



# TOWN OF MANCHESTER - BUILDING INSPECTION DIVISION

494 MAIN STREET • P.O. BOX 191 • MANCHESTER, CT 06045-0191 • PHONE: 860-647-3052 • FAX: 860-647-3144

## Certificate of Use Permit Application – Sidewalk Cafe

*This is an application for a Certificate of Use Permit to operate a Sidewalk Café in accordance with the Town of Manchester Zoning Regulations – Article IV, Section 23. This application shall be reviewed for compliance of said regulations and a Certificate of Use Permit will be issued only after authorizing signature by the Town of Manchester Zoning Enforcement Officer.*

### PLEASE TYPE OR PRINT:

Applicant: \_\_\_\_\_ Property Owner: \_\_\_\_\_

Proposed Sign Address: \_\_\_\_\_ Business Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

### THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE APPLICATION:

1. A site plan drawn to scale with dimensions showing:

- The proposed location of the café area.
- The proposed number and location of tables and other furnishings (gates, fences, plants, chairs, etc.)
- The unobstructed four (4) foot (*minimum*) concrete sidewalk, required for pedestrian travel.
- The proposed location of any signs.

2. Check the following items if they will be a part of the café:

- Awning on building     Umbrellas at table     Planters     Menu Board Sign (maximum 6 sq. feet)  
 Railings, fences (height must be shown – no more than 42 inches)  
 Other (describe) ...

3. List the hours of operation:

Opening hour: \_\_\_\_\_ Closing hour: \_\_\_\_\_ (no later than 10:00 PM)

4. A certificate of liability insurance in the amount of two (2) million dollars with the Town of Manchester named as additional insured must be submitted *before* a permit is issued and be effective for the full term of the permit.

**Permit #:** \_\_\_\_\_ **Date Issued:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_

This permit is issued in accordance with Article IV, Section 23 of the Town of Manchester Zoning Regulations and on the information submitted in your application. A copy of the sidewalk café regulations is on the reverse side of this form to help you in completing the application.

## PERMIT REQUIREMENTS

- 1) Sidewalk cafes may be located on public sidewalks adjacent to or abutting the indoor restaurant which operates the cafe. The cafe shall extend no further than the actual street frontage of the operating restaurant.
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- 3) Sidewalk cafes 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 cannot obstruct the clear sight distance for vehicles nor access or crossings for the disabled.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Tables, chairs, and all other furnishings or accessories shall be removed from the sidewalk and stored indoors whenever the cafe is not in operation.
- 8) Outdoor heaters, bus stop shelters, trash receptacles, food preparation stations, and music shall not be permitted in the sidewalk cafe.
- 9) 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.
- 10) Sidewalk cafes shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, platforms or other surfaces of any kind shall not be permitted at any time in the sidewalk cafe.
- 11) 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.
- 12) The cafe may operate during regular business hours of the restaurant operating the cafe but no later than 10:00 PM.
- 13) 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.
- 14) The Town reserves the right and power, acting through the general manager or a designee, to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, snow removal, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the cafe will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the cafe's operation at any particular time.
- 15) Anyone wishing to operate a sidewalk cafe must file an application with the zoning enforcement officer for a Certificate of Use permit. An application form prescribed must be completed and any fee required must accompany the application. Fees may be established by the Planning and Zoning Commission at a public meeting.
- 16) Sidewalk cafe 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.
- 17) The zoning enforcement officer shall be empowered to notify the operator of a sidewalk cafe 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.
- 18) 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, 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.
- 19) The cafe 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.
- 20) 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.

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\_\_\_\_\_  
Permittee Signature

\_\_\_\_\_  
Zoning Enforcement Officer