The 2013 Amended Zoning Ordinance for the Town of Manila, Utah

Adopted is Sept. 12, 2013

BY LAWS

TABLE OF CONTENTS

Article I- The Commission.....1

Section 1- Name of the Authority.....1

Section 2- Purpose of the commission.....1

Article II- Governing Body.....1

Section 1- Governing Body.....1

Section 2- Terms of Members.....2

Section 3- Office of Commission.....2

Article III- Officers.....2

Section 1- Officers.....2

Section 2- Election.....2

Section 3- Chairman.....3

Section 4- Vice-Chairman.....3

Section 5- Commission.....3

Section 6- Additional Duties.....3

Section 7- Vacancies.....3

Section 8- Attendance.....4

Article IV- Members.....4

Section 1- Secretary.....4

Section 2- Building Inspector.....4

Section 3- Members of the Commission.....4

Article V- Meetings……..…..4

Section 1- Organizational Meeting……..4

Section 2- Regular Meetings……5

Section 3- Special and Emergency Meetings……..5

Section 4- Quorum……..5

Section 5- Order of Business……6

Article VI- Amendments of the By Laws……..6

Section 1- Amendments of the Commission By Laws……6

BY LAWS OF THE MANILA PLANNING AND ZONING COMMISSION

Article I- The Commission

Section 1- Name of the Authority

The name of the Authority Shall be the Manila Town Planning and Zoning Commission in accordance with an ordinance adopted by the Manila Town Council, 6-12-86, as amended on July – 1994

Section 2- Purpose of the Commission

The purpose of the Commission is to promote public health, peace, safety, comfort, convenience, prosperity, and welfare of the present and future inhabitations of the Town of Manila; to guide, control, and regulate future growth and development in order to promote orderly and appropriate use of land in the entire area of Manila Town; to facilitate existing or potential traffic movements; to provide adequate air, light and parking facilities; to secure safety from fire and other dangers; to prevent overcrowding of land and undue congestion of population; to protect the tax base of Manila Town; and to secure economy in government service and expenditures. In preparation of the Ordinance, consideration has been given to Sections 10-9-101 through 10-9-1003 of the Utah Code and to all studies and surveys made in the past in connection therewith.

Article II- Governing Body

Section 1- Governing Body

The Governing Body of the Commission shall be known as the Manila Town Planning and Zoning Commission. The Commission shall be composed of five (5) members. Each member shall have one (1) vote. One voting member shall represent the Town Council. The Mayor shall serve as ex-officio with no vote.

Section 2- Terms of Members

The Town Council shall appoint the members. The terms of the members of the first commission appointed shall be staggered. The following terms of the appointed members of the Commission shall be (3) years and/or until their respective successors have been appointed. The terms of the members shall expire consecutively. The terms of the first Commission shall be:

1. Two (2) members- one (1) year term
2. Two (2) members- two (2) year term
3. One (1) member- three (3) year term

Section 3- Office of Commission

The Office of the Commission shall be at such a place as the Commission may delegate.

Article III- Officers

Section 1- Officers

The officers of the Commission shall be a Chairman and Vice-Chairman. The Chairman and Vice-Chairman shall be elected from among the Commission.

Section 2- Election

The Chairman and Vice-Chairman shall be elected by members of the Commission at the organizational meeting and there-after, shall be elected at a regular monthly meeting. The Chairman and Vice-Chairman shall hold office for one year duration and may be re-elected.

Section 3- Chairman

The Chairman shall preside at all meetings of the Commission. These meetings shall consist of the following:

1. Organizational meetings
2. Regular monthly meetings
3. Special meetings
4. Emergency meetings

Section 4- Vice-Chairman

The Vice-Chairman of the Commission shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in the case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed on the Chairman until such time as the Commission shall elect a new Chairman.

Section 5- Commission

At the meetings of the Commission, any Commission Member may review such recommendation and information as they may consider proper concerning the business, affairs, and policies of the Planning and Zoning Commission.

Section 6- Additional Duties

The Officers of the Commission shall perform such duties and functions as may, from time to time, be required by the Commission, the By Laws, or the Ordinance of the Commission.

Section 7- Vacancies

Should the Offices of Chairman or Vice-Chairman become vacant, the Commission shall elect a successor from among the Commission at the next regular meeting and such election shall be for the unexpired term of said office.

Section 8- Attendance

The Planning and Zoning Commission may recommend the removal of any member for non-attendance of three consecutive meetings, or more than three regular meeting in any given year.

Article IV- Members

Section 1- Secretary

The Secretary shall act as the Secretary of the meetings of the Commission; shall keep the records and minutes of all regular, special, and emergency meetings.

Section 2- Building Inspector

The Building Inspector shall perform the duties as provided by law; attend regular monthly meetings; and any other duties as provided in the Zoning Ordinance.

Section 3- Members of the Commission

The Manila Town Council may, from time to time; appoint such additional personnel as may be necessary to exercise the duties and functions of the Commission as prescribed by the Planning and Zoning Commission and by the Laws of the State of Utah.

Article V- Meetings

Section 1- Organizational Meeting

The organizational meeting of the Commission shall be held on such day as determined by the Commission. The Commission shall elect from its members a Chairman and Vice-Chairman who will act as the Officers of the Commission.

Section 2- Regular Meetings

The regular meeting of the Commission shall be held at least monthly. Official notice will be given of the time and place of the meeting as designated by the Commission, at least twenty-four (24) in advance.

Section 3- Special and Emergency Meetings

The Chairman may, when the Chairman deems it expedient, or shall, upon written request of two Commission Members, call a special meeting of the Commission for the purpose of transacting any business designated in the call. The call for a special or emergency meeting shall be delivered to each Commission Member at the business or home of each, at least twenty-four (24) hours prior to the date of such special or emergency meeting. Commission Members may waive the right to delivery of the call or telephone contact shall be waived by either the presence of the Commission Member at the special or emergency meeting or by a non-present business shall be considered other than as designated in the notice or call.

Section 4- Quorum

The power of the Commission shall be vested in the Manila Town Planning and Zoning Commission. Three (3) Commission Members shall constitute a quorum for the purpose of conducting its business and exercising its power and for all other purposes. Action may be taken by the Commission upon a vote of at least three (3) Commission Members, who are present or by teleconference.

Section 5- Order of Business

The meetings shall be conducted using Parliamentary Procedures according to Robert's Rules of Order.

At the regular meeting of the Commission, the following shall be the order of business:

1. Roll call
2. Reading and approval or correction of minutes
3. Report from Building Inspector
4. Old business
5. New business
6. Adjournment

Article VI- Amendments of the By Laws

Section 1- Amendments of the Commission By Laws

The By Laws of the Manila Town Planning and Zoning Commission shall be amended only with the approval of at least three (3) Members of the Commission at a regular or special meeting with the final approval of the Manila Town Council. No such amendment shall be adopted unless written notice thereof has been given to all Commission Members at least seven days previously.

ZONING ORDINANCE
TABLE OF CONTENTS

Article I.....1
Title, Purpose and Declaration of Intent
Section 101- Declaration.....1
Section 102- Purpose.....1
Section 103- Short Title.....1
Section 104- Interpretation.....2
Section 105- Conflicts.....2
Section 106- Effect on Previous Ordinances and Maps.....2

Article II.....3
Rules and Definitions
Section 202- General Rules for Construction of Language.....3
Section 203- Definitions.....3

Article III.....15
Board of Adjustment.....15
Section 301- Creation of the Board of Adjustment.....15
Section 302- Organization- Procedures.....16
Section 303- Powers and Duties.....17
Section 304- Appeals.....17
Section 305- Meetings and Rules.....19
Section 306- Special Exceptions.....19
Section 307- Variances.....19
Section 308- District Court Review of Board of Adjustment Decision.....21

Article IV.....23
Amendments to this Ordinance
Section 401- Amendments.....23
Section 402- Planning Commission Recommendations.....23
Section 403- Procedure.....23
Section 404- Disapproval of Rezoning Applications.....24

Article V.....25
Supplementary and Qualifying Regulations
Section 501-Effect of this Article.....25
Section 502- Lots in Separate Ownership.....25
Section 503- Yard Space for One Building Only.....25
Section 504- Every Dwelling to be on a “Lot”.....25
Section 505- Private Garage with Side Yard- Reduced Yards.....26
Section 506- Sale or Lease of Required Space.....26
Section 507- Sale of Lots Below Minimum Requirements.....26
Section 508- Area of Accessory Buildings.....26
Section 509- Yard to be Unobstructed.....26

Section 510- Additional Height Allowed.....27
Section 511- Exception to Height Limitations.....27
Section 512- Maximum Height of Accessory Buildings.....28
Section 513- Clear View of Intersection Streets.....28
Section 514- Animal and Fowl.....28
Section 515- Water and Sewage Requirements.....28
Section 516- Effect of Official Map on a Front Yard.....29
Section 517- Setbacks from state and Federal Highway.....29
Section 518- Public Dumping Ground.....29
Section 519- All Excavations.....29
Section 520- Conservation of Values.....30
Section 521- Temporary Buildings and Uses.....30
Section 522- Location of Travel Trailers, Aircraft, Boats, Camping, Trailers, Truck Campers and Motor Homes.....32
Section 523- Maintenance of Property for Safety and Prevention of Public Nuisance.....33
Section 524- Excavations.....33
Section 525- Propane Tanks……..42
Section 526- Current IRC Code……43
Article VI.....44
Administration and Enforcement.....44
Section 601- Office of Building Inspector Created.....44
Section 602- Enforcement Officer.....44
Section 603- Powers and Duties of the Building Inspector.....44
Section 604- Permits to Comply with Ordinance.....46
Section 605- Site Plans Required.....46
Section 606- Records.....47
Section 607- Reports.....48
Section 608- Cooperation of Other Officials.....48
Section 609- Building Permits.....48
Section 610- Coordination by State Health and Building Officials and Inspectors.....53
Section 611- Utility Services.....53
Section 612- Occupancy Permit.....54
Section 613- Administrative Determination as to Uses Not Listed.....54

