DELAWARE COUNTY IOWA
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BRENT L. RYON
DELAWARE CO RECORDER
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Karen K. Cole, City Clerk 208 E Main Street, Manchester, Iowa 52057 319-927-3636

June 29, 1999

The following documents refer to Ordinances recorded February 1, 1994, Book 4, Page 156, Delaware County Recorder, Delaware County, Iowa.

I, Karen K. Cole, City Clerk of the City of Manchester, Iowa, do hereby certify that the attached copies of Ordinances are true and exact of copies of Ordinances related to the Zoning Ordinances of the City of Manchester, Iowa that have been adopted by the City Council of the City of Manchester, Iowa:

Ordinance 031-98	Ordinance 032-98	Ordinance 034-98
Ordinance 038-98	Ordinance 004-99	Ordinance 005-99
Ordinance 006-99	Ordinance 008-99	Ordinance 011-99
Ordinance 011A-99		

Karen K. Cole

Karen K. Cole, City Clerk

Subscribed and sworn to before me this 29th day of June, 1999.

Cynthia J. Summers

Cynthia J. Summers, Notary
Commission expires 8-12-2000

CITY MANCHESTER IOWA

ORDINANCE NO. 031-98

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA, 1997, BY MODIFYING AND ADDING NEW SECTIONS REGULATING NURSERY SCHOOLS AND DAY CARE SERVICES.

Be It Enacted by the City Council of the City of Manchester, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 123.02, Section 1, Paragraph M of the Code of Ordinances of the City of Manchester, Iowa, 1997, is repealed and the following adopted in lieu thereof:

M. Day nursery, nursery schools and day care centers, provided that such use will not adversely affect surrounding properties; that all necessary precautions and safeguards be taken to minimize the nonresidential character, traffic, parking and noise of the use, and that two (2) off-street parking spaces plus one (1) space per employee be provided. A day nursery, nursery school or day care center shall only be permitted through the granting of a conditional use. Parking regulations are not required if the use qualifies as a home occupation.

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Manchester, Iowa, 1997 is amended by adding a new Section in Chapter 123.05, entitled: Permitted Uses in a business district by adding a permitted use as follows:

UUU. Day nursery, nursery schools and day care centers permitted only through the granting of a conditional use.

SECTION 3. NEW SECTION. The Code of Ordinances of the City of Manchester, Iowa 1997 is amended by adding a new Section in Chapter 123.08 entitled Permitted Uses in a Manufacturing District by adding a permitted use as follows:

BBB. Day nursery, nursery schools and day care centers permitted only through the granting of a conditional use.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 5th day of October, 1998, and approved this 5th day of October, 1998.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ORDINANCE NO. 032-98

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA, 1997, BY AMENDING PROVISIONS PERTAINING TO SUBDIVISION REGULATIONS

Be It Enacted by the City Council of the City of Manchester, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 127, Section 06, Paragraph 17 of the Code of Ordinances of the City of Manchester, Iowa, 1997, is repealed and the following adopted in lieu thereof:

17.

a. **Public Street** means a dedicated, platted, recorded and accepted roadway (not an alley) for public travel. The term "street" refers to the right-of-way bounded by the property lines of such public property.

b. **Private Street** means a platted and recorded lot usually of common ownership providing a roadway for public travel, not dedicated to the City, giving access to the other lots of the subdivision and to the adjoining street pattern.

c. **Private Drive** means an unplatted, private, passageway providing access from a street to no more than two lots. Within a multi-family zoning a private drive can serve no more than two primary structures.

SECTION 2. SECTION MODIFIED. Chapter 127 Section 31 Paragraph 6 of the Code of Ordinances of the City of Manchester, Iowa 1997 is repealed and the following adopted in lieu thereof:

6. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for construction or reconstruction of any improvements to meet city standards, and the assessment of all costs to property owners in the event of annexation and dedication and acceptance shall be required. In addition, if private streets are to be included in the subdivision, the City Council may provide for such other and further conditions as are deemed necessary to adequately provide for maintenance and snow removal costs and responsibilities involving the private street and for the creation of a perpetual easement required for access by the general public, emergency services, and other duties which the City is required by law to perform.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 5th day of October, 1998, and approved this 5th day of October, 1998.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk

ORDINANCE NO. 034-98

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA, 1997, BY AMENDING PROVISIONS PERTAINING TO MANUFACTURED, MOBILE AND MODULAR HOMES

BE IT ENACTED by the City Council of the City of Manchester, Iowa:

SECTION 1. CHAPTER RENAMED. Chapter 128, entitled Manufactured, Mobile and Modular Homes, of the Code of Ordinances of the City of Manchester, Iowa, 1997, is hereby renamed MANUFACTURED AND MOBILE HOMES.

