26/81

¹⁰ Revised 7/20/09, effective 8/8/09

¹¹ Revised 7/20/09, effective 8/8/09

¹² Revised 7/20/09, effective 8/8/09

permitted in response to a particular development situation, only if a written agreement between the parties involved clearly stipulates the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

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

| | |
|----------------------|------------|
| Efficiency Unit | 1 space |
| One or more Bedrooms | 1.5 spaces |

15.05 Prohibited Uses

The following uses are prohibited in the CBD:

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

ARTICLE IV GENERAL PROVISIONS

Section 23 SIDEWALK CAFÉS¹ AND SEASONAL VESTIBULES

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

23.01.01 Sidewalk cafes and seasonal vestibules may be located on public sidewalks adjacent to or abutting the indoor restaurant which operates the cafe. The cafe or vestibule shall extend no further than the actual street frontage of the operating restaurant, ~~except that t-~~ Sidewalk cafes may ~~only~~ extend beyond said the frontage of the operating restaurant with written authorization from the adjacent property owner(s).

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

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

23.02 Design Standards – Sidewalk Cafes

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

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

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

23.02.04 ~~Outdoor heaters, busing stations, trash receptacles, and food preparation stations, and music shall not be permitted in the sidewalk café~~ must be shown on

¹ Rev. 7/21/14, effective 8/1/14

the submitted site plan and approved by the appropriate Town authorities, Fire Marshall and/or Health Department.

23.02.05 All planters, railings and fences within a sidewalk cafe must be self-supporting. Railings, fences or other enclosures shall not be more than 42 inches in height. No fastening devices of any kind shall be permitted to affix any furnishing or appurtenances to the sidewalk.²

23.02.06 Sidewalk cafes shall be at the same elevation as the public sidewalk or otherwise provide accessible egressity. ~~Paint, carpeting, artificial turf, platforms or other surfaces of any kind shall not be permitted at any time in the sidewalk cafe. Platforms or artificial other surfaces shall be appropriately secured, must be shown on the site plan and approved by the Town.~~

23.02.07 Signs: No sign shall be allowed at any sidewalk cafe except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the area of the sidewalk cafe, mounted on an easel or other easily removable fixture. The sign shall not exceed six (6) square feet.

23.03 Operation and Service Requirements for Sidewalk Cafes

~~23.03.01 Sidewalk cafes shall not be operated prior to~~ Sidewalk cafes may operate between April 1 or after and October 31 each year.

~~23.03.01~~² The cafe may operate during regular business hours of the restaurant operating the cafe but no later than 10:00 PM.

~~23.03.02~~³ ~~The pre-setting of tables with utensils, glass, napkins, condiments and the like is prohibited.~~ The operator of the cafe is responsible for keeping the premises, including the public sidewalk and other furnishings of the cafe, clean at all times.

23.04 Criteria for Seasonal Vestibules

23.04.01 Seasonal vestibules shall not encroach more than 3 feet beyond the lot line and into the public sidewalk.

23.04.02 Seasonal vestibules shall conform to Article II Section 15.04.02.

23.04.03 Seasonal vestibules shall not be erected prior to December 1 and shall be removed by March 31 each year.

23.05 Permit Terms and Other Requirements

23.05.01 Anyone wishing to operate a sidewalk cafe or seasonal vestibule must file an application with the zoning enforcement officer for a Certificate of Use permit. An application form prescribed must be completed and any fee required must

² Rev. 7/21/14, effective 8/1/14

accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.

- 23.05.02 Sidewalk cafe and seasonal vestibule permits shall be issued for an operating period of one year. Thereafter the zoning enforcement officer may issue a renewal application on an annual basis provided a request is made for the renewal and after the zoning officer has made an inspection of the premises. The zoning officer may deny a permit to operate a sidewalk cafe if the operator has a history of violations of any of the requirements governing sidewalk cafes or a failure to correct violations when duly noticed by the zoning officer.
- 23.05.03 The zoning enforcement officer shall be empowered to notify the operator of a sidewalk cafe or seasonal vestibule that their permit has been revoked. If the zoning officer finds that the provisions of the sidewalk cafe regulations are not being met by the operator, the operator shall correct the violations within one week of receiving written notice of violation. If the violations are not corrected within that time the permit will be revoked.
- 23.05.04 In addition to meeting the requirements of these regulations the zoning officer will route the application to the police department, public works director, director of health, chief building inspector and fire marshal for their review. Any permit requirements of other agencies which regulate restaurants or the public right-of-way must be adhered to and the zoning officer may not issue a certificate of use if the applicant has not received approvals for the operation from other agencies having any jurisdiction on its operation.
- The operator must also provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured in that policy. A certificate of use shall not be issued until the insurance certificate is provided.
- 23.05.05 The Town reserves the right and power, acting through the general manager or a designee, to prohibit the operation of a sidewalk cafe or seasonal vestibule at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, snow removal³, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the cafe will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the cafe's operation at any particular time.
- 23.05.06 Any operator aggrieved by any action of the zoning enforcement officer shall have a right to appeal to the Zoning Board of Appeals as set forth in Article V Section 5 of these regulations.

³ Rev. 7/21/14, effective 8/1/14