

**CHAPTER 161. - SITE PLAN REVIEW**

**Sec. 161-1. - Purpose.**

- a. It is the intent and purpose of this article to establish a procedure which will enable the city to plan for and review certain proposed improvements of property within specified zoning districts of the city in order to:
- (1) Implement community policies on physical development;
  - (2) Provide for efficient, rational allocation of scarce facilities and resources;
  - (3) Promote economy and efficiency in the provision and improvement of municipal services through the regulation of development;
  - (4) Ensure the orderliness, quality and character of the development of property in the city, prevent foreclosure of future development opportunities, and facilitate coordination of land usage with planned and available facilities and resources; and
  - (5) Give due consideration to the preservation of canopied areas and mature trees and to provide for the mitigation of canopied areas and mature trees which are removed for development.
- b. The site planning review requirements of this article are designed to ensure the orderly and harmonious development of such property in a manner that shall:
- (1) Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
  - (2) Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
    - a. The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
    - b. Zoning restrictions at the time of the proposal;
    - c. The city's comprehensive plan;
    - d. The city's plans for future construction and provision for public facilities and services; and
    - e. The facilities and services already available to the area which will be affected by the proposed site use;
  - (3) Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;

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- (4) Provide suitable screening of parking, truck loading, refuse disposal, and outdoor storage areas from adjacent residential districts;
- (5) Preserve the character within identified special districts; and
- (6) Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees.

**Sec. 161-2. - Application.**

a. *Pre-application conference.* Whenever any person proposes to develop any tract or parcel of land for all uses indicated as subject to Site Plan Review in Tables 4.1 through 4.6 of the City Zoning Ordinance, he or she shall submit to the City a request for a pre-application conference, unless otherwise subject to a Special Use Permit procedure as indicated in the referenced Tables.

The conference shall include the applicant or his or her representative, the City Manager, City Zoning Administrator and other city staff. The purpose of the conference shall be to acquaint the city staff with the proposed development and to acquaint the applicant or his or her representative with the procedures and with any special problems that might relate to the development. The applicant shall furnish a legal description of the property to be developed at the time of requesting a pre-application conference, and the conference shall be held within 15 days of such request.

b. *Construction of terms.*

(1) For the purposes of this article, development is defined to be the placement of buildings and other structures, paved areas, drainage and utility improvements, lighting and other appurtenances related to any uses subject to site plan review.

(2) In this article, guidelines are intended to be applied collectively. The officer or body charged with determining whether a set of guidelines have been satisfied shall make that determination based upon the level of compliance with the set of guidelines as a whole, and any deficiency in satisfying one or more individual guidelines may be offset by an elevated level of compliance with the guidelines overall, if it is consistent with the purpose of the guidelines and this article.

(3) In this article, regulations are intended to be applied individually. The officer or body charged with determining whether a set of regulations have been satisfied shall make that determination upon satisfaction of each and every applicable regulation. Compliance with any individual regulation is intended to be determined independently of the determination of compliance with any other applicable regulation. A set of regulations may include a requirement for compliance with a subset of guidelines.

c. *Site plan review.* A site plan shall be submitted and reviewed in accordance with the following:

(1) After completion of the pre-application conference as required by subsection (a) of this section, and if the applicant wishes to proceed with the development of the property as discussed at such conference, he or she shall cause to be prepared a site plan of such development and submit the site plan to the City of Manchester. The site plan shall contain all the information required by section 161-7 of this article unless otherwise waived by the Zoning Administrator. The site plan shall be accompanied by a covering letter

requesting review and approval of such plan and by payment of the fee in the amount set in the schedule of fees adopted by the city council by resolution.

(2) A site plan submitted pursuant to this article may be combined with the plans required under the regulations applicable to development in the RM mobile home residential district, and the PUD planned unit development district. In the event such plans are combined, the submitted plan shall satisfy the requirements under this article and the applicable zoning district regulations.

(3) Persons developing property wholly owned by the federal government may submit a site plan for approval without paying the fees described in this section.

**Sec. 161-3. - Determination for property subject to administrative approval.**

a. *Generally.* Application for site plan approval shall be considered and determined in accordance with the procedures in this section, except for the following types of improvements which shall instead be subject to section 161-4.

(1) Improvements to property where the disturbed area of the site (pavement and/or building area) total 10,000 square feet or less.

b. *Action.* The following actions shall be taken on the application:

(1) Within 15 business days after receiving the application for site plan review, the Zoning Administrator shall take action to either approve, approve subject to conditions, or disapprove the site plan. The Zoning Administrator shall promptly notify the applicant in writing of the action taken. Failure by the Zoning Administrator to act within the time specified in this subsection shall be deemed to be a grant of approval of the site plan as submitted, provided that the plan as submitted does not conflict with any existing ordinance, statute, rule or law affecting the subject property, and provided, further, that if additional information is required by the director pursuant to subsection 161-7.4.f. of this article, the time period specified in this subsection shall not commence until such information has been filed with the community development department.