SECTION 2. SECTIONS MODIFIED. Section 128.01 and 128.02 of the Code of Ordinances of the City of Manchester, Iowa, 1997, are hereby repealed and the following adopted in lieu thereof:

128.01 DEFINITIONS. For use in this chapter the following terms are defined:
(Code of Iowa, Sec. 435.1)

1. "Manufactured home" means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.

2. "Mobile home" means 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.

3. "Mobile home park" means any site, lot, field or tract of land upon which three (3) 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" is not to be construed to include 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. The mobile home park shall meet the requirements of any zoning regulations that are in effect.

128.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:
(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Dealer's Stock. Mobile homes or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 21st day of December, 1998, and approved this 21st day of December, 1998.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ORDINANCE 038-98

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA 1997, BY REZONING PROPERTY AND AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA:

SECTION 1. The Zoning Ordinance of the City of Manchester, Iowa is hereby amended by amending the Official Zoning Map as follows:

The area affected, currently zoned A-1 Agricultural is further described as:
That part of the East One-Half of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Thirty-two (32), Township Eight-nine (89) North, Range Five (5) West of the 5th P.M., described as beginning at a point 139.5 feet North and 131.87 feet West of the Southeast Corner of said Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), thence North 205.5 feet. thence West 100.0 feet, thence South 305.5 feet, more or less, to the North line of Grant Street, thence East 100.0 feet, thence North 100.0 feet to the point of beginning the City of Manchester, Iowa.

And is hereby amended and hereafter designated as M-2 General Manufacturing District

The property described above is located at 613 Grant Street, Manchester, Iowa.

SECTION 2. The City Clerk, after adoption and publication of this Ordinance, shall attach a certified copy to the Official Zoning Map.

SECTION 3. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA ON THE 16th DAY OF NOVEMBER, 1998.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ORDINANCE 004-99

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA 1997, BY PROVIDING ZONING CLASSIFICATIONS FOR AREAS ANNEXED INTO THE CITY LIMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA:

SECTION 1. NEW SECTION: The Code of Ordinances of the City of Manchester, Iowa 1997 is amended by modifying Chapter 121, numbered 121.04 entitled ZONING MAP, by establishing zoning classifications for the following:

> Lots 6, 7, 8, 9, and 10 and all of East Honey Creek Drive lying within the North Oak Subdivision of the City of Manchester, Iowa

The above described property, also known as being located north of East Honey Creek Drive shall be zoned R-1 Residential.

SECTION 2. REPEALER. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA ON THE 15TH DAY OF MARCH, 1999.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ORDINANCE NO. 005-99

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA, 1997, BY AMENDING PROVISIONS PERTAINING TO PROHIBITED MATERIALS FOR FENCING

BE IT ENACTED by the City Council of the City of Manchester, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 125, Section 06, of the Code of Ordinances of the City of Manchester, Iowa, 1997, is repealed and the following adopted in lieu thereof:

125.06 PROHIBITED MATERIALS FOR FENCES. Barbed wire and electric wire shall not be permitted except on Agriculturally (A-1) zoned properties for purposes of containing livestock or in industrial districts when it is required for security reasons, however, in Industrial districts the barbed wire cannot be closer than six (6) feet to the ground and may not overhang any public right of way.

Woven wire shall only be permitted in Agricultural (A-1) districts and in the side or rear yards of all Residential (R-1, R-2 and R-3) districts. Corrugated metal fences are prohibited in all residential (R-1, R-2 and R-3) districts.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 19th day of April, 1999, and approved this 19th day of April, 1999.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ORDINANCE NO. 006-99

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA, 1997, BY ADDING PROVISIONS FOR CONDITIONAL ZONING

BE IT ENACTED by the City Council of the City of Manchester, Iowa;

SECTION 1. The Code of Ordinances of the City of Manchester, Iowa, 1997, is amended by adding a new section in Chapter 123, numbered 123.12, entitled "Conditional Zoning Ordinance", which is hereby adopted to read as follows:

123.12. CONDITIONAL ZONING. An ordinance, changing land from one zoning classification to another, may impose conditions on property owners which are in addition to existing regulations provided:

A. The additional conditions have been agreed to in writing by the property owner and reviewed by the City Attorney before a public hearing is held on the proposed ordinance.

B. The conditions are reasonable and are composed to satisfy public needs which are directly caused by the requested change.

C. The proposed change in zoning classification and additional conditions will result in land use and development which is consistent with the comprehensive plan.

D. Conditions imposed shall provide for more restrictive use of the land than permitted by the proposed rezoning.

E. The conditions imposed are more appropriate than granting a variance or amending the ordinance for the current property classification.

F. The City shall, upon passing any ordinance establishing conditions authorized under this section, make notation on the zoning map for the City of Manchester, Iowa, indicating that conditions have been imposed upon the designated property by authority of this section. This change in zoning classification will not be effective until recorded by the Petitioner with the Delaware County Recorder.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 19th day of April, 1999, and approved this 19th day of April, 1999.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

ORDINANCE 008-99

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA 1997, BY REZONING PROPERTY AND AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA:

SECTION 1. The Zoning Ordinance of the City of Manchester, Iowa is hereby amended by amending the Official Zoning Map as follows:

The area affected, currently zoned R-1 One Family Dwelling District is further described as: Lot Three (3) Paxson's Addition to City of Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 116.

And is hereby amended and hereafter designated as M-1 Limited Manufacturing District

The property described above is located at 613 Charles Street, Manchester, Iowa.

SECTION 2. The City Clerk, after adoption and publication of this Ordinance, shall attach a certified copy to the Official Zoning Map.

SECTION 3. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA ON THE 19TH DAY OF APRIL, 1999.

ATTEST:
Karen K. Cole, City Clerk

Milt L. Kramer, Mayor

ORDINANCE 011A-99

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA 1997, BY REZONING PROPERTY AND AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA:

SECTION 1. The Zoning Ordinance of the City of Manchester, Iowa is hereby amended by amending the Official Zoning Map as follows:

The area affected currently zoned as follows is further described and is hereby amended and designated as follows:

Property located at 404 South Madison Street from R-2 One Family Dwelling District to B-3 Service Wholesale District-Conditional Zoning-property further described as Loomis Addition, Lot Three (3) North 160 feet.

SECTION 2. The City Clerk, after adoption and publication of this Ordinance, shall attach a certified copy to the Official Zoning Map.

SECTION 3. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA ON THE 7th DAY OF June, 1999.

ATTEST:
Karen K. Cole, City Clerk

Milt L. Kramer, Mayor

ORDINANCE 011-99

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA 1997, BY REZONING PROPERTY AND AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA:

SECTION 1. The Zoning Ordinance of the City of Manchester, Iowa is hereby amended by amending the Official Zoning Map as follows:

The area affected currently zoned as follows is further described and is hereby amended and designated as follows:

Property located at 119 Quaker Mill Road from B-1 Business and Limited Retail to R-3 General Residential further described as the South 124 feet of Lot 1 William Acers Addition Sub NW SE E of Ry East 212 feet 20 89 5.

Property located at 508 Quaker Mill Drive from B-3 Service & Wholesale District to R-3 One Family Dwelling District further described as The West 140 feet of the South 11 feet of Lot 83, the West 140 feet of Lot 84, the West 140 feet of the North 3 feet of Lot 85, all in Henry Acers' Addition to Manchester, Delaware County, Iowa and Lot Eighty-two (82), except the East one hundred twenty-four (124) feet thereof, and Lot Eighty-three (83), except the East one hundred twenty-four (124) feet thereof, and except the South eleven (11) feet thereof, all in Henry Acers' Addition to Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 1, from the 4th day of October, 1990, at 8:00 o'clock a.m. to the 17th day of October, 1992, at 8:00 o'clock a.m.

Property at 529 South Brewer Street from M-2 General Manufacturing District to A-1 Agricultural District property further described as That part of Lot Three (3) of the Subdivision of Lot Five (5) of the Subdivision of the East Three-Fourths (E 3/4) of the South One-Half (S 1/2) of said Section Thirty Two (32), lying east of the center of the Maquoketa River as it now exists.

Property located at 401 East Main Street from R-3 General Residential to B-1 Business District, Limited Retail further described as Lot One Hundred Fifty Nine (159) and the West Seven (7) feet of Lot One Hundred Sixty (160) of the City of Manchester, Iowa.

Property located at 125 Gay Street from R-3 General Residential to R-2 One Family Dwelling District further described as The East 70 feet of Lot 15, Burrington's Addition to Manchester, Iowa, according to plat recorded in Book I L.D., Page 245, except the South 84 1/2 feet thereof, excepting any instrument of record which might affect the title to the above described part of Lot 15 wherein descriptions were made on the basis that said lot was 210 feet in it's dimensions.

Property located at 200 East Delaware Street from R-3 General Residential to B-1 Business District, Limited Retail further described as the West Fifty Two (52) feet of Lot One Hundred Ninety Two (192) Manchester, Iowa, according to the recorded plat thereof.

Property located at 212 East Delaware Street from R-3 General Residential to B-1 Business District, Limited Retail further described as Lot One Hundred Ninety (190), Manchester, Iowa, except the West one (1) foot thereof; same being part of the North West Quarter (NW 1/4) of North East Quarter (NE 1/4) of Section Thirty Two (32), Township Eighty Nine (89) North, Range Five (5), West of the Fifth Principal Meridian

SECTION 2. The City Clerk, after adoption and publication of this Ordinance, shall attach a certified copy to the Official Zoning Map.

SECTION 3. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA ON THE 21ST DAY OF JUNE, 1999.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk