

## ARTICLE II ZONING USES

### Section 15 CENTRAL BUSINESS DISTRICT<sup>1</sup>

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#### 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<sup>2,3</sup>
- a) Retail uses to include shops where articles are made or repaired and sold at retail on the premises.
  - b) Personal services and personal service shops.
  - c) Restaurants, brewpub/restaurants<sup>4</sup>, brewpubs, breweries,<sup>5</sup> cafes, taverns and grills.<sup>6</sup>
  - 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

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<sup>1</sup> Revised July 9, 2003, effective 7/29/2003

<sup>2</sup> Revised November 17, 2003, effective 12/6/2003

<sup>3</sup> Revised 7/20/09, effective 8/8/09

<sup>4</sup> Revised 01/21/15, effective 02/13/15

<sup>5</sup> Revised 8/13/18, effective 8/20/18

<sup>6</sup> Revised 2/5/18, effective 2/20/18

- m) Artist or commercial live/work quarters subject to Article IV, Section 21 and residential units on the second floor and above.
- n) Family child care homes and group child care homes located in a residence.<sup>7, 8</sup>
- 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)<sup>9</sup> above shall be in accordance with the requirements of Article IV, Section 19.<sup>10</sup>
- v) Seasonal vestibules subject to Article IV Section 23.<sup>11, 12</sup>

15.02<sup>13</sup> Special Exception Uses

15.02.01 Elderly Housing Development<sup>14</sup> 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.

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<sup>7</sup> Revised 07/02/07, effective 7/22, 2007

<sup>8</sup> Revised 11/06/23, effective 11/27/23

<sup>9</sup> Revised 07/02/07, effective 7/22, 2007

<sup>10</sup> New 11/03/03, effective 11/28/03

<sup>11</sup> New 2/5/18, effective 2/20/18

<sup>12</sup> Revised 10/03/22, effective 10/24/22

<sup>13</sup> Revised 07/02/07, effective 7/22, 2007

<sup>14</sup> Rev. 04/20/98, effective 5/12/98

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15.02.03 Municipal utility buildings and structures in accordance with the requirements of Article II, Section 2.02.13.<sup>15</sup>

15.02.04<sup>16</sup> Outdoor entertainment provided that:

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

15.03 Use Provisions

All uses shall be subject to the following:

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

15.04<sup>17</sup> Building, Design and Parking Requirements

15.04.01<sup>18</sup> Maximum height of principal building - 75 feet

Minimum height of a principal building – 2 stories at the street frontage, except that the Commission may approve a Special Exception for a 1-story building.

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

Maximum setback from Main Street - 5 feet for the entire length of the building. Up to 50% of a building's frontage on Main Street may be set back further provided the 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<sup>19</sup> Exterior architecture visible from the public street for all new buildings, and all renovations to existing buildings, shall conform to the Downtown Manchester Architectural Design Guidelines dated June 2019.<sup>20</sup> 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

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<sup>15</sup> Rev. 01/26/81

<sup>16</sup> New 02/13/17, effective 03/01/17

<sup>17</sup> Revised 7/20/09, effective 8/8/09

<sup>18</sup> Revised 02/17/21, effective 03/10/21

<sup>19</sup> Revised 01/03/18, effective 01/19/18

<sup>20</sup> Revised 06/03/19, effective 06/21/19

Commission before a Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer.

If the design plans are found not to conform with the Downtown Manchester Architectural Design Guidelines by either the Planning Director or the Planning and Zoning Commission Chair, the application will be referred to the full Planning and Zoning Commission for review. Also, an applicant may request a review before the full Planning and Zoning Commission instead of the administrative approval of the Planning Director and Planning and Zoning Commission Chair.

15.04.03<sup>21</sup> 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	

15.04.04<sup>22 23</sup> Automobile parking for all uses shall be subject to the requirements of Article IV, Section 9, of these regulations except that the availability of public spaces and shared or off-site parking shall be considered in meeting the parking requirements. Specific and appropriate shared off-street parking within the zone may be permitted in response to a particular development situation, only if a written agreement between the parties involved clearly stipulates the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

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

Efficiency or one-bedroom Unit	1 space
Two or more Bedrooms	1.5 spaces

15.05<sup>24</sup> 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. Pawn Shops.
- e. Clinics.

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<sup>21</sup> Revised 7/20/09, effective 8/8/09

<sup>22</sup> Revised 7/20/09, effective 8/8/09

<sup>23</sup> Revised 11/15/2021, effective 12/06/2021

<sup>24</sup> Revised 02/17/21, effective 03/10/21