(2) If the site plan is approved subject to specific conditions, the applicant shall be required to revise the plan in accordance with those conditions and resubmit the plan for review. The Zoning Administrator shall act on all resubmitted plans within five business days of their receipt.

(3) If the site plan is approved, the applicant shall submit a paper copy thereof and a digital copy in pdf format to the Zoning Administrator, who shall cause his or her written verification of approval to be affixed on such copy along with the date of approval.

(4) The City shall retain the duly certified copy in the City's permanent files and shall transmit without charge a copy of the plan to the applicant, provided that additional copies shall be provided upon request at cost. The applicant shall be responsible for the securing and submittal of duly certified copies of the approved site plan as required to secure building and other permits in accordance with this Code or state law.

c. *Appeals to commission.* Appeals of decisions of the Zoning Administrator shall be in accordance with the following:

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(1) The applicant may, upon notice to the plan and zoning commission, appeal in whole or in part any determination or action of the Zoning Administrator made within the scope of this article. Appeal shall be made without cost by written notification of the appeal received by the community development department within 90 days after the date of the action from which appeal is sought.

(2) The plan and zoning commission shall decide all appeals within 30 days after written notification of the appeal has been received by the City, provided that the appellant may agree to a longer time period not to exceed 60 days after the written notification of the appeal has been received by the City. Failure to decide the appeal within such period shall have the effect of overturning the Zoning Administrator's disapproval and approving the site plan as appealed. Except as provided in this article, the affirmative vote of a majority commission members shall be necessary to overturn or modify the action from which appeal is sought. At the commission meeting, the appealing party shall be presented a reasonable opportunity to present his or her views.

**Sec. 161-4. - Determination for property not subject to administrative approval.**

a. Applications for site plan approval shall be considered and determined in accordance with the procedures in this section for all uses indicated as subject to Site Plan Review in Tables 4.1 through 4.6 of the City Zoning Ordinance. The Zoning Administrator shall conduct a staff review of the Site Plan under the provisions of this section and the Site Plan Review Criteria included below in Table 161.1. The staff review shall be provided with recommendations to the Plan and Zoning Commission.

b. The plan and zoning commission shall review and approve, approve subject to modifications, or reject the proposed site plan within 45 days of the date of receipt of the completed site plan application. For projects where the total disturbed site area (pavement and/or building area) is less than 40,000 square feet, Commission action shall constitute final action on the site plan, subject to appeal to City Council as indicated in Section 161-5. For projects over 40,000 square feet, the Commission action will constitute a recommendation to the City Council, which will act on the request following the same time schedule and provisions of this Section.

c. Failure by the commission to act within the time specified in subsection (b) of this section shall be deemed to be a grant of approval of the site plan as submitted, provided that the plan as submitted does not conflict with any existing ordinance, statute, rule or law affecting the subject property and provided, further, that if additional information is required by the Zoning Administrator pursuant to subsection 161-7.4.f. of this article, the time period specified shall not commence until such information has been filed with the community development department.

d. If the site plan is approved subject to specific conditions, the applicant shall be required to revise the plan in accordance with those conditions and resubmit the plan for review by the Zoning Administrator for conformance with such conditions. The Zoning Administrator shall act on all resubmitted plans within five business days of their receipt.

e. If the site plan is approved, the applicant shall submit a paper copy thereof and a digital copy in pdf format to the Zoning Administrator, who shall cause his or her written verification of approval to be affixed on such copy along with the date of approval.

f. The City shall retain the duly certified copy in the department's permanent files and shall transmit without charge a copy of the approved plan to the applicant, provided that additional copies shall be provided upon request at cost. The applicant shall be responsible for the securing and submittal of duly certified copies of the

approved site plan as required to secure building and other permits in accordance with this Code or state law.

**Sec. 161-5. - Appeal to city council.**

- a. The applicant may, upon written notice to the city council, appeal in whole or in part any determination made by the plan and zoning commission made within the scope of this article. Appeal shall be made without cost by filing written notification with the city clerk within 30 days after the commission ruling.
- b. The city council shall decide all appeals within 30 days after written notification of the appeal has been received by the city clerk. A majority vote of the city council shall be necessary to overturn the action of the plan and zoning commission.

**Sec. 161-6. - Resubmissions and amendments.**

- a. Resubmission of a site plan due to amendments required or made to the plan as previously submitted may be made twice without additional fee. Thereafter, the resubmitted site plan shall not be considered until the applicant has deposited with the city treasurer a resubmission fee in the amount set in the schedule of fees adopted by the city council by resolution.
- b. An amendment to a previously approved site plan shall not be considered by the Zoning Administrator until the applicant has deposited with the city treasurer an amendment fee in the amount set in the schedule of fees adopted by the city council by resolution.

**Sec. 161-7. - Required information.**

- a. An application for a Site Plan Review shall include the following information:
  - (1) Name and address of the applicant.
  - (2) Owner, address, and legal description of the property.
  - (3) A description of the nature and operating characteristics of the proposed use.
  - (4) A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
    - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
    - b. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
    - c. The location, size, and use of proposed and existing structures on the site.
    - d. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
    - e. Location of any major site feature, including drainage and contours at no greater than two foot intervals.

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f. Any other information that may be required for review by the Zoning Administrator, or his/her designee.

(5) Erosion and Sediment Control

No clearing, grading, or construction work shall be done in any district until the necessary erosion and sediment control measures have been provided to comply with the soil loss limit regulations adopted established by Chapter 148, Manchester City Code.

(6) Requirement of Erosion and Sediment Control Measures

When an application for a Site Plan Review is filed, the Zoning Administrator shall review the proposed construction and determine whether erosion and sediment control measures are necessary to comply with the soil loss limit regulations referred to in Subsection e. above. If the Zoning Administrator determines that erosion and sediment control measures are necessary, said officer shall attach a written statement of the necessary measures to the Site Plan Review. No clearing, grading, or construction work shall be done pursuant to a Site Plan until erosion and sediment control measures have been provided in compliance with the Site Plan Review.

(7) Storm Water Management Plan

Prior to the development of two acres or more the Zoning Administrator shall first review the proposed construction to ensure that the construction includes a connection to an existing, adequate storm sewer system. In the absence of an existing, adequate storm sewer system, the Zoning Administrator shall require adequate provision for storm water management prior to issuance of an Occupancy Permit. Storm water management may include retention facilities and/or payment to the City by the applicant of a fee for future storm sewer outside of the applicant's property. The Zoning Administrator shall consult with the City Engineer prior to approving storm water management plans which do not connect to an existing, adequate storm sewer.

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**Table 161.1 Site Plan Review Criteria**

	<b>SITE PLAN REVIEW CRITERION</b>
<b>Land Use Compatibility</b>	
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.
<b>Height and Scale</b>	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
<b>Site Development</b>	
Frontage	Project frontage along a street should be similar to lot width.
Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.
<b>Building Design</b>	
	Architectural design and building materials should be compatible with surrounding areas or highly visible locations
<b>Operating Characteristics</b>	
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.

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Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.
Public Facilities	
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.  Sanitary sewer must have adequate capacity to serve development.
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.  Development should not inhibit development of other properties.  Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.
Utilities	Project must be served by utilities.  Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.
Comprehensive Plan	
	Projects should be consistent with the City of Manchester's Comprehensive Development Plan.

**Sec. 161-8. - Design regulations.**

a. The design regulations provided in this section are necessary to ensure the orderly and harmonious development of property in such manner as will safeguard the public's health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design regulations:

- (1) The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a stormwater runoff control plan in compliance with section 161.6-f. & g., for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population

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density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those set forth in subsection 161-1(b)(2).

(2) The proposed development shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effects on such adjoining properties from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For purposes of this subsection, the term "use and enjoyment of adjoining property" shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning district in which such adjoining property is located.

(3) The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.

(4) To such end as may be necessary and proper to accomplish the standards in subsections (1), (2), and (3) of this section, the proposed development shall provide water, sewer, stormwater, street, erosion control or other improvements.

(5) All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.

(6) The proposed development shall conform to all applicable provisions of state law and all applicable sections of this Code.

(7) The proposed development shall provide landscaping, including plantings fences and screening in accordance with the zoning ordinance landscaping requirements.

(8) The proposed development shall comply with the requirements of the tree removal and mitigation ordinance codified in chapter 151 of this Code.

(9) The stormwater runoff control facilities installed in compliance with the stormwater runoff control plan shall be maintained in compliance with section 161-6 f. & g.

**161-10 Modification of Site Plan**

The City Manager, or his/her designee (or the Planning Commission and City Council as applicable), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; designation of building materials; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

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a. Term and Modification of Approval

(1) A Site Plan Approval shall become void one year after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.

(2) The City Manager, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification is minor and does not affect any conditions stipulated by City Council.

(3) The City Manager, or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Planning Commission and City Council.

b. Approval to Run With Land

(1) An approval pursuant to this section shall run with the land until the expiration date of such approval.