

Introduction

The following annotated outline proposes the overall organization and content of the new Unified Development Ordinance (UDO) for Manhattan. The outline is organized in a manner that is intuitive, by grouping similar provisions and standards together, and is generally organized to answer the following questions:

- What is the zoning of my property?
- How may my property be used?
- Where and how much can I build?
- What development or design standards are required?
- What's required to subdivide land?
- What's required to develop a site?
- What are the steps in the applicable process?
- Is approval required and if so, from whom do I receive approval?
- What does nonconforming mean and what are my options?
- May I request a variance or appeal a decision, and how?
- What do certain terms or phrases mean?

This outline relates each proposed Article, Part, and Section with the applicable existing regulations. In this way, persons familiar with the current regulations can locate similar provisions in the new UDO.

What's included?

The following existing development regulations are included in the UDO:

- Manhattan Zoning Regulations, adopted by Ordinance No. 7252 on October 18, 2016; and
- Manhattan Urban Area Subdivision Regulations, adopted by Ordinance No. 6357 on September 2, 2003.

Proposed Unified Development Ordinance (UDO):

The UDO is a consolidation of all development-related requirements into a single source of standards and requirements for the use and development of Manhattan. Related regulatory provisions located elsewhere in the Code of Ordinances will be cross-referenced in the UDO. Non-codified content, such as engineering design standards, will be incorporated by reference into the UDO and cross-referenced. The UDO is proposed to be organized as provided below.

Unified Development Ordinance (UDO)	
<i>Note: Numbering is based on the current City of Manhattan Code of Ordinances.</i>	
New Section Number and Heading	Current Section Number
Chapter 35 – Unified Development Code (UDO)	
Article 1 - Authority, Purpose, Jurisdiction, and Application	
Part 1. General Provisions	
Sec. 1-101, Title	Zoning Sec. 1-3, Subdivision Sec. 1-101
Sec. 1-102, Authority	Zoning New, Subdivision Sec. 1-201
Sec. 1-103, Purposes	Zoning Sec. 2-101, Subdivision Sec. 1-401
Sec. 1-104, Jurisdiction	Zoning Sec. 3-101, Subdivision Sec. 1-201, 1-301

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Chapter 35 – Unified Development Code (UDO)	
Sec. 1-105, Applicability	Zoning Sec. 1-3, 3-102, 3-414 (Vesting), Subdivision Sec. 1-301, 1-501, 1-502, 1-601
Sec. 1-106, Vesting	Sec. 3-414
Sec. 1-106, Enactment and Repeal	Zoning Sec. 17-102, Subdivision New
Sec. 1-107, Effective Date	Zoning Sec. 170-102
Sec. 1-108, Expenditure of Public Funds	Subdivision 2-601.
Part 2. Effect of UDO	
Sec. 1-201, Abrogation and Greater Restrictions	Zoning, Sec. 16-102(B) and (C) Subdivision Sec. 2-101 – 2-104
Sec. 1-202, Transition Standards	New
Sec. 1-203, Consistency with Plans	New
Article 2 – Zoning Districts and Land Uses	
Part 1. Establishment of Zoning Districts	
Sec. 2-101, Purpose and Applicability	Sec. 2-101.
Sec. 2-102, Zoning Districts Established	Zoning Sec. 3-201
Sec. 2-103, Special Zoning Districts	<ul style="list-style-type: none"> - University Overlay (UO) - Residential District Overlay - Traditional Neighborhood Overlay (TNO) - Multi-Family Redevelopment Overlay (M-FRO) - Redevelopment Overlay (RDO) - Airport Overlay (AO) - Corporate Technology Park Overlay (CTPO) - Planned Unit Development (PUD)
Sec. 2-104, Zoning Map	Sec. 3-202, 3-203, and 3-204
Part 2. Land Uses Established	
Sec. 2-201, Purpose	Sec. 2-101
Sec. 2-202, Applicability	Sec. 3-301, 3-304, 3-412, 11-106 - 107
Sec. 2-203, Legend	New
Sec. 2-204, Residential Uses	Article IV Sec. 4-101 – 108
Sec. 2-205, Nonresidential, Public, and Institutional Uses	Sec. 4-110, 4-201 -206, 4-301 – 307
Sec. 2-206, Accessory Uses	Zoning Article V, Part 1 (All)
Part 3. Conditional, Limited, and Accessory Uses	
Sec. 2-301, Purpose	New
Sec. 2-302, Applicability	New