Article VII.....57
Violation and Penalty.....57
Section 701-Violation.....57
Section 702- Penalty.....58
Section 703- Notice of Violation.....58

Article VIII.....60
Nonconforming Uses.....60
Section 801- Continuing Existing Uses.....60
Section 802- Expansion of a Nonconforming Use.....60
Section 803- Repairs and Alterations.....60
Section 804- Restoration of Damaged Buildings.....61
Section 805- One-Year Occupancy.....61
Section 806- Continuation of Use.....61
Section 807- Occupation Within One Year.....61
Section 808- Change of Use.....61
Section 809- Nonconforming Use of Land.....62

Article IX.....63
Zoning Districts.....63
Section 901- Establishment of Zoning Districts.....63
Section 902- Filing of Ordinance and Map.....63
Section 903- Rules for Locating bounderies.....63

Article X.....65
Multiple Use, and Rural Residential Districts.....65
Section 1001-Purpose.....65
Section 1002- Codes and Symbols.....65
Section 1003- Uses.....65
Section 1004- Area Regulations.....67
Section 1005- Width Regulations.....68
Section 1006- Front Yard Regulations.....68
Section 1007- Rear Yard Regulations.....68
Section 1008- Side Yard Regulations.....68
Section 1009- Height Regulations.....69
Section 1010- Coverage Regulations.....69

Article XI.....70
Residential and Multiple Residential Districts.....70
Section 1101- Purpose.....70
Section 1102- Codes and Symbols.....70
Section 1103- Use Regulations.....71
Section 1104- Area Regulations.....76
Section 1105- Width Regulations.....77
Section 1106- Fence Regulations.....77
Section 1107- Front Yard Regulations.....77
Section 1108- Rear Yard Regulations.....78
Section 1109- Side Yard Regulations.....78
Section 1110- Height Regulations.....79
Section 1111- Coverage Regulations.....79

Article XII.....80
Commercial and Industrial Districts.....80
Section 1201- Purpose.....80
Section 1202- Codes and Symbols.....81
Section 1203- Use Regulations.....81
Section 1204- Height Regulations.....101
Section 1205- Area, Width, Frontage, Yard and Coverage Regulations.102
Section 1206- Special Provisions.....102

Article XIII.....103
Central Development District CD.....103
Section 1301- Purpose.....103
Section 1302- Permitted Uses.....103
Section 1303- Conditional Uses.....103
Section 1304- Special Provisions.....103
Section1305- Area, Width, Frontage, Coverage and Height Regulations.....104

Article XIV.....105
Manufactured, Mobile Home Parks and Travel Trailer Courts.....105
Section 1401- Mobile Homes and Travel-Trailers Prohibited-Exceptions.....105
Section 1402- Manufactured Park Regulations.....105
Section 1403- Travel-Trailer Courts, Intent and Zoning.....113
Section 1404- Additional Regulations.....116

Article XV.....117
Conditional Uses.....117
Section 1501-Purpose.....117
Section 1502- Conditional Use Permit.....117
Section 1503- Special Requirements.....122
Section 1504- Special Landscape Requirements for Site Approval of Commercial, Industrial, Residential Planned Units Developments and Open Spaces in Cluster Subdivisions.....127
Section 1505- Appeals.....128
Section 1506- Building Permit.....128
Section 1507- Time Limit.....129
Section 1508- Conditional Uses.....129

Article XVI.....131
Planned Unit Development.....131
Section 1601- Introduction.....131
Section 1602- Purpose.....131

Section 1603- Definition.....132
Section 1604- Planned Unit Development Permit.....132
Section 1605- Required Conditions.....133
Section 1606- Planned Unit Development Site Plan Requirements.....136
Section 1607-Scope of Planning Commission Action.....137
Section 1608- Construction Limitations.....138
Section 1609- Public Hearing.....138
Section 1610- Fees.....139

Article XVII.....140
Cluster Subdivisions.....140
Section 1701- Purpose.....140
Section 1702- Definitions.....140
Section 1703- Zoning.....140
Section 1704- Governing Ordinances.....140
Section 1705- Existing Structures.....141
Section 1706- Mixed Use.....141
Section 1707- Bonus Density.....143
Section 1708- Open Space Preservation.....144
Section 1709- Maintenance of Open Space.....145
Section 1710- Unit/Density Calculation.....147
Section 1711- Percent Built Area.....148
Section 1712- Open Space.....148
Section 1713- Required Utilities.....149
Section 1714- Parking.....150
Section 1715- Access to Public Lands.....150
Section 1716- Required Fire Protection.....150

Article XVIII.....151
Mini-Malls and Strip-Malls.....151
Section 1801-Purpose.....151
Section 1802- Definitions.....151
Section 1803- Zoning.....152
Section 1804- Governing Ordinances.....152
Section 1805- Existing Structures.....152
Section 1806- Mixed Uses.....152

Article XIX.....153
Cost and Charges.....153
Section 1901-Purpose.....153
Section 1902- Charges to be Imposed.....153

ARTICLE I
TITLE, PURPOSE, and DECLARATION of INTENT

Section 101 Declaration

This document is an amended Zoning Ordinance for the Town of Manila, Utah, dividing the incorporated area of the Town into zoning districts appropriate for various classes of residential and business uses. It also provides for the establishment of land development standards and requirements.

Section 102 Purpose

This amended Zoning Ordinance is designed to promote the public health, peace, safety, comfort, convenience, prosperity and welfare of the present and future inhabitants of the Town of Manila; to guide, control, and regulate future growth and development in order to promote orderly and appropriate use of land in the entire area of the Town; to protect the character and stability of residential, business, open space and recreational areas of the Town of Manila; to facilitate existing or potential traffic movements; to provide adequate air, light, and parking facilities; to secure safety from fire and other dangers; to prevent overcrowding of land and undue congestion of population; to protect the tax base of the Town of Manila; and to secure economy in government services and expenditures. In preparation of this Ordinance, consideration has been given to Sections 10-9-101 through 10-9-1003 of the Utah code (July 1994) and to all studies and surveys made in the past in connection therewith.

Section 103 Short Title

This Ordinance may be cited as “The 2013 Amended Zoning Ordinance for the Town of Manila.”

Section 104 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

Section 105 Conflicts

This Ordinance shall not nullify any laws, ordinances, agreements, or covenants which are more restrictive, but shall prevail over provisions which are less restrictive.

Section 106 Effect on Previous Ordinances and Maps

The existing ordinances of the Town of Manila covering the zoning areas and districts in the Town of Manila, in their entirety and including the maps heretofore adopted and made part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the maps on file with the Manila Town Planning and Zoning Commission and by this reference made apart hereof, shall be deemed a continuation of the previous ordinance and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction, and to questions of conforming or nonconforming land uses, buildings, or structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

ARTICLE II
RULES AND DEFINITIONS

Section 201 General Rules for Construction of Language

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number and words in the plural number shall include the singular number. The word structure includes the word building the word shall is mandatory and not directory, and the word may is permissive.

Section 202 Definitions

For the purpose of this Ordinance, certain words are herby defined.

1. Accessory Building: A detached subordinate building, use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

2. Agriculture: The tilling of soil, horticulture, and gardening including the keeping or raising of domestic animals or fowls.

3. Apartment House: A multiple dwelling; see Dwelling, Multiple Family.

4. Basement: The lowest story of a building being partly or wholly below ground level.

5. Bed and Breakfast: A residence built expressly for, or converted to, rent rooms to paying guests and to provide breakfast to paying guests on a short term (daily or weekly basis). The residential appearance of the structure is maintained. This definition does not include hotel, motel or boarding house.

6. Boarding House: A building with not more than five (5) guest rooms, where for compensation, meals are provided for at least five (5), but not more than fifteen (15) persons.

7. Building: A structure having a roof supported by columns or walls for housing, shelter, or enclosure of persons, animals, chattels, or property of any kind.

8. Building Public: A building owned and operated, or owned and intended to be operated by a public agency or the United States of America, of the State of Utah, or any of its political subdivisions

9. Commission: The Planning and Zoning Commission of the Town of Manila.

10. Conditional Use: A land use that, because of its unique characteristics or potential, impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

11. Contiguous: Substantial touching between two districts or areas of land which abutt one another.

12. Cul-de-sac: A circular space, 75 feet in diameter, at the blind end of the street, as part of that street, used for vehicles to make a "U" turn.

13. Day Care Center: A building or structure where six (6) or more children are regularly cared for during the day for compensation.

14. Density: Acres or square feet per one primary dwelling unit.

15. Domestic Animals: Dogs and Cats

16. Drive-In Refreshment Stand: A place or business where food and drink are sold primarily for consumption on the premises outside the structure.

17. Dwelling: A stick-built structure, a manufactured home or a mobile home consisting of a kitchen, dining area, living room area, (a) bedroom(s) and (a) bathroom(s) designed exclusively for residential occupancy, but not including hotels, tourist cabins and boarding houses.

18. Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family, the structure having one (1) dwelling unit.

19. Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

20. Dwelling, Four-Family: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

21. Dwelling, Multiple-Family: A building arranged or designed to be occupied by more than four (4) families.

22. Dwelling Unit: One (1) or more rooms in a dwelling, apartment, hotel, apartment motel, designed for, or occupied by one (1) family for living or sleeping purposes, and having one (1), but not more than one (1), kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units, and having its own sanitary facilities.

23. Family: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

24. Essential Services: Services provided by public and private utilities necessary for the exercise of the principle use or service of the principle structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

25. Excavation: Any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

26. Facility: Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other material structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

27. Frontage: All property fronting on one (1) side of the street, between intersecting or intercepting streets, or between a street and a right-a-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

28. Garage, Private: An enclosed space or access building for one (1) or more vehicles, provided that no business, occupation, or services is conducted for profit therein nor space therein for more than one (1) car is leased to a non resident of the premises. A garage shall be considered part

of a dwelling if the garage and dwelling have a roof or wall in common, or are connected structurally by a wall.

29. Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

30. Guest House: A separate dwelling structure located on a lot with a main dwelling structure including full utilities and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease or sale of the main dwelling. Guest houses are not allowed on private residential lots within the Town of Manila.

31. Guest Room: A room, not including dormitories, which is designed for occupancy by one (1) or more guests, for sleeping purposes, but having no cooking facilities. Guest rooms on private residential lots, outside of the main dwelling, are not allowed within the Town of Manila. Applicant must apply to the Planning and Zoning Commission for a conditional use permit.

32. Guest: A transient person who rents or occupies a room for sleeping purposes.

33. Home Occupation: Any occupation dealing with the sale of goods or services from a place of residence as full or part-time, for profit, commercial enterprise, with the following conditions:

A. Shall be conducted wholly on the premises.

B. Shall be conducted by a member of the family

C. Shall have no employees other than (a) member(s) of the immediate family living in the dwelling structure;

D. Shall obtain a conditional use permit;

34. Hotel: A building in which lodging, or boarding and lodging, are provided for more than twenty (20) persons, offering to the public for compensation, and in which ingress and egress, to and from, all guest rooms are made through an inside lobby or office.

35. House, Boarding: A building with guest rooms for more than two (2) persons, for compensation, where meals are provided, but which does not include provisions for cooking in any guest room.

36. Infrastructure: Construction such as but not limited to streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, and water, sewer and gas systems or parts thereof.

37. Legal Description: A meets and bounds description of a parcel of land filed in accordance with the requirements of the State of Utah and Daggett County.

38. Lot: A parcel of land, occupied, or to be occupied, by a building or group of buildings, together with such yards, open spaces, lot width, and lot areas, as required by this Ordinance, having frontage upon a street, or upon a right-a-way, approved by the Planning and Zoning Commission, but not less than sixteen (16) feet wide. Not more than one (1) dwelling structure shall occupy any one (1) lot.

39. Lot Area: The area of a horizontal plane within the lot lines of a lot.

40. Lot Coverage: The percentage of the area of a lot, which is occupied by all buildings or other covered structures.

41. Lot Depth:

A. For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines.

B. For lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the real lot line;

C. For triangular shaped lots, the shortest horizontal distance between the front lot line and the line within the lot, parallel with and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

42. Lot line: Any line bounding a lot.

43. Lot Width: The distance across a lot or parcel of property measured along a line parallel to the front lot line.

44. Lot of Record:

A. A lot, which is part of a subdivision, the plat or deed of which has been recorded in the Office of County Recorder of Daggett County; or

B. A lot, parcel or tract of land, the deed of which has been recorded in the Office of the County Recorder of Daggett County.

45. Main Building: The primary structure on a lot.

46. Manufactured Home: A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a

dwelling with** (or without) a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A manufactured home may not be excluded from a zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local zoning, building code and subdivision requirements, including any restrictive covenants, applicable to single family residence within the zone or area. * See Appendix A Ordinance 12-11-03.

47. Mini-Mall: A group of stores, retail outlets, and/or commercial offices under one (1) roof, each having separate outside entrances and separate utilities.

48. Mobile Home: A transportable structure, in one (1) or more sections with the plumbing, heating, and electrical systems contained within the unit, which when erected on a site, with or without the wheels removed, may be used, with or without a permanent foundation, as a single family dwelling, unless located in a mobile home park, in which case the requirements of Article XIV, Section 1401, of this Ordinance shall apply.

49. Mobile Home & Manufactured Home Park: Any tract of land on which two (2) or more mobile home or manufactured home spaces are leased, or offered for lease or rent, to accommodate mobile homes and manufactured homes for residential purposes.

50. Modular Home: (See Manufactured Home.)

51. Motel: A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with garage or parking space located on the lot and

designed, used, or intended wholly or in part, for the accommodation of automobile transients. Motels include motor courts, motor lodges, and tourist courts, but not mobile home parks or travel trailer parks.

52. Nonconforming Building or Structure: A building or structure that legally existed before its current zoning designation and because of subsequent zoning changes, does not conform with zoning regulation's setback, height restrictions, or other regulations that govern the structure. ARTICLE VIII NONCONFORMING USES provides for the prohibition of replacing an existing trailer or mobile home with other than a manufactured or custom built home. Elimination of residences not in current compliance results.

53. Nonconforming Use: A use of land, lot parcel, building or tract of land, legally existing before its current zoning designation, and has been maintained continuously since the time the zoning regulation governing it changed, and because of subsequent zoning changes, does not conform with zoning regulations that now govern the land, lot parcel, building or tract of land.

54. Permanent Foundation: Shall be of reinforced concrete or masonry construction, and shall extend from the footing to a minimum of 8" inches above grade. Reinforcement shall be by installing one (1) # 4 rebar 60 grade run horizontal, within 12" of the footing and one (1) bar within 12" inches of the top of the wall.

A. The permanent footing shall be of reinforced concrete construction, or designed by a licensed engineer, and shall extend a minimum of 30" inches below grade. Footings shall have two (2) #4 rebar 60 grade run horizontal, with #4 rebar 60 grade set vertical 24" inches on center.

B. Permanent blocking shall be placed on both sides of all exterior doors and any other sidewall openings greater than four (4) feet wide.

C. The ventilation shall be located within three (3) feet of each corner, then equally distributed along the length of at least two (2) sides. Total ventilation required shall be one (1) square foot of opening for every one hundred and fifty (150) square feet of under floor area.

D. The ground shall be cleared from all vegetation; the ground shall be graded to slope away from the home site to provide drainage of water away from the home. If the home is to be in a low area on the lot where water may gather under or around the home, fill shall be added and compacted to 95% compaction before placing the home.

55. Planned Unit Development: Complete development plan for an area pursuant to this Ordinance.

56. Public place: Any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property controlled by the Town of Manila and dedicated to the public use.

57. Restaurant: Any coffee shop, cafeteria, luncheonette, soda fountain, or fast food service where food is prepared for immediate consumption on the premises, but does not include drive-in refreshment stands.

58. Service Station: A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

59. Strip-Mall: A group of stores, retail outlets, and/or commercial offices, on one (1) lot or parcel of land, under common or separate roofs with or without common walls, each having separate outside entrances and separate utilities.

60. Subdivision: The division of a tract, lot or parcel of land in two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale or for building development, providing that this definition shall not include a bona fide division of agricultural land for agricultural purposes, or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes.

61. Substructure: Any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire or any other similar structure located below the surface of any public place.

62. Time computation: In computing any period of time prescribed or allowed by this Ordinance:

A. The day of the act, event, or decision is not to be included;

B. The last day of the period is to be included, unless it is a Saturday, Sunday or holiday, in which case the next working day is computed;

C. Over seven (7) days, Saturday, Sunday and holidays are included;

D. Under seven (7) days, Saturday, Sunday and holidays are not included;

E. The date of the decision or recommendation, shall be the date the decision or recommendation is made;

F. If no hearing is held, the date of the decision or recommendation shall be the date written on the notice mailed to the applicant.

63. Travel Trailer: A recreational vehicle not exceeding eight and one half (8 ½) feet in width nor more than forty (40) feet in length.

64. Travel Trailer Park: Any parcel of land accommodating two (2) or more travel trailers for dwelling or sleeping purposes, for which a charge is made for those accommodations.

65. Travel Trailer Space: A plot of ground within a mobile home park or a travel trailer park designed for accommodation of one (1) travel trailer together with its accessory structures including carports or other off-street parking areas.

66. Utility: A private company and/or corporation or municipal department engaged in providing a particular service to the general public.

ARTICLE III
BOARD OF ADJUSTMENT

Section 301 Creation of the Board of Adjustment

In order to provide for just and fair treatment in the administration of Zoning Ordinances, and to ensure that substantial justice is done; the Town of Manila shall appoint a Board of Adjustment to exercise the powers and duties provided in this part.

1. The Board of Adjustment shall consist of five (5) members and what ever alternate members that the Mayor considers appropriate, with the advice and consent of the Town Council, for a term of five (5) years. The Mayor shall appoint members of the first Board of Adjustment to terms so that the term of one (1) member expires each year.

2. No more than two (2) members of the Board of Adjustment may sit on the Planning and Zoning Commission; and no more than two (2) alternate members may sit at any meeting of the Board of Adjustment at one time.

3. The Town Council shall make rules establishing the procedure for alternate members to serve in the absence of members of the Board of Adjustment.

4. The Mayor may, with the advice and consent of the Town Council, remove any member of the Board of Adjustment for cause if written charges are filed against the member with the Mayor, and shall provide the member with a public hearing if he/she requests one.

5. The Mayor shall, with the advice and consent of the Town Council, fill any vacancy on the Board of Adjustment, and the person appointed shall serve for the unexpired term of the member or alternate member whose office is vacant.

Section 302 Organization – Procedures

1. The Board of Adjustment shall organize and elect a chairperson, and adopt rules that comply with any ordinance adopted by the Town Council.

2. The Board of Adjustment shall meet at the call of the Chairperson and at any other times that the Board of Adjustment determines.

3. The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel witnesses.

4. All meetings of the Board of Adjustment shall comply with the requirements of Title 52, Chapter 4, Open and Public Meetings, Utah Code.

   A. The 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 the fact; and keep records of its examinations and other official actions.

   B. The Board of Adjustment may, but it is not required to have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.

   C. The Board of Adjustment shall file its records in the office of the Town of Manila.

   D. All records in the office of the Board of Adjustment are public records.

5. The concurring vote of three (3) members of the Board of Adjustment is necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant with the final approval of Manila Town Council.

Section 303 Powers and Duties

1. The Board of Adjustment shall hear and decide:

   A. Appeals from zoning decisions applying to the Zoning Ordinance;

   B. Special exceptions to the terms of the Zoning Ordinance;

   C. Variances from the terms of this Ordinance to area and width of lot, size of yards, and height and size of buildings, where owing to special conditions, peculiar to the property, a literal enforcement of the provisions of this Ordinance would result in a hardship which is unnecessary in carrying out the intent of this Ordinance.

2. The Board of Adjustment may make determinations regarding existence, expansion, modification or nonconforming uses, and must, before granting any variance, show that;

   A. The variance will not substantially affect the comprehensive plan of zoning and that adherence to the strict letter of this Ordinance will cause difficulties and hardships upon the petitioners, which are unnecessary in order to carry out the purpose of the Ordinance.

Section 304 Appeals

The applicant, or any other person or entity, adversely affected by a decision administrating or interpreting a zoning ordinance, may appeal that decision applying the Zoning Ordinance by alleging that there is error in any order, requirement, decision or determination made by an official in administration or interpretation of the Zoning Ordinance. An application will be made available at the Manila Town Office and a fee shall be set by the Town Council.

1. The Town Council shall enact an ordinance establishing a reasonable time for appeal to the Board of Adjustment, of decisions administrating or interpreting a zoning ordinance; and shall give at least thirty (30) days public notice thereof.

2. The Manila Town office and/or the Planning and Zoning Commission shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

    A. Any officer, department, board, or bureau of the Town of Manila affected by the grant or refusal of a building permit or by any other decision of the administrative officer in the administration or interpretation of the Zoning Ordinance may appeal any decision to the Board of Adjustment.

3. The Board of Adjustment shall hear and decide appeals from the Planning and Zoning Commission decisions regarding conditional use permits.

4. The person or entity making the appeal has the burden of proving that an error has been made.

5. Only zoning decisions applying to the Zoning Ordinance may be appealed to the Board of Adjustment. A person may not appeal, and the Board of Adjustment may not consider, any zoning ordinance amendments.

6. Appeals may not be used to waive or modify the terms or requirements of the Zoning Ordinance. Nevertheless, it shall be the duty of the Board of Adjustment to recommend appropriate modifications or amendments to the Zoning Ordinance to the Planning and Zoning Commission when, in its opinion such modifications or amendments would more fully promote the objectives and purposes of this Ordinance.

7. The Board of Adjustment may interpret the zoning map.

Section 305 Meetings and Rules

1. Meetings of the Board of Adjustment shall be held at the call of the Chairperson except where otherwise provided for in this Ordinance, and, at other times, as the Board of Adjustment may determine.

2. The Mayor, with the advise and consent of the Town Council, shall appoint a person to act as Clerk of the Board of Adjustment.

3. Nothing herein shall be construed to affect the eligibility or qualifications to serve by any of the present members of the Board of Adjustment whose terms have not expired.

Section 306 Special Exceptions

1. The Board of Adjustment may permit a temporary building for commerce in a residential zone, when the building is incidental to the residential development. Such permit to be issued for a period of not more than one (1) year.

2. Where a zone boundary line divides a lot in single ownership at the time of the passage of this Amended Ordinance, the Board of Adjustment may permit a use authorized on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot.

3. The Board of Adjustment may permit the relocation on a lot of a nonconforming building or structure, or a building or structure occupied by a nonconforming use.

Section 307 Variances

1. Any person or entity desiring a waiver or modification of the requirements of the Zoning Ordinance as applied to a parcel of property that he owns, leases or in which he holds some other beneficial interest, may apply to the Board of

Adjustment for a variance from the terms of the Zoning Ordinance.

2. The Board of Adjustment may grant a variance only if:

A. Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.

B. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

C. The variance will not substantially affect the General Plan and will not be contrary to the public interest;

D. The spirit of the Zoning Ordinance is observed and substantial justice done.

E. In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under subsection 2(A), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:

i. Is located on or associated with the property for which the variance is sought; and

ii. Comes from circumstances peculiar with the property, not from conditions that are general to the neighborhood.

iii. In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under subsection two (2) (A), Section 307, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

F. In determining whether or not there are special circumstances attached to the property under subsection two (2) (A), the Board of Adjustment may find that special circumstances exist only if the special circumstances:

i. Relate to the hardship complained of; and

ii. Deprive the property of privileges granted to other properties in the same district.

3. The applicant shall bear the burden of proving that all of the conditions justifying the variance have been met.

4. Variances run with the land.

5. The Board of Adjustment and any other body may not grant use variance.

6. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will;

A. Mitigate any harmful affects of the variance; or

B. Serve the purpose of the standard or requirement waived or modified.

Section 308 District Court Review of Board of Adjustment Decision

By Utah Code, 10-9-708 (July 1994):

1. Any person adversely affected by any decision of the Board of Adjustment may petition the District Court for review of the decision.

2. In the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious or illegal.

3. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment's decision is final.

4. The Board of Adjustment shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purpose of this subsection.

5. If there is a record, the District Court's review is limited to the record provided by the Board of Adjustment. The court may not accept or consider any evidence outside the Board of Adjustment's record unless that evidence was offered to the Board of Adjustment and the Court determines that it was improperly excluded by the Board of Adjustment. If there is no record, the Court may call witnesses and take evidence.

6. The Court shall affirm the decision of the Board of Adjustment if the decision is supported by substantial evidence in the record.

7. The filing of a petition does not stay the decision of the Board of Adjustment.

   A. Before filing of a petition to stay, the aggrieved party may petition the Board of Adjustment to stay its decision.

   B. Upon receipt of a petition to stay, the Board of Adjustment may order its decision stayed pending District Court review, if the Board of Adjustment finds it to be in the best interest of the municipality.

   C. After petition is filed, the petitioner may seek an injunction staying the Board of Adjustment's decision.

ARTICLE IV
AMENDMENTS TO THIS ORDINANCE

Section 401 Amendments

The Manila Town Council may amend:

1. The number, shape, boundaries, or area of any zone; and

2. Any other provisions of this zoning ordinance.

Section 402 Planning and Zoning Commission Recommendations

No amendments shall be made to this Ordinance or become effective without first being submitted to the Planning and Zoning Commission for their recommendations.

Section 403 Procedure

Before being adopted, amendments to this Ordinance shall have received:

1. A recommendation for approval from the Planning and Zoning Commission;

2. A public hearing:

   A. at least fourteen (14) days notice required;

   B. notice shall be posted in one (1) publication of general circulation in the Town of Manila; or

   C. notice shall be posted in three (3) public places in Town, as the Town Council designates;

3. A favorable majority vote of the entire Town Council.

Section 404 Disapproval of Rezoning Applications

In the event a Rezoning Application is denied, the applicant:

1. May not re-file the application for one (1) year unless circumstances or new evidence is provided to warrant reconsideration by the Planning and Zoning Commission;

2. May file an appeal to the Board of Adjustment as provided in Article III of this Ordinance.

ARTICLE V
SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section 501 Effect of this Article

The regulations in this Article supplement or qualify the zoning regulations appearing elsewhere in this Ordinance.

Section 502 Lots in Separate Ownership

The requirement of this Ordinance, as to minimum lot area or lot width, shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided:

1. That such lot or parcel of land is located in a zone which permits single-family dwellings, and

2. Is a legally divided lot held in separate ownership at the time this Ordinance became effective.

Section 503 Yard Space for One Building Only

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one (1) main building may be permitted on one (1) lot unless otherwise hereinafter provided.

Section 504 Every Dwelling to be on a “Lot”

Every dwelling shall be located and maintained on a “Lot” as defined in this Ordinance.

Section 505 Private Garage with Side Yard – Reduced Yards

On any interior lot where a private attached garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard.

Section 506 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or developing as a lot.

Section 507 Sale of Lots Below Minimum Requirements

No parcel of land which has less than the minimum width and/or area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or developing as a lot.

Section 508 Area of Accessory Buildings

No accessory building or group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

Section 509 Yard to be Unobstructed – Exceptions

Every part of a required yard shall be open to the sky, unobstructed, except for:

1. Canopies which might be allowed under any Article in this Ordinance;

2. Accessory buildings in a rear yard;

3. The ordinary projection into a yard of not more than three (3) feet, of skylights, sills, belt courses, cornices, chimneys, flues, or other ornamental features;

4. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies projecting into the yard not more than five (5) feet.

Section 510 Additional Height Allowed

Public and semi-public utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five (75) feet if the building is set back, from each of the otherwise established building lines, at least one (1) foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

Section 511 Exceptions to Height limitations

1. The following may be erected above the height limit of this Ordinance:

   A. penthouse or roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and

   B. fire or parapet walls, skylights, towers, steeples, flagpoles, chimney, smoke stacks, water tanks, wireless or television masts, theater lofts, silo or similar structures.

2. No space above the height limit shall be allowed for the purpose of providing additional floor space.

Section 512 Maximum Height of Accessory Buildings

No building which is accessory to a one-family (1), two-family (2), three-family (3), or four-family (4) dwelling shall be erected to a height greater than one (1) story or twenty five (25) feet.

Section 513 Clear View of Intersection Streets

In all zones which require a front yard,

1. No obstruction to the view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at forty (40) feet from the intersection of the street lines; except

2. A reasonable number of trees pruned high enough to permit [an] unobstructed vision to automobile drivers and of pumps at gasoline service stations.

Section 514 Animals and Fowl

Four (4) chickens and/or two (2) rabbits maybe allowed with a conditional use permit. Four (4) domestic animals are allowed at one (1) residence.

Section 515 Water and Sewage Requirements

When a proposed building or use requires sewer facilities and culinary water, and those facilities are not available,

1. The sewage disposal and the culinary water, and those facilities are not available,

2. The application for a building permit shall be accompanied by a Certificate of Approval from the Utah State Department of Health.

Section 516 Effect of Official Map on a Front Yard

A front yard is required, for a lot facing on a street the depth of such front yard shall be measured from the easement line provided by the official Town of Manila map.

Section 517 Setbacks from State and Federal Highway

All buildings abutting State or Federal Highways (except non access highways) shall be set-back at least twenty-five (25) feet from the highway right-of-way, except:

1. Small temporary fruit and vegetable stands; or

2. As provided elsewhere in this Ordinance.

   * See Appendix A. Ordinance No. 09-02-12

Section 518 Public Dumping Grounds

Public Dumping Grounds shall:

1. Be maintained in accordance with the Utah State Department of Health Standards, and

2. Be located at least one thousand (1,000) feet from any building used for human occupancy.

3. A civil penalty shall be imposed in accordance with Ordinance No. 98-09-10 establishing civil penalties for violation of certain ordinances of the Town of Manila.

   * See Appendix A.

Section 519 All Excavations

1. All gravel, sand, clay, and top soil pits and similar excavations located within five hundred (500) feet of a street or dwelling, shall not be permitted.

Section 520 Conservation of Values

Any use which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or which deprives the owners of adjoining property of the full use of his/her lands shall be prohibited. This shall include the prohibition of the industrial and commercial use of land in areas zoned for residential use.

Section 521 Temporary Buildings and Uses

1. Temporary buildings, mobile homes and travel trailers used in conjunction with construction, shall:

    A. Have a conditional use permit

        i. Not to exceed one (1) year

        ii. May be renewed, for one (1) year, by the Planning and Zoning Commission and with final approval of The Manila Town Council, after the owner has furnished satisfactory evidence that the need for a permit still exists.

    B. Be removed,

        i. Within ten (10) days of the completion of construction, or

        ii. Upon expiration of the permit, whichever occurs first.

2. Temporary uses such as cutting and storage of lumber, or storage of building materials and construction equipment used in construction, shall:

    A. Have a conditional use permit;

        i. Not to exceed one (1) year;

ii. May be renewed, for one (1) year, by the Planning and Zoning Commission and with final approval of the Manila Town Council, after the owner has furnished satisfactory evidence of the need for a permit still exists.

B. Be removed

i. Within ten (10) days of the completion of construction, or

ii. Upon expiration of the permit, whichever occurs first.

3. Temporary real estate offices, shall:

A. Have a conditional use permit;

i. Not to exceed two (2) years;

ii. May be renewed, for two (2) years, by the Planning and Zoning Commission and with final approval of the Manila Town Council, if some lots have not been sold;

B. Be located on the property being subdivided for sale as individual lots;

i. Be limited to the sale of these lots;

C. Be subject to:

i. Height, yard, intensity of use and parking regulations for the zoning district in which it is located;

ii. Meet water and sanitary standard as required by this Ordinance.

D. Be removed,

iii. Upon expiration of the use permit, or

iv. When all lots have been sold, whichever occurs first.

4. Temporary uses such as circuses, carnivals, Christmas tree sales lots, revivals, horse shows, rodeos, and charity events, shall:

A. Have a conditional use permit

i. Not to exceed sixty (60) days from approval date.

Section 522 Location of Travel Trailers, Aircraft, Boats, Camping Trailers, Truck Campers and Motor Homes

Unless otherwise permitted elsewhere in this Ordinance, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes,

1. Shall not be occupied or used for permanent living, sleeping, or housekeeping purposes;

2. May be used temporarily for living, sleeping or housekeeping purposes,

3. All ordinances, specifications and sanitation laws are adhered to.

4. A civil penalty shall be imposed in accordance with Ordinance No. 98-09-10 establishing civil penalties for violation of certain ordinances of the Town of Manila.

*See Appendix A.

Section 523 Maintenance of Property for Safety and Prevention of Public Nuisance

1. In order to protect the safety of the public and property, no person or property owner shall;

   A. Be permitted to allow weeds, brush, and dead vegetation material to grow, nor accumulate within seventy-five (75) feet of any structure, including accessory buildings, fences, barns, sheds, and containers of fuel or water;

   B. Maintain dilapidated buildings, or any structure in a state of disrepair so as to constitute a potential fire hazard or safety hazard to any person, guest or trespasser on the property;

   C. Maintain junk, automobiles in non operative condition, or any other type of debris, or refuse except in those zones, or under a conditional use permit as provided in this Ordinance.

2. Violations of this Section shall be vigorously enforced as a violation of the Zoning Ordinance, subject to the same criminal penalties provided in Article VII of this Ordinance.

3. A civil penalty shall be imposed in accordance with Ordinance No. 98-09-10 establishing civil penalties for violation of certain ordinances of the Town of Manila.

   *See Appendix A

Section 524 Excavations

1. The Department Administrator of the Town of Manila Public Works Department shall make such inspections as are reasonably necessary in the enforcement of this Article. He shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of the Article.

All work shall be performed in accordance with the procedures prescribed in this Article.

2. The provisions of this Article shall not be construed as imposing on the Town of Manila or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Town of Manila or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized here under the issuance of any permit or the approval of any excavation work.

3. Every person owning, using, controlling or having an interest in substructures under the surface of any public place used for the purpose of supplying or conveying gas, electricity, communication impulse, water, steam, ammonia or oil in the Town of Manila, shall file a map or set of maps each drawn to scale showing in detail the plan location, size and kind of installation, if known, of all substructures, except service lines designed to serve single properties beneath the surface of the public place belonging to, used by or under the control of such person having any interest, shall file with the Town of Manila annually at a time specified by the Town of Manila Public Works Department, a corrected map or set of maps each drawn to scale including all installations made during the previous year to and including the last day of such year; provided, however, that a public utility owner may at its option provide corrected atlas sheets at more frequent intervals.

4. Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Town of Manila Public Works Department for such a permit on the first working day before such work is commenced.

5. No person shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the Town of Manila except as otherwise provided in this Article.

6. The Town of Manila may issue an annual blanket permit for the purpose of placing, replacing or repairing any facility within a public place and other miscellaneous excavations approved by the Public Works Director to the following:

    A. A public utility regulated by the Public Utilities Commission of the State of Utah.

    B. A person holding a franchise from the Town of Manila.

    C. The water and sewer departments of the Town of Manila and Bridger Valley Electric Association.

7. No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Town of Manila. The written application shall state the name and address of the applicant, the location and dimensions of the installation or removal and the approximate size of the excavation to be made, the purposes of the facility, including backfilling said excavation and removing all obstructions, materials and debris. The applicant will be required to submit compaction tests from a certified engineer at intervals required by the Town of Manila Public Works Director to a compaction of ninety-five percent (95%).

8. The application for a permit required by the provisions of the Town of Manila, with the payment of the required fee when approved by the Town of Manila Director of Public Works, shall constitute and be deemed issuance of the required permit. The fee shall be doubled if excavation commences

before a permit is issued except as provided by the Town of Manila.

9. The application for an excavation permit to perform excavation work under this Article shall be accompanied by a bond or cash deposit to be determined by the Town of Manila at a rate determined based on the scope and size of the excavation.

    A. Where excavations are made by public utility companies operating under a franchise issued by Town of Manila or under the supervision of the public utilities commission or utilities operated by governmental agencies, a permit may be granted without making such deposit.

10. The Town of Manila may use any or all of any deposits required by the Town of Manila to pay the cost of any work that must be performed to restore or maintain the public place as herein provided in the event the permittee fails to perform such work in which the amount refunded to the permittee shall be reduced by the amount thus expended by the Town of Manila.

11. It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the public place.

    A. Barriers, warning signs, lights, etc., shall conform to the requirements of the Town of Manila Public Works Director. Warning lights shall be flares torches, lanterns, electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Torches shall be open wick or flame flares or bombs generally used in connection with roadway repairs or construction and operating on kerosene or a similar fluid, and have clear red or ruby globes. Electric markers or flashers shall emit light at sufficient intensity and frequency to

be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. The Town of Manila Public Works Director may restrict the use of lantern or open flame devices in fire hazard areas.

12. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property, and to the general public.

    A. When traffic conditions permit, the Town of Manila Public Works Director may, by written approval permit the closing of streets and alleys to all traffic for a period of time prescribed by him if in his opinion it is necessary. The written approval of the Public Works Director may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

13. Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Public Work Director.

14. The permittee shall not interfere with any existing facility without the written consent of the Town of Manila Public Works Director and the owner of the facility. If it becomes necessary to relocate any existing facility, this shall be done by the owner. No facility owned by the Town of Manila shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles,

wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of the substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them, and the expense of such repairs shall be charged to the permittee. It is the intent of the Section that the permittee shall assume all liability for damage to facilities and any resulting damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Town of Manila shall not be made a party to any action because of this Section. The permitte shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

15. The permittee shall at all times and at his/her or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protecting measures, the permittee shall obtain a license from the owner of such private property for such pupose and if he cannot obtain a license from such owner The Town of Manila Public Works Director may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall, at his own expense, shore up and protect all buildings, walls fences or other property likely to be damaged during the progress of the excavation work, and shall be responsible for all damage to public or private property or to streets or highways resulting from its failure properly to protect and carry out said work. Whenever it is necessary for th permitte to trech though any

lawn area, said area shall be reseeded or the sod shall be carefully cut, rolled and replaced after ditches have been back filled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permitte shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the appropriate Town official having control of such property.

16. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Director of Public Works shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

    A. All material excavated shall be laid compactly along side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Town of Manila Public Works Director. Whenever necessary, in order to expedite the flow of traffic to abate the dirt or dust nuisance, toe boards or bins may be required by the Public Works Director to prevent the spreading of dirt into traffic lanes.

17. As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean up

operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Public Works Director. From time to time, as may be ordered by the Public Works Director, and in any event immediately after completion of said work, the permittee shall, at his/her or its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work.

18. Heavy-duty pavement breakers may be prohibited by the Public Works Director when the use endangers existing substructures or other property.

    A. Approved cutting of bituminous pavement surface ahead of excavations may be required by the Public Works Director to confine pavement damage to the limits of the trench.

    B. Unstable pavement shall be removed over cave-outs and over-breaks and the subgrade shall be treated as the main trench.

    C. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

    D. Cutouts outside of the trench lines must be normal or parallel to the trench line.

    E. Boring or other methods to prevent cutting of new pavement shall be used whenever possible.

    F. The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case the permittee shall remove and pave the area.

19. Immediately upon completion of the backfilling, temporary resurfacing of an excavation within a public place for the installation or removal of substructures must be completed.

The Public Works Director, at his option, may require the permittee to permanently resurface that portion of the street surface damaged by the permittees excavation, in which event resurfacing shall be of the same type and depth of the existing pavement, however, asphalt shall not be less than two (2) inches in thickness and shall be subject to the inspection of the Town of Manila Public Works Director, and shall be completed within a period of fourteen (14) days except where temporary resurfacing is laced or weather conditions do not permit immediate placement of permanent pavement.

20. With respect to hard-surface roads, permanent resurfacing of excavations shall be required by the Public Works Director. The paved surface of the backfill shall be covered with one (1) inch of bituminous temporary resurfacing material by the permittee where the backfill is whipped out by traffic. Such temporary paving material shall be cold mix, except that the permittee may use, or the Public Works Director may require, hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding fourteen (14) days after all backfilling is completed unless additional time is required by the Public Works Director during cold weather, and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving in a safe condition for pedestrian travel or vehicular travel, then the permittee shall maintain barriers and lights where required herein this Ordinance.

21. After an excavation is commenced, the permitte shall prosecute with diligence and expediency all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, so as not to obstruct the

public place or travel thereon more than is reasonably necessary.

22. Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 P.M. and 7:00 A.M. shall not use except with the express written permission of the Public Works Director or in the case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or response of occupants of the neighboring property.

Section 525 Propane Tanks

1. Propane tanks are regulated by NFPA 58, and are regulated by the State Fire Marshall.

2. The requirement starts from the main building on the property, and then from a property line with buildable property on the other side of the line.

   A. Above ground tanks are:

      i. One hundred twenty five (125) gallon to five hundred (500) gallon tanks are to be located ten (10) feet from the building or the property line with buildable property on the other side.

      ii. Five hundred and one (501) gallon to two thousand (2,000) gallon tanks are to be located twenty-five (25) feet from the building or the property line with buildable property on the other side.

Section 526 Current IRC Code

1. The most current IRC (International Residential Code regarding One-and Two-Family Dwellings) Shall be applied to all residential construction projects.

2. Plans for any/all construction (residential, commercial, PUD, or Cluster Subdivision) projects shall be submitted to the Secretary of the Manila Planning and Zoning Commission at the Manila Town Office.

3. The building inspector shall make a determination regarding the need for the submission of an application for a building permit to the Manila Planning and Zoning Commission based on the most current State of Utah Codes or IRC.

ARTICLE VI
ADMINISTRATION AND ENFORCEMENT

Section 601 Office of Building Inspector Created

The office of Building Inspector is herby created within the Town of Manila, Utah. The Manila Town Council shall fill the office of Building Inspector.

Section 602 Enforcement Officer

The Building Inspector shall be charged with the administration and enforcement of this ordinance.

Section 603 Powers and Duties of the Building Inspector

The Building Inspector is authorized to inspect or cause to be inspected;

1. All buildings and structures in the course of construction, modification or repair; and

2. Land use to determine compliance with the provisions of this Ordinance;

3. Provided, however, that no inspection shall be required as a condition precedent to commencement or condition of any construction, modification, or repair of any structure.

4. No building permit will be approved by either the Manila Planning and Zoning Commission or the Manila Town Council which does not apply to the building of a home first. No permit will be accepted under the parameters of this Ordinance that asks for a permit for an unattached garage or outbuilding without the placement of a home or dwelling first. Ordinance No. 10-11-12. * See Appendix A.

5. The permit for a home shall allow for the construction to begin within one hundred eighty (180) days of permit date. An extension of time may be allowed upon evidence of valid need by application or the Manila Planning and Zoning Commission, and final approval by the Manila Town Council.

6. Home construction must be completed under the parameters of the building permit within one (1) year from the date of the original permit or date of extension.

7. A second application for garage or outbuilding construction permit may be submitted to the Manila Planning and Zoning Commission, and subject to approval upon submission of appropriate plans, drawing, application and payment of fees only after the initial permit for the home construction has been completed and passed as appropriate by inspection. No unattached garage, accessory building or outbuilding may be built on the front of the lot.

8. The Manila Planning and Zoning Commission may authorize and the Manila Town Council may approve an application for a permit for the construction of a home and garage combination when both are attached and housed under the same roof and constructed within the same time frame of the permit and completion.

9. Nothing within the parameters of this Ordinance is intended to alter Town of Manila Ordinances or Resolutions which prohibit the habitation of a garage or outbuilding or otherwise using the building as a dwelling. Such a practice is strictly prohibited.

10. Non compliance to any section of this ordinance shall be considered justification for refusal of any permit application. Successful resubmission of application for a construction permit must meet all of the conditions of this home First Detached Outbuilding or Garage Ordinance.

11. The Building Inspector shall enforce all of the provisions of this and other applicable ordinances, employing all legal means available to do so. In enforcement of this Ordinance, the building inspector or any employee of the department authorized to represent the Building Inspector shall have the right to enter any building for the purpose of determining compliance with the provisions of this Ordinance, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant there of without the written order of a court of competent jurisdiction.

Section 604 Permits to Comply with Ordinance

After the effective date of this Ordinance:

1. No building permit may be issued without first having been approved by the Building Inspector;

2. The Building Inspector or any Town Officer shall not approve a building permit, or license, if any structure or use of land would be in violation with any provision of this Ordinance.

Section 605 Site Plans Required

A detailed site plan, drawn to scale (scale and sheet size to be determined by the Building Inspector) shall be filed as part of any application for a building permit. The site plan shall show where pertinent:

1. Note of scale used;

2. Direction of north point;

3. Lot lines together with adjacent streets, roads, and right-of ways;

4. Location of all existing structures on the property and adjoining properties (including dimensions, utility lines, poles, etc.).

5. Location of proposed construction and improvements, including the location of all signs and survey markers;

6. Motor vehicle access, individual parking stalls, circulation patterns, curb, gutter and sidewalk locations;

7. All necessary explanatory notes;

8. Name(s), address(es), and telephone number(s) and builder(s);

9. All other information that may be required by the Building Inspector.

Section 606 Records

1. The Building Inspector Shall:

   A. Keep careful and comprehensive records of all applications and permits issued;

   B. Retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence.

2. All records shall:

   A. Be open to pubic inspection at reasonable hours;

   B. Not be removed from the Manila Town Office.

Section 607 Reports

The Building Inspector shall make a report in person to the Planning and Zoning Commission once each month in person or by written report or as often as requested, including a statement of permits issued.

Section 608 Cooperation of Other Officials

The Building Inspector may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of all departments, agencies, officials, and public employees vested with the duty or authority to issue permits, licenses, or to enforce the regulations of this Ordinance. Permits or licenses for uses, buildings, or purposes where the same would be in conflict with the regulations of this ordinance shall not be issued and any such permit or license if used in conflict with the regulations of this Ordinance shall be null and void.

Section 609 Building Permits

1. When Required

It shall be unlawful to construct, alter, repair, or improve, remove, or demolish, or to commence the construction, set-up of mobile home, alterations, removal, or demolition of a building or structure or any industrial facility without first filing with the Building Inspector an application in writing and obtaining a formal permit. Agricultural Buildings (See Article X Section 1001 Parts 1 and 2) and detached accessory buildings of less than two hundred (200) square feet (see ICC Code Section R 105.2) are exempted. The Town of Manila has an interest to inspect said projects to ensure the health, safety, and general welfare of the residents of the Town of Manila. Permits shall apply to all development and construction regardless of whether the project is government or privately financed and owned.

2. Form

A. An application for a building permit shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application as agent of the owner.

B. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

C. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building Inspector for and intelligent understanding of the proposed work.

3. Plans

Application for a building permit shall be accompanied by a plan in duplicate drawn to scale of the proposed construction or use containing sufficient information for the enforcement of this Ordinance and required information to be shown on the plan shall include the legal description of the property upon which the improvement is to be made, the street address of said property, the type of the use to which said improvement is to be put, the type of building to be created, the dimensions of the lot, parcel, or tract of land upon which said improvement is to be made, the dimensions of the improvement and the distance said improvement is to be from the side, and rear lot lines of said lot, parcel, or tract of land, and elevations of said improvement showing the heights thereof, the location of water and sewer, then the

location of the private disposal system which serves or will serve said improvement, the location of existing uses and buildings, and such other information as the Building Inspector may require for the purpose of determining whether a building permit may be issued under the terms of this Ordinance.

4. Amendments

Nothing herein shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the building permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

5. Completion of Existing Building

Nothing in this Ordinance shall require changes in the plans, construction, or designated use of a building or structure for which a lawful building permit has been issued prior to the time this Ordinance or amendments thereto become effective or which as been otherwise lawfully authorized and the construction of which shall have been actually begun within ninety (90) days after this Ordinance or amendments thereto become effective and which entire building or structure shall be completed as authorized within two (2) years thereafter.

6. Action on Applications

It shall be the duty of the Building Inspector to examine applications for building permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a building permit for the proposed work as soon as practicable. If his examination reveals otherwise, he shall reject such application, noting his finding in a report to

be attached to the application and delivering a copy to the applicant.

7. Approval in Part

Nothing herein shall be construed to prevent the Building Inspector from issuing a building permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this Ordinance.

8. Limitation of the Building Permit

A. All work performed under a building permit issued by the Building Inspector shall conform to the approved application and plans approved amendments thereof.

B. Location of all new construction as shown on the approved plot diagram or an approved amendment thereof shall be strictly adhered to.

C. It shall be unlawful to reduce or diminish the area of a lot or plot for which a plot diagram has been filed and has been used as the basis for a building permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

D. A building permit under which no work is commenced within one hundred eighty (180) days after issuance shall expire by limitation.

E. If a parcel of land is subdivided into two (2) or more lots and not recorded, the issuance of building permits shall be prohibited within such subdivision provided

that this limitation shall be removed when the subdivision is officially approved by the Planning and Zoning Commission and property records and are recorded in the Daggett County Recorders Office subject to all requirements imposed by the Subdivision Ordinance of the Town of Manila.

F. A building permit shall not be issued for any building or structure on any lot or parcel of land unless that lot or parcel adjoins for a minimum distance of twenty (20) feet directly upon a street or upon a permanent easement.

9. Signature to Building Permit

Every building permit issued by the Building Inspector under provisions of this Ordinance shall have his signature affixed thereto, but this shall not prevent him from authorizing a subordinate to affix such signature.

10. Posting of Building Permit

G. A copy of the building permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same.

H. The governing body may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to completion thereof.

I. The Building Inspector shall be given at least twenty-four (24) hours' written notice of the starting of work under a building permit.

11. Revocation

The Building Inspector may revoke a building permit or approval issued under the terms of this Ordinance if there

has been any false statement or misrepresentation as to fact in the application or plans on which the building permit or approval was based.

12. County Assessor

One (1) copy of each building permit issued by the Building Inspector shall be transmitted to the County Assessor within 30 days.

13. Fees.

Any fee charged for the issuance of building permits shall be based upon the current Uniform Building Code as recommended therein.

Section 610 Coordination by State Health and Building Officials and Inspectors

1. The Town of Manila finds that it is in the interest of the town, for purposes of coordination in providing government services, to be informed of, inspections by officials of the State of Utah for state health and other state regulations. Therefore, State Inspectors and agents of the Utah State Tax Commission shall notify the Manila Building Inspector of all state inspections of new or existing development within the Town of Manila, and of all state-issued permits granted, denied, or renewed within the Town of Manila.

2. The Town of Manila reserves the right to deny occupancy, construction, development or any use where a state inspection or permit was not previously coordinated with the Town of Manila prior to its issuance.

Section 611 Utility Services

The Town of Manila requires that a building permit be obtained before the start of construction of structures within the Town of Manila, therefore:

1. It shall be unlawful for any individual, business, or company to furnish utility service to any newly constructed structure until receiving a copy of the Building Permit.

2. Any individual, business, or company violating this provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed $1,000.00 and six (6) months of imprisonment in the county jail of Daggett County.

Section 612 Occupancy Permit

1. Land, buildings and premises in any zone shall be used only for the purpose listed in Articles IX through XII, inclusive, as permitted in that zone, and in accordance with the regulations established for that zone.

2. The Building Inspector shall inspect the premises and determine whether it meets the requirements, and if so, issue the permit of occupancy.

3. The permit of occupancy shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use.

4. Upon written request from the owner, an occupancy permit may also be issued covering any lawful use of a building or land existing on the effective date of this amendment, including nonconforming buildings and uses.

Section 613 Administrative Determination as to Uses Not Listed

Determination as to the classification of uses not specifically listed in Articles IX through XIX of this Ordinance, inclusive, shall be made by the Building Inspector and shall be subject to appeal to the Board of Adjustment. The procedure shall be as follows:

1. Written request
   A written request for such a determination shall be filed with the Building Inspector. The request shall include a detailed description of the proposed use and such other information as may be required.

2. Investigation.
   The Building Inspector shall make investigations as are necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Ordinance and make a determination of its classification.

3. Determination.

   A. The determination of the Building Inspector shall:

      i. Be made in writing within thirty (30) days unless with written consent of the applicant, and states that

      ii.

      a. The zone classification in which the proposed use will be permitted; and also

      b. The findings which establish that the use is of the same character as the uses permitted in that zone classification.

   B. Upon making his decision, the Building Inspector shall notify the applicant and the Planning and Zoning Commission in writing.

4. Effect

   A. The determination and all information pertaining to it shall become a permanent public record in the Manila Town Office.

B. Such use shall:

i. Become a permitted or conditional use in the zone, class or district specified in the determination, and

ii. Have the same status as the permitted use or the conditional use specifically named in the regulations for the zone classification.

5. Appeals to the Board of Adjustment.

A. If the applicant is unsatisfied with the determination of the Building Inspector, an appeal to the Board of Adjustment may be filed in writing within ten (10) days after notification of the determination, as provided in Article III of this Ordinance.

ARTICLE VII
VIOLATION AND PENALTY

Section 701 Violation

1. It shall be unlawful and public nuisance to:

    A. Sell or transfer any real property, by contract, grant, gift or any other form, which is not recorded in the Daggett County Recorder's Office; or

    B. Use any property, or establish, erect, or maintain any structure, in violation this Ordinance.

2. It shall be the right and duty of every citizen to participate and assist the officials of the Town of Manila in the enforcement of the regulations of this Ordinance.

3. The Planning and Zoning Commission shall report, in writing, to the Town of Manila, any real property or structure it knows, or believes, is in an alleged violation of this Ordinance.

4. Upon written notification of an alleged violation of this Ordinance, the Town of Manila, by law, shall:

    A. Immediately commence action(s), or proceeding(s), and

    B. Issue a notice to cease or remove the violation, and

    C. Take any other action(s) necessary, and

    D. Apply to the court(s) of jurisdiction to grant for the removal of the offending structure, or the discontinuance of the use in the violation of this Ordinance.

Section 702 Penalty

1. Any person who violates or fails to comply with, any regulation of this Ordinance shall:

    A. Be guilty of a misdemeanor, and

    B. Upon conviction, shall be punishable by:

        i. A fine of $1,000.00, or

        ii. Imprisonment for a term not to exceed six (6) months, or

        iii. Both.

2. Upon conviction, every violator shall be deemed guilty of a separate offense for every day the violation is permitted to exist after the official notice from the Town of Manila has been given.

Section 703 Notice of Violation

1. Any property known or believed to be in violation shall be served notice of the violation by:

    A. Certified letter with return receipt requested from the Planning and Zoning Commission addressed to the owner listed on the current Daggett County tax assessment roll; and
    B. Stop-work sign posted conspicuously on the property.

2. These two (2) forms of notice shall:

    A. Describe the alleged violation, and

    B. State the full text of Sections 701 and 702 of this Article.

3. The notices shall:

C. Inform the violator of the location to which he may respond to the notice, and

D. The time limit within which such action may be taken.

ARTICLE VIII
NONCONFORMING USES

Section 801 Continuing Existing Uses

Any use of land, building, or structure lawfully existing at the time this Ordinance or its amendments became effective, may continue, even though the use does not conform to the regulations of this Ordinance or its amendments for the zoning district in which it is located.

Section 802 Expansion of a Nonconforming Use

1. A nonconforming structure or use of land, building or structure shall not be:

    A. Enlarged,

    B. Extended,

    C. Reconstructed, or

    D. Structurally altered,

    Unless, it conforms to the regulations of this Ordinance and its amendments, for the zoning district in which the property is located.

2. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

Section 803 Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a structure housing a nonconforming use.

Section 804 Restoration of Damaged Buildings

A nonconforming building or a structure occupied by a nonconforming use that is damaged or destroyed in whole or in part, by fire, flood, wind, or earthquake may be restored if the restoration is started within one (1) year after the destruction and is in compliance with the Ordinances.

Section 805 One Year Occupancy

A structure occupied by a nonconforming use, which becomes vacant for a period of one (1) year, shall not be reoccupied by a nonconforming use.

Section 806 Continuation of Use

A structure occupied by a nonconforming use at the time this Ordinance and its amendments became effective, may continue.

Section 807 Occupation within One Year

The nonconforming use of a vacant structure may be continued if the structure is reoccupied within one (1) year.

Section 808 Change of Use

A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning and Zoning Commission finds that such use would not be more intensive than the most recent existing, legal nonconforming use.

1. Building shall not be enlarged, removed, reconstructed, or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the building more nearly conform to the character of the area in which it is located.

2. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter, and sidewalk, road widening, or minimum off-street parking that will provide a safer and more compatible facility.

3. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of Article XV of this Ordinance except that the proposed nonconforming use need not conform to the Town of Manila General Plan.

Section 809 Nonconforming Use of Land

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property and provided that if such nonconforming use of land or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

1. A nonconforming use shall be deemed abandoned if said use has not applied to the premises during any twelve-month (12) period.

ARTICLE IX
ZONING DISTRICTS

Section 901 Establishment of Zoning Districts

For the purposes of this Ordinance, the territory of the Town of Manila is divided into Thirteen (13) zoning districts, as follows:

1. **Rural Residential District R-R- ½**
2. **Rural Residential District R-R-1**
3. **Residential District R-1-10**
4. **Residential District R-1-8**
5. **Residential District R-M-7**
6. **Residential District R-M-15**
7. **Residential District R-M-30**
8. **Neighborhood Commercial District C-N**
9. **Commercial Shopping District C-S**
10. **Highway Commercial District C-H**
11. **General Commercial District C-G**
12. **Central Development District C-D**
13. **Planned District P**

* See Appendix "A" Ordinance eliminating R-1-6 lots.

Section 902 Filing of Ordinance and Map.

This Amended Ordinance and the Zoning Map shall be filed in the custody of the Clerk of the Town of Manila, at the Manila Town Office and may be examined by the public at regular Town Office hours.

Section 903 Rules for Locating Boundaries

Where uncertainty exists as to the boundary of any District, the following rules shall apply:

1. Wherever the District boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then, that line shall be construed to be the boundary of the District.

2. Whenever the boundary line of a District is indicated as being approximately at the line of any river, irrigation canal or other waterway, or public park or other public land, then the center line of the river, canal or waterway, or boundary line of the public land or section line shall be said to be the boundary of the District.

3. Where District boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing on the map.

4. Where the application of the above rules does no clarify the District boundary location, the Board of Adjustment shall interpret the map.

ARTICLE X
RURAL RESIDENTIAL DISTRICTS

Section 1001 Rural Residential Districts

To promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduce requirements for public utilities. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

A. R-R-1/2 Minimum Lot Size: ½ acre
B. R-R-1 Minimum Lot Size: 1 acre

Section 1002 Codes and Symbols

Codes and Symbols used in this Article are as follows:

1. P= Permitted uses
2. C= Requires Conditional Use Permit
3. "Numbers"= acres, feet, square feet, etc, as defined by the description.
4. NP= Does not apply or is not allowed
5. If a use is not named, it is not allowed.

Section 1003 Uses

No building, structure, or land shall be used and no building or structure shall be erected, structurally altered, enlarged, or maintained in the multiple use, or rural residential districts except as provided in this Ordinance.

1. Accessory building uses customarily incidental to permitted uses.

All	P

2. Accessory uses and buildings customarily incidental to conditional uses.

All	C

A. Animals or fowl for recreation or for family food production for the primary use of persons residing on premises.

	All	C

B. Nursery or greenhouse, wholesale or retail.

	All	P

C. Tilling of soil, raising of crops, and horticulture.

Rural Residential	All	P

D. Forestry, except forest industry.

Rural Residential	½ & 1	C

3. <u>Apiary</u>

Rural Residential	½ & 1	C

4. <u>Aviary</u>

Rural Residential	½ & 1	C

5. <u>Dwellings</u>

A. Single-family.

Rural Residential	½ & 1	P

B. Two- family.

Rural Residential	½ & 1	P
	All R-M	P

C. Seasonal home or cabin.

Rural Residential	All	P

6. Home Occupation

All	C

7. Household Pets.

All	P

8. Kennel

All	NP

9. Signs.

   A. One (1) real estate sign, not to exceed eight (8) square feet in area.

   B. One (1) residential sign, not to exceed two (2) square feet in area.

10. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman. Temporary buildings must be removed upon completion or abandonment of construction work.

All	C

Section 1004 Area Regulations

The minimum lot area in acres for any main use in the districts regulated in this Article shall be:

Rural Residential	½ & 1 acre

Section 1005 Width Regulations

The minimum width in feet for any lot in the districts regulated by this chapter, excepted as modified by planned unit development shall be:

Rural Residential	½	120
	1	150

Section 1006 Front Yard Regulations

The minimum feet for the front yard for the main building in districts regulated by this Article, shall be:

Rural Residential	½ & 1	25

Section 1007 Rear Yard Regulations

The minimum depth in feet for the rear yard in districts regulated by this Article shall be:

1. For Main Building:

Rural Residential	½ & 1	30

2. For accessory buildings:

Rural Residential	½ & 1	6

Section 1008 Side yard regulations

1. The minimum side yard in feet for a dwelling other than the main or accessory buildings in districts regulated by this article shall be:

Rural Residential	½ & 1	10

2. Except on corner lots, two (2) front yards are required.

Section 1009 Height Regulations

The maximum height for all buildings and structures in districts regulated by this Article shall be:

1. In feet

Rural Residential	½ & 1	25

2. In stories,

Rural Residential	½ &1	2 ½

Section 1010 Coverage Regulations

Maximum coverage in percentage for any lot in Rural Residential districts shall be:

Rural Residential	½ & 1	35

ARTICLE XI
RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

Section 1101 Purpose

1. Residential District R-1-10. To provide for medium low-density, single-family residential neighborhoods where low and medium costs of development may occur. Minimum Lot size: 10,000 square feet.

2. Residential District R-1-8. To provide for medium low-density, single-family residential neighborhoods where low and medium costs of development may occur. Minimum Lot Size: 8,000 square feet.

3. Multiple Residential District R-M-7. To provide areas for low residential density with the opportunity for varied housing styles and character. Maximum Density: 7 dwellings per net acre.

4. Multiple Residential Districts R-M-15. To provide areas for medium residential density with the opportunity for varied housing styles and character. Maximum Density: 15 dwelling units per net acre.

5. Multiple Residential District R-M-30. To provide areas for high residential density with the opportunity for varied housing styles and character. Maximum Density: 30 dwelling units per net acre.

Section 1102 Codes and Symbols

Codes and symbols used in this article are as follows:

1. P = Permitted uses

2. C = Requires a conditional use permit.

3. “Numbers” = acres, feet, square feet, etc., as defined by the description.

4. NP = Does not apply or is not allowed.

5. If a use is not named, it is not permitted.

Section 1103 Use Regulations

No building, structure, or land shall be used, and no building or structure shall be erected, structurally altered, enlarged, or maintained in the residential and multiple-residential districts, except as provided in this Ordinance.

1. Accessory buildings and uses customarily incidental to the permitted uses:

All Districts	P

2. Accessory uses and buildings customarily incidental to conditional uses:

All Districts	C

3. Agriculture, the tilling of the soil, the raising of crops, horticulture and gardening:

All Districts	P

4. Child day-care or nursery:

All Districts	C

5. A. Cluster subdivision or single-family dwellings, provided that the residential density is not increased to allow more than one (1) dwelling for each:

10,000 square feet	R-1-10	C
	All others	NP
8,000 square feet	R-1-8	C
	All others	NP

B. Additional requirements:

i. Total area of subdivision cluster not less than five (5) acres;

ii. Open space not less than one-third (1/3) of the total acres.

6. Dwellings:

A. Single-family dwelling

All Districts	P

B. Two-family dwelling

All R-1	NP
All R-M	P

C. Three-family dwelling

All R-1	NP
All R-M	C

D. Four-family dwelling

All R-1	NP
All R-M	C

E. Multiple-family dwellings

All R-1	NP
All R-M	C

E. Group of dwellings, each approved as a planned unit development

All R-1	C
All R-M	C

F. Two-family dwelling on corner lot requires two (2) front & rear yards in R-M districts.

All R-1	NP

7. Home Occupations

All Districts	C

8. Hospital; medical or dental clinic accessory to hospital and located on the same premises

All R-1	NP
R-M-7	NP
R-M-15 & 30	C

9. Household Pets

All Districts	P

10. Manufactured Home Parks

All R-1	NP
All R-M	C

11. Manufactured Homes on Private Lots

All R-1	C
All R-M	C

12. Mobile Home Parks

A. Mobile home parks

All R-1	NP
All R-M	C

13. Private recreational grounds and facilities, not open to the general public, and to which no general admission charge is made

All Districts	C

14. Public and quasi-public buildings and uses

a. Cemetery

All Districts	NP

b. Church

All Districts	C

c. Essential Service

All Districts	C

d. Golf Course

All Districts	C

e. Substation or transmission lines of fifty (50) KV or greater capacity

All Districts	NP

15. Quarries, gravel pits, land excavations

All Districts	NP

16. Signs

A. One civic sign not to exceed sixteen (16) square feet in area.

All other R-1	NP
All R-M	P

B. One development sign, not to exceed eight (8) square feet in area.

All Districts	P

C. One real estate sign, not to exceed eight (8) square feet in area.

All Districts	P

D. One residential name and address sign:

i. Single-family; not to exceed four (4) square feet

ii. Multiple-family. not to exceed eight (8) square feet

All Districts	P

E. Civic and residential signs may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed.

F. All such signs shall be located on the property to which they pertain.

G. Identification sign.

All Districts	C

Section 1104 Area Regulations

1. The minimum lot area, in square feet for any single-family dwelling structure in the districts regulated by this Article shall be (in thousands):

R-1-8	8
R-1-10	10
R-M-7	7
R-M-15	8
R-M-30	8

2. The additional lot area for each additional dwelling unit in a dwelling structure shall be (in thousands):

All R-1	NP
R-M-7	6
R-M-15	2.5
R-M-30	1.2

3. For group dwellings, each additional dwelling structure after the first dwelling structure in square feet shall be (in thousands):

All R-1	NP
R-M-7	5
R-M-15	2.5
R-M-30	1.2

4. Minimum lot area for all main uses or buildings other than dwellings shall be (in thousands):

R-1-10	10
R-1-8	8
All R- M	10

Section 1105 Width Requirements

The minimum width in feet for any lot in the districts regulated by this Article, except as modified by planned unit developments or cluster subdivision shall be:

R-1-10	80
R-1-8	70
All R-M	70

Section 1106 Fence Regulations

On lots regulated by this Article, the maximum height of fences, in feet, shall be:

A. Behind the main building 6

B. In front of main building except on corner lots. 4

Section 1107 Front Yard Regulations

1. The minimum depth in feet of the front yard, for a main building, in districts regulated by this Article, shall be:

The twenty (20) foot set back requirement shall include a lot size not to exceed nine thousand (9,000) square feet. Lot sizes above nine thousand (9,000) square feet shall require a twenty five (25) foot set back.

R-1-10	25
R-1-8	20-25
All R-M	25

2. On corner lots, in districts regulated by this Article, if the rear yard abuts the side yard of another lot, no structure shall be closer than six (6) feet to the rear property line.

Section 1108 Rear Yard Regulations

1. The minimum depth in feet for the rear yard, in the districts regulated by this Article, shall be:

A. For main buildings

R-1-10	25
R-1-8	25
R-M-7	25
R-M-15 & 30	25

B. For accessory buildings

All districts	6

2. On corner lots, in districts regulated by this Article, if the rear yard abuts the side yard of another lot; no structure shall be closer than six (6) feet to the rear property line.

Section 1109 Side Yard Regulations

1. The minimum side yard, in feet, for any dwelling, in districts regulated by this Article shall be:

R-1-10	6
R-1-8	6
All R-M	6

2. A. The minimum side yard for a private unattached garage shall be:

R-1-10	6
R-1-8	6
All R-M	6

B. Attached garages are considered part of the main building and are regulated accordingly.

C. Except that other accessory buildings shall have a minimum side yard of:

All districts	6

3. On corner lots, the side yard, in feet, which faces on a street for both main and accessory buildings shall be not less than:

All districts	20

Section 1110 Height Regulations

1. The maximum height for all buildings and structures in districts regulated by this Article, shall be:

A. In feet

All R-1	25
R-M-7	35
R-M-15	55
R-M-30	75

B. In number of stories

All R-1 districts	2 ½

Section 1111 Coverage Regulations

1. The maximum coverage, in percent, for any lot in the districts regulated by this Article, shall be:

R-1- 10, 8,	35
R-M-7	35
R-M-15 & 30	50

ARTICLE XII
COMMERCIAL DISTRICTS

Section 1201 Purpose

1. Neighborhoods Commercial C-N To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this District are designed to promote a combination of retail and service facilities which, in character and scale, are necessary to meet day-to-day needs of area residents.

2. Shopping Commercial District C-S To provide areas in appropriate locations where combinations of businesses, commercial, entertainment, and related activities may be established, maintained, and protected. The regulations of this District are designed to promote and encourage the development of comparison shopping centers.

3. Highway Commercial District C-H To provide areas in appropriate locations, adjacent to highways or major streets, where activities, dependent upon or catering to thoroughfare traffic and the traveling public, may be established, maintained, and protected. Regulations of this District are designed to encourage harmony between traffic needs, centers for retail, commercial, entertainment, automotive facilities, and other appropriate highway-related activities.

4. General Commercial District C-G To provide areas in appropriate locations where a combination of business, commercial, entertainment and related activities may be established, maintained, and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.

Section 1202 Codes and Symbols

Codes and Symbols used in this Article are as follows:

1. P = Permitted uses

2. C = Requires a conditