

MANCHESTER ZONING ORDINANCE, CHAPTER 165

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**CHAPTER 165, SECTION 1**

**GENERAL PROVISIONS**

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**1.1 Title**

This title of the Manchester, Iowa Municipal Code shall be known as the Zoning Ordinance of the City of Manchester.

**1.2 Jurisdiction**

The provisions of this ordinance shall be applicable to all property within the corporate limits of the City of Manchester, with the exception of those properties owned or acquired by municipal, county, or state government for the advancement of government projects or purposes.

**1.3 Purpose**

The purposes of the Zoning Ordinance of the City of Manchester are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan of the City of Manchester.

**1.4 Consistency with Comprehensive Development Plan**

The City of Manchester intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

**1.5 Conflicting Provisions**

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Manchester, or any applicable State or Federal law, the more restrictive provision shall apply.

**1.6 Relief from Other Provisions**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

**1.7 Severability of Provision**

If any chapter, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**1.8 Publication**

This Ordinance shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the City Clerk of the City of Manchester, Iowa.

**CHAPTER 165, SECTION 2**

**DEFINITIONS**

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**2.1 Purpose**

Section Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

**2.2 General Construction of Language**

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall, Must, and May

“Shall” and “must” are always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Ordinance are those of the City of Manchester.

### **2.3 Definition of Terms**

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

#### **2.4 A**

1. **Abutting:** Having lot lines or district boundaries in common. Use interchangeably with adjacent.
2. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. **Alley:** A public right of way, other than a street and twenty feet or less in width which is used as a secondary means of access to abutting property.
7. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
9. **Approving Authority:** The City Council of the City of Manchester or its designee.
10. **ASCE:** The American Society of Civil Engineers.
11. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

#### **2.5 B**

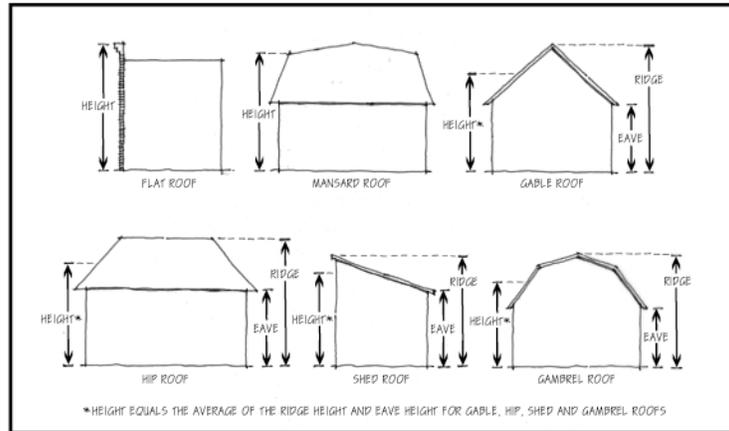
1. **Base Zoning District:** A district established by this Ordinance that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.

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2. **Basement:** A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** The initial incorporation of labor and materials within the foundation of a building or structure.
4. **Bicycle Lane and Path:** A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of non-motorized transportation or recreational movement, but will also accommodate motorized vehicles, such as motorized wheelchairs, designed specifically to provide access to people with disabilities.
5. **Block:** An area of land within a subdivision that is entirely bounded by streets and/or the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and which has been designated as such on a plat for the purposes of legal description of a property.
6. **Block Face:** The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Manchester.
7. **Board of Adjustment:** A body, established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance.
8. **Boulevard:** A public street generally characterized by a wider than normal right-of-way and extensive green space in relation to pavement surface. Boulevards may either include dual street channels separated by a landscaped median; or by a single street channel with wider than normal greenway setbacks behind the curb.
9. **Bufferyard:** A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
10. **Building:** A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
11. **Building Coverage:** The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features, also referred to as the building footprint.
12. **Building Elevation:** An exterior wall of a building exposed to public view.
13. **Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
14. **Building Height:** The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or

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structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.



15. Building Line: The outer boundary of a building established by the location of its exterior walls.
16. Building Official: The city official, designated by the City Council, who is responsible for the enforcement of the applicable building code and conditional uses.
17. Building Permit: A document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure on a platted lot/s or a parcel as regulated by this Ordinance or by the applicable building codes of the City of Manchester. Issuance of a building permit follows review of plans by the Zoning Administrator to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance.
18. Business: Activities that include the exchange or manufacture of goods or services on a site.
19. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

**2.6 C**

1. Certificate of Occupancy: An official certificate issued by the Zoning Administrator or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Zoning Ordinance.
2. Change of Use: The replacement of an existing use type by a new use type.
3. Channel: The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.
4. City: The City of Manchester, Iowa.
5. City Council: The City Council of Manchester, Iowa.

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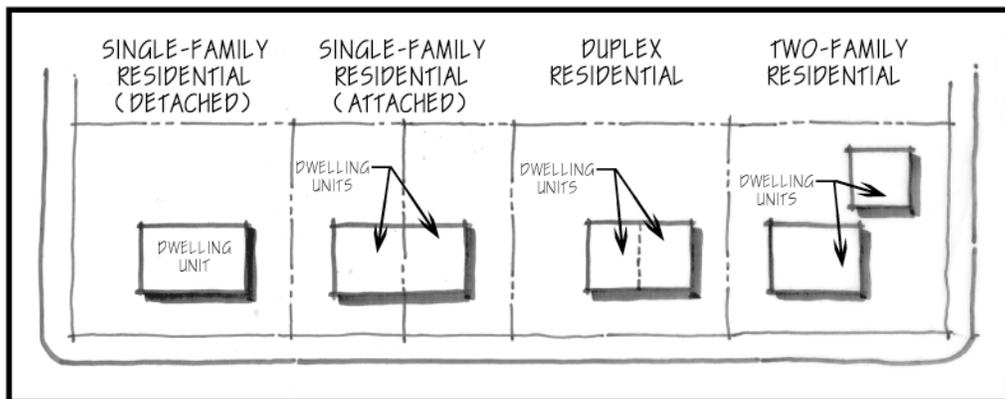
6. Common Area: An area held, designed, and designated for common or cooperative use within a development.
7. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
8. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Manchester.
11. Concept Plan: A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Administrator, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
12. Condominium: An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.
13. County: Delaware County, Iowa.
14. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

**2.7 D**

1. Density: The amount of development per specific unit of a site.
2. Design guidelines: Guidelines that set forth specific site and/or building improvement requirements for consideration under the City of Manchester's Site Plan Review ordinance (Code Chapter 161).
3. Detached: Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.
4. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
5. Developer: The legal owner(s) or authorized agent of any land engaged in a proposed development.
6. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.

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7. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
8. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
9. Drainage system: The system through which water flows from the land.
10. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
11. Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as a separate place of residence, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section, maintaining a household.



2.8 E

1. Enclosed: A roofed or covered space fully surrounded by walls.
2. Existing Use: The use of a lot or structure at the time of the effective date of this Ordinance.

2.9 F

1. Family: An individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
  - (a.) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
  - (b.) Any unrelated group of persons consisting of:
    - (1.) Not more than four (4) persons; or
    - (2.) Not more than two (2) unrelated adults and their children, if any:

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2. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.
3. Federal: Pertaining to the Government of the United States of America.
4. Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.
4. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.

**1.10 G**

1. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.
2. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
  - (a) For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
  - (b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - (c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
3. Gross Floor Area (GFA): The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

**2.11 H**

1. Home Based Business/Home Occupation: An accessory occupational use conducted within a dwelling unit or accessory structure by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
2. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

**2.12 I**

1. Impervious coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the

surface of the site to absorb water, expressed as a percent of site area. The surface water area of swimming pools is excluded from this definition.

**2.13 I**

1. Junk: All old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, unsafe vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware; cut brush, including dead or decaying plant material, except a contained compost pile or neatly stacked firewood located in the side or rear yard.

**2.14 K**

**2.15 L**

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

(b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

3. Lot: A platted parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Delaware County Register of Deeds. Each individual lot is subject to the provisions of a particular base Zoning District, and shall be subject to the frontage requirements of Section 4.11, except as provided in an approved Planned Unit Development.

(a) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

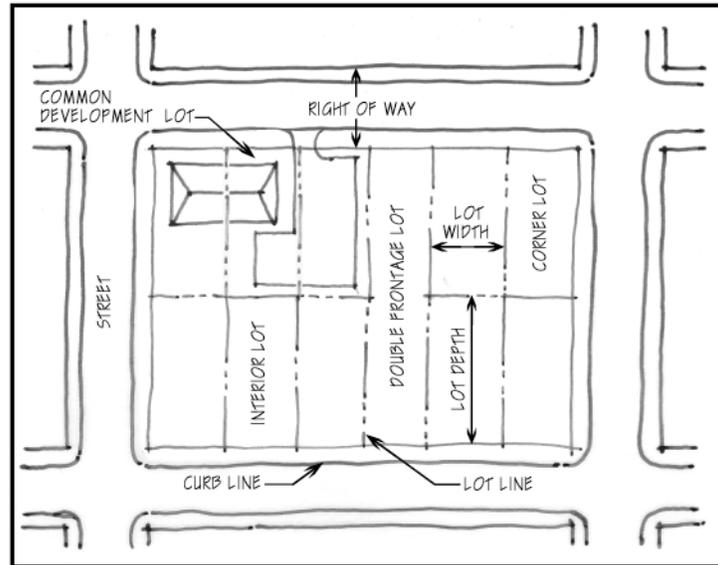
(b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two non-intersecting streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot)

(c) Interior Lot: A lot other than a corner lot whose sides do not abut a street.

(d) Common Development Lot: When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of this ordinance.

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- (e) Lot of Record: A lot which is part of a subdivision, the deed of which has been recorded in the office of the County Recorder.
- (f) Reverse Corner Lot: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.



- 4. Lot Area: The total horizontal area within the lot lines of a lot.
- 5. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
- 6. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.
  - (a) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.
    - 1) For an interior lot, the lot line separating the lot from the right-of-way or easement.
    - 2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building Official, or as may be noted on the final plat.
    - 3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.
  - (b) Rear Lot Line: The lot line that is opposite and most distant from the front line.

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(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

7. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**2.16 M**

1. Manufactured Home: A factory-built structure built under authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

A. Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted provided the unit meets the design standards for all single-family detached dwellings as specified in Section 24, Supplemental Use Regulations, Section 24.3 a.

B. Manufactured homes which do not meet all of the design standards in Section 24.3 a., may be placed in a manufactured home park.

2. Mixed Use Building: A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

3. Mixed Use Development: A single development that incorporates complementary land use types into a single development.

4. Mobile Homes: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.

5. Mobile Home Park: A site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "*mobile home park*" shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

6. Modular Home: A factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7 of the Iowa Code, and must display the seal issued by the state building code commissioner.

A. Dwelling units built in compliance with the above may be placed in any zoning district where single-

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family dwelling units are permitted provided the unit meets the design standards for all single-family detached dwellings as specified in Section 24, Supplemental Use Regulations, Section 24.3 a.

**2.17 N**

1. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. Nonconforming Lot: A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
3. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Ordinance.
4. Nonconforming Structure: A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.
5. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the land use.
6. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

**2.18 O**

1. Off-site: Located outside the boundaries of the parcel that is the subject of an application.
2. Open Space: Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
3. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
4. Overlay District: A district established by this Ordinance that prescribes special regulations to be applied to a site only in combination with a base district.
5. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**2.19 P**

1. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking. Vehicle storage is also governed by applicable provisions of Section 27, Parking Regulations.
2. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with “parking stall”. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.
3. **Paved:** Hard-surfaced, that is, permanently surfaced with poured concrete, concrete pavers, or asphalt.
4. **Performance Bond:** A surety bond or cash deposit posted by a contractor or developer made out to the city in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price and shall be legally sufficient to secure to the City that said improvements will be constructed in accordance with the terms of the contract documents within a period specified by this Ordinance.
5. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
6. **Planning Commission:** The Planning Commission of the City of Manchester.
7. **Planned Unit Development:** A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
8. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
9. **Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
10. **Principal use:** The main use of land or structures as distinguished from an accessory use.
11. **Private Garage:** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
12. **Property Line:** The boundary between separate property ownerships, as recorded by the legal description of a parcel and defined by the Delaware County Register of Deeds. In subdivisions, property lines are usually but not in every case coincident with lot lines.

**2.20 Q**

**2.21 R**

1. **Recreational Vehicle:** A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
2. **Regulation:** A specific requirement set forth by this Zoning Ordinance that must be followed.
3. **Remote Parking:** A supply of off-street parking at a location not on the site of a given development.
4. **Right-of-way:** A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

**2.22 S**

1. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.
2. **Setback:** The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
3. **Sidewalk:** A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
4. **Sign:** A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
5. **Site:** The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.
6. **Site Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information as required by the City under the Site Plan Review Ordinance, Chapter 161 of the Manchester City Code.
7. **Special Use Permit:** An approval of a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Zoning Board of Adjustment, as provided by Section 4.12 b. of this Ordinance.

8. State: The State of Iowa.
9. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
10. Street: Land dedicated for public use, from right-of-way line to right-of-way, which affords a primary means of access to the abutting property.
11. Street Yard: The distance between a lot line adjacent to a public street and the wall or façade of a building parallel to such lot line. If the building wall is not parallel to the lot line, the street yard depth shall be the distance between the street lot line and a parallel line that equals the average distance of the building wall or façade from the street lot line.
12. Structure: Any object constructed, erected or built, the use of which requires more or less permanent location on the ground and which is designed for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy by persons.

#### 2.23 T

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
2. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

#### 2.24 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

#### 2.25 V

1. Vacation: The official abandonment of public right-of-way or easement by the City in accordance with State law.
2. Variance: A modification of the application of certain regulations or provisions of this Ordinance by the Board of Adjustment, under the authority provided by this Ordinance and State Statutes.
3. Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.
4. Vehicle, inoperable: Any motor vehicle, recreational vehicle, boat, trailer or semitrailer which lacks a current registration or component part which renders the vehicle unfit for legal use upon the public right-of-way.

2.26 W

2.27 X

2.28 Y

1. Yard; Required: That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this ordinance.

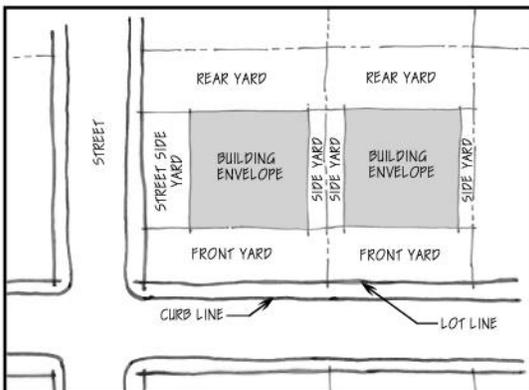
(a) Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

- 1) The yard along the blockface to which a greater number of structures are oriented; or
- 2) The yard along a street that has the smaller horizontal dimension.

(b) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

(c) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

(d) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.



2.29 Z

1. Zoning Administrator: The city official authorized by the City Council to administer this Zoning Ordinance.

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2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

**CHAPTER 165, SECTION 3**

**USE TYPES**

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**3.01 Purpose**

Section Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

**3.02 Determinations**

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City of Manchester shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

**3.03 Agricultural Use Types**

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or plants commonly grown in the City of Manchester or Delaware County; or the raising and feeding of livestock or poultry.

a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

b. Crop Production

The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of

natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free ranch dairy farming, and poultry farming.

d. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

**3.04 Residential Use Types**

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units, as defined by this Section, are not a single-family residential use type.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

b. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.

c. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

d. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.

e. Downtown Residential

The use of upper levels above street level of a building within the Central Business District of the City of Manchester for single- or multiple-family residential uses.

f. Group Residential

The use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a College and University use type.

g. Lodging House

The use of a site for the residence of more than four unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units.

h. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

i. Retirement Residence

A building or group of buildings which provide residential facilities, provided that 75% of the residents are at least sixty years of age, or households headed by a householder of at least sixty years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

**3.05 Civic Use Types**

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

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1. Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.
2. Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.

d. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

f. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

j. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

k. Group Care Facility

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

l. Group Home

A facility licensed by the State of Iowa in which no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

p. Maintenance Facilities

A public facility, supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

q. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.

r. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

s. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.

t. Public Assembly

Facilities owned and operated by a public agency, charitable nonprofit or private organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

u. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.

v. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

w. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.

x. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

### 3.06 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

b. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Personal Services Use Type.

c. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Iowa.

### 3.07 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Adult Entertainment Businesses

Any use as defined as Adult Entertainment in Chapter 129.01 of the Manchester City Code of Ordinances.

b. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

c. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automobile Auction Lots:** Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
2. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

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3. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
4. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
5. Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
6. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

d. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than 14 consecutive days during any one month period.

e. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

f. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

g. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 14 consecutive days during any one month period.

h. Commercial Recreation (Controlled Impact)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled Impact Commercial Recreation uses typically take place entirely within enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, indoor skating facilities, miniature golf courses, and private golf courses.

i. Commercial Recreation (High Impact)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. High Impact Commercial Recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical uses include shooting ranges, lighted driving ranges, go-kart tracks, amusement parks, race tracks, and private baseball complexes.

j. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

k. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

l. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

m. Convenience Storage/Mini-Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

n. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and the sales of fuel for motor vehicles.
2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
3. General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 square feet. Typical uses include grocery stores and locker plants.

o. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

p. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of the City of Manchester and/or the State of Iowa.

q. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than four animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

r. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

s. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

t. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

u. Pawn Shop

A business that loans money on deposit or pledge of personal property or other thing of value, or that deals in the purchasing of personal property or other things of value, on condition of selling the same back at a stipulated price, or that receives actual possession of personal property as security for loans with or without a bill of sale. The establishment of a pawn shop in the Manchester jurisdiction is subject to the requirements of Chapter 130 of the Manchester City Code.

v. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.

w. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Iowa when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

x. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

y. RV (Recreation Vehicle) Storage

Establishments that include the storage and/or display of boats, campers, and motorized recreational vehicles for the purpose of rental or sale.

z. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

aa. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

1. Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

bb. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Manchester and its surrounding vicinity.
2. Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Manchester and its surrounding vicinity.
3. Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Manchester and its surrounding vicinity.
4. Mass Retail Services: Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Manchester and the surrounding region.

cc. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

dd. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

ee. Taverns

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

ff. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

gg. Travel Centers

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which less than 30% of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes. See also Convenience Food Sales.

hh. Truck Stops

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which 30% or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes. See also Convenience Food Sales.

ii. Vehicle Storage (Short-term)

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

jj. Veterinary Services (General)

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals.

kk. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

**3.08 Parking Use Types**

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

b. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

**3.09 Industrial Use Types**

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

a. Agricultural Industry

Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies.

b. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

c. Custom Manufacturing

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Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

d. Junkyard or Salvage Yard

Any place not fully enclosed in a building, excluding a salvage yard, which is used in whole or in part for the storage or deposit of junk encompassing either (a) an area of 200 square feet or more, or (b) two or more inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.

e. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

f. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products.

g. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

h. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

i. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

j. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use.

k. Vehicle Storage (Long-term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.

l. Warehousing (Enclosed)

Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

m. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

### 3.10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation (General)

Airports, including take-off and landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Typical uses include private or municipal airports.

b. Aviation (Private)

Take-off or landing strips or fields within a parcel generally put to other uses and primarily used for the convenience of the owner of the parcel. Typical uses include private airstrips within a large property.

c. Railroad Facility

Fixed railroad facilities, including switching yards, equipment servicing facilities, and freight terminal facilities, but not including normal right-of-way.

d. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

**3.11 Miscellaneous Type Uses**

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.

c. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

e. Landfill A (Non-putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

f. Landfill B (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

g. Wind Energy Conservation System (WECS)

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Any device that converts wind energy to a form of usable energy, including wind charges, windmills or wind turbines.

**CHAPTER 165, SECTION 4**  
**ZONING DISTRICT REGULATIONS**

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**4.1 Purpose**

Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

**4.2 Establishment of Districts**

The following base districts and overlay districts are hereby established. These districts correspond to the Land Use Districts established by the Manchester Comprehensive Plan.

**BASE ZONING**  
**DISTRICTS**

**DISTRICT NAMES**

<b>AG</b>	Agricultural/Urban Reserve District
<b>R1-50,60,70,80</b>	Single Family Low-Density District
<b>R-2</b>	Two Family Low-Density District
<b>R-3</b>	Townhome Residential Moderate Density District
<b>R-4</b>	Multi-Family Residential Medium Density District
<b>R-5</b>	Multi-Family Residential High Density District
<b>R-6</b>	Downtown Multi-Family Residential High Density District
<b>RM</b>	Mobile Home Residential District
<b>C-1</b>	Neighborhood Commercial District
<b>C-2</b>	Community Commercial District
<b>C-3</b>	Highway Commercial
<b>CBD</b>	Central Business District
<b>BP</b>	Business Park District
<b>I-1</b>	Limited Industrial District
<b>I-2</b>	General Industrial District

## **OVERLAY AND SPECIAL DISTRICTS**

<b>PUD</b>	Planned Unit Development Overlay District
<b>FP/FW</b>	Floodplain Overlay District
<b>AV</b>	Aviation Overlay District

### **4.3 Application of Districts**

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

Overlay and special districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.

### **4.4 Hierarchy**

References in the Zoning Ordinance to less intensive or more intensively urbanized districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4.2, and shall represent a progression from the AG Agricultural District as the least intensively urbanized to the I-2 General Industrial District as the most intensively urbanized.

### **4.5 Development Regulations**

For each Zoning District, permitted uses are set forth in the Use Matrix. Individual sections describe the purpose and specific development regulations for each zoning district. Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Use Matrix. Permitted accessory uses are indicated in Section 24.10 Supplemental Use Regulations: Accessory Uses.

### **4.6 Zoning Map**

#### **a. Adoption of Zoning Map**

Boundaries of zoning districts established by this Zoning Regulations shall be shown on the Zoning Map maintained by the City Clerk. This map shall bear the signature of the Mayor attested by the City Clerk under the certification that this is the Official Zoning Map referred to by this Ordinance. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with these Regulations. Said Zoning Map shall be on file with the City Clerk and shall be readily accessible to the public at Manchester City Hall.

#### **b. Changes to the Zoning Map**

The City Council may from time to time adopt a new official zoning map which shall supersede the prior official zoning map, in the event that the official zoning map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.

#### **4.7 Interpretation of District Boundaries**

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- e. Where district boundaries are indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines, such lines shall be considered the district boundaries.
- f. Boundaries not capable of being determined as set forth in 4.7a through e shall be as dimensioned on the official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

#### **4.8 Vacation of Streets and Alleys**

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

#### **4.9 Annexation of Territory**

All unimproved or agricultural territory that may hereafter be annexed to the City shall be considered as lying in the AG Agricultural/Urban Reserve District until such classification shall be changed as provided by this ordinance. Any improved property that is annexed into the city shall be zoned according to the zoning district that most nearly describes either its present use or the use proposed by Manchester's Comprehensive Plan. This zoning shall be established by the Planning Commission and the City Council at the time of annexation.

#### **4.10 Required Conformance**

Except as specified in this chapter, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not

comply with all of the district regulations established by this title for the district in which the building or land is located.

#### **4.11 Required Frontage**

Except as otherwise provided for, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street.

#### **4.12 Use Matrix: Levels of Permitted Uses**

Within zoning districts in Manchester, different uses are permitted with different conditions. These are displayed in the Use Matrix. Levels of permission include:

- a. Uses which are permitted by right. These uses are permitted subject to issuance of a occupancy permit by the Zoning Administrator, subject only to compliance with all regulations of this Ordinance. Uses permitted by right might be subject to supplemental regulations contained in this Ordinance. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- b. Special Uses. These uses are subject to approval of a Special Use Permit by the Zoning Board of Adjustment, following the procedure set forth in Section 29.17. These uses are indicated in the Use Matrix by a "S" in the applicable cell.
- c. Site plan approval. Some use types require a site plan approval by the Plan and Zoning Commission/City Council, based on specific criteria for review. This procedure is set forth in Chapter 161 of the Manchester City Code. These uses are indicated in the Use Matrix by an asterisk (\*) following the citing of a specific use type.

#### **4.13 Guide to Site Development Regulators**

The regulators set forth in the tables in Sections 5 through 19 establish the limits and requirements for most development in the City of Manchester and its extra-territorial jurisdiction. This section is intended to provide guidance for applying the regulators contained in these tables.

- a. *Site area per housing unit.* This indicates the gross land area per unit within a residential development. For example, a 40-lot subdivision on a 10-acre (435,600 square foot tract) will have a site area per unit of 10,890 square feet. Site area per unit, which measures gross density, may differ from minimum lot size.
- b. *Minimum lot area.* This indicates the minimum size of a legally described and recorded parcel upon which development can take place. As noted above, minimum lot area and site area per unit may not be the same.
- c. *Minimum lot width.* This is the required minimum distance connecting at points along opposite side lot lines, measured at the required front yard setback. For example, the lot width of an irregular lot in a district requiring a 25-foot front yard setback is determined by:

1. Locating the points along each side lot line at a distance of 25 feet back from the front property line.

2. Drawing a line connecting these two points.
3. Measuring the length of this line. The length is the lot width.

*d. Minimum yards.* These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these include:

1. Planned Unit Developments. Front yard setbacks can be varied within Planned Unit Developments, which are reviewed and approved by the City Council after a recommendation from the Planning Commission.
2. Major streets. The City may require greater than normal setbacks along segments of the city's arterial street system, as defined in the comprehensive development plan.
3. Flexibility provided by Supplemental Development Regulations. Section 25.7 establishes supplemental regulations, many of which provide flexibility or variations in setback regulations for specific contexts.
4. Maximum setbacks. Some specific zoning districts provide maximum as well as minimum setbacks. These setbacks establish "build-to" lines that may be necessary to protect the appearance and character of special urban districts.

*e. Maximum height.* Height normally measures the vertical distance from the established grade to the highest point of a building. However, as established by the definition of height, the point of measurement may vary for different types of buildings and roof slopes.

*f. Maximum amount of total parking in street yard.* This controls the maximum amount of parking that can be located in the area between a building facade and the street. When applied in certain zoning districts, it is intended to reduce the number of cars seen from the street, encourage site planning which locates parking in rear and side yards, and produce a stronger relationship between buildings and streets. For example, a project with 100 parking stalls and a 50% limit on the amount of parking located in street yards must locate 50 of its stalls in rear or side yards without street exposure.

*g. Minimum Depth of Landscaping Adjacent to Street Right-of-Ways.* This establishes the depth of landscaping that must be provided on private property adjacent and in from the right-of-way line. Thus, if the required minimum depth is fifteen feet, a project must landscape the first fifteen feet of its site back from the right-of-way line. All landscaping must be done in accordance with Section 26, Landscaping and Screening Standards.

*h. Minimum buffer yard requirements.* This establishes the depth of a buffer yard that must be provided by intensive land uses adjacent to primarily residential land uses in residential zoning districts. All landscaping must be done in accordance with Section 26, Landscaping and Screening Standards.

*i. Supplemental use regulations.* Certain permitted uses require satisfaction of specific requirements in order to function successfully in their urban or rural contexts. These supplemental requirements are set forth in Section 24. These requirements are cross-referenced in the "Supplementary

Regulations” column of the Use Matrix.

**Table 4.1: Use Matrix: Agricultural and Residential Types (AG through RM Districts)**

Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Agricultural Uses</b>								
Horticulture	P							
Crop Production**	P	P	P	P	P	P	P	P
Animal Production**	S							
Livestock Sales	S							
<b>Residential Uses</b>								
Single-Family Detached**	P	P	P	P	P	P		
Single-Family Attached**			P	P	P	P	P	
Duplex			P	P	P	P	P	
Townhouse*				P	P	P	P	
Multiple-Family*					P	P	P	
Downtown Residential* **							P	
Group Residential* **				P	P	P	P	
Boarding House*					S	S	S	
Mobile Home Park* **								P
Retirement Residential*				P	P	P	P	

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**Blank** Use not permitted in zoning district

**\*** Use subject to Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Regulations

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Table 4.1: Use Matrix: Agricultural and Residential Use Types (C-1 through I-2 Districts)

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Agricultural Uses</b>							
Horticulture	P	P	P	P	P	P	P
Crop Production**	P	P	P	P	P	P	P
Animal Production**							
Livestock Sales						S	S
<b>Residential Uses</b>							
Single-Family Detached**	E	E	E	E	E	E	E
Single-Family Attached**	E	E	E	E	E	E	E
Duplex	E	E	E	E	E	E	E
Townhouse*	P	P	P	P***	E	E	E
Multiple-Family*	P	P	P	P***	E	E	E
Downtown Residential* **				P***			
Group Residential* **	E	E	E	E	E	E	E
Boarding House*	E	E	E	E	E	E	E
Mobile Home Park* **							
Retirement Residential*	P	P	P	P			

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**E** Permitted by right if lawfully existing on the effective date of this Ordinance

**Blank** Use not permitted in zoning district

**\*** Use subject to Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Regulations

**\*\*\*** First (ground) floor level housing is not permitted in the CBD District for parcels fronting on Franklin and Main Streets

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Table 4.2: Use Matrix: Civic Use Types (AG through RM Districts)

Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Civic Uses</b>								
Administration	P			P	P	P	P	
Cemetery*	P	P	P	P	P	P	P	
Clubs (Recreational)* **	P			P	P	P	P	
Clubs (Social)* **	P			P	P	P	P	P
College/University*	P	P	P	P	P	P	P	
Convalescent Services*	P	P	P	P	P	P	P	
Cultural Services*	P			S	P	P	P	
Day Care (Limited)	P	P	P	P	P	P	P	P
Day Care (General)* **		E	E	P	P	P	P	P
Detention Facilities*	S							
Emergency Residential	P		S	P	P	P	P	P
Group Care Facility* **		S	S	P	P	P	P	P
Group Home* **		P	P	P	P	P	P	P
Guidance Services					P	P	P	S
Health Care*	P			P	P	P	P	
Hospitals*							S	
Maintenance Facility*	P							
Park and Recreation	P	P	P	P	P	P	P	P
Postal Facilities*	P				S	S	P	
Primary Education*	P	P	P	P	P	P	P	
Public Assembly*							P	
Religious Assembly*	P	S	S	S	P	P	P	
Safety Services*	P	P	P	P	P	P	P	P
Secondary Educ*	P	P	P	P	P	P	P	
Utilities*	P	S	S	S	S	S	S	S

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**E** Permitted by right if lawfully existing on the effective date of this Ordinance

**Blank** Use not permitted in zoning district

**\*** Use subject to Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Regulations

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Table 4.2: Use Matrix: Civic Use Types (C-1 through I-2 Districts)

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Civic Uses</b>							
Administration	P	P	P	P	P	P	P
Cemetery*							
Clubs (Recreational)* **		P	P	P	P	P	P
Clubs (Social)* **	P	P	P	P	P	P	P
College/University*		P	P	P	P	P	
Convalescent Services*		P	P	P	P		
Cultural Services*	P	P	P	P	P	P	
Day Care (Limited)	P	P	P	P			
Day Care (General) * **	P	P	P	P	S	S	
Detention Facilities*		S	S	S	S	S	S
Emergency Residential*	P	P	P	P			
Group Care Facility* **	P	P	P	P			
Group Home**	P	P	P	P			
Guidance Services	P	P	P	P	P	P	P
Health Care*	P	P	P	P	P	P	S
Hospitals*		P	P	P	P	S	S
Maintenance Facility*		S	S	S	P	P	P
Park and Recreation	P	P	P	P	P	P	P
Postal Facilities*	P	P	P	P	P	P	P
Primary Education*	P	P	P				
Public Assembly*		P	P	P	S	S	S
Religious Assembly*	P	P	P	P	P	P	S
Safety Services*	P	P	P	P	P	P	P
Secondary Educ*	P	P	P	P	P	P	
Utilities*	S	P	P	S	P	P	P

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**E** Permitted by right if lawfully existing on the effective date of this Ordinance

**Blank** Use not permitted in zoning district

**\*** Use subject to Special Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Regulations

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**Table 4.3: Use Matrix: Office Use Types (AG through RM Districts)**

Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Office Uses</b>								
General Offices*					P	P	P	
Financial Services*						P	P	
Medical Offices*						P	P	

**Table 4.3: Use Matrix: Office Use Types (C-1 through I-2 Districts)**

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Office Uses</b>							
General Offices	P	P	P	P	P	P	P
Financial Services	P	P	P	P	P	P	P
Medical Offices	P	P	P	P	P	P	P

- P** Permitted by right or by right subject to supplemental regulations
- S** Permitted by Special Use Permit (Section 29.17)
- E** Permitted by right if lawfully existing on the effective date of this Ordinance
- Blank** Use not permitted in zoning district
- \*** Use subject to Special Site Plan review (City Code Chapter 161)
- \*\*** Subject to Supplemental Regulations

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**Table 4.4: Use Matrix: Commercial Use Types (AG through RM Districts)**

Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Commercial Uses</b>								
Adult Entertainment* **								
Ag Sales/Service* **	P							
Auto Auction Lots*								
Auto Rental/Sales*								
Auto Services* **								
Body Repair* **								
Equip Rental/Sales*								
Equipment Repair* **								
Bed and Breakfast* **	S	S	S	P	P	P	P	
Business Support Services*								
Business/Trade School*						S	S	
Campground* **	S							
Commercial Rec (Controlled Impact)*	S							
Commercial Rec (High Impact)*	S							
Communication Service*								
Construction Sale/Service* **								
Consumer Service*								
Convenience Storage* **								
Food Sales (Convenience)*								
Food Sales (Limited)*								
Food Sales (General)*								

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**Blank** Use not permitted in zoning district

\* Use subject to Special Site Plan review (City Code Chapter 161)

\*\* Subject to Supplemental Regulations

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**Table 4.4: Use Matrix: Commercial Use Types (C-1 through I-2 Districts)**

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Commercial Uses</b>							
Adult Entertainment* **							S
Ag Sales/Service*		P	P		P	P	P
Auto Auction Lots*		P	P			P	P
Auto Rental/Sales*		P	P	P	S	P	P
Auto Services* **		P	P	P	P	P	P
Body Repair* **			P		S	P	P
Equip Rental/Sales*		P	P		S	P	P
Equipment Repair* **		P	P	S		P	P
Bed and Breakfast* **	P	P	P	P	P		
Business Support Services*	P	P	P	P	P	P	P
Business/Trade School*	P	P	P	P	P	P	P
Campground* **		S	S				
Commercial Rec (Controlled Impact)*	P	P	P	P	P	P	P
Commercial Rec (High Impact)*		P	P		P	P	P
Communication Service*		P	P	P	P	P	P
Construction Sale/Service* **		P	P	S	P	P	P
Consumer Service*	P	P	P	P	P	P	P
Convenience Storage* **		P	P		P	P	P
Food Sales (Convenience)*	P	P	P	P	P	P	S
Food Sales (Limited)*	P	P	P	P	P		
Food Sales (General)*		P	P	S	P		

- P** Permitted by right or by right subject to supplemental regulations
- S** Permitted by Special Use Permit (Section 29.17)
- Blank** Use not permitted in zoning district
- \*** Use subject to Special Site Plan review (City Code Chapter 161)
- \*\*** Subject to Supplemental Regulations

**Table 4.4 (continued): Use Matrix: Commercial Use Types (AG through RM Districts)**

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Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Commercial Uses</b>								
Funeral Service*					P	P	P	
Gaming Facilities*								
Kennels* **	P							
Laundry Services*								
Liquor Sales*								
Lodging*							P	
Pawnshop*								
Personal Improvement						P	P	
Personal Services*						P	P	
Pet Services*								
RV Storage* **	P							
Research Services*								
Restaurants (Drive-in)*								
Restaurants (General)*	P							
Retail Services (Limited)								
Retail Services (Medium)								
Retail Services (Large)*								
Retail Services (Mass)*								
Stables*	P							
Surplus Sales*								
Taverns								
Trade Services*								
Travel Centers**								
Truck Stops**								
Vehicle Storage (Short-term)*	P							
Veterinary Services (General)*	P							
Veterinary Services (Large Animal)	P							

- P** Permitted by right or by right subject to supplemental regulations
- S** Permitted by Special Use Permit (Section 29.17)
- Blank** Use not permitted in zoning district
- \*** Use subject to Special Site Plan review (City Code Chapter 161)
- \*\*** Subject to Supplemental Regulations

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Table 4.4 (continued): Use Matrix: Commercial Use Types (C-1 through I-2 Districts)

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Commercial Uses</b>							
Funeral Service*	P	P	P	P	P	P	
Gaming Facilities*		P	P	P		P	P
Kennels* **			P			P	P
Laundry Services*	P	P	P	P	P	P	P
Liquor Sales*		P	P	P		P	
Lodging*		P	P	P	P		
Pawnshop*		P	P	P	P	P	P
Personal Improvement*	P	P	P	P	P	P	P
Personal Services*	P	P	P	P	P	P	P
Pet Services*		P	P	P	P	P	
RV Storage			P			P	P
Research Services*		P	P	P	P	P	P
Restaurants (Drive-in)*		P	P		P	P	S
Restaurants (General)*	P	P	P	P	P	P	S
Retail Services (Limited)*	P	P	P	P	P		
Retail Services (Medium)*		P	P	P	P		
Retail Services (Large)*		P	P	S	P		
Retail Services (Mass)*		P	P		P		
Stables*							
Surplus Sales*		P	P	S	P	P	P
Taverns*		P	P	P	P	P	P
Trade Services*		P	P	S	P	P	P
Travel Centers*		P	P		P	P	P
Truck Stops*		S	P		P	P	P
Veh. Storage (Short-term)*		P	P			P	P
Veterinary Services (General)*		P	P	P	P	P	P
Veterinary Services (Large Animal)*						P	P

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**Blank** Use not permitted in zoning district

**\*** Use subject to Special Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Regulations

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**Table 4.5: Use Matrix: Parking and Transportation Use Types (AG through RM Districts)**

Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Parking Uses</b>								
Off-Street Parking*								
Parking Structure*								
<b>Transportation Uses</b>								
Aviation (General)*	S							
Aviation (Private)*	S							
Railroad Facilities*								
Truck Terminal*								
Transportation Terminal*								

**Table 4.5: Use Matrix: Parking and Transportation Use Types (C-1 through I-2 Districts)**

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Parking Uses</b>							
Off-Street Parking*		P	P	P	P	P	P
Parking Structure*		P	P	P	P	P	P
<b>Transportation Uses</b>							
Aviation (General)*						P	P
Aviation (Private)*						P	P
Railroad Facilities*						P	P
Truck Terminal*						P	P
Transportation Terminal*		P	P	P	P	P	P

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**Blank** Use not permitted in zoning district

**\*** Use subject to Special Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Uses

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**Table 4.6: Use Matrix: Industrial Use Types (AG through RM Districts)**

Use Types	AG	R1-80,70, 60,50	R-2	R-3	R-4	R-5	R-6	RM
<b>Industrial Uses</b>								
Agricultural Industry*	P							
Construction Yards*								
Custom Manufacturing								
Light Industry*								
General Industry*								
Heavy Industry*								
Recycling Collection*								
Recycling Processing*								
Resource Extraction* **	S							
Salvage Services* **								
Vehicle Storage (Long-term)* **								
Warehousing (Enclosed)*								
Warehousing (Open)*								
<b>Miscellaneous Uses</b>								
Amateur Radio Tower	P	P	P	P	P	P	P	P
Communications Tower**	P							
Construction Batch Plant*								
Landfill (Non-Putrescible)* **	S							
Landfill (Putrescible)* **	S							
WECS**	P			S	S	S	S	S

**P** Permitted by right or by right subject to supplemental regulations

**S** Permitted by Special Use Permit (Section 29.17)

**Blank** Use not permitted in zoning district

**\*** Use subject to Special Site Plan review (City Code Chapter 161)

**\*\*** Subject to Supplemental Regulations

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**Table 4.6: Use Matrix: Industrial Use Types (C-1 through I-2 Districts)**

Use Types	C-1	C-2	C-3	CBD	BP	I-1	I-2
<b>Industrial Uses</b>							
Agricultural Industry*						P	P
Construction Yards*						P	P
Custom Manufacturing		P	P	P	P	P	P
Light Industry*					P	P	P
General Industry*						P	P
Heavy Industry*							S
Recycling Collection*						P	P
Recycling Processing*						P	P
Resource Extraction* **							S
Salvage Services* **							S
Vehicle Storage (Long-term)* **			P			P	P
Warehousing (Enclosed)*					P	P	P
Warehousing (Open)*						P	P
<b>Miscellaneous Uses</b>							
Amateur Radio Tower	P	P	P		P	P	P
Communications Tower**		P	P		P	P	P
Construction Batch Plant*							P
Landfill (Non-Putrescible)* **							S
Landfill (Putrescible)* **							S
WECS**					P	P	P

- P** Permitted by right or by right subject to supplemental regulations  
**S** Permitted by Special Use Permit (Section 29.17)  
**Blank** Use not permitted in zoning district  
\* Use subject to Special Site Plan review (City Code Chapter 161)  
\*\* Subject to Supplemental Regulations

**CHAPTER 165, SECTION 5**

**AG AGRICULTURAL/URBAN RESERVE DISTRICT**

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**5.1 Purpose**

The AG district promotes and preserves agricultural uses, including crop and animal production. This district is intended to accommodate activities such as agriculture, horticulture, dairy farming, livestock farming, poultry farming, general farming and other agricultural activities. This district discourages low density single family residential development often associated with agricultural areas by requiring a minimum 10-acre lot size. The AG district is also intended to maintain interim agricultural uses within areas designated in the Manchester comprehensive plan as long-term urban growth areas. The intent here is to discourage rural residential growth in these areas that are in watersheds that can eventually accommodate development served by extension of public sewers. Where these areas are outside the city limits of Manchester, but within its two-mile subdivision jurisdiction, it is intended that the City work with the County to apply this district's site development regulations to these long term urban growth areas when and if Delaware County adopts zoning. If the County does not adopt zoning, the City of Manchester may apply this zoning district in unincorporated areas consistent with the City's comprehensive plan.

**5.2 Site Development Regulations**

Regulator	1-Family Detached	Other Permitted Uses
<b>Site Area per Housing Unit</b>	NA	
<b>Minimum Lot Area</b>	10 acres	5 acres
<b>Minimum Lot Width (feet)</b>	150 ft.	
<b>Minimum Yards (feet)</b>		
Front Yard (Note 1)	50 ft.	50 ft.
Side Yard	25 ft.	25 ft.
Street Side Yard, Corner Lot	50 ft.	50 ft.
Rear Yard	50 ft.	50 ft.
<b>Maximum Height (feet)</b>	35 ft.	35 ft.

**Note 1:** Front yard setback is measured from property line of platted lots. For unplatted lots along roads, residential structures shall be set back sufficiently to allow for future right-of-way dedications. This setback is typically 75 feet from the center line of the adjacent road. The Zoning Administrator may establish a different set-back requirement based on the specific context of a parcel. The reason for any such variation shall be documented in writing by the Zoning Administrator.

**CHAPTER 165, SECTION 6  
R1 SINGLE-FAMILY RESIDENTIAL DISTRICTS (LOW-DENSITY)**

**6.1 Purpose**

The R1 districts are intended to provide for single family residential development, with gross densities from approximately 4 units per acre in R1-80 districts to approximately 6 units per acre in R1-50 districts. These areas generally include single-family dwellings on varying size lots with supporting community facilities and urban services, including city water and sanitary sewer service. The R1-50 district is intended primarily to recognize the development pattern established in pre-world war II single family residential neighborhoods in Manchester. Gross densities in these historic neighborhoods are around 6 units per acre. While initially developed as single-family neighborhoods, these areas sometimes include conversions to multiple-family dwellings that have occurred over time. Nonetheless, the use predominate in these areas is single-family homes, and the R1-50 district is intended to protect and preserve this character.

**6.2 Site Development Regulations**

Regulator	1-Family Detached				Other Permitted Non-Residential Uses
	R1-80	R1-70	R1-60	R1-50	
Site Area per Housing Unit	N/A	N/A	N/A	N/A	
Minimum Lot Area (square feet)	9,000	7,500	7,000	5,000	15,000
Minimum Lot Width (feet)	80	70	60	50	100
Minimum Yards (feet)					
Front Yard	25	25	25	25	30
Side Yard (Note 1)	6.5	6.5	6.5	5	10
Street Side Yard, Corner Lot (Note 2)	15	15	15	15	
Rear Yard	30	30	30	30	
Maximum Height (feet) (Note 3)	35	35	35	35	35
Maximum Amount of Total Parking Located in Street Yard	0	0	0	0	0

**Note 1: Zero Lot Line Development**

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Delaware County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

**Note 2:** In the case of a reverse corner lot, there shall be maintained a setback from the side street of not less

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than 75 percent of the front yard required on the lots in the rear of such corner lot, but such setback need not exceed 25 feet.

Note 3: Churches are permitted a maximum height of 45 feet for the main structure and 75 feet for towers or steeples.

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**CHAPTER 165, SECTION 7**

**R-2 TWO FAMILY RESIDENTIAL DISTRICT**

**7.1 Purpose**

The R-2 district is intended to provide for low/moderate density residential development, with gross densities generally between 6 and 10 units per acre. These developments include single-family dwellings on moderate-sized lots and two family dwellings or duplexes/bi-attached homes.

**7.2 Site Development Regulations**

Regulator	1-Family Detached	1-Family Attached	Duplex (2-Family)	Other Non-Residential Permitted Use
<b>Site Area per Housing Unit</b>				
<b>Minimum Lot Area (square feet)</b>	7,000	4,000 per unit	8,000	10,000
<b>Minimum Lot Width (feet)</b>	60	35 per unit	70	75
<b>Minimum Yards (feet) (Note 2)</b>				
Front Yard	25	25	25	30
Side Yard: (Note 1)	6.5	6.5	6.5	12 ft. one side/30 ft. total
Street Side Yard/Corner Lot (Note 3)	15 30	15 30	15 30	15 30
Rear Yard Area				
<b>Maximum Height (feet) (Note 4)</b>	35	35	35	35
<b>Maximum Amount of Total Parking Located in Street Yard</b>	0	0	0	0

**Note 1: Zero Lot Line or Single-Family Attached Development**

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Delaware County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

**Note 2: Flexible Yard Setbacks in Planned Unit Developments**

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

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**Note 3:** In the case of a reverse corner lot, there shall be maintained a setback from the side street of not less than 75 percent of the front yard required on the lots in the rear of such corner lot, but such setback need not exceed 25 feet.

**Note 4:** Churches are permitted a maximum height of 45 feet for the main structure and 75 feet for towers or steeples.

**CHAPTER 165, SECTION 8**

**R-3 TOWNHOME RESIDENTIAL MODERATE DENSITY**

**8.1 Purpose**

The R-3 district is intended to provide for moderate density mixed residential development including small lot Single Family dwellings, Two Family Dwellings, and Townhouse residential development, with gross densities at about 12 dwellings per acre.

**8.2 Site Development Regulations**

<b>Regulator</b>	<b>1-Family Detached</b>	<b>1-Family Attached (Note 1)</b>	<b>Duplex (Two Family)</b>	<b>Town-house (Note 1)</b>	<b>Other Non-Residential Permitted Use</b>
<b>Site Area per Housing Unit (sq. ft.)</b>				3,500	
<b>Minimum Lot Area (sq. ft.)</b>	7,000	4,000	8,000	2,000	10,000
<b>Minimum Lot Width (feet)</b> In Conventional Development	60	35	70	NA	75
<b>Minimum Yards (feet)</b> Front Yard Side Yard: (Note 2)  Street Side Yard/Corner Lot (Note 3) Rear Yard Area	25 6.5  15 30	25 6.5  15 30	25 6.5  15 30	25 6.5 (Note 4) 15 30	30 12 ft. one side/30 ft. total  15 30
<b>Maximum Height (feet) (Note 5)</b>	35	35	35	35	35
<b>Maximum Amount of Total Parking Located in Street Yard</b>	0	0	0	0	50%

**Note 1: 1-Family Attached and Townhouse Development**

Regulators are shown on a per unit basis.

**Note 2: Zero Lot Line and Single-Family Attached Development**

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.

2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Delaware County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

**Note 3: Flexible Yard Setbacks in Planned Districts**

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way (including the boundary of sidewalks) must be at least 20 feet.

**Note 4. Separation of townhouse Buildings**

There shall be a minimum of 15 feet separation between adjacent townhouse row dwellings.

**Note 5:** Churches are permitted a maximum height of 45 feet for the main structure and 75 feet for towers or steeples.

**CHAPTER 165, SECTION 9**

**R-4 MULTI-FAMILY RESIDENTIAL MEDIUM-DENSITY**

**9.1 Purpose**

The R-4 district is intended to provide for medium density development, including small lot two-family development and multi-family residential development, with gross densities up to about 17 units per acre depending on the project size. This district is oriented towards accommodation of townhouse projects and typical 3-story walkup apartment buildings.

**9.2 Site Development Regulations**

<b>Regulator</b>	<b>1-Family Detached</b>	<b>1-Family Attached (Note 1)</b>	<b>Duplex (Two Family)</b>	<b>Town-house (Note 1)</b>	<b>Multi-Family</b>	<b>Other Non-Residential Permitted Use</b>
<b>Site Area per Housing Unit (sq. ft.)</b>				3,000	2,500	
<b>Minimum Lot Area (sq. ft.)</b>	7,000	4,000	8,000	2,000	10,000	10,000
<b>Minimum Lot Width (feet)</b>	60	35	70	NA	NA	75
<b>Minimum Yards (feet) (Note 3)</b>						
Front Yard	25	25	25	25	25	25
Side Yard (Note 1,2)	6.5	6.5	6.5	6.5	6.5	12 ft. one side/30 ft. total
Street Side Yard, Corner Lot	15	15	15	(Note 4) 15	15	15
Rear Yard	30	30	30	30	30	30
<b>Maximum Height (feet) (Note 5)</b>	35		35	35 or 2½ stories	35 or 2½ stories	35
<b>Maximum Amount of Total Parking Located in Street Yard</b>	0	0	0	0	0	50%

**Note 1: Single-Family Attached and Townhouse Development**

Regulators are shown on a per unit basis.

**Note 2: Zero Lot Line and Single-Family Attached Development**

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.

2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Delaware County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

**Note 3: Flexible Yard Setbacks in Planned Districts**

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

**Note 4. Separation of townhouse Buildings**

There shall be a minimum of 15 feet separation between adjacent townhouse row dwellings.

**Note 5:** Churches are permitted a maximum height of 45 feet for the main structure and 75 feet for towers or steeples.

**CHAPTER 165, SECTION 10**

**R-5 MULTI-FAMILY RESIDENTIAL HIGH-DENSITY**

**10.1 Purpose**

The R-5 district is intended to provide for high density development, including small lot one- and two-family development and multi-family residential development, with gross densities up to 43.5 units per acre depending on the project size. This district is oriented towards accommodation of multi-story apartment developments, including senior housing projects.

**10.2 Site Development Regulations**

<b>Regulator</b>	<b>1-Family Detached</b>	<b>1-Family Attached (Note 1)</b>	<b>Duplex (Two Family)</b>	<b>Town-house (Note 1)</b>	<b>Multi-Family</b>	<b>Other Non-Residential Permitted Use</b>
<b>Site Area per Housing Unit (sq. ft.)</b>				3,000	1,000	
<b>Minimum Lot Area (sq. ft.)</b>	7,000	4,000	8,000	2,000	10,000	10,000
<b>Minimum Lot Width (feet)</b>	60	35	70	NA	NA	75
<b>Minimum Yards (feet) (Note 3)</b>						
Front Yard	25	25	25	25	25	25
Side Yard (Note 1,2)	6.5	6.5	6.5	6.5	6.5	12 ft. one side/30 ft. total
Street Side Yard, Corner Lot	15	15	15	(Note 4) 15	15	15
Rear Yard	30	30	30	30	30	30
<b>Maximum Height (feet) (Note 5)</b>	35	35	35	35 or 2½ stories	45	35
<b>Maximum Amount of Total Parking Located in Street Yard</b>	0	0	0	0	0	50%

**Note 1: Single-Family Attached and Townhouse Development**

Regulators are shown on a per unit basis.

**Note 2: Zero Lot Line and Single-Family Attached Development**

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.

2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Delaware County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

**Note 3: Flexible Yard Setbacks in Planned Districts**

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

**Note 4. Separation of townhouse Buildings**

There shall be a minimum of 15 feet separation between adjacent townhouse row dwellings.

**Note 5:** Churches are permitted a maximum height of 45 feet for the main structure and 75 feet for towers or steeples.

**CHAPTER 165, SECTION 11**

**R-6 DOWNTOWN MULTI-FAMILY RESIDENTIAL HIGH-DENSITY**

**11.1 Purpose**

The R-6 district is intended to provide for high density development, including two-family development, townhouse development and multi-family residential development, with gross densities up to 43.5 units per acre depending on the project size, located in a district adjacent to the Manchester Central Business District (CBD). This district is intended as a transition from the downtown area to the surrounding residential districts and is oriented towards accommodation of multi-story apartment developments, including senior housing projects.

**11.2 Site Development Regulations**

<b>Regulator</b>	<b>1-Family Detached</b>	<b>1-Family Attached (Note 1)</b>	<b>Duplex (Two Family)</b>	<b>Townhouse (Note 1)</b>	<b>Multi-Family</b>	<b>Other Non-Residential Permitted Use</b>
<b>Site Area per Housing Unit (sq. ft.)</b>					1,000	
<b>Minimum Lot Area (sq. ft.)</b>	N/A	4,000	8,000	3,000	10,000	10,000
<b>Minimum Lot Width (feet)</b>	N/A	35	70	NA	NA	75
<b>Minimum Yards (feet) (Note 3)</b>						
Front Yard	N/A	5	5	5	0	0
Side Yard (Note 1,2)	N/A	0	0	0	0	0
Street Side Yard, Corner Lot	N/A	5	5	(Note 4) 5	0	0
Rear Yard	N/A	5	5	5	0	0
<b>Maximum Height (feet) (Note 5)</b>	N/A		35	35 or 2½ stories	45	35
<b>Maximum Amount of Total Parking Located in Street Yard</b>	0	0	0	0	0	0

**Note 1: Single-Family Attached and Townhouse Development**

Regulators are shown on a per unit basis.

**Note 2: Zero Lot Line and Single-Family Attached Development**

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

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1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Delaware County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

**Note 3: Flexible Yard Setbacks in Planned Districts**

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

**Note 4. Separation of townhouse Buildings**

There shall be a minimum of 15 feet separation between adjacent townhouse row dwellings.

**Note 5:** Churches are permitted a maximum height of 45 feet for the main structure and 75 feet for towers or steeples.

**CHAPTER 165, SECTION 12**

**RM MOBILE HOME RESIDENTIAL DISTRICT**

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**12.1 Purpose**

The RM district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

**12.2 Site Development Regulations**

Regulator	Mobile Home Park (Note 1)	Other Permitted Uses
<b>Site Area per Housing Unit (square feet)</b>		NA
Single-wide Units	4,000	
Double-wide Units	5,000	
<b>Minimum MH Park Area</b>	8 acres	6,000
<b>Minimum Lot Width (feet)</b>	50	60
<b>Minimum Lot Length (feet)</b>	80	80
<b>Minimum Yards (Lots) (feet)</b>		
Front Yard	15	25
Side Yard	5	10
Rear Yard	10	10
<b>Minimum Separation between Units (feet)</b>	20	NA
<b>Maximum Height (feet)</b>	35	35
<b>Maximum Amount of Total Parking Located in Street Yard</b>	NA	50%

**Note 1: Mobile Home Parks and Subdivisions**

Complete development standards for Mobile Home Parks and Subdivisions are set forth in Section 24.3.d.

**CHAPTER 165, SECTION 13**  
**C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**13.1 Purpose**

The C-1 Neighborhood Commercial District is intended for neighborhood shopping facilities serving the needs of residents of a surrounding residential area. Allowed commercial and office uses are generally compatible with nearby residential areas in scale and intensity. Site development regulations are intended to ensure compatibility in size, scale, and site characteristics with these residential environments. C-1 districts are generally most appropriate at intersections of collector and/or arterial streets, at the edge of residential areas, in planned commercial areas in newly developing residential districts, or at other locations where local commercial services are required.

**13.2 Site Development Regulations for C-1 Districts**

Regulator	Permitted Residential Uses	All Other Permitted Uses
<b>Minimum Lot Area</b>	Same standards as for the R-3 Townhome Residential Moderate Density District	None
<b>Minimum Lot Width (feet)</b>		None
<b>Minimum Yards (feet) (Note 2)</b>		
Front Yard		30 ft.
Side Yard (Note 1)		6.5 ft.
Street Side Yard		15 ft.
Rear Yard (Note 1)		30 ft.
<b>Maximum Height (feet)</b>		35 ft.
<b>Maximum Amount of Total Parking Located in Street Yard</b>		100%

**Note 1:** No side or rear yard except where apartments are above a store or shop, a rear yard of 20 feet shall be provided and where adjacent to an “AG” or “R” district, a side yard of 10 feet and a rear yard of 20 feet shall be provided.

**Note 2: Flexible Yard Setbacks in Planned Unit Development Districts**

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the city may require a deeper front-yard setback.

**13.3 Supplemental Development Regulations in for Office and Commercial Uses in the C-1 District**

In order to maintain a residential character in neighborhood commercial areas in Manchester, the following design standards shall apply to any office or commercial use developed within the C-1 District:

- a. No single building shall have a building coverage area that exceeds 15,000 square feet without approval of a Special Use Permit, as set forth in Section 33.11.
- b. No street-facing facade may have a continuous length of 100 feet or over without an offset in the building elevation equal to a dimension of at least five feet.

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- c. Window area on each street-facing facade shall be equal to at least 20% of the area of that facade.
- d. No building facade facing a street shall have the appearance of a rear facade. Architectural details, including materials, textures, patterns, colors, and design features used on the front facade shall be incorporated into all facades facing public streets and easily visible to the public.
- e. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.

**CHAPTER 165, SECTION 14**

**C-2 COMMUNITY COMMERCIAL DISTRICT**

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**14.1 Purpose**

The C-2 district accommodates commercial and office facilities that serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics of some uses may have an impact on adjacent residential neighborhoods. Use regulations may require special permit review for these selected uses. C-2 Districts are most appropriate at intersections of collector and arterial streets, at the junction of several neighborhoods, along major commercial or mixed use corridors, or at substantial commercial subcenters. The district also permits other uses with similar urban impacts to substantial commercial development.

**14.2 Site Development Regulations for C-2 Districts**

Regulator	Permitted Residential Uses	All Other Permitted Uses
Site Area per Housing Unit (sq. ft.)	Same standards as for the R-5 Multi-family Residential High Density District	NA
Minimum Lot Area		None
Minimum Lot Width (feet)		None
Minimum Yards (feet) (Note 1)		
Front Yard		30
Side Yard		6.5
Street Side Yard		15
Rear Yard		30
Maximum Height (feet)		3 stories or 45 ft.
Maximum Amount of Total Parking Located in Street Yard		80%

**Note 1: Flexible Yard Setbacks in Planned Unit Development Districts**

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the city may require a deeper front-yard setback.

**CHAPTER 165, SECTION 15**

**C-3 HIGHWAY COMMERCIAL DISTRICT**

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**15.1 Purpose**

The C-3 district accommodates commercial and office facilities that serve the needs of markets ranging from several neighborhoods to the overall region. This district includes auto-oriented, primarily retail/service/office commercial and moderate to high density residential uses. Uses typically include small-scale retail and personal services as well as community uses such as major grocery stores and office buildings. C-3 Districts are typically located along major commercial or mixed use corridors, lining both sides of the street. The district also permits other uses with similar urban impacts to substantial commercial development.

**15.2 Site Development Regulations for C-3 Districts**

Regulator	Permitted Residential Uses	All Other Permitted Uses
Site Area per Housing Unit (sq. ft.)	Same standards as for the R-5 Multi-family Residential High Density District	NA
Minimum Lot Area		None
Minimum Lot Width (feet)		None
Minimum Yards (feet) (Note 1)		
Front Yard		30
Side Yard		6.5
Street Side Yard		15
Rear Yard		30
Maximum Height (feet)		3 stories or 45 ft.
Maximum Amount of Total Parking Located in Street Yard		80%

**Note 1: Flexible Yard Setbacks in Planned Unit Development Districts**

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city's Comprehensive Development Plan, the city may require a deeper front-yard setback.

**CHAPTER 165, SECTION 16**  
**CBD CENTRAL BUSINESS DISTRICT**

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**16.1 Purpose**

The CBD district provides appropriate development regulations for Downtown Manchester, the city’s central business district. The grouping of uses is designed to strengthen the town center’s role as a center for trade, services, office employment and civic life. Mixed uses are allowed and encouraged within the Central Business District.

**16.2 Site Development Regulations**

Regulator	Permitted Residential Uses	All Other Permitted Uses
Site Area per Housing Unit (sq. ft.)	1,000	
Minimum Lot Area	5,000	No minimum
Minimum Lot Width (feet)	No requirement	No minimum
Minimum Yards (feet)		
Front Yard	0	0
Side Yard	0	0
Street Side Yard	0	0
Rear Yard	0	0
Maximum Height (feet)	50	3 stories or 50 feet
Maximum Amount of Total Parking Located in Street Yard	NA	0

**16.3 Special Regulations and Standards**

- a. No building facade facing a street shall have the appearance of a rear facade. Architectural details, including materials, textures, patterns, colors, and design features used on the front facade shall be incorporated into all facades facing public streets and easily visible to the public.
- b. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.
- c. Permitted residential uses in the CBD district are not allowed on the first (ground floor level for properties with frontage on Franklin or Main Street).

**CHAPTER 165, SECTION 17**

**BP BUSINESS PARK DISTRICT**

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**17.1 Purpose**

The BP district is designed to promote the development of planned business parks that accommodate corporate offices, research facilities, and structures that can combine office, distribution, and limited industrial uses. Permitted industrial uses are limited to those that are compatible with an office park environment. BP Districts serve a more regional audience, but may provide services to local residents. They usually include extensive landscaping, abundant parking facilities, and good visual and pedestrian relationships among buildings.

**17.2 Site Development Regulations**

<b>Regulator</b>	<b>Permitted Uses</b>
Minimum District Size (square feet)	1 acre
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard (Note 1)	30
Side Yard	10
Street Side Yard	20
Rear Yard	20
Maximum Height (feet)	45
Maximum Amount of Total Parking Located in Street Yard	50%

**Note 1: Flexible Yard Setbacks in Planned Unit Development Districts**

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city's Comprehensive Development Plan, the city may require a deeper front-yard setback.

**CHAPTER 165, SECTION 18**

**I-1 LIGHT INDUSTRIAL DISTRICT**

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**18.1 Purpose**

The I-1 district provides appropriate space for light industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

**18.2 Site Development Regulations**

Regulator	Permitted Uses
Minimum District Size (square feet)	5,000
Minimum Lot Area (square feet)	5,000
Minimum Lot Width (feet)	100
Minimum Yards (feet) (Note 1)	
Front Yard	30 ft.
Side Yard (Note 2)	15 ft.
Rear Yard	30 ft.
Maximum Height (feet)	3 stories or 45 ft.
Maximum Amount of Total Parking Located in Street Yard	100%

**Note 1: Flexible Yard Setbacks in Planned Unit Development Districts**

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the city may require a deeper front-yard setback.

**Note 2: Side Yard Setback Adjacent to Residential Districts**

Where the property is adjacent to a residential district, there shall be a side yard of not less than 20 feet on the side nearest to the residential lot, as required in Section 26.5.

**CHAPTER 165, SECTION 19**

**I-2 HEAVY INDUSTRIAL DISTRICT**

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**19.1 Purpose**

The I-2 district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

**19.2 Site Development Regulations**

<b>Regulator</b>	<b>Permitted Uses</b>
Minimum District Size (square feet)	5,000
Minimum Lot Area (square feet)	5,000
Minimum Lot Width (feet)	100
Minimum Yards (feet) (Note 1)	
Front Yard	30 ft.
Side Yard (Note 2)	20 ft.
Rear Yard	30 ft.
Maximum Height (feet)	4 stories or 60 ft.
Maximum Amount of Total Parking Located in Street Yard	100%

**Note 1: Flexible Yard Setbacks in Planned Unit Development Districts**

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city's Comprehensive Development Plan, the city may require a deeper front-yard setback.

**Note 2: Side Yard Setback Adjacent to Residential Districts**

Where the property is adjacent to a residential district, there shall be a side yard of not less than 20 feet on the side nearest to the residential lot.

**CHAPTER 165, SECTION 20**

**OVERLAY AND SPECIAL DISTRICTS**

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**20.1 Purpose**

Overlay Districts are used in combination with Base Districts to modify or expand base district regulations. Special Districts are not used in conjunction with a Base District, but otherwise serve the same purpose as Overlay Districts. Both districts adapt to the special needs of areas of the city and further allow Manchester's Zoning Ordinance to evolve as the planning and development needs and trends of specific areas also change. The Overlay and Special Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City which require specific regulation.
- b. To provide for the protection of special features in the natural and built environment of the city.
- c. To allow for change and adaptability to different needs and trends in land development.
- d. To encourage comprehensive neighborhood and environmental planning in the city, and to protect the integrity of vital city services such as the water supply and airport operation.
- e. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

**20.2 Establishment of Districts**

The following Overlay and Special Districts are hereby established.

**SPECIAL DISTRICTS**

**PUD**                      Planned Unit Development District

**OVERLAY DISTRICTS**

**FP/FW**                      Floodplain/Floodway Overlay District  
**AV**                              Aviation Overlay District

**CHAPTER 165, SECTION 21**

**PUD PLANNED UNIT DEVELOPMENT DISTRICT**

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**21.1 Purpose**

The PUD planned unit development district is intended and designed to encourage large-scale and quality development of vacant or underutilized tracts of land throughout the city pursuant to a unified building and site development plan incorporating a comprehensive design based on a thorough application of professional standards of excellence. It is further the intent of this division to allow greater flexibility of standards and diversification of land uses than provided in the regulations of other zoning districts set forth in this chapter in order to accomplish the objectives to:

- a. Preserve open space and other environmentally sensitive areas;
- b. Permit development of land which, because of topographical or shape problems or other practical difficulties, otherwise cannot be feasibly developed;
- c. Encourage appropriate mixed-use development; and
- d. Encourage revitalization of older neighborhoods by permitting development or redevelopment of vacant or underutilized tracts of land substantially surrounded by other properties which have been developed with buildings.

**21.2 Preapplication conference**

- a. The owner of a contiguous tract of land may file an application for a change to the PUD planned unit development district classification. Such tract shall be no less than two acres in area, exclusive of streets and alleys.
- b. Before submitting such application, the developer shall confer with the Zoning Administrator and other relevant city departments. The purpose of the conference shall be to discuss the feasibility of the proposal and to provide the developer with information and guidance regarding applicable city ordinances, specifications, standards and procedures, before the developer enters into binding commitments or incurs substantial expenses.
- c. The developer is encouraged to contact adjoining property owners to inform them of the plan to submit a development proposal.

**21.3 Conceptual plan and evidence required**

The application for a change to the PUD planned unit development district classification for shall be accompanied by six copies of a conceptual plan of the entire proposed development, prepared and signed by an architect or a landscape architect registered in the state. The application and all required information must be filed by the applicant for placement on the Plan and Zoning Commission agenda. The application also shall be accompanied by two copies of evidence, e.g., background studies, letters from appropriate agencies, agency comments from the preapplication

conference, etc., showing the following:

- a. The proposed development is in harmony with existing or anticipated uses of other properties in the neighborhood;
- b. The manner in which the developer proposes to maintain any common ground to be included within the development;
- c. The feasibility of providing adequate stormwater and surface water drainage, sanitary sewer capacity, and water service for the proposed development;
- d. The surrounding streets are capable of accommodating the increased traffic that would be generated by the new development, including a traffic study if required by city staff at the preapplication conference;
- e. Off-street parking and loading will be provided as appropriate to the size and character of the proposed development;
- f. A study to indicate a market for the proposed development, provided such study is required by city staff at the pre-application conference; and
- g. The developer has the financial resources and the professional ability to successfully complete the proposed development within the time schedule set forth in the conceptual plan.
- h. An environmental report, if required by city staff at the pre-application conference, shall be submitted by a qualified professional addressing environmental issues relative to development on the site.

#### **21.4 Contents of Conceptual Plan**

The conceptual plan required in Section 21.3 shall be submitted on a sheet size no larger than 24 inches by 36 inches and include a digital copy, and shall show in schematic form the following:

- a. The boundaries of the proposed PUD district and a description of the existing structures and uses on surrounding properties;
- b. Topographic features of the site, including major existing natural features;
- c. Proposed building uses, number of stories, general exterior design and building materials, dimensions, and floor areas, prepared by an architect registered in this state;
- d. Parking areas and access drives;
- e. Streets abutting or within the proposed development;
- f. Landscaping plan for the entire PUD district showing the general location and type of proposed landscaping, walks, fences, walls and other screenings; Unless otherwise expressly provided in the conceptual plan, fencing shall be allowed as per the standards for the R residential districts for all lots devoted to single or two-family use, with the required yards for fence purposes to be

determined by the setbacks shown by the typical lot layout(s) identified in the plan. If no fences are intended, the plan shall specifically state that no fences are to be allowed;

- g. Location, size and type of any existing and proposed signs;
- h. Required peripheral yards;
- i. Common land, detention basins, recreation areas, parks, school sites and any other amenities and shall show if any area is to be dedicated to a governmental entity with its written acknowledgement of such dedication;
- j. Existing utility and other easements; and
- k. Development stages and schedule for commencement after the director's approval of the development plan and completion of construction after commencement in each stage.

**21.5 Approval of conceptual plan and rezoning by Plan and Zoning Commission and City Council.**

The application, accompanying evidence and conceptual plan required by this division shall be considered by the Plan and Zoning Commission at a public hearing. The Commission shall review the conformity of the proposed development with the city's comprehensive plan, the standards of this division, and with recognized principles of civic design, land use planning, and landscape architecture. Any proposed dedication of park or open space land to the city shall be considered by the Parks and Recreation Commission in a timely manner prior to final action by the city Plan and Zoning Commission. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council. The council may approve or disapprove the conceptual plan and request for rezoning, as submitted or as amended after hearing before the Commission, or may require such changes in the plan or rezoning as the council deems necessary to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare.

**21.6 Time requirements for submittal of development plan.**

If the City Council approves the conceptual plan and request for rezoning as provided in Section 21.5, the developer shall submit within two years thereafter to the city six copies of a development plan of one or more development stages which must be no less than two acres in area. The Zoning Administrator, upon written application and for good cause shown, such as regulatory delays, unavailability of financing, or unusual weather conditions, may grant one extension of not more than one year for the submission of a development plan.

**21.7 Contents of development plan.**

Every development plan submitted pursuant to this division shall comply with the site plan requirements of this Code, including the following items of information, unless otherwise waived by the Zoning Administrator:

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- a. Location, size and type of any existing and proposed signs.
- b. Plans for the shape, exterior design and dimensions, floor areas, numbers of stories and usage of all proposed buildings, and an estimate of the number of employees for each use, where applicable, prepared and signed by an architect registered in this state. However, for single-family dwellings, the building design is not required to be submitted by a registered architect.
- c. A landscaping plan for the entire PUD district showing the location, amount and type of any proposed landscaping, fences, walls and other screening, prepared and signed by a landscape architect or architect registered in this state. Unless otherwise expressly provided in the development plan, fencing shall be allowed as per the standards for the R residential districts for all lots devoted to single or two-family use, with the required yards for fence purposes to be determined by the setbacks shown by the typical lot layout(s) identified in the plan. If no fences are intended, the plan shall specifically state that no fences are to be allowed.
- d. Time schedule for commencement and completion of construction.

**21.8 Documents required with development plan.**

Every development plan submitted pursuant to this division shall be accompanied by the following documents, unless such documents have been previously submitted to the city:

- a. If the proposed development includes common land which will not be dedicated to the city and the proposed development will not be held in single ownership, proposed bylaws of a unit owners' association fully defining the functions, responsibilities and operating procedures of the association. The proposed bylaws shall include but not be limited to provisions:
  - 1. Automatically extending membership in the association to all owners of units within the development.
  - 2. Limiting the uses of the common property to those permitted by the final development plan.
  - 3. Granting to each owner of a unit within the development the right to the use and enjoyment of the common property.
  - 4. Placing the responsibility for operation and maintenance of the common property in the association.
  - 5. Giving every owner of a unit voting rights in the association.
  - 6. If the development will include rental units, stating the relationship between the renters and the association and the rights renters shall have to the use of the common land.
- b. Performance bonds approved by the city legal department and director of finance in an amount not less than the estimated cost of the following:
  - 1. Stabilizing the site if the grading and soil erosion measures are not done in accordance with the approved grading plan, which may include but not be limited to grading, seeding

and/or construction of retaining walls.

2. Amenities and facilities proposed for construction or installation on any land within the entire PUD district to be either:

(a.) Dedicated to the city; or

(b.) Used as common land which will not be dedicated to the city.

c. Covenant to run with the land, in favor of the city and all persons having a possessory interest in any portion of the development premises, providing that the owners of the land or their successors in interest shall maintain all interior streets, parking areas, sidewalks, parks, and plantings which have not been dedicated to the city in compliance with city ordinances and with the development plan as approved by the City Council, which covenant shall be recorded by the developer in the office of the county recorder.

d. Warranty deeds to all land to be dedicated to the city, all required easements and all agreements which may be required by the City Council at the time of conceptual plan approval, provided that all such deeds and any such easements and agreements which run with the land shall be recorded by the developer in the office of the county recorder.

#### **21.9 Approval of development plan by Zoning Administrator.**

Every development plan and required documents submitted pursuant to this division shall be reviewed by the Zoning Administrator, who shall approve the development plan if it complies with the standards of this division and is in compliance with the conceptual plan.

#### **21.10. Amendments to conceptual plan.**

Any change in a conceptual plan proposed after the City Council has approved the plan pursuant to this division shall be resubmitted in the same manner as the original conceptual plan. Any such change, except an insubstantial change as defined in Section 29.34, shall be considered in the same manner as the original conceptual plan. However, any proposed change to the approved conceptual plan which (i) is disapproved by the Plan and Zoning Commission or (ii) would increase the allowed number of dwelling units or the allowed square footage of commercial space and which is the subject of written protest filed with the city clerk duly signed by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property proposed for change shall not become effective except by the favorable vote of at least four-fifths of all members of the council. An insubstantial change may be approved by the City Manager if it complies with the standards Section 29.34. Procedures for amendments to conceptual and development plans are included in Section 29.35.

#### **21.11 Amendments to development plan.**

Any change in a development plan proposed after the Zoning Administrator has approved the plan pursuant to this division shall be resubmitted and considered in the same manner as the original development plan. However, if any such change involves an amendment to the conceptual plan, the City Manager shall not approve the amendment to the development plan until the conceptual plan has been approved pursuant to section 21.10 of this division.

**21.12 Appeals from decisions.**

- a. The applicant aggrieved by a decision of the Zoning Administrator to approve or deny a proposed development plan or amendment thereto pursuant to this division shall have the right to appeal any determination or action of the Zoning Administrator made within the scope of this division. Appeal shall be made, without cost, by written notification received by the city within 30 days after the date of the action by the Zoning Administrator.
- b. The appeal shall first be considered and acted upon by the Plan and Zoning Commission. The P&Z Commission shall decide all appeals within 30 days after the written notification has been received by the city, provided the appellant may agree to a longer time period not to exceed 60 days after receipt of the written notification. Failure to decide the appeal within such time period shall have the effect of overturning the Administrator's action and approving the development site plan as appealed. At the Commission meeting, the appealing party shall be presented a reasonable opportunity to present his or her views.
- c. Decisions of the Plan and Zoning Commission may be appealed to the City Council in the same manner as appeals from the action of the subcommittee, provided a majority vote of the City Council shall be necessary to overturn or modify the action of the Plan and Zoning Commission.
- d. In making its decision on an appeal, an appellate body shall determine whether the planning director's decision is in conformity with the requirements of Section 23.9 of this division. Each decision of an appellate body shall be in writing and shall be filed in the office of the City Clerk, and notice of such decision shall be mailed by the city within two days after its filing, to all parties to the appeal.

**21.13 Permitted uses.**

Any use of structures or land permitted in any R, C, or I district may be permitted in the PUD planned unit development district.

**21.14 Standards.**

- a. All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.
- b. Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.
- c. A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface

drainage and stormwater retention.

d. The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the City Council, the developer shall provide the necessary improvements.

e. Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of Section 28, Off-street Parking and Loading.

f. Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

**21.15 Building permits.**

No building permit concerning any stage of a PUD planned unit development shall be issued until after the development plan for that stage has been approved by the Zoning Administrator, and until after the developer has provided the city with satisfactory evidence of the recording with the county recorder of the approved development plan and any amendments thereto and of any covenant, deed, easement or agreement required to be so recorded pursuant to subsections 22.8c. and d. of this division.

**21.16 Grading permits.**

No grading permit concerning any stage of a PUD planned unit development shall be issued until after the PUD conceptual plan and the land restoration bond required pursuant to subsection 22.8b. of this division has been approved by the City Council.

**21.17 Board of Adjustment review precluded.**

Because the PUD planned unit development district is intended to provide relief from the rigid regulations of more conventional zoning districts pursuant to a carefully integrated overall development plan, the board of adjustment shall have no jurisdiction to grant any variation, exception or special permit relating to any property in the PUD district.

**21.18 Failure to submit development plan or to commence construction.**

If the developer fails either (i) to submit a development plan within the time requirements of Section 21.6 of this division or (ii) to commence construction in accordance with the time schedule set forth in the development plan, a public hearing shall be scheduled before the Plan and Zoning Commission regarding such failure, and the developer shall be served prior notice thereof by certified mail. At such meeting the Commission shall consider all circumstances relevant to the developer's failure and shall vote to recommend to the City Council that appropriate remedial measures be initiated, which measures may include (i) the initiation of rezoning of the subject property to the zoning classification effective immediately prior to the rezoning of the subject

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property to a PUD district classification, and/or (ii) referral of the matter to the legal department for institution of enforcement proceedings in the courts pursuant to Sections 30.1 and 30.2. Upon receipt of the recommendations of the Commission, the City Council shall act to initiate remedial measures in conformity to the Commission's recommendations or to initiate such other remedial measures as the council determines to be reasonably necessary under the circumstances.

CHAPTER 165, SECTION 22

FP/FW FLOODPLAIN/FLOODWAY OVERLAY DISTRICT

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**22.1 Purpose.** It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. **Restrict Use.** Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
2. **Vulnerable Uses Protected.** Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. **Unsuitable Land Purchases.** Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. **Flood Insurance.** Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

**22.2 Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Base flood" means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
3. "Development" means any manmade 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.
4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure."
5. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built 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) was completed before the effective date of these flood plain management regulations.
6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built 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).
7. "Factory-built home" means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, "factory-built home" includes mobile homes, manufactured homes and modular homes and also

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includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.

13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.

14. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

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18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.08(4)(A); and
- B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
- D. The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

20. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built 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 on or after the effective date of these flood plain management regulations.

21. “100-Year Flood” means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

22. “Recreational vehicle” means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

23. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A, AE, A1-A30, AO, and AH on the City’s Flood Insurance Rate Map.

24. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary

forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

25. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

26. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

27. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."

B. Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the Flood Insurance Rate Map shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

29. "Violation" means the failure of a structure or other development to be fully compliant with this chapter.

**22.3 Lands To Which Chapter Applies.** The provisions of this chapter shall apply to all lands and uses which have significant flood hazards. The Flood Boundary and Floodway Map and the Flood Insurance Rate Map (FIRM), dated October 15, 1982, which were prepared as part of the Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering flood plain management regulations.

**22.4 Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

**22.5 Abrogation And Greater Restrictions.** It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

**22.6 Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

**22.7 Warning And Disclaimer Of Liability.** The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**22.8 General Flood Plain Management Standards.** All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the areas of significant flood hazard shall:
  - A. Be consistent with the need to minimize flood damage.
  - B. Use construction methods and practices that will minimize flood damage.
  - C. Use construction materials and utility equipment that are resistant to flood damage.
  - D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially

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impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings 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.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be 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.

5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

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- C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities other than on-site systems shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
- D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.
8. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources
9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.
11. Accessory Structures.
- A. Detached garages, sheds and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:
- (1) The structure shall not be used for human habitation.
  - (2) The structure shall be designed to have low flood damage potential.
  - (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - (5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one (1) foot above the 100-year flood level.
- B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.
  - A. Recreational vehicles are exempt from the requirements of Section 160.08(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
    - (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and
    - (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
  - B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.08 (5) of this chapter regarding anchoring and elevation of factory-built homes.
13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

**22.9 Special Floodway Standards.** In addition to the general flood plain standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the flood insurance study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses within the floodway shall:
  - A. Be consistent with the need to minimize flood damage.
  - B. Use construction methods and practices that will minimize flood damage.
  - C. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general flood plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

**22.10 Administration.** The Building Inspector shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.
5. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

**22.11 Flood Plain Development Permit Required.** A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

**22.12 Application For Permit.** Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.
2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.
4. Flood Elevation. Elevation of the 100-year flood.
5. Floor Elevation. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.
6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

**22.13 Action On Application.** The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Council.

**22.14 Construction And Use To Be As Provided In Application And Plans.** Flood Plain Development Permits, issued on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

**22.15 Variances.** The Council may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
2. Prohibited. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
3. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Notice To Applicant. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
5. Approval. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

**22.16 Factors Upon Which The Decision To Grant Variances Shall Be Based.** In passing upon applications for variances, the Council shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.

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3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

**22.17 Conditions Attached To Variances.** Upon consideration of the factors listed in Section 160.16, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.
5. Flood proofing measures.

**22.18 Nonconforming Uses.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
  - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
  - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the

structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**22.19 Amendments.** The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.

**CHAPTER 165, SECTION 23**

**AV AVIATION OVERLAY DISTRICT**

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**23.1 Configuration of Airport**

At the time of ordinance adoption April 2015, the regulatory configuration of the Manchester Municipal Airport was as follows:

1. Runway 18/36 is a runway planned for larger than utility with a visual minimum greater than three-fourths mile non-precision instrument approach.

**23.2 Definitions**

As used in this chapter, unless the context otherwise requires, the following terms are defined:

1. "Airport" means the Manchester Municipal Airport.
2. "Airport Board of Adjustment" means a board consisting of five members appointed as provided in Section 329.12, *Code of Iowa*. The board shall have the power granted by Section 329.11 and Section 329.12.
3. "Airport elevation" means the highest point of an airport's usable landing area measured in feet from sea level. The Manchester Municipal Airport elevation is 987 feet above mean sea level.
4. "Approach surface" means a surface longitudinally entered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 24.4 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of 4,000 feet.
6. "Hazard to air navigation" means an obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
7. "Height" – For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation, unless otherwise specified.
8. "Horizontal surface" means a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
9. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred pounds maximum gross weight and jet powered aircraft.
10. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

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11. "Non-precision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
12. "Obstruction" means any structure, growth, or other object, including mobile object, which exceeds a limiting height set forth in Section 24.4 of this chapter.
13. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
14. "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system ("ILS"), or a precision approach radar ("PAR"). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
15. "Primary surface" means a surface longitudinally centered in a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at the end of that runway. The width of the primary surface is set forth in Section 24.3 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
16. "Runway" means a defined area on an airport prepared for landing and take-off of aircraft along its length.
17. "Structure" means an object, including a mobile object, constructed or installed by man, including, but not limited to, building, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
18. "Transitional surfaces" means surfaces that extend outward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway centerline.
19. "Tree" means any object of natural growth.
20. "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
21. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

### **23.3 Configuration of Airport**

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In order to carry out the provisions of the ordinance codified in this chapter, there are created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Manchester Municipal Airport with an ultimate runway length of 3,465 feet as shown on the airport layout plan. Such zones are shown on the Manchester Municipal Airport zoning map consisting of one sheet, as included on Sheet 3 of the Airport Layout Plan dated October 2012, prepared by Kirkham Michael and Associates, Inc., which is attached to the ordinance codified in this chapter and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined for the Manchester Municipal Airport as follows:

1. Larger Than Utility Runway Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
4. Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zones. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom, a horizontal distance of 4,000 feet.

#### **23.4 Airport Zone Height Limitations**

Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height herein established for such zone. Nothing in this chapter shall be construed as permitting any structure to exceed the Manchester zoning ordinance district maximum height requirement without first obtaining the appropriate approvals. Where such height conflict the more restrictive shall apply. Such applicable height limitations are established for each of the zone in questions for Manchester Municipal Airport planned runway classification as follows:

1. Larger Than Utility Runway Non-Precision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Transitional Zone. Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 987 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
3. Horizontal Zone. Established 150 feet above the airport elevation or at a height of 1,137 feet above mean sea level.

4. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

### **23.5 Use Restrictions**

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

### **23.6 Nonconforming Uses**

1. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Manchester Airport Board of Adjustments to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Manchester Municipal Airport.

### **23.7 Permits**

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter. In addition to required local permits, the person desiring to erect or increase the height of any structure or permit the growth of any tree shall complete and submit a 7460-1 form to the Federal Aviation Administration (FAA) during the permitting process. A copy of the complete FAA determination of the 7460-1 form must be provided to the Airport Manager.

1. Existing Use. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this chapter or any amendment thereto or than it is when the application for a permit is made.

2. Nonconforming Uses Abandoned or Destroyed. Whenever the Manchester Zoning Administrator determines that a nonconforming structure is abandoned for one year or destroyed, by any means, to the extent of more than sixty percent of the replacement cost, such structure shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this chapter.

3. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of property not in accordance with the regulations prescribed in this chapter, may apply to the Airport Board Of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a complete determination from the Federal Aviation Administration as to the affect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship, and relief granted will not be

contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application by the meeting, the Airport Board of Adjustment may act on its own to grant or deny said application.

4. Obstruction Marking and Lighting. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Airport Board of Adjustment, this condition may be modified to require the owner to permit the Manchester Airport Board of Adjustments, at its own expense, to install, operate and maintain the necessary markings and lights.

### **23.8 Enforcement**

It is the duty of the Manchester Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for variances shall be made to the Manchester Zoning Administrator upon a form established for that purpose. Application for action by the Airport Board of Adjustment shall be forthwith transmitted by the Manchester Zoning Administrator.

### **23.9 Airport Board of Adjustment**

1. There is created an Airport Board of Adjustment to have and exercise the following powers: (i) to hear and decide appeals from any order, requirement, decision, or determination made by the Manchester Zoning Enforcement Officer in the enforcement of this chapter; and (ii) to hear and decide specific variances.

2. The Board of Adjustment shall consist of members appointed by the City and County as provided in Section 329.12, *Code of Iowa*. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

3. The Airport Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Airport Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Airport Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Airport Board of Adjustment shall be public. The Airport Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the Delaware County Auditor's Office and the Manchester City Clerk's office.

4. The Airport Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decisions or determination which comes before it under the provisions of this chapter.

5. The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Manchester Zoning Enforcement Officer or decide in favor of the applicant on any matter upon which it is required to pass under this chapter, to effect variation to this chapter.

### **23.10 Appeals**

1. Any person aggrieved, or any taxpayer affected by any decision of the Manchester Zoning Enforcement Officer made in the administration of this chapter, may appeal to the Airport Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the airport Board of Adjustment, by filing with the Manchester City Clerk a notice of appeal specifying the grounds therefor. The Manchester City Clerk's office shall forthwith transmit to the Airport Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Manchester Zoning Enforcement Officer certifies to the Airport Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Airport Board of Adjustment.
4. The Airport Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties-in-interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Airport Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

### **23.11 Judicial Review**

Any person aggrieved, or any taxpayer affected, by any decision of the Airport Board of Adjustment, may appeal to the District Court of Iowa, as provided in Chapters 329, 335 and 414 of the *Code of Iowa*.

### **23.12 Violations**

Each day a violation of any provision of this chapter continues to exist shall constitute a separate offense and shall additionally constitute a municipal infraction punishable as set out in this code. Seeking a civil penalty does not preclude the City or County from seeking alternative relief including an order for abatement or injunctive relief in the same or separate action.

### **23.13 City Action to Prevent Unlawful Construction**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the City, in addition to other remedies shall institute any proper action or proceedings in the name of the city to prevent such

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unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or lane; or to prevent any illegal act, conduct, business or use in or about such premises.

**CHAPTER 165, SECTION 24**  
**SUPPLEMENTAL USE REGULATIONS**

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**24.1 Purpose**

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Sections 5 through 21 of this Ordinance.

**24.2 Supplemental Use Regulations: Agricultural Uses**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

a. Crop Production in Non-Agricultural Districts

Crop production is a permitted interim use in any zoning district.

b. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped buffer yard, consistent with the standards established in Section 30.4.

2. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

(b) A roadside stand may be located within a required front yard but no closer than 20 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

c. Animal Production: Separation from Residential Uses

1. Animal Production use types may not be established within 500 feet of a pre-existing residential districts, including R-1 through RM.
2. No feeding or disposal of garbage, rubbish, or offal associated with animal production shall occur within 500 feet of any pre-existing residential districts, including R-1 through RM.

### 24.3 Supplemental Use Regulations: Residential Uses

- a. Design standards for All Single-Family detached dwellings. All single-family detached dwellings shall comply with the following minimum design standards:
  1. Any dwelling unit shall have no less than nine hundred (900) square feet of floor area.
  2. Any dwelling shall have no less than twenty (20) feet exterior width.
  3. All one-family detached dwellings located within the R-1 Single Family Low Density districts shall be constructed of siding commonly used for residential structures. The use of galvanized steel, painted steel, or aluminum sheets as commonly used in agricultural buildings is prohibited. Such structures shall be constructed with a roofing material commonly used for residential structures, which shall include asphalt, fiberglass, or steel shingles, shakes, or vulcanized rubber. The use of steel or aluminum roofing materials as commonly found in commercial or agriculture structures is prohibited.  
(1) Lots in excess of two acres in area. Siding materials used for accessory buildings or structures located on a lot in excess of two acres, where the accessory building has an area in excess of 700 square feet, shall be permitted to use any commercially acceptable siding material which may include factory painted galvanized steel, painted steel, or aluminum sheets.
  4. The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
  5. The dwelling shall be placed upon a permanent foundation, compatible with HUD model foundation requirements, and approved by the City of Manchester.
  6. All utility services shall be directly connected to the structure.

b. Separation from Confined Animal Feeding Operations (CAFO's)

No new residential use shall be established within 1,250 feet of an existing CAFO, except for the residence of the owner or operator of the CAFO, employee, or working tenant.

c. Downtown and Group Residential in CBD District

Downtown and Group Residential uses are permitted in the CBD District only on levels above street level. A unit or units specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.

d. Mobile Home Parks

Mobile Home Parks and mobile home residential use are permitted in the RM District. Such use may be configured in a Mobile Home Park. Following the effective date of this Ordinance, no

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mobile home shall be located outside of a Mobile Home Park. A Mobile Home Park is subject to compliance with the following regulations:

1. Site Plan Required

No person shall make alterations, construct, expand or remodel a manufactured home community or mobile home park within the City without first submitting a site plan of the proposed development as required in Chapter 161 of this ordinance.

2. Certification

(a) A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

(b) The Building Official is authorized to perform an annual inspection of any Mobile Home Park to ensure compliance with these regulations.

(c) Before being located, whether permanently or for a temporary period of time allowed by a temporary permit, all mobile homes located in the City limits shall display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

3. Mobile Home Park Area and Yard Requirements

Mobile home parks or manufactured home communities shall be designed and maintained in accordance with the following requirements:

(a) A Mobile Home Park shall be considered to be one zoned lot. The minimum contiguous area of a Mobile Home Park shall be eight acres.

(b) The maximum gross density of a Mobile Home Park shall be 7 units per acre.

(c) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 5,000 square feet for double-wide mobile home units.

(d) Setbacks: Each Mobile Home Park shall have a minimum front yard setback of 50 feet, to be measured from all streets on which the park abuts. Side and rear yard Park setbacks of 35 feet are required. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(e) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 30 of this Ordinance.

(f) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

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4. Mobile Home Spaces – Minimum Requirements
  - (a) Each mobile home space shall have a width of at least 50 feet and a length of at least 80 feet.
  - (b) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.
  - (c) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.
  - (d) Front yard Setback: Minimum 15 ft  
Rear yard setback: Minimum 10 ft  
Side yard setback: Minimum 5 ft each side, with a minimum of 20 feet between any two homes.
5. Street Access and Circulation Requirements
  - (a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
  - (b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 100 feet. No such cul-de-sacs may exceed 300 feet in length.
  - (c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
  - (d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.
  - (e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
  - (f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.
6. Utilities

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a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Unified Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Ordinance.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

7. Foundation Requirements

a) All mobile homes shall be secured to the ground by tie-downs and ground anchors that comply with the requirements of the Iowa Building Code.

(b) All mobile homes shall be blocked at a maximum of ten foot centers around the perimeter of each unit; such blocking shall provide 16 by 16 inch bearing on the stand.

(c) Pads shall be a hard surface capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.

(d) Each home shall be skirted within 30 days of its placement in the park. Skirting materials shall be compatible with the exterior finish of the mobile home.

8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.

9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission and City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.

10. Mobile Home Park Occupations. The intent of this section is to protect and maintain the residential character of a mobile home park neighborhood while permitting certain limited commercial activities which are specifically authorized to be carried out on the premises. This section is designed to accommodate the special nature of mobile home parks and allow for orderly development compatible with the residential character of mobile home parks.

(a) Definitions. For use in this section the following additional terms are defined:

(1) "Mobile home park occupation" means any business, profession, occupation or activity conducted for gain within the office building of a mobile home park, which is

located in a mobile home park and which does not change the essential residential character of the neighborhood.

(2) "Office building" means an office building of a mobile home park as referred to herein and includes buildings designed for management of the affairs of the mobile home park and/or providing shelter to occupants of the mobile home park in terms of storms or other natural disaster.

(b) Regulations.

(1) The business, profession, occupation or activity shall employ no more than two (2) full-time employees or its equivalent.

(2) All activities of said business, profession or occupation shall be conducted entirely within the confines of the office building.

(3) All services conducted and commodities sold shall be related and incidental to the mobile home park occupation.

(4) No commodity, merchandise or materials, processed or unprocessed, shall be displayed on the exterior and no exterior storage of such commodities, merchandise or materials or other exterior indication of the occupation shall be allowed, except as set forth in Section 28 (sign regs).

#### 24.4 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen feet along the common boundary with such residential use.

b. Day Care Centers (General)

1. Each day care center (general) must be validly licensed by the State of Iowa.
2. Special Use Permit applications for General Day Care Centers shall specify the number and projected ages of children to be cared for at the facility, and the number of projected full- and part-time staff.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental agency.
2. Group homes are permitted in the CBD District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a Conditional Use by the Zoning Board of Adjustment.

#### 24.5 Supplemental Use Regulations: Commercial Uses

a. Auto Service, Repair, Equipment Repair, Travel Center, Truck Stop, RV Storage, and Body Repair Uses

1. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Section 27 of this ordinance.
2. Any spray painting must take place within structures designed for that purpose and be approved by the Building Official.
3. All entrances and exits serving a gasoline or Diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
4. All fuel pumps shall be set back at least fifteen feet from any street line.

b. Auto Washing Facilities

1. Each conveyor operated auto washing facility shall provide on-site stacking space for five vehicles per washing lane on the approach side of the washing structure and on-site stacking space for two vehicles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile, RV, and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced, unless screened from casual view as provided by Section 27. Any alternative method of surfacing for display areas shall require approval from the Planning & Zoning Commission.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

1. When permitted in residential districts, bed and breakfasts shall include a maximum of four guest units and the residence of the facility owner.
2. Bed and Breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

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3. Bed and Breakfasts shall meet the off-street parking requirements as specified in Section 28. Tandem parking is allowed; however, not more than two (2) cars per tandem space shall be allowed.
4. Signage shall be limited to that permitted for Home Occupations as specified in Section 25.10 a.
5. Additional uses of the premises, such as “tearoom”, “coffee house”, or “conference center” require application for Special Use Permit in any zone and must comply with all other applicable requirements of the Manchester City Code and secure all applicable permits.

e. Campgrounds

1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

f. Construction Sales and Service

Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:

1. Architectural design and materials of storage buildings shall be consistent with the current or projected character of the surrounding area.
2. All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
3. All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
4. Minimum screening shall be consistent with screening standards set forth in Section 27.6.
5. All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt, or surfaced with gravel or similar treatment to reduce dust.

g. Convenience/Mini-Storage

When permitted outside of the I-2 District, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage buildings may open into required front yards.
5. Facilities must maintain landscaped bufferyards of 30 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Section 30.

h. Kennels

1. The minimum lot size shall be one acre.
2. No building or dog runs shall be located nearer than 100 feet from any property line and 250 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Section 26.6, establishing landscape and screening standards.

i. Restricted (Adult Entertainment) Businesses

Adult entertainment businesses shall be subject to the restrictions specified in Chapter 129 of the Manchester City Code of Ordinances, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions.

**24.6 Supplemental Use Regulations: Industrial Uses**

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties as determined by review of the Zoning Administrator. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted as part of a Special Use Permit.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.

4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:

- (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
- (b) Installation of perimeter safety screening and/or fencing.
- (c) Installation of visual screening adjacent to any property within a residential or public use district consistent with Bufferyard Standards contained in Section 27. Resource extraction uses in the AG District shall be subject to the same bufferyard requirements as those in the I-2 District.

5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission and the Department of Natural Resources. Adequate surety, in the form of a performance bond, to cover the cost of restoration of the site shall be submitted by the applicant at the time of permit application.

b. Salvage Services and Long-term Vehicle Storage and Dismantling

1. Screening:

- (a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
- (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
- (c) The above requirement shall also apply to uses adjacent to residential zoning districts or residential uses that include the long-term storage and dismantling of vehicles

2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.

3. No new Salvage Services use may be established within 500 feet of the nearest property line of a pre-existing residential zoning district or of any pre-established civic use.

**24.7 Performance Standards in Industrial Districts**

The following performance standards apply to all industrial uses permitted within an industrial zoning district:

- 1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily

inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.

2. **Fire Hazard:** No operation shall involve the use of highly flammable gases, corrosive materials, strong acids or bases, liquids, or inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Delaware County and the City of Manchester.
3. **Sewage and Wastes:** No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
4. **Air Contaminants:** No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
5. **Odor:** The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
6. **Vibration:** All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation.
7. **Glare and Heat:** All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
8. **Storage of Chemical Products:** If allowed by Special Use Permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

#### **24.8 Telecommunications Towers**

In any district where radio, television, microwave, cellular, or other communication towers are allowed as a permitted or Special Permit Use, such towers are subject to the following additional requirements.

a. Tower Siting

1. It is the policy of the City of Manchester to encourage co-location of new communications towers with existing towers or as part of suitable existing structures. All applications for approval of a communications tower location shall include evidence that

all potential alternatives for location on existing towers have been explored and exhausted. Applicants may not be denied space on an existing tower within the City of Manchester and its jurisdiction unless mechanical, structural, regulatory factors, or legitimate business expansion plans prohibit co-location.

2. The applicant for a communications tower location is required to demonstrate as part of its application that the tower must be located on the proposed site in order to satisfy its function in the company's system. The applicant must also demonstrate that the proposed height is the minimum height necessary for the successful functioning of the tower.

b. Tower Setbacks, Design, and Height

1. Free-standing towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 % of the tower height. The Planning Commission may recommend and the City Council approve a reduction to the set back with a Special Use Permit if they determine that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
2. The tower installation shall be designed to be aesthetically and architecturally compatible with the built environment of the City of Manchester. The City encourages efforts to hide towers or restrict their visibility from public right-of-way or neighboring properties. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood. Metal exteriors shall generally not be permitted for accessory support buildings.
3. All tower installations shall maintain landscaped peripheral yards with a minimum depth of 35 feet from surrounding property lines. One tree consistent with the provisions of Section 27 shall be planted for every 500 square feet of required peripheral yard area.
4. As part of the Special Use Permit approval process, the Board of Adjustment may permit the tower to exceed the height restrictions otherwise allowable in the district.
5. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.
6. Lights, Signals and Signs: No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, at the time of construction of the tower in cases where there are residential users located within a distance which is 300% of the height of the tower from the tower, then dual mode lighting shall be requested from the FAA. Lighting on towers shall not exceed the minimum requirements of the FAA or other regulatory agencies.
7. Adequate security measures are required at the base of the tower to prevent vandalism or hazards resulting from casual access to the facility.

c. City Site Selection Criteria in Evaluating Applications for Communications Towers

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1. Consistent with the policy of this Ordinance, the telecommunications company proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further, the company must demonstrate by technological evidence that the height requested is the minimum height necessary.
2. Applications for necessary permits will only be processed when the applicant demonstrates that it is either an FCC licensed telecommunications provider or has in place necessary agreements with an FCC licensed telecommunications provider for use or lease of the support structure.
3. Personal wireless service facilities should be located and designed to minimize any impacts on residential property values. Sites should be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
4. Location and design of sites in all Districts should consider the impact of the site on the surrounding neighborhood and the visual impact within the zone district. In residential districts and residential land use areas, the minimum lot size for towers shall be three acres.

f. Priorities for Siting

The following establishes the order of priorities for locating new communications facilities:

1. Public property, (excluding prairie, conservation or wildlife areas, or historic structures).
2. Appropriate existing structures, such as buildings, towers, water towers, and smokestacks in other zoned districts.
3. AG, I-1, or I-2 districts that do not adjoin or adversely impact residential neighborhoods.
4. Private non-residential property in C-2 districts.
5. Private, non-residential properties in C-1 districts.
6. Place antennas and towers on multi-family residential structures exceeding thirty feet (30') in height in districts zoned R-4, and R-5.
7. Residential districts only if locations for which a need has been demonstrated are not available on existing structures or in non-residential districts; and only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.
8. An applicant for a new antenna support structure to be located in a residential zoning district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government structure, a private institutional structure, or other appropriate existing structures within a non-residential zoning district, and that due to valid considerations including physical constraints, or technological feasibility, no

appropriate location is available. The telecommunications company is required to demonstrate that it contacted the owners of structures in excess of thirty feet (30') within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicant's network, and an evaluation of existing buildings taller than thirty feet (30'), towers and water tanks within one-quarter mile of the proposed tower.

## 24.9 Supplemental Use Regulations: Miscellaneous Uses

### a. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.
2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Manchester. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.
5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Iowa's Department of Natural Resources.
6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Manchester and its extra-territorial jurisdiction.

### b. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Special Use Permit approval if the Zoning Board of Adjustment, after recommendation by the Planning Commission, finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Special Use Permit approval if the City Council, after

recommendation by the Planning Commission, finds that the reduction does not impede the operation of either WECS.

3. Any tower or rotor shall maintain a distance of at least 100 horizontal feet from any structure, power line, or antenna located on another property.
4. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
5. A fence eight feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
6. The height of the WECS may exceed the height restrictions of the base district by up to 50%. The bottom tip of any rotor must be at least 10 feet above any area accessible to pedestrians.

#### **24.10 Supplemental Use Regulations: Accessory Uses**

##### **a. Home-Based Businesses/ Home Occupations**

Home-based businesses and home occupations are permitted as an accessory use in residential units and must register and obtain a permit from the office of the Building Inspector on an annual basis, subject to the following conditions:

1. External Effects:
  - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this Chapter.
  - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
  - (c) The home occupation shall be carried on entirely within the principal residential structure, or within an accessory structure that does not exceed 480 square feet in area or 15 feet in height.
  - (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
  - (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
  - (f) No home occupation shall discharge into any sewer, drainageway, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

2. Employees: The home occupation shall employ only members of the immediate family living within the dwelling.
  
3. Extent of Use: The business, profession, occupation or activity shall not utilize an area in excess of thirty percent (30%) of the combined floor area of the residence, and any accessory building excluding open or screened-in porches or patios.
  
4. Signage: No sign, other than a nameplate no more than two square feet in area, shall be allowed; the sign shall be non-lighted, shall be non-reflecting in nature and may be attached to the dwelling or accessory building or may be freestanding. A freestanding sign shall be at least five feet from all property lines.
  
5. Traffic Generation and Parking
  - (a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
  
  - (b) Deliveries or service by commercial vehicles or trucks rated at ten tons gross empty weight is prohibited for any home-based business located on a local street.
  
  - (c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.
  
6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
  - (a) Animal hospitals.
  - (b) General retail sales. General retail means sale of items typically available in retail outlets in commercial districts. Specialty retail items not generally available in retail outlets are permitted.
  - (c) Restaurants.
  - (d) Repair shops or service establishments that service major electrical appliance repair, motorized vehicles repair, small engines, and related items.
  - (e) Stables or kennels.
  - (f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages and parking for the residency use. The maximum permitted size of a private residential garage is 1,200 sq. ft. in area.
  
2. Recreational activities and uses by residents.

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3. Home occupations, subject to the provisions of this Ordinance.
4. Non-commercial convenience services for the primary use of residents of multi-family uses or mobile home parks, including laundromats, hair salon, clubhouses, and post offices.
5. Garage sales, provided that the frequency of such sales at any one location are limited to one sale of no more than three consecutive days duration in a month, and four sales during any twelve month period.

c. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Minor manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

d. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in 24.2 b.
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.
3. Buildings that directly serve and are required for the conduct of crop and animal production, are exempt from requirements for building permits and inspections. Structures that house other uses are subject to the requirements of this ordinance, even if located on property zoned or primarily zoned or used for agricultural purposes.

**24.11 Supplemental Use Regulations: Outdoor Storage outside of the I-1 and I-2 Zoning Districts**

Outdoor storage is prohibited in all zoning districts except the I-1 Limited Industrial and I-2 General Industrial zoning district, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

b. Residential Uses and Property

Except as otherwise provided by this Ordinance, any goods, equipment, materials, machinery, and parts thereof stored on any residentially zoned property must be stored in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery providing at least an 80% screen and having a height of no less than 6 feet nor more than 8 feet.

c. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities, or in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery providing at least an 80% screen and having a height of no less than 6 feet nor more than 8 feet.

d. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service, Auto Rentals and Sales, Construction Sales and Service, Equipment Sales and Service, Stables and Kennels, and Surplus Sales.

2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, Long-term Vehicle Storage, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 30.6. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

e. Industrial and Miscellaneous Use Types

1. Outdoor storage is permitted where it is incidental to industrial uses within the AG and I-1 zoning districts. Any such outdoor storage is subject to screening requirements set forth in Section 27.6.

2. Outdoor storage is permitted where incidental to landfills.

**24.12 Supplemental Use Regulations: Temporary Uses**

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within

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an AG, C-1, C-2, C-3, CBD, I-1, or I-2 zoning district. Such uses shall not exceed three weeks in duration.

5. Outdoor art shows and exhibits.
6. Seasonal sales, including Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales are located in commercial or industrial zoning districts.
9. Construction Batch Plants in the I-1 District provided that:
  - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
  - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.
  - (c) Hours of operation do not exceed 12 hours per day.
  - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Zoning Administrator may establish other conditions that he/she deems necessary to ensure compatibility with surrounding land uses.

**CHAPTER 165, SECTION 25**

**SUPPLEMENTAL DEVELOPMENT REGULATIONS**

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**25.1 Purpose**

The Supplemental Site Development Regulations establish basic requirements for developable lots, including frontage requirements. They recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Ordinance and provide for specific areas of exception.

**25.2 Required Street Frontage**

Except as otherwise provided for, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street.

**25.3 Lot Size Exceptions**

- a. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- b. Any single vacant lot or parcel of vacant land, officially recorded prior to February 17, 1981, that does not meet the requirements for minimum lot width and area may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or areas.
- c. Any new lot to be established in an area which was previously platted or otherwise officially recorded prior to February 17, 1981, which does not meet the requirements set forth in this Code for minimum lot width, may be established provided that the width of the lot shall not be less than the average width of lots fronting on both sides of the street for the lineal block which includes the proposed new lot.
- d. A new lot established pursuant to this section may be utilized for a permitted use, provided that yards, courts, or visible open spaces are not less than 75 percent of the minimum required dimensions or areas.

**25.4 Structures Located in City Right-of-Way or Easement**

No structure, except a single mailbox attached to a single post or except multiple mailboxes attached as one unit to one or more posts, shall be placed in a City right-of-way or easement except as set forth herein. The Council may approve a request to build a structure on a City right-of-way or easement benefiting the City if:

- a. The proposed structure will not significantly limit or impair the ability of the City to utilize said right-of-way or easement; and
- b. The proposed structure will not significantly limit or impede the ability of the City to provide essential City services, including but not limited to utility service, snow removal and street repair; and

c. The property owner executes an indemnification agreement holding the City harmless and indemnifying it for any losses resulting from injury or damages to personal property caused by the structure placed upon the City right-of-way or easement.

### **25.5 Division of Zoning Lots**

No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the regulations of the zoning district in which the property is located. However, with respect to the resubdivision of improved zoning lots in the R-3, R-4 and R-5 Districts, side yard requirements shall not apply between attached buildings.

### **25.6 Number of Buildings on a Zoning Lot**

Except in the case of planned unit developments, no more than one single-family detached residential building shall be located on a zoning lot, nor shall a single-family detached residential building be located on the same zoning lot with any other principal building.

### **25.7 Setback Adjustments**

#### **a. Lots Adjoining Alleys**

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. Garages with direct access from the alley should provide adequate setback from the alley, beyond the minimum required, to provide for vehicle maneuvering.

#### **b. Encroachments on Required Yards**

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs that cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features that have no structural element more than three feet above or below the adjacent ground level may project six feet into a required front yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or 15 feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

4. For buildings constructed upon a front property line, a cornice may project into public right-of-way, unless such property is constructed on a State or Federal Highway. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Swimming pools shall be subject to the same location and setback requirements as accessory buildings.
7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines. The spread of a flag when fully extended shall not extend onto public right-of-way.
8. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

c. Setbacks on Arterial Streets

Notwithstanding any other provision of this ordinance, the City may require a setback for all buildings built or altered, or off-street parking areas developed along a State or Federally designated highway that exceeds those normally required for the zoning district.

Lots of record under five acres in size; lots of record duly platted and approved prior to the effective date of this Ordinance, or where a properly dedicated and accepted frontage road right-of-way exists are exempt from these provisions and are instead subject to the setback requirements of their respective zoning district.

d. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

In R-1 through R-5 districts, where some lots are developed with a front yard that is less than the minimum required for the district by this Zoning Ordinance, or where some lots have been developed with a front yard greater than required herein, the following rule shall apply: Any new building or addition shall not be closer to the street right-of-way than the average of the front yards of the existing buildings on the same side of the street within the same block, except as follows:

- (a) Buildings located entirely on the rear half of a lot shall not be counted.
- (b) Buildings further than 300 feet from the lot in question shall not be counted.
- (c) No building shall be required to have a front yard greater than 50 feet.

2. Corner Lots

(a) Required setbacks shall not reduce the buildable width of any corner lot to less than 25 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

(b) No setback adjustment shall permit encroachment into the vision clearance triangle.

e. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Vision Clearance Zones

On any corner lot in any district, no fence, wall or other structure shall be erected, and no foliage plant shall be permitted to grow to a height of more than three feet above the elevation of the established curb grade at the intersection of the streets, on any part which is bounded by street lines of the intersecting streets and within a line connecting two points on said street lines 20 feet from their point of intersection. The street lines, for the purpose of this section, are deemed to begin at the edge of the street right-of-way and not the street surface or curb line.

**25.8 Accessory Buildings, Structures and Garages.**

a. Time of Construction. No accessory building, accessory structure or garage shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

b. Exempted from specific requirements. Residential accessory structures having a lot coverage of 36 sq. ft. or less, and no single dimension in excess of 8 ft., are exempt from building permit requirements.

c. Percentage of Required Rear Yard Occupied. No detached, accessory structure, accessory building or buildings shall occupy more than twenty-five percent (25%) of the area of a required rear yard.

d. Height of Accessory Buildings in Required Rear Yards. No detached accessory building or accessory structure located in a required rear yard shall exceed 16 feet in height.

e. On Reversed Corner Lots. On a reversed corner lot in a residential district and within 15 feet of any adjacent property to the rear in a residential district, no accessory building or accessory structure or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to the least depth which would be required herein for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building or structure shall be located within five feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in an R-1 or R-2 District.

f. Setback Requirements. No accessory building or accessory structure shall be placed within five feet of a side or rear lot line. Those accessory buildings consisting of 960 or more square feet shall be placed a minimum of ten feet from a side or rear lot line. No accessory building or structure shall be within ten feet of the principle structure on the lot. No accessory structure or use shall be located within a front yard.

g. Type of Construction. All accessory buildings or structures larger than 100 square feet or private garages located within a residential district shall be constructed in a manner consistent with the residential character of the district. All accessory buildings, accessory structures or private garages located within a residential district shall:

1. Have a permanent floor located within the structure consisting of a concrete or asphalt base. Rock or dirt floors shall be prohibited. Wooden pallet floors are acceptable for moveable buildings.

2. Be constructed with siding commonly used for residential structures. The use of galvanized steel, painted steel or aluminum sheets as commonly used in agricultural buildings is prohibited.

(1) Lots in Excess of Two Acres in Area. Siding materials used for accessory buildings or structures located on a lot in excess of two acres, where the accessory building has an area in excess of 700 square feet, shall be permitted to use any commercially acceptable siding material which may include factory painted galvanized steel, painted steel, or aluminum sheets.

3. Be constructed with a roofing material as set forth below:

(1) Lots in Excess of Two Acres in Area. Roofing materials used for accessory buildings or structures located on a lot in excess of two acres, where the accessory building has an area in excess of 700 square feet, shall be permitted to use any commercially acceptable roofing material which may include asphalt, fiberglass shingles, vulcanized rubber, steel or aluminum roofing materials.

(2) All Other Roofing Materials. Except as permitted in paragraph (1) above, all accessory buildings must be constructed with roofing material commonly used for residential structures, which shall include asphalt or fiberglass shingles, shakes or vulcanized rubber. The use of steel or aluminum roofing materials as commonly found in commercial or agricultural buildings is prohibited.

## **25.9 Height Exceptions**

These provisions allow exceptions to the height limit of any zoning district in certain situations.

### **a. Vertical Projections**

1. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, silos, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.

2. Any such equipment or vertical projections attached to a building and exceeding the height limit shall be screened to prevent visibility from public right-of-way or adjacent property using materials or design features that are consistent with the overall design of the main building.

3. No such projection may be built which in the event of failure could constitute a hazard or fall onto either public right-of-way or property, or another private property

b. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

c. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are subject to the regulations of Section 25.9 b.

**25.10 Fence Regulations**

a. Location Restriction

1. Unless otherwise provided by this Ordinance or other sections of the Manchester Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.
2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

b. Applicability

The regulations contained in this section apply to all fences with a height above grade of 30 inches and over.

c. Sight Obstruction at Street Intersections

No fence or hedge permitted or required by this Section or other sections of the Manchester Municipal Code shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Effect on Adjacent Properties and Drainage

Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainage ways created within easements.

f. Fence Construction on Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

g. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum average height of a fence or wall may not exceed seven feet in height when located within the limits of side and rear yards. A fence or wall not exceeding four feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.
2. Setbacks: All residential fences in front yards shall be a minimum of two feet behind adjacent sidewalks. All fences must have a minimum setback requirement of three feet from the property line except where the property line borders street right-of-way. (The setback requirement shall be required for alley right-of-way.) It will be the property owner's responsibility to maintain the property on both sides of the fence. A fence or wall may be placed on the property line between adjoining properties if all adjoining property owners affected by said fence or wall agree in writing to the erection of the fence or wall on the property line. Said written agreement must provide that the property owners are responsible to maintain the property on their respective sides of the fence or wall. Said written agreement must be binding on all current owners of the property and all subsequent owners of the property so long as the fence or wall remains in place. In addition, said written agreement shall be filed of record with the County Recorder.
3. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots.

h. Civic, Office, Commercial, and Industrial Fences

Fences constructed in civic, office, commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Public Fences: Fences surrounding school yards or public parks shall be exempt from the height provisions as herein stated provided that visibility at intersections is not hindered.
3. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential

Zoning Districts shall be eight feet.

4. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Manchester.
5. Barbed wire shall not be used in the construction of any fence outside of the AG Agriculture and I-2 General Industrial Zoning Districts. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the barbed wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Manchester.

#### **25.11 Appeals**

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Section 29.13.

**CHAPTER 165, SECTION 26**

**LANDSCAPING AND SCREENING STANDARDS**

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**26.1 Purpose**

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Manchester by addressing landscaping and screening requirements. They are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City of Manchester and its extra-territorial jurisdiction. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

**26.2 Applicability**

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent of the building established on the site on the effective date of this Ordinance. Where such cumulative additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

**26.3 Landscaping Requirements**

Landscaping shall be required adjacent to each street property line and shall extend to a minimum depth inward on private property as set forth in the Development Regulations and summarized in Table 26.1.

**26.4 Landscaping Materials and Installation Standards**

- a. Official List of Recommended and Prohibited Plant Materials

Plantings shall be used in required landscaped areas or bufferyards consistent with the Official List of Recommended and Prohibited Plant Materials, provided through the office of the Zoning Administrator. All plant materials shall conform in size, species and spacing with this section of the ordinance.

- b. Use of Inorganic Landscaping Materials

No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.

Table 26.1: Required Landscape Depth Adjacent of Street Property Lines

COLUMN 1 Zoning District	COLUMN 2 Minimum Depth of Landscaping Adjacent to Street Property Lines
AG	35 feet
R1-60,70,80	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
R-5	30 feet
R-6	No Requirement
C-1	10 feet or 10% of street yard for lots less than 120 feet deep.
C-2	10 feet or 10% of street yard for lots less than 120 feet deep.
C-3	10 feet or 10% of street yard for lots less than 120 feet deep.
CBD	No Requirement
BP	25 feet
I-1, I-2	10 feet or 10% of street yard for lots less than 120 feet deep.

**26.5 Bufferyard Provisions**

These provisions apply when a use is established in a more intensive zoning district (District A) that is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 26.2. Bufferyards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

- a. The bufferyard dimensions set forth in Table 26.2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.

Table 26.2: Bufferyard Requirements (in feet)

	District B (Less Intensive Adjacent District)		
District A (More Intensive District) Note 2	AG (Note 1)	R-1, R-2, R-3 (Note 1)	R-4,R-5,R-6 (Note 1)
R-4,R-5,R-6	10	10	---
CBD	---	---	---
C-1	10	10	10
C-2,C-3,BP	15	10	10
I-1	20	20	20
I-2	20	20	20

**Notes to Table 26.2:**

**Note 1:** Applies only to residential uses or preliminary plats previously established in the zoning district.

**Note 2:** Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A.

b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 26.2.

c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

**26.6 Screening Standards**

a. Application

Screening is required between adjacent zoning districts indicated in Table 26.2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district:

1. Outdoor storage areas or storage tanks, unless otherwise screened.
2. Loading docks, refuse collection points, and other service areas.
3. Major machinery or areas housing a manufacturing process.
4. Major on-site traffic circulation areas or truck and/or trailer parking.
5. Sources of glare, noise, or other environmental effects.
6. Bailing or stockpiling of cardboard or other shipping or packaging materials.
7. Surface parking lots with more than four (4) stalls directly adjacent to less intensive districts.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 26.6a from less intensive uses as follows:

1. A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

d. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

**26.7 Parking Lot Landscaping**

a. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility consisting of more than four parking spaces shall conform to the following standards:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than six feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.
4. Each unenclosed parking facility of over 6,000 square feet within any street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the I-1 and I-2 Districts shall be exempt from this requirement.

5. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

## 26.8 Tree Plantings

- a. In any landscaped area for commercial uses only required by the Minimum Depth Requirements, the Bufferyard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
- b. Any tree of an approved species planted or maintained with a caliper of three inches or above shall count as 1.5 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section

## 26.9 General Provisions

### a. Time of Application

The provisions contained in this Section shall be applied for each individual lot or site when an application for a building permit on such lot is made. A Landscape Plan, prepared by a qualified Nurseryman or Landscape Architect shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Administrator for compliance with the provisions of this section.

### b. Maintenance of Required Landscaping

1. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this section and the approved landscaping plan for the project.

### c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk, and shall be consistent with the provisions of the city's Vision Clearance Zone regulations.

### d. Earth Berm Locations

All earth berm locations shall be reviewed by the Zoning Administrator, or his/her designee to determine how the berms shall relate to drainage and public utilities.

### e. Exceptions

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A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

**CHAPTER 165, SECTION 27**

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**OFF-STREET PARKING AND LOADING**

**27.1 Purpose**

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

**27.2 General Applications**

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

1. Any use within the CBD Downtown Manchester District is exempt from the off-street parking requirements. Any off-street parking facility constructed in the CBD District after the effective date of this Ordinance must comply with the design standards set forth in this section.

**27.3 Schedule of Off-Street Parking Requirements**

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 27.1.

a. Computation

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement shall be rounded up to the next whole number. Any parking computation for any use other than single-family residential and requiring such a calculation shall have a minimum requirement of three parking stalls
2. Unless otherwise indicated, parking requirements are based on gross floor area.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code or other official determinations of occupancy in effect for the City of Manchester at the time the use is established.
4. *Tandem parking spaces.* Tandem parking spaces shall not be permitted except for single-family residences, mobile homes, or parking facilities when an attendant is on duty during the hours when the facility is being used.

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Table 27.1: Minimum Off-Street Parking Requirements

<b>Agricultural Use Types</b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop/Animal Production	No requirement.
<b>Residential Use Types</b>	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Multi-Family Residential	1.5 spaces per dwelling unit.
Downtown Residential	1.5 spaces per dwelling unit.
Group Residential or Boarding House	1 space for each resident.
Mobile Home Residential	2 spaces per dwelling unit.
Retirement Residence	1.5 space per independent living unit; 0.5 spaces per assisted living unit;
<b>Civic Use Types</b>	
Administration	1 space for 300 square feet of gross floor area.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity in largest assembly area.
College/University	1 space per three full-time students.
Convalescent Services	1 space for 4 beds.
Cultural Services	1 space per 500 square feet of gross floor area.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Hospitals	1 space per 2 beds + 1 space per employee of the largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	Established by an approved site master plan.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 sq. ft.
Secondary Education	1 space per employee of max shift + 1 space for each 3 11th and 12th grade students.
Utilities	1 space per employee of maximum shift

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Table 27.1: **Minimum Off-Street Parking Requirements**

<b>Commercial Use Types</b>	
Agricultural Sales/Service	See Schedule A.
Auto and Equipment Rental and Sales, Equipment Repair	See Schedule A.
Auto Service *	4 times service capacity.
Bed and Breakfast	1 space per rentable bedroom (see Section 28.5 d.)
Body Repair *	5 spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 50 square feet of customer service area.
Commercial Recreation	1 space per 4 person capacity. For bowling alleys, 3 spaces per lane.
Communication Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 200 square feet.
Convenience Storage	1 space per 20 storage units.
Equipment Sales/Service	See Schedule A.
Food Sales (All Types)	1 space per 200 square feet.
Funeral Service	1 space per 5 seats in principal auditorium.
General Retail Services	1 space per 200 square feet.
Liquor Sales	1 space per 200 square feet.
Lodging, Bed and Breakfast	1 space per unit.
Personal Improvement	1 space per 200 square feet.
Personal Services	1 space per 250 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	1 space per 3 person capacity in dining area.
Stables/Kennels	1 space per employee + 1 stall per 5,000 sq. ft. of site area.
Surplus Sales	See Schedule A.
Trade Services	1 space per 500 square feet.
Travel Centers	1 space per 200 square feet in building + 1 space for each fueling station
Truck Stop	1 space per 200 square feet in building + 1 space for each fueling station
Veterinary Services	1 space per 500 square feet.

\* Auto Service and Body Repair subject to other restrictions applicable under this ordinance.

Table 27.1: Minimum Off-Street Parking Requirements

<b>Office Use Types</b>	
Corporate Offices	1 space per 250 square feet.
General Offices	1 space per 250 square feet.
Financial Services	1 space per 250 square feet.
Medical Offices	Greater of 1 space per 250 square feet, or 5 spaces per staff doctor or dentist on duty.
<b>Miscellaneous Use Types</b>	
Broadcasting Tower	See Schedule A.
Non-Putrescible Landfill	See Schedule A.
All Landfills	See Schedule A.
<b>Industrial Use Types</b>	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

<b>Schedule A</b>	
This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics	
<b>Function of Element</b>	<b>Requirement</b>
Office or Administration	1 space per 300 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

## 27.4 Parking Facility Location

### a. Residential Parking

1. With the exception of Downtown Residential uses, off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for any multi-family or group residential uses shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.

3. For multi-family residential uses, separately leased detached garages may not be used to satisfy parking requirements for such use. Parking incorporated into the design of multi-family buildings, or within parking structures, shall be counted toward fulfillment of parking requirements.

4. *Front yard parking.* Parking in front yards shall be subject to the following:

(a) All required parking in any R district must be outside the required front yard.

(b) No parking for any permitted use in any R district, other than single-family or two-family units, may be located in the required front yard.

(c) In any R district, no single-family or two-family lot shall have more than 30 percent of the front yard used for driveway and off-street parking purposes. However, this restriction shall not prohibit the construction of a 20-foot-wide driveway or a driveway expansion immediately in front of and the minimum width reasonably necessary to provide access to a two-car garage, or a 30-foot-wide driveway for a three-car garage.

(d) In any R district, expansions of off-street parking areas in front yards shall be of a hard surface, i.e., paved concrete, asphalt, brick pavers or equal.

(e) Overflow temporary parking for school athletic events shall be allowed in the required front yard provided such parking is restricted to the school grounds.

b. Non-residential Parking

1. *Location.* Off-street parking for non-residential uses shall be located on the same lot or site as the use, or within 1,000 feet of that use if the parking site is within a zoning district that permits the Off- Street Parking use type.

2. *Control of Off-site Parking Facilities.* When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use of building.

**27.5 Parking for People with Disabilities**

a. Each off-street parking facility shall provide the number of parking spaces set forth in Table 31.2, designed and designated for use by people with disabilities. Every eighth parking space shall be van-accessible. Design criteria and dimensions shall be in accordance with *Federal Register, Volume 56, No 144*. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

b. Spaces designated for people with disabilities shall have a minimum width of 12 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

Table 27.2: Accessible Parking Requirements

Number of Stalls	Number of Required Accessible Spaces	Number of Stalls	Number of Required Accessible Spaces
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100
151-200	6		stalls over 1,000

## 27.6 Off-Street Parking Design Standards

### a. Dimensions

1. Standard parking stalls shall be 9 feet wide and 18 feet long.
2. Where parking stalls are located adjacent to landscaped areas, the paved depth of such stalls may be decreased by two feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required landscaped area or public sidewalk or right-of-way.
3. **Parking Module Design (from SUDAS Design Manual):** The drive aisle is the space between two parking stalls directly across from one another. The term “module” refers to the width of the drive aisle combined with the length of the parking stalls on one or both sides of the drive aisle. Table 27.3 lists recommended minimum dimensions for parking facilities. Figure 27.4 provides further definition of the terms used in Table 27.3.

The only dimension that varies by stall width is the interlock dimension. An interlock occurs with angled parking when two stalls in adjacent modules align. The overlap at the front of the stalls is the interlock dimension. When a parking facility is designed to take advantage of interlock, the effective width of the module may be reduced by the interlock dimension. For aisles with interlocking spaces on both sides, the effective width of the module may be reduced by two times the interlock distance. This approach can provide a more efficient parking lot facility and reduce the overall surface area required for the parking lot.

Because snow can obscure pavement markings, vehicles will often pull too far into a parking space, which reduces the width of the aisle in the adjacent module. This has been taken into consideration in Table 27.3. Therefore, when a curb, wall, or

other physical restraint is provided for on at least 30% of the stalls, the aisle width (and therefore the overall module width) may be reduced by 1 foot.

**Table 27.3: Minimum Parking Dimensions**

Parking Lot Dimension			Parking Angle (θ)					
			Two-way Aisle			One-way Aisle		
			90°	60°	45°	60°	45°	
Stall Projection	SP	18'-0"	15'-7"	12'-9"	15'-7"	12'-9"		
Aisle Width	A	24'-0"	25'-10"	29'-8"	20'-4"	21'-6"		
Base Module	M <sub>1</sub>	60'-0"	57'-0"	55'-2"	51'-6"	47'-0"		
Single Loaded Module	M <sub>2</sub>	42'-0"	39'-0"	37'-7"	32'-6"	29'-5"		
Wall to Interlock	M <sub>3</sub>	60'-0"	55'-10"	52'-2"	49'-4"	44'-0"		
Interlock to Interlock	M <sub>4</sub>	60'-0"	53'-8"	49'-2"	47'-2"	41'-0"		
Overhang	o	2'-6"	2'-2"	1'-9"	2'-2"	1'-9"		
Stall Width	8'-6"	Width Projection	WP	8'-6"	9'-10"	12'-0"	9'-10"	12'-0"
		Interlock	i	0'-0"	2'-2"	3'-0"	2'-2"	3'-0"
	9'-0"	Width Projection	WP	9'-0"	10'-5"	12'-9"	10'-5"	12'-9"
		Interlock	i	0'-0"	2'-3"	3'-2"	2'-3"	3'-2"

Notes:

1. Aisle width may be increased up to 3 feet to provide a higher level of comfort.
2. In lots where at least 30% of stalls have curbs, aisle width may be reduced by 1'-0".
3. Light poles and columns may protrude a maximum of 2 feet into a parking module as long as they do not encroach on more than 30% of the stalls. When more than 30% of the stalls are encroached, interlock reductions cannot be taken.
4. For additional parking angles, refer to [The Dimensions of Parking](#), ULI, NPA

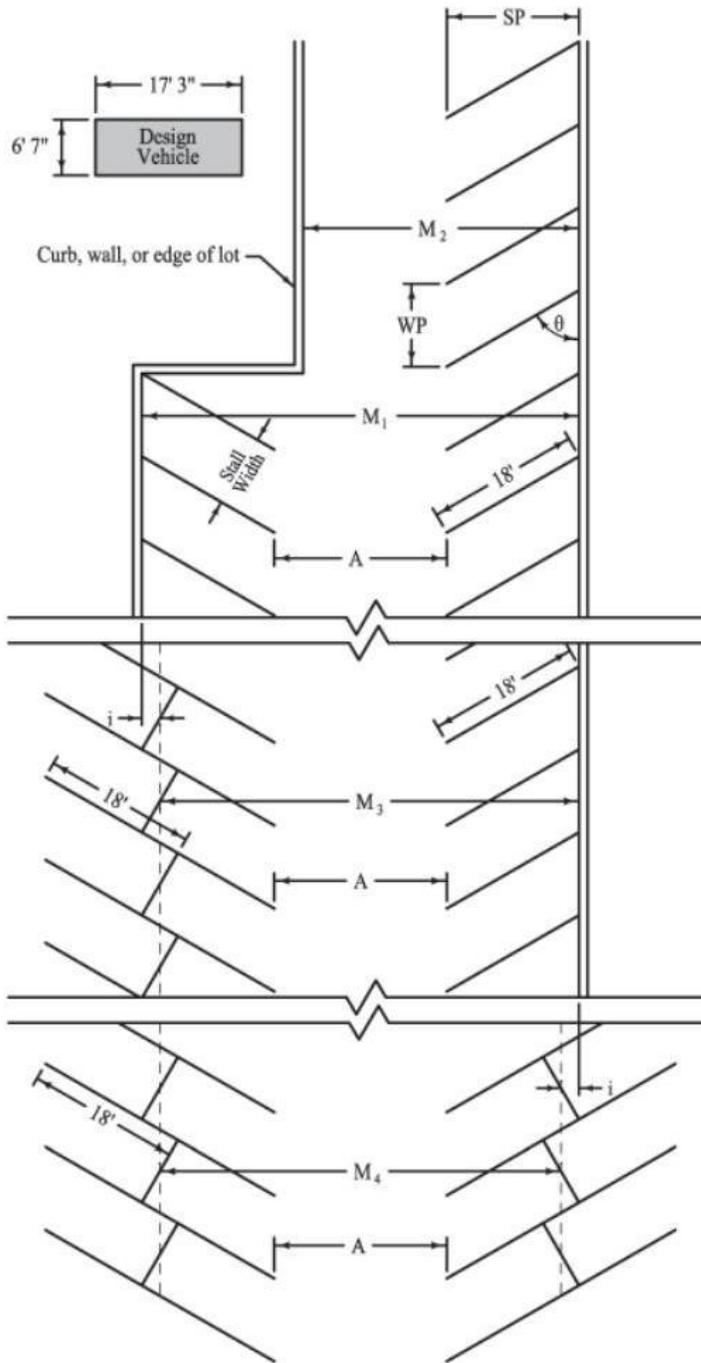
Source: Adapted from Urban Land Institute, National Parking Association

Perpendicular parking provides the greatest number of parking spaces for a given a length of aisle. One-way angled parking provides fewer spaces than perpendicular for the same length of aisle, but has the advantage of a narrower drive aisle. Because of this, the surface area per parking space for perpendicular and angled one-way parking is approximately equal.

Two-way angled parking is also allowable and can be useful in certain situations; however, it is a less efficient design than two-way perpendicular or one-way angled parking. Two-way angled parking cannot take full advantage of the narrower drive aisle, requiring approximately 10% to 15% more area per parking space than perpendicular or one-way angled parking.

**Figure 27.4: Parking Dimensions**

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SP = Stall Projection  
A = Aisle Width  
WP = Width Projection  
i = Interlock

M<sub>1</sub> = Base Module (2SP + A)  
M<sub>2</sub> = Single Loaded Module (SP + A)  
M<sub>3</sub> = Wall to Interlock (M<sub>1</sub> - i)  
M<sub>4</sub> = Interlock to Interlock (M<sub>1</sub> - 2i)

b. Pavement and Drainage

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1. All off-street parking facilities, including approaches and maneuvering areas, shall be surfaced with concrete, asphalt, asphaltic concrete, or brick and shall be maintained with materials sufficient to prevent mud, dust, or loose material except as provided below:

(a) Sites within the AG District are exempt from this requirement.

(b) In residential areas, all parking spaces and driveways used for parking shall be paved, including driveways that lead to paved parking spaces.

2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties. Parking lot design which discharges water onto public right-of-way is subject to review and approval by the City Engineer.

c. Landscape and Screening Requirements

Landscape requirements for off-street parking facilities are set forth in Section 26.7.

d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct non-residential traffic away from residential areas.

2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.

3. Head-in parking from any public right-of-way shall be permitted only in the CBD district, or as part of a specific Planned Unit Development design

e. Design and Pedestrian Access

1. Parking lots in commercial and office developments providing over 200 stalls should be divided into smaller parking fields not exceeding 100 stalls to reduce the visual impact of large parking expanses. Divisions should be made with landscape strips, peninsulas, or grade changes.

2. Commercial or office parking lots shall be designed to separate pedestrians from vehicles to the maximum degree possible and to provide protected pedestrian paths within parking areas which lead to store, building, or shopping center entrances.

3. Sidewalks and walkways in commercial developments should link to the city's sidewalk and trail system where available, and shall provide a safe pedestrian route from adjacent public sidewalks and trails.

f. Safety Features

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1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

g. Maintenance

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

h. Adjustment for Special Uses and Planned Mixed Use Projects

1. For uses subject to a Special Use Permit approval, the Zoning Board of Adjustment may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this section
2. In mixed-use projects, different uses may have complementary parking requirements. This can result in a parking requirement that is less than the sum of parking required for each use and added separately. The Board of Adjustment may authorize an adjustment to the total parking requirement for separate uses located as part of a common development, or for separate uses located on adjacent sites and served by common parking facilities. All parking facilities subject to the mixed-use adjustment must be located in a common facility, equally accessible and usable to all served uses.

**27.7 Off-Street Loading**

a. Loading Requirement

In any district with every building or part thereof hereafter erected, having a gross floor area of ten thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each twenty thousand square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand square feet.

b. Design Standards

1. Each loading space shall be at least 12 feet wide by 40 feet long, with a vertical clearance of at least 14 feet.

2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
  
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Section.

**27.9 Stacking Requirements for Drive-Through Services**

- a. Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distance as provided by Table 28.4.

Table 27.4: **Off-Street Stacking Requirements**

<b>Type of Operation</b>	<b>Minimum Stacking Space</b>
Financial Services with Drive-Up Tellers	4 vehicles per window or kiosk
Financial Services with Drive-Up ATM	3 vehicles per ATM station
<b>Self-service or automatic car wash</b>	Entrance: 4 vehicles per bay Exit: 1 vehicle per bay
Fast food restaurant*	Without menu boards: 3 vehicles in front of service windows With separate menu boards and service windows: 4 vehicles behind the menu board plus 4 behind the first service windows.
Photo processing, dry cleaning, or other drive-up personal services	2 vehicles per service window
Gas stations	2 vehicles per gas dispenser pump
Gated parking lot, community entrance, or overhead door	1 vehicle per gate or door on local streets. 2 vehicles per gate or door on collector streets.

Note: Minimum vehicle lane shall be 12 feet. Vehicle length = 20 feet.

\* May be increased based on Site Plan review.

- b. All drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue.

**CHAPTER 165, SECTION 28**  
**SIGN REGULATIONS**

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**28.1 Definitions.** For the purpose of this chapter, the following additional terms are defined:

1. "Awning" means a drop awning attached to a building by means of movable metal frames.
2. "Building or wall sign" means a sign other than a roof sign, which is supported by a building or wall.
3. "Canopy" means a flat top solid roof extending from a building or a slant top with slanted roof extending from a building.
4. "Changeable copy sign" means a sign characterized by changeable or movable copy.
5. "Fascia sign" means a single-faced building or wall sign which is parallel to the supporting wall.
6. "Freestanding sign" means a permanent sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.
7. "Identification sign" means an on-premises sign that displays no more than the name, numerical address, crest, insignia or trademark, occupation or profession of an occupant of the premises or name of any building on the premises.
8. "Monument sign" means a sign affixed to a structure, built on a grade, in which the sign and the structure are an integral part of one another.
9. "Nonconforming sign" means a sign which would be allowed in the proper zone but which is prohibited in the specific zone in which it exists.
10. "On-premises sign" means a sign the primary purpose of which is to identify or direct attention to a profession, business, service, activity, product, campaign or attraction manufactured, sold or offered upon the premises where such sign is located.
11. "Prohibited sign" means a sign prohibited in the area designated by this chapter.
12. "Projecting sign" means a building or wall sign other than a fascia sign, supported only by the wall on which it is mounted.
13. "Roof sign" means a sign erected upon or above a roof or parapet of a building and affixed to that roof or parapet.
14. "Sign" means a any structure visible from the public right-of-way, including but not limited to a device or display, other than buildings or landscaping, used primarily for visual communication for the purpose of or having the result of bringing the subject thereof to the attention of a person, group of persons, or the public generally. The term sign includes, but is not limited to, any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions and patterns, whether affixed to a building or separated from any building.
15. "Sign area" means the area determined by using actual dimensions where practicable or approximate dimensions when irregularity of sign shape warrants. Such area includes the extreme points or edges of the sign proper or of the display. The area of the sign composed of

characters or words attached directly to a building or wall surface shall be the smallest trapezoid which encloses the whole group.

16. "Temporary Signs" means any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of six months or less; or are portable. Temporary signs generally fall into two categories: temporary civic signs and temporary commercial signs.

17. "Under canopy sign" means a sign attached to the underside of a canopy, marquee, building projection or any similar project from a building protruding over public or private sidewalk or right-of-way.

18. "Vision Clearance": On any corner lot in any district, no fence, wall or other structure shall be erected, and no foliage plant shall be permitted to grow to a height of more than three feet above the elevation of the established curb grade at the intersection of the streets, on any part which is bounded by street lines of the intersecting streets and within a line connecting two points on said street lines 20 feet from their point of intersection. The street lines, for the purpose of this section, are deemed to begin at the edge of the street right-of-way and not the street surface or curb line.

**28.2 Residential District Signs.** In any Residential District the following non-flashing, non-illuminated signs are permitted under the conditions specified:

1. Nameplates and Identification Signs, subject to the following:
  - A. Area and Content, Residential. There shall be not more than one sign not exceeding two square feet in area for each dwelling unit up to a maximum of 50 square feet, indicating the name or address of the occupant or a permitted occupation. Signs relating to home occupations must comply with Section 24.10.a.4. of this Zoning Ordinance.
  - B. Projection. No sign shall project beyond the property line into the public way.
  - C. Height. No free standing sign shall project higher than ten feet above curb level.
2. Nonresidential signs are subject to the following:
  - A. Area and Number. The total sign surface area of a sign or combination of signs shall not exceed one-half square foot for each lineal foot of a lot frontage but in no case more than 50 square feet in area per zoning lot. No sign shall be closer than eight feet to any other zoning lot.
  - B. Projection. No sign shall project beyond the property line into the public way.
  - C. Height. No free standing sign shall project higher than ten feet above curb level.
  - D. Signs may be illuminated from within or with exterior lighting but signs with flashing or strobing lights are prohibited and revolving signs that give the impression of movement are prohibited. The illumination of the sign shall not cause a nuisance.
  - E. The sign shall not be allowed to obstruct traffic or pedestrian vision. It must meet the setbacks specified for Vision Clearance in Section 28.1.18 of this chapter.
  - F. The surface area of a sign shall be determined by measuring the surface area of a rectangle formed as follows:

- (1) A horizontal line along the uppermost letter, lettering or insignia of the surface; and
  - (2) A horizontal line along the lowermost letter, lettering or insignia; and
  - (3) A vertical line along the letter, lettering or insignia on the farthest-left portion of the surface of the sign; said line extending to the two horizontal lines; and
  - (4) A vertical line along the letter, lettering or insignia located farthest right on the surface extending to the two horizontal lines.
3. Any sign now or hereafter existing which, for a period of ninety (90) days, no longer advertises a bona fide business conducted, or a product sold or a service offered, shall be taken down and removed by the owner or owners of the building or premises upon which it is located within 30 days of written notice from the Zoning Administrator.

**28.3 Commercial and Industrial District Signs.** In any Commercial District or Industrial District, the following signs are permitted under the conditions specified:

1. Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not relating to the occupancy and use of the premises shall not be permitted.
2. Signs attached to a building or buildings shall not project more than 18 inches from the wall upon which they are attached. Signs must be attached to parapet walls or other wall surfaces made a part of the main structure.
3. The gross surface area of all business signs on a zoning lot shall not exceed in square foot of area two times the lineal frontage of such zoning lot. Each side of a building which abuts upon more than one street shall be considered as a separate frontage.
4. For integrated shopping centers in single ownership and management or under unified control, one additional sign may be erected not exceeding 100 square feet in area advertising only the name and the location of the integrated shopping center. Such sign shall be placed so as to be entirely within the property line of the premises upon which the sign is located and the bottom edge of such sign shall be at least eight feet above the level of the ground and the overall height shall not exceed 20 feet above curb level or above the adjoining ground level if such ground level is above the street level.
5. No sign may be painted, pasted or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in a residential district.
6. Signs attached to or hung from a marquee or canopy shall be completely within the borderline of the outer edge of the marquee or canopy and shall in no instance be lower than eight feet above the ground or surface over which the marquee or canopy is constructed.
7. Signs, clocks or other advertising devices erected upon standards or separate supports shall be placed as to be entirely within the property lines of the premises upon which located and no part of the sign or standard shall have a total height greater than 20 feet above the level of the street upon which the sign faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any such sign exceed an area of 100 square feet.
8. No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted. Illuminated signs shall be shaded so as not

to shine on adjacent residential properties. Time/temperature signs, with changing fascia displaying time and/or temperature only, shall not be deemed flashing or an intermittent type. Intermittent and/or sequencing message signs may be allowed as a conditional use.

9. Any sign now or hereafter existing which, for a period of 90 days, no longer advertises a bona fide business conducted, or a product sold or a service offered, shall be taken down and removed by the owner or owners of the building or premises upon which it is located within 30 days of written notice from the Building Official.

**28.4 Central Business District Signs.** The following additional sign, awning and canopy requirements shall apply within the following area of the Downtown Central Business District.

1. General Requirements for Signs.

A. No sign shall be erected in any corner of any lot defined by a triangle two of its sides 20 feet each, congruent with the property lines and measured from the corner pin or within a 5-foot setback from any property line.

B. If a building has two or more occupants, said occupants may jointly erect and maintain a sign provided the joint sign is in conformance with the provisions of this section.

2. Signs Permitted.

A. One on-premises identification and/or advertising fascia sign shall be allowed on the front wall of the building. If the building is higher than one story, then the maximum size of signage permitted shall be determined by using 25 percent of the area of the face (or front wall) of the building that is occupied by the business. Said sign may be non-illuminated or internally or externally lighted with a non-flashing light source.

B. A fascia sign not to exceed 65 percent of the maximum square footage allowed for fascia signs shall be permitted in those instances where a commercial business shall have frontage on two intersecting streets.

C. No more than one on-premises identification under canopy sign not to exceed six square feet in area per sign face per building frontage shall be permitted and may be non-illuminated or illuminated by an internal non-flashing light source.

D. Sidewalk Signs:

3. Special Requirements for Signs.

A. Under canopy signs shall not exceed 16 inches in width or 75 percent of the length of the canopy to which it is attached. No portion of such sign shall be less than seven feet above grade level.

B. Fascia signs shall project no more than 18 inches from the building and shall not extend above the roof line.

C. Canopy signs shall be no more than 18 inches from the building. On all canopy signs, store identification must be under canopy or against the building.

4. Removal of Signs. All signs prohibited within the area designated by this section shall be removed when a new structural change is made, a new business ownership takes

place, a sign is declared hazardous or when sign needs repairing in an amount meeting or exceeding 50 percent of its current value.

5. General Requirements for Awnings and Canopies.
  - A. Awnings shall not extend more than two-thirds (2/3) of the width of the sidewalk and have an eight-foot clearance from the sidewalk.
  - B. Flat top canopies shall not be more than 12 inches in height or extend more than two-thirds (2/3) of the width of the sidewalk, and have an eight-foot clearance from the sidewalk.
  - C. Slant top canopies shall not extend more than four feet from the building and have an eight-foot clearance from the sidewalk.
6. Exceptions.
  - A. Gasoline service stations can continue sign use and be subject to sign ordinances governing signs in areas outside of area covered by this section.
  - B. A single time/temperature sign with change of fascia allowed for display of said time and temperature.
  - C. Signs, clocks or other advertising devices erected upon standards, separate supports or upright braces and anchored securely in the ground, not attached to or from any building or wall, shall be allowed to be 90 degrees or right-angle to the road or street abutting the property it is erected upon. Said sign shall be placed entirely within the property lines of the premises. No part of the sign or standard shall have a total height greater than 20 feet above the level of the street upon which the sign abuts, or above the adjoining ground level if such ground level is above the street level. The surface area of said sign shall not exceed 100 square feet.
7. Permit Required. No sign shall be placed or erected within the area regulated by this section without first obtaining a permit therefore. The permit shall be in the form of a building permit and shall be obtained in accordance with the building permit provisions of Chapter 170 of this Code of Ordinances.

## **28.5 Prohibited Signs**

The following signs are prohibited in all zoning districts.

1. Obsolete Signs. Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
2. Signs or sign structures which resemble, imitate, simulate, or conflict with traffic control signs or devices included in the Manual of Uniform Traffic Control Devices, which otherwise mislead or confuse persons traveling on public streets, which create a traffic hazard, or which violate any of the provisions of any other applicable State statutes.
3. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
4. Off-premise Signs on public property.

5. Flashing Signs. No flashing, blinking, or rotation lights shall be permitted for either permanent or temporary signs. See provisions in Section 28.3 8. above for exceptions in commercial and industrial districts.
6. Moving Signs. No sign shall be permitted any part of which moves by any mechanical means.
7. Painted Wall Signs. Off-premise signs painted on building walls unless specifically approved as an element of a Special Permit Use.
8. Above-peak roof signs.
9. Portable Signs

## **28.6 Exempt Signs**

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

1. Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed six square feet in residential districts and 32 square feet in commercial or industrial districts, shall be permitted on each premise in residential districts. Such signs shall not extend higher than three feet above grade level. Such signs shall be removed within seven days after the disposition of the premises.
2. Construction Signs. Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign not to exceed fifty square feet shall be permitted per street frontage. Such sign shall not extend higher than ten feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.
3. Political Campaign Signs. Signs announcing candidates seeking public political office or pertinent political issues are permitted on private property and shall be removed within one week following the election to which they pertain.
4. Street Banners. Signs advertising a public event, providing that specific approval is granted under regulations established by the city council.
5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
6. Public Signs. Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.

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7. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
  
8. Window Signs. Such signs that are displayed inside of a window or within a building, provided, however, that neon window signs shall be permitted only in those districts where neon signs are permitted.
  
9. Works of graphic art painted or applied to building walls that contain no advertising or business identification messages.
  
10. Neighborhood or subdivision identification signs under 50 square feet. The following design standards are required:
  - A. The sign shall be a free-standing sign or a monument sign.
  - B. The sign shall not project onto the public way or onto any public utility easements.
  - C. The sign and other appurtenances shall be no higher than eight feet.
  - D. Temporary signs shall only be allowed for the purpose of identification of property for sale or rent within the subdivision. Permanent signs shall only include the name of the subdivision or development as platted and filed in the office of the Delaware County Recorder and include no advertising or the name of any commercial enterprise of any type. The sign may not be erected until after the final plat has been approved, provided the sign complies with other applicable provisions of this section.
  - E. The sign may be illuminated so long as the illumination does not impair traffic visibility. Flashing lights are not allowed.
  - F. The sign shall not be allowed to obstruct traffic or pedestrian vision as defined by the Vision Clearance in Section 28.1.18.
  - G. No more than one sign shall be allowed at the street entrance to a subdivision, unless however, the sign is divided into two signs located on both sides of a street and provided that the sum of the two signs does not exceed 64 square feet.
  
11. Signs not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
  
12. Directional signs provided that such signs:
  - (a) Do not exceed 4 square feet in maximum size or three feet in maximum height.
  - (b) Are limited to one sign at each driveway or access point with a public street; and one sign at any critical decision point internal to a development.

**28.7 Temporary Commercial Signs**

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1. Permit Required. Temporary signs include: banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices. All temporary signs not listed in Section 28.6 but falling within the definition of temporary signs shall be classified as Temporary Commercial Signs. All Temporary Commercial Signs shall obtain a Temporary Sign Permit from the City of Manchester prior to any repair, alteration, relocation, or maintenance of such a sign.

2. Size and Time Limitations of Temporary Signs. The location of both temporary civic and temporary commercial signs shall comply with the following regulations:

(a) The total amount of temporary banner signage permitted on any premise shall be the smaller of 5% of the area of all street facades or 100 square feet. Street facades include any building facades visible from and oriented to public streets.

(b) The maximum size of detached temporary signs or portable signs shall be 50 square feet in area. Temporary commercial signs shall be no smaller than 8 square feet.

(c) A Temporary Sign Permit shall be in effect for a period of 90 days, with a maximum extension of up to 180 days.

3. Location Requirements for Temporary Signs

(a) Temporary signs shall not be attached to any sign pole or light pole on public or private property; or public utility poles or trees on either public or private property.

(b) Temporary Commercial Signs are prohibited in any public right-of-way or property, including streets, sidewalks, parks, and public facilities.

(c) Temporary signs shall not be located within the Vision Clearance area defined by Section 28.1.18.

(d) Temporary signs shall not interfere with any public right-of-way, driveway or access way, or any means of access or egress to any building.

(e) Any attached temporary sign shall be attached only to vertical facades of the primary building and shall not be attached to roofs, roof extensions, cornices, overhangs, or other building extensions.

(f) Detached temporary signs cannot be placed on public property.

5. Condition of Temporary Signs.

(a) All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.

(b) The Zoning Administrator shall order the removal of any sign not in compliance with any provisions of this section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the Zoning Administrator shall be authorized to remove the sign. Any costs of removal of a sign on private

property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding temporary sign permit.

**28.8 Vision-Clearance Area**

No sign may project into or be placed within a vision-clearance area defined by Section 28.1.18.

**28.9 Maintenance**

All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.

CHAPTER 165, SECTION 29

ADMINISTRATION AND ENFORCEMENT

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**29.1 Zoning Administrator.** The City Manager or his/her designee shall administer and enforce the Zoning Ordinance as the City's Zoning Administrator. Said Zoning Administrator may be provided with the assistance of such other persons as the City Manager may direct. If the Zoning Administrator finds that any of the provisions of this Zoning Ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal work being done or shall take any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violation of the provisions hereof.

**29.2 Building Permits Required.** No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Zoning Administrator. No building permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Zoning Ordinance, unless the Zoning Administrator receives written order from the Board in the form of an administrative review, special exception or variance as provided herein.

**29.3 Application for Permit.** All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration or other similar drawing so required by the Zoning Administrator. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Ordinance.

**29.4 Expiration Of Building Permit.** If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Administrator; and written notice thereof shall be given to the persons affected.

**29.5 Construction And Use To Be As Provided In Application, Plans and Permits.** Building permits issued on the basis of plans and specifications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of the Zoning Ordinance.

**29.6 Investigation Fees; Work Without Permit.**

- a. Investigation. Whenever any work for which a permit is required by the Zoning Ordinance has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- b. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this Zoning Ordinance if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code of Ordinances or any penalty prescribed by law.

**29.7 Amendments.**

- a. Hearing Required; Notice.

The Council may, on its own motion or as the result of a petition by a private party, amend, supplement, change and/or repeal this Zoning Ordinance including the boundaries of zoning districts. No such action shall be effective until a public hearing on the amendment, supplement, change and/or repeal has been held by the Council, at which parties in interest and citizens shall have an opportunity to be heard. Notice of time and place of public hearing shall be published in a newspaper of general circulation in the City not more than 20 days in advance and at least 7 days prior to the public hearing and in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice.
- b. Planning Commission Report Required; Hearing.

Before the Council holds its public hearing, the proposed amendment, supplement, change, modification or repeal shall be referred to the Commission for its recommendations and report. No report or recommendation shall be made to the Council until the Commission holds a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Not less than 7 or more than 20 days' notice of time and place of such hearing shall be published in a newspaper of general circulation in the City. This notice may be published concurrently with the notice required in subsection 1 above. If the Commission makes no report or recommendation within 30 days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, change or repeal.
- c. Unfavorable Report or Protest; Council Vote Required.

If the Commission recommends against, or if a protest against signed by the owners of 20 percent or more of either of the area of the lots included in the proposed change or of those immediately adjacent in the rear thereto extending the depth of one lot or not to exceed 200 feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment, supplement, change, modification or repeal shall not become effective except by favorable vote of at least three-fourths of all the members of the Council.
- d. Application Fee.

A nonrefundable fee shall be paid by the applicant to the City at the time of filing application for amendment, supplement, change, modification or repeal. The fee shall be in an amount established by the Council.
- e. Procedures. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the Official Zoning District Map. Such application shall be filed with the Zoning Administrator accompanied by a fee set by resolution of the Council and shall contain the following information:
  1. The legal description and local address of the property.
  2. The present zoning classification and the zoning classification requested for the property.

3. The existing use and proposed use of the property.
4. The names and addresses of all the owners of all property within 200 feet of the property for which the change is requested.
5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
6. A plat showing the locations, dimensions and use of the applicant's property and all property within 200 feet thereof, including streets, alleys, railroads and other physical features.

### **29.8 Conditions on Rezoning**

As a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

### **29.10 Board of Adjustment (BOA) Established; Composition; Terms**

The Board of Adjustment consists of five (5) members, appointed by the Mayor and confirmed by the Council, to serve for staggered terms of five (5) years. Any vacancy shall be filled by the Mayor and confirmed by the Council for any unexpired term. Members of the Board may be removed by the Mayor, with consent of the Council, for cause after written charges have been filed and a public hearing has been held. The Board shall elect officers from its membership as deemed necessary.

### **29.11 BOA General Procedures; Meetings; Records; Rules.**

The Board shall adopt rules of procedure in accordance with the provisions of this Code of Ordinances and the Code of Iowa. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. Findings of fact and the reasons for approving or denying each question before the Board shall be included in the minutes. Any limitations or conditions imposed upon any relief granted or work or use authorized shall be specifically set forth. A copy of every rule or regulation, order, requirement, decision or determination of the Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record.

### **29.12 BOA Finality of Decision and Necessary Vote.**

All decisions and findings of the Board on any appeal or conditional use, after a public hearing,

shall in all instances be the final administrative decision and shall be subject to judicial review as by law may be provided. All decisions and findings of the Board on any application for variance shall be reviewed by the Council at its next regularly scheduled meeting or a special meeting called for the purpose of reviewing said variance. Upon the review of the granting of said variance, the Council may remand the decision to grant a variance to the Board for further study. The effective date of any variance so remanded shall be delayed for thirty (30) days from the date of remand during which time the Board shall meet to further study the granting of said variance. The granting of any variance not so remanded shall be affirmed. The decisions and findings of the Board on the application for the variance shall be the final administrative decision and shall be subject to judicial review as by law may be provided upon the happening of either of the following:

1. The review of the granting of said variance by the Council, which decision is not remanded to the Board;
2. The 31<sup>st</sup> day following the decision by the Council to remand the decision on the granting of a variance to the Board for further study. The concurring vote of three (3) members of the Board shall be necessary to reverse an order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Ordinance or to effect any variance in such Zoning Ordinance.

**29.13 Appeals to the BOA.**

An appeal may be taken to the Board by any person or by any office, department, board or bureau affected by any decision of the Zoning Administrator and where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance. Such an appeal shall be taken within a reasonable time, as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds of such appeal. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting a record upon which the action appealed from was taken. The Board shall make no finding except to a specific case and after a public hearing is conducted. A nonrefundable fee shall be paid by the applicant to the City at the time an application for an appeal, variance or conditional use is filed. The fee shall help defray necessary costs and shall be in an amount established by resolution, from time to time, by the Council.

**29.14 Effect of Appeal to BOA.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal has been filed that by reason of acts stated in the certificate a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case proceedings shall not be stayed except by restraining order which may be granted by the Board or by a court of record in application on notice to the Zoning Administrator and on due cause shown.

**29.15 BOA: Notice of Hearing.**

Notice of the time and place of public hearings to be conducted by the Board shall be published in a publication of general circulation within the City not less than seven (7) days or more than twenty (20) days before the date of hearing. In addition to the above, the notice shall also contain the

address or location of the property for which the request is being made, legal description of the property in question, and a brief explanation regarding the nature of the request.

**29.16 BOA Powers and duties.**

The board of adjustment shall have the power and duty to:

- a. Hear and decide appeals taken pursuant to Section 29.13.
  
- b. Grant a variance in the regulations of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the regulations will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. To establish unnecessary hardship a property owner must show all of the following elements:
  1. The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use.
  
  2. The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
  
  3. The use to be authorized by the variance will not alter the essential character of the locality of the land in question.

In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter subject to enforcement under Sections 30.1 and 30.2. No appeal for a use variance shall be considered by the board unless a proposed amendment to rezone the subject property to a district classification permitting such use has been considered and denied by the city council within the preceding year, provided that this requirement shall not apply to appeals for area variances.

- c. Grant a variation from the terms of Section 23, Floodplain/Floodway Overlay District, of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of this chapter will result in unnecessary hardship. Any such variance granted must meet the following applicable standards, in addition to the general standards for variances set forth in subsection (2) of this section.
  1. No variance shall be granted for any development within the FW district which would result in a significant increase in the 100-year flood level.

2. Variances shall only be granted upon:

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- (a) A showing of good and sufficient cause;
- (b) A determination that failure to grant the variance would result in exceptional hardship to the appellant;
- (c) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, or victimization of the public;
- (d) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
- (e) A showing that the Iowa Department of Natural Resources has been notified of the requested variance.

d. Permit the exceptions in this subsection to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not unduly increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas. However, nothing in this subsection shall be interpreted as authorizing the board to grant an exception to any separation requirement, such power being expressly denied the board. Any exception to a separation requirement granted for a structure for which a building permit has not been issued shall be null and void. In granting any exception, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. The board of adjustment may permit:

1. Exceptions to any setback, area, length, width, height, yard, size or projection limitation or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:

- (a) Such exception does not exceed 33 1/3 percent of the particular limitation or number in question; or
- (b) Such exception is from a yard requirement to permit an addition to an existing legal non-conforming building and such addition extends no further into the required yard than the existing building;
- (c) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;
- (d) The exception is reasonably necessary due to practical difficulties related to the land in question;
- (e) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and

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- (f) The exception is in harmony with the essential character of the neighborhood of the land in question.
2. Use of property for off-street parking areas accessory to permitted residential district uses where such parking areas do not immediately adjoin the permitted residential district use.
  3. Exceptions to the minimum lot width requirement, where such lot meets the lot width at the building line and satisfies the following conditions:
    - (a) The development pattern of the lot is in harmony with the development pattern of the neighborhood in which it is located;
    - (b) The development has unique terrain, views or vegetation; and
    - (c) The development is consistent with the density of the adjoining lots.
  4. Exceptions to the minimum design standards for single-family detached dwellings where the design of the dwelling is consistent with the design of existing dwellings in the neighborhood of the land in question, or the exception is necessary to permit the construction of a dwelling upon a lot of unusual shape or topography.
  5. Exceptions to the time period within which a use may be resumed after a temporary discontinuance of that use, where:
    - (a) The discontinuance of the use was due to unique circumstances not of the owner's own making.
    - (b) The use to be authorized by the exception is in harmony with the essential character of the neighborhood of the land in question.
  6. Extend a district where the boundary line of a district divides a lot of record held in single ownership.
  7. Interpret the provisions of this Zoning Ordinance in such a way as to carry out the intent and purposes of the official zoning district map where the existing street layout in fact varies from the street layout as shown on the map.
  8. Permit the construction and use of a building or the use of premises for railroads or public utility purposes.
  9. Permit the reconstruction of a nonconforming building which has been damaged by fire, explosion or act of God to the extent of more than sixty percent (60%) of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the Board further finds that the public interest will best be served by permitting a continuance of the nonconforming use.
  10. Waive or reduce the parking, loading or screening requirements in any of the zoning districts whenever the character or use of the building is such as to make unnecessary the full provisions of such requirements, or where such regulations

would impose an unreasonable hardship on the property as contrasted with merely granting an advantage or convenience.

11. Permit uses not specifically designated as principal permitted uses in a zoning district, provided that the Board determines such use is similar and compatible to uses allowed as principal permitted uses in that district.

e. Hear and decide applications for special permits in accordance with section 29.17 of this chapter.

#### **29.17 BOA Powers and Duties: Special Permits**

a. Uses allowed by special permit

In accordance with Section 4.12 b., the board of adjustment may, by special permit after public hearing, authorize the location of buildings and uses in districts as indicated in Tables 4.1 through 4.6, provided, however, that no such special permit shall be granted authorizing any building or use in a FW district.

b. Application.

Application for a special permit under the terms of this division shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for structures; the areas to be developed for parking; the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required; the location and heights of walls; the location and type of landscaping; and the location, size, and number of signs. The application shall further demonstrate compliance with the general and specific standards for approval of a special permit under section 30.17 c.

c. Review.

The board of adjustment shall have the power and duty to approve a special permit for a proposed use if it finds that the applicant has demonstrated that the design, construction and manner of operation of the proposed use will substantially conform to the standards set forth below:

1. *General.* Any structure or use of land to be allowed by a special permit shall by its design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not unduly increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas, and shall have no significant detrimental impact on the use and enjoyment of adjoining properties
2. *Bulk standards.* Any deviation from the district bulk standards applicable to uses allowed by the district regulations must be reasonably necessary due to practical difficulties related to the land or type of use in question; and, such practical difficulties cannot be overcome by any feasible alternative means.
3. *Residential setback.* Adequate setbacks shall be provided to protect adjacent residentially zoned property from non-residential and institutional uses.

4. *Architectural character.* New buildings and alterations to existing buildings located in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

5. *Building mass.* New buildings and alterations to existing buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

6. *Parking.* No parking should be permitted in a required front yard of an "R" district unless shown to be compatible with the adjoining land use. Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district, unless a higher standard is applicable under the site plan regulations.

d. Conditions and safeguards.

In granting any special permit under the terms of this division, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special permit is granted, shall result in revocation of the special permit.

e. Change in use or site plan.

If a special permit is granted under the terms of this division, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

#### **29.18 Abandonment of variances, exceptions and special permits**

a. Uses of land, structures and uses of structures which would otherwise be prohibited under this chapter but have been allowed by the granting of an exception or variance or have been allowed as a special permit may continue until such exception, variance or special permit lapses as provided in this section.

b. If any such use of land or of a structure is not commenced within one year of the allowance of the variance, exception or conditional use, whichever is later, or is discontinued for a period of one year, such variance, exception or conditional use shall lapse, and any subsequent use of such land or structure shall conform to the district regulations for the district in which such land or structure

is located.

c. If the event the construction of any such structure is not commenced within two years of the issuance of the variance, exception or special permit for such structure, whichever is later, and diligently pursued to completion, such variance, exception or special permit shall lapse, and any subsequent use of such land shall conform to the district regulations for the district in which such land is located. If any such structure is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, it shall not be reconstructed; any such variance, exception or special permit for such structure shall lapse; and any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

**29.19 BOA Decisions; review of use variance.**

a. In exercising the powers mentioned in section 29.16, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter; provided, however, that the action of the board shall not become effective until it has filed a written decision in the board office describing the action taken, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in section 29.16. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

b. Every variation and exception granted or denied by the board shall be supported by a written testimony or evidence submitted in connection therewith.

c. If any application for a variance or exception shall have been denied by the board of adjustment, no new application for the same relief shall be considered for two years by the board unless the board shall find that conditions have changed.

d. Any taxpayer or any officer, department, board or bureau of the city or any persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances or a variance from any separation requirement shall be final immediately upon filing. Each decision granting a use variance or a variance from any separation requirement shall be referred to the city council for review pursuant to I.C. § 414.7. The city council shall review such decision within 30 days after the decision is filed. After such review, the council may remand the decision to the board for further study. If the city council does not act to review the decision within 30 days after it is filed, the decision shall become effective on the 31st day. If the city council declines to remand a decision, that decision shall become final on the date of the council's action. If the city council remands a decision to the board, the effective date of the decision is delayed for 30 days from the date of remand.

e. Upon remand of a decision from the city council, the matter shall be placed on the agenda for further study at the first board meeting after such council action. If, for any reason, the board does not hold a regularly scheduled meeting during such 30-day period, it shall be required to hold a special meeting and consider an act upon the remanded decision within such 30-day period. At such meeting the board shall act to either affirm its earlier decision or grant a rehearing. A rehearing shall be treated in the same manner as an appeal pursuant to Section 33.8, except that no fee shall be payable. If the board grants a rehearing, its initial decision shall be deemed to have been withdrawn. The board decision on rehearing is not reviewable by the city council and shall be final upon filing.

**29.20 Non-conforming Uses and Structures: Statement of intent.**

Within the various districts established by this chapter or amendments that may be adopted, there exist structures and uses of land and structures which were lawful prior to the effective date of the ordinance from which this chapter derives but which would be prohibited under this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that such nonconformities shall not be enlarged upon, expanded or extended.

**29.21 Non-conforming Uses in any R district.**

a. Nonconforming uses of land.

The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of the ordinance from which this chapter derives or as this chapter may be amended may be continued so long as it remains otherwise lawful, subject to the following:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the ordinance adopting or amending this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel, which was not occupied by such use at the effective date of the ordinance adopting or amending this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

b. Nonconforming uses of structures.

If a lawful use of a structure or of a structure and land in combination exists at the effective date of the ordinance adopting or amending this chapter that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following:

1. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved or structurally altered, unless the use is changed to a use

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permitted in the district in which such structure is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on the effective date of the ordinance adopting or amending this chapter. No such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

4. If a nonconforming use of a structure or structure and land in combination is abandoned, the use of such shall thereafter conform to the uses permitted in the district in which it is located. A use shall be deemed abandoned if while such use has been discontinued the owner of the property makes any change to the property inconsistent with the resumption of such use. Changes inconsistent with the resumption of a use include, but are not limited to: Placing the property to another use; or combining two or more dwelling units under one water, gas or electric meter; creating an opening between two dwelling units.

5. If a nonconforming use of a structure or structure and land in combination is discontinued for more than one year for any reason, the use of such shall thereafter conform to the uses permitted in the district in which it is located.

6. Any structure devoted to a use made nonconforming by this chapter that is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than 60 percent destroyed above the foundation, it may be reconstructed and used as before, provided it is done within six months of such happening and is built of like or similar materials. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

c. Nonconforming structures, including signs.

Where a structure other than a sign exists at the effective date of the ordinance adopting or amending this chapter that could not be built under the terms of this chapter because of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.

2. If such structure is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this chapter. Any single-family, semidetached or two-family dwelling which was a conforming structure on (effective date of ordinance) may be structurally altered, and if destroyed may be reconstructed and used as before, provided such

reconstruction is commenced within one year of such destruction and diligently pursued to completion.

**29.22 Non-conforming Uses in any district other than R districts.**

a. Nonconforming uses of land.

The regulations governing nonconforming uses of land in any R district as described in Subsection 29.21 a. shall also apply to this section.

b. Nonconforming uses of structures.

If a lawful use of a structure or of a structure and land in combination exists at the effective date of the ordinance adopting or amending this chapter that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following:

1. Within the FW district, no existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
2. Any structure in any district other than an R or FW district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking requirements of the district in which located, provided such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the ordinance from which this section derives. Such structural alteration or enlargement shall not authorize the substitution of a nonconforming use that is less restrictive than the one to which the structure was devoted on the effective date of the ordinance from which this section derives.
3. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on the effective date of the ordinance adopting or amending this chapter. No such use shall be extended to occupy any land outside such building.
4. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
5. If a nonconforming use of a structure or structure and land in combination is abandoned, the use of such shall thereafter conform to the uses permitted in the district in which it is located. A use shall be deemed abandoned if while such use has been discontinued the owner of the property makes any change to the property inconsistent with the resumption of such use. Changes inconsistent with the resumption of a use include, but are not limited to: placing the property to another use; combining two or more dwelling units under one water, gas or electric meter; or creating an opening between two

dwelling units.

6. If a nonconforming use of a structure or structure and land in combination is discontinued for more than one year for any reason whatsoever, the use of such shall thereafter conform to the uses permitted in the district in which it is located.

c. Nonconforming structures.

The regulations governing nonconforming structures in any R district, as described in subsections 29.21 c. shall also apply to this section.

**29.23 Non-conforming Uses: Required repairs and unauthorized nonconformities.**

a. Nothing in this chapter shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

b. Any use of land, use of structures or structures, in existence on the effective date of the ordinance from which this chapter derives which was not an authorized nonconformity under previous zoning ordinances shall not be authorized to continue its nonconforming status pursuant to this chapter or amendments to this chapter.

**29.24 Zoning Administrator Position created; appointment; supervision.**

There is created the position of Zoning Administrator who shall be appointed by the city manager and shall be under the supervision of the City Manager or his/her designee.

**29.25 Zoning Administrator Powers and duties.**

The Zoning Administrator shall exercise the following powers and duties:

a. He and she and his or her designees shall exercise all enforcement powers under Sections 29.1 and 29.2, including but not limited to the investigation of complaints of zoning violations, issuance of notices and municipal infraction citations to violators, and the preparation and submission to the legal department of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.

b. In all cases in which the city commences court action, he or she shall cooperate with the city's attorney by performing such additional investigative work as the city's attorney shall require.

c. He shall attend the meetings of the plan and zoning commission and the zoning board of adjustment as requested by those bodies, shall investigate and review all cases presented to the zoning board of adjustment, and shall advise that body on those cases upon request.

d. If the city, after analysis of the report, institutes legal proceedings, the Zoning Administrator will cooperate fully with the city's attorney in the perfecting of such proceedings.

e. The Zoning Administrator or the officer's designee may provide a written determination regarding the application of this chapter and related land use regulations in this Code to a specific

site to any person requesting such information upon receipt of a fee in the amount set in the schedule of fees adopted by the city council by resolution.

**29.26 Planned Unit Development Administrative Amendments: Definition of Insubstantial Change.**

The term “insubstantial change” shall have the meanings ascribed below, except where the context clearly indicates a different meaning:

*Insubstantial Change* includes but is not limited to a change:

- a. Which does not increase the density of developments or the number of dwelling units, e.g., substituting two single-family units for a duplex, or two duplexes for a fourplex.
- b. Affecting the off-street parking arrangement, e.g., changing the angle of parking or adding or eliminating garages, as long as any such change conforms to Section 27.
- c. In the orientation of a building, as long as no yard dimension shown on the original plan is reduced by more than ten percent.
- d. To increase open space, setbacks or landscaping materials.
- e. In plant material.

**29.27 Procedures for changing a Planned Unit Development conceptual or final development plan.**

- a. This section applies only to Section 21, Planned Unit Development District, as specifically referenced in Section 21.10.
- b. A preliminary or final development plan may be changed upon approval by the zoning enforcement office, if the Zoning Administrator determines that the change is in substantial compliance with the development plan as originally approved. Such approval shall be in writing and shall be signed by the Zoning Administrator. An applicant may request such a change by submitting the following:
  1. A letter from the owner of the development authorizing the change.
  2. A copy of the overall development plan clearly showing the change.
  3. Three copies of the revised development plan. If the change is to a final development plan, the revised plan shall be done in accordance with Section 22.7 of this code.
- c. All changes to a preliminary or final development plan not deemed to be in substantial compliance with the development plan as originally approved shall be made in accordance with the procedures in effect at the time of initial approval.

**29.28 Administrative exceptions to district regulations.**

- a. Provided no protest is timely filed as allowed by this section, the Zoning Administrator may grant an administrative exception to any front, rear or sideyard setback, lot area, coverage, length,

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lot width, building height, or projection limitation or to the minimum required number of off-street parking or loading spaces, provided:

1. The Zoning Administrator determines the exception satisfies the requirements for the approval of an exception by the board of adjustment pursuant to section 29.16.d.1.

2. The exception satisfies one or more of the following limitations:

(a) The exception does not exceed 15 percent of the particular limitation in question.

(b) The exception is for one of two or more required off-street parking spaces.

(c) The exception is for no more than 1 1/2 feet of a setback requirement

(d) The exception is from a setback requirement and allows an addition to an existing legal nonconforming structure to extend no closer to the property line than an adjoining portion of the existing structure.

b. Prior to granting any administrative exception pursuant to this section, the Zoning Administrator shall cause notice of the exception, of the Zoning Administrator's intent to grant the exception if no protest is timely filed, and the manner in which protests may be filed, to be mailed to the owners of all property adjoining the subject property at their address of record as shown by the records of the county assessor.

c. The administrative exception shall not be granted until ten business days after the date the notice of intent to grant the waiver has been mailed to the owners of the adjoining property. The administrative waiver shall be denied if prior to its issuance any written protest resisting the granting of the administrative waiver is filed with the City of Manchester by any owner of adjoining property. However, the administrative exception may be immediately granted if an owner of each adjoining property has filed a consent to the exception with the community development department and no written protest has been received. The consent to the exception shall be in writing upon a form provided by the community development department.

d. The denial of an administrative exception shall not prevent the applicant from seeking approval of the exception from the board of adjustment pursuant to section 29.16.d.1.

e. Prior to mailing the notice of intent to grant the administrative exception, the applicant shall deposit with the community development department the fee determined by City Council resolution and the estimated notification costs for the exception as determined by the City of Manchester.