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Chapter 35 – Unified Development Code (UDO)	
Sec. 2-303, Residential Uses	Uses, conditional uses, and limited use-like standards listed by district Sec. 4-101 – 110. Sec. 4-108 can translate into LU standards. Sec. 5-301, Home Occupations
Sec. 2-304, Nonresidential, Public, and Institutional Uses	Zoning Sec. 201 - 206, 4-301 – 307 (Each by district), Sec. 12-101 – 119 (Telecom)
Sec. 2-305, Accessory Uses	Zoning Sec. 3-305, Zoning Article V, Part 1 and Part 2
Part 4. Temporary Uses	
Sec. 2-401, Purpose	Zoning Sec. 3-306, 5-201
Sec. 2-402, Applicability	
Sec. 2-403, General Standards	
Article 3. Development and Design Standards	
Part 1. Purpose and Application	
Sec. 3-101, Purpose	New
Sec. 3-102, Application	Zoning 3-302, 3-410
Part 2. General Standards	
Sec. 3-201, Lots	Zoning Sec. 3-302
Sec. 3-202, Height and Area	Zoning Sec. 3-303
Sec. 3-203, Uses, Occupancy and Structures	Zoning Sec. 3-305, 3-401, 3-415
Part 3. Standards for Established Neighborhoods	
Sec. 3-301, Purpose	New
Sec. 3-302, Applicability	New
Sec. 3-303, Established Neighborhood Standards	Sec. 3-407, 4-101 – 108, 3-301 - 3-303, 3-401 – 405
Sec. 3-304, Established Neighborhood Alternative Standards	New
Part 4. Standards for New Neighborhoods	
Sec. 3-401, Purpose	New
Sec. 3-402, Neighborhood and Housing Types	New
Sec. 3-403, Development Standards	Sec. 4-101 – 108, 3-408, 9-103
Sec. 3-404, Residential Lot and Building Standards	Sec. 4-101 – 108
Part 5. Nonresidential, Public, and Institutional Use Standards	
Sec. 3-501, Purpose	New
Sec. 3-502, Applicability	New
Sec. 3-503, Development Standards	Sec. 4-101 – 108
Sec. 3-504, Building Scale	
Part 6. Height and Area Exceptions	

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Chapter 35 – Unified Development Code (UDO)	
Sec. 3-601, Residential Districts	Sec. 3-405, 3-406
Sec. 3-602, Nonresidential Districts	Sec. 3-405, 3-406
Part 7. Design Standards	
Sec. 3-701, Manufactured Homes	Sec. 4-108
Sec. 3-702, Residential	Limited to Sec. 3-413, 4-111(F), 4-112(F)(2)
Sec. 3-703, Nonresidential, Public, Institutional, and Mixed Use Development	New
Article 4. Accessory Use and Structure Standards	
Part 1. Purpose and Application	
Sec. 4-101, Purpose	New
Sec. 4-102, Application	Zoning Sec. 3-305, 5-103, 5-104, 5-201
Part 2. Residential Uses	
Sec. 4-201, Fences and Walls	New
Sec. 4-202, Accessory Dwelling Units	New
Sec. 4-203, Accessory Buildings and Structures	Zoning Sec. 3-405
Part 3. Nonresidential and Mixed Uses	
Sec. 4-301, Outdoor Display of Merchandise	Zoning Sec. 5-201(D)
Sec. 4-302, Accessory Buildings and Structures	Zoning Sec. 5-103
Sec. 4-303, Outdoor Storage	Zoning Sec. 5-201(D)
Article 5. General Subdivision Design Standards	
Part 1. General Lot and Subdivision Standards	
Sec. 5-101, Purpose and Applicability	Subdivision Sec. 1-201-02; 1-401; 1-501-02
Sec. 5-102, Exemptions	Subdivision Sec. 601
Sec. 5-103, General Layout Standards	Subdivision 10-101-107, 10-501, 10-801
Sec. 5-104, Lots and Blocks	Zoning 3-302, Subdivision Sec. 10-107, 10-301, 10-401
Sec. 5-105, Streets, Driveways and Street Lights	Subdivision Sec. 10-103, 10-201, 10-202, 10-205-206
Sec. 5-106, Street and Alley Standards	Subdivision 10-209, 10-210
Sec. 5-107, Sidewalks and Accessibility	Subdivision Sec. 9-104(D), 10-203, 10-1001
Sec. 5-108, Connection to Abutting Parcels.	Subdivision Sec. 10-201
Sec. 5-109, Bicycle Lanes and Routes	Subdivision Sec. 10-203
Sec. 5-110, Driveways	Zoning Sec. 7-102(C)(3)
Sec. 5-111, Access Management	Subdivision Sec. 10-207-208
Sec. 5-112, Sight Distance Requirements	Zoning Sec. 3-411
Sec. 5-113, Subdivision and Street Names	Subdivision Sec. 10-106, Sec. 10-204

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Chapter 35 – Unified Development Code (UDO)	
Sec. 5-114, Easement Standards	Subdivision Sec. 10-601
Sec. 5-115, Cross Connection Access	Subdivision 10-206, 10-207
Sec. 5-116, Underground / Overhead Utilities	Subdivision Sec. 10-101
Sec. 5-117, Storm Drainage Standards	Subdivision 10-701, Zoning Sec. 6-306
Sec. 5-118, Water and Sewer Facilities	Subdivision 10-1101
Sec. 5-119, Public Improvement Maintenance	Subdivision Sec. 10-101
Sec. 5-120, Development Phasing	Subdivision Sec. 10-101
Sec. 5-121, Standards for Benchmarks, Monuments, and Markers	Subdivision Sec. 10-1201
Part 2. Design Criteria and Standard Specifications	
Sec. 5-201, Purpose	New
Sec. 5-202, Applicability	New
Sec. 5-203, Design Criteria Incorporated	<ul style="list-style-type: none"> - Design Criteria and Standard Specifications. - Standard Specifications. - Standard Detail Sheets. - Water Service Specifications. - Electronic Spatial / Positional Data Standards. - Stormwater Management Master Plan. - Manhattan Area Transportation Strategy. - All Strategy District and Corridor Plans - Airport Master Plan and Terminal Master Plan - Manual on Uniform Traffic Control Devices (MUTCD)
Part 3. Performance Guarantees, Public Acceptance, and Permitting	
Sec. 5-301, Performance Guarantees	Subdivision Sec. 10-101
Sec. 5-302, Property Owner Association	Subdivision Sec. 10-101
Sec. 5-303, Covenant, Conditions, and Restrictions	Subdivision Sec. 10-101
Sec. 5-304, Public Acceptance	Sec. 8-101 – 8-103
Sec. 5-305, Deferral and Permitting	New
Sec. 5-306, Development and Public Agreements	New
Sec. 5-307, Reimbursement Agreements	New
Sec. 5-308, Oversizing Agreements	New
Article 6 Environmental Standards	
Part 1. Flood Damage Prevention	
Sec. 6-101, Statutory Authorization	Sec. 10-101(A)
Sec. 6-102, Finding of Fact	Sec. 10-101(B)
Sec. 6.103, Purpose	Sec. 10-101(C)
Sec. 6-104, Applicability	Sec. 10-102
Sec. 6-105, Floodplain Overlay Districts Established	Sec. 10-102(B), (C), (D), (E)

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Chapter 35 – Unified Development Code (UDO)	
Sec. 6-106, Public Hearings Required	Sec. 102 (F)
Sec. 6-107, Use of Other Flood Data	Sec. 102 (G)
Sec. 6-108, Warning and Disclaimer of Liability	Sec. 10-104
Part 2. Flood Hazard Reduction	
Sec. 6-201, Subdivision Requirements	Sec. 10-202
Sec. 6-202, Standards for Floodplain Development	Sec. 10-203
Sec. 6-203, Floodway District (FW)	Zoning Sec. 10-101; 10-204
Sec. 6-204, Floodway Fringe District (FF)	Sec. 10-205
Sec. 6-205, Floodway Fringe Improvements and Additions	Sec. 10-205(C)(2)
Sec. 6-206, Elevated Buildings	Sec. 10-205(C)(5)
Sec. 6-207, Manufactured Homes	Sec. 10-2-5(C)(6)
Sec. 6-208, Critical Facilities.	Sec. 10-2-5(C)(7)
Sec. 6-209, Areas of Shallow Flooding (AO/AH Zones)	Sec. 10-2-5(C)(8)
Sec. 6-210, Recreational Vehicles	Sec. 10-2-5(C)(9)
Sec. 6-211, Compensatory Storage	Sec. 10-2-5(C)(10)(11)
Part 3. Airport Overlay District	
Sec. 6-301, Purpose and Applicability	Sec. 11-101-102
Sec. 6-302, Airport Zones	Sec. 11-104-105
Sec. 6-303, Permitted and Conditional Uses	Sec. 11-106
Sec. 6-304, Use Limitations	Sec. 11-107
Sec. 6-305, Nonconforming Structures	
Article 7. Site Development	
Part 1. Parking and Loading	
Sec. 7-101, Purpose and Applicability	Sec. 7-101, 7-201, 3-309
Sec. 7-102, Computing Parking	Sec. 7-102, 7-103
Sec. 7-103, Off-Street Parking Requirements	Article VII, 4-111, 4-112
Sec. 7-104, Off-Street Loading	Sec. 7-201-202
Sec. 7-105, Design, Use, and Maintenance	Sec. 7-102, 7-202
Sec. 7-106, ADA Parking	New
Sec. 7-107, Special Studies	New
Sec. 7-108, Parking Credits and Reductions	New
Sec. 7-109, Shared Parking	New
Part 2. Trees, Landscaping, and Screening.	
Sec. 7-201, Purpose and Applicability	New

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Chapter 35 – Unified Development Code (UDO)	
Sec. 7-202, Land Clearing	New
Sec. 7-203, Preservation Credits	New
Sec. 7-204, General Requirements	New
Sec. 7-205, Development Landscaping	New
Sec. 7-206, Bufferyards	New
Sec. 7-207, Landscape Plan	New
Sec. 7-208, Landscape Maintenance	New
Part 3. Signs.	
Sec. 7-301, Purpose and Applicability	Sec. 6-101-102; 3-308
Sec. 7-302, Authority and Findings	New
Sec. 7-303, Administration	Sec. 6-104
Sec. 7-304, Measurements and Calculations	Sec. 6-108
Sec. 7-305, Design and Maintenance	Sec. 6-106
Sec. 7-306, Prohibited Signs and Sign Elements	Sec. 6-111
Sec. 7-307, Permitted Signs	Sec. 6-109; 6-301
Sec. 7-308, Sign Standards	Sec. 6-108, 6-110, 6-201–214
Sec. 7-309, Signs in Special Areas	Sec. 6-109, 6-203 (Institutional signs by CUP)
Sec. 7-310, Master Sign Plan	New, Sec. 9-103(E)
Article 8. Administrative Bodies	
Part 1. Purpose and Application	
Sec. 8-101, Purpose	New
Sec. 8-102, Applicability	New
Part 2. Bodies Established and Authorized.	
Sec. 8-201, City Council	Subdivision 5-301; 6-404
Sec. 8-202, Manhattan Urban Area Planning Board	Subdivision 5-201; 6-306
Sec. 8-203, Board of Zoning Appeals	Sec. 14-301 – 14-306
Sec. 8-204, Development Review Committee (DRC)	New
Sec. 8-205, City Engineer	New
Sec. 8-206, Zoning Administrator	Sec. 14-101, 14-102, Subdivision 5-401; 6-402
Sec. 8-207, Building Official	New, Sec. 14-201 - 203
Sec. 8-208, Floodplain Administrator	Zoning Sec. 10-103
Article 9. Permits and Procedures	
Part 1. Purpose, Application, Permits, and Approvals	
Sec. 9-101, Purpose and Application	New
Sec. 9-102, Administrative Permits and Procedures	New
Sec. 9-103, Public Meeting: Permits and Procedures	New
Part 2. Standardized Development Procedures	
Sec. 9-201, Pre-Application Conference	Subdivision 6-201-202
Sec. 9-202, Application Filing	Subdivision 6-301

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Chapter 35 – Unified Development Code (UDO)	
Sec. 9-203, Application Completeness	Subdivision 6-302 (A)
Sec. 9-204, Application Review / Referral	Subdivision 5-101
Sec. 9-205, Inactive and Expired Applications	New
Sec. 9-206, Public Notice	New for Zoning, Subdivision 6-303 – 6-305
Sec. 9-207, Public Meetings and Hearings	Subdivision 6-303-305
Sec. 9-208, Continuances and Withdrawals	New
Sec. 9-209, Successive Applications	New
Sec. 9-210, Fees	Zoning Sec. 14-801, Subdivision Art. 3, Sec. 3-101-301
Part 3. Administrative Permits and Procedures	
Sec. 9-301, Airport Compatible Use Permit	Sec. 11-110
Sec. 9-302, Building Permit	Sec. 14-201, 14-202
Sec. 9-303, Certificate of Occupancy	Sec. 203
Sec. 9-304, Floodplain Development Permit	Sec. 10-201
Sec. 9-305, Limited Use Approval	New
Sec. 9-305, Lot Splits and Boundary Line Adjustments	Subdivision Sec. 6-701-703
Sec. 9-306, Minor Modifications	Sec. 9-108 (D)
Sec. 9-307, Minor Plats	Sec. 6-701 – 6-703
Sec. 9-308, Sign Permit	Sec. 6-104
Sec. 9-309, Site Plan	Sec. 4-108(E)
Sec. 9-310, Temporary Use Permit	New
Part 4. Public Meeting: Permits and Procedures	
Sec. 9-401, Comprehensive Plan Amendment	New
Sec. 9-402, Concept and Preliminary Plats	Subdivision 6-302-307; 7-101; 7-201; 10-901
Sec. 9-403, Final Plats	Sec. 6-306 – 6-307 (Preliminary Plat) Sec. 6-401 – 6-601 (Final Plat), Sec. 6-501 (Concurrent Review of Preliminary/Final Plats); Sec. 10-901
Sec. 9-404, Plan Referrals	New
Sec. 9-405, Planned Developments	Sec. 9-104 - 105, 9-107 (Abandonment)
Sec. 9-406, Major PD Amendment	Sec. 9-108
Sec. 9-407, Master Sign Plan	New
Sec. 9-408, Public Improvement Acceptance	Sec. 8-101 – 8-103
Sec. 9-409, UDO Amendment	New for Zoning, Subdivision Sec. 2-401
Sec. 9-410, Conditional Use Permit	Sec. 14-701 – 14-707
Sec. 9-411, Zoning Map Amendment (Rezoning)	Sec. 15-101 – 15-403
Part 5. Appeals, Variances, and Special Exceptions	
Sec. 9-501, Interpretations	New
Sec. 9-502, Administrative Appeals	Sec. 14-401–406

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Sec. 9-503, Variance	Sec. 14-501–507
Sec. 9-504, Variance, Floodplain	Sec. 10-301-303
Sec. 9-505, Exceptions	Sec. 14-601 – 14-608
Sec. 9-506, Subdivision Variances	Subdivision Sec. 2-501
Article 10. Nonconformities	
Part 1. Purpose and Application	
Sec. 10-101, Purpose and Applicability	Zoning Sec. 8-101, 3-310
Part 2. Classification of Nonconformities	
Sec. 10-201, Nonconforming Uses	Sec. 8-401–406, 10-304
Sec. 10-202, Nonconforming Buildings and Structures	Sec. 8-405, 10-304, 11-108 (Airport)
Sec. 10-203, Nonconforming Lots	Sec. 8-201, 8-202, 8-301, 3-407
Sec. 10-204, Nonconforming Landscaping and Buffering	New
Sec. 10-205, Nonconforming Signs	Sec. 6-106, 6-107
Sec. 10-206, Nonconforming Parking and Loading	New
Part 3. General Regulations	
Sec. 10-301, Termination, Restoration, and Removal	Sec. 6-106, 8-406, 11-109 (Airport)
Sec. 10-302, Nonconforming Lots; Construction and Combination	Sec. 8-201, 8-202, 8-301, 3-407
Sec. 10-303, Changes of Use and Reuse	8-401 – 8-406, 8-501
Sec. 10-304, Repairs and Modifications	Sec. 8-301–304
Sec. 10-305, Compliance Thresholds	New.
Part 4. Conversion of Nonconformities	
Sec. 10-401, Purpose	Sec. 8-501
Sec. 10-402, Repairs and Modification	Sec. 8-301 – 8-304
Sec. 10-403, Criteria for Approval	Sec. 8-301 – 8-304, 8-501
Sec. 10-404, Effect for Approval	Sec. 8-301 – 8-304
Article 11. Enforcement and Remedies	
Part 1. Enforcement Procedures	
Sec. 11-101, Purpose	Sec. 14-801, 14-802
Sec. 11-102, Applicability	New
Sec. 11-103, Enforcement Procedures	Signs 6-105
Sec. 11-104, Enforcement Remedies	New
Sec. 11-105, Violations	New Zoning, Subdivision Sec. 4-101 – 4-103
Sec. 11-106, Penalties	Sec. 14-801, 14-802, Subdivision 4-201
Part 2. Remedies	
Sec. 11-201, Civil Liability	Zoning Sec. 14-802, Subdivision 4-301

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Chapter 35 – Unified Development Code (UDO)	
Sec. 11-202, Criminal Penalty	Zoning Sec. 14-802
Article 12. Definitions	
Part 1. Rules of Construction, Severability and Acronyms	
Sec. 12-101, Rules of Construction and Interpretation	Zoning Sec. 16-101 and 16-102, Subdivision Sec. 2-101-04; 11-101
Sec. 12-102, Severability	Zoning Sec. 16-103, Subdivision 2—201; 2-301
Sec. 12-103, Acronyms	New
Part 2. Definitions	Zoning Sections 16-201, 5-102, 5-302, 4-111(G) TNO Definitions, 4-112(G) FRO Definitions, Signs 6-103, Sec. 10-105 (Flood Definitions), 11-103 (Airport Definitions),
Appendix A. Development Submittal Requirements	
Part 1. Subdivision Plats	
Sec. A-101, Concept, Preliminary, and Final Plats	Sec. 7-101 Sketch and Concept Plat Sec. 7-201 Preliminary Plat Sec. 7-301-303 Final Plat
Sec. A-102, Lot Splits and Boundary Line Adjustments	Sec. 7-401 Lot Splits Sec. 7-402 Boundary Line Adjustments
Sec. A-103, Minor Plats	
Sec. A-104, Plat Certificates, Standard Language.	New
Sec. A-105, Acceptance / Warranty, Standard Forms	New
Part 2. Development Plan Content Requirements	
Sec. A-201, Site Plans	Sec. 4-108(E)
Sec. A-202, Landscaping and Buffering Plans	New
Sec. A-203, Planned Unit Developments (PUD)	Sec. 9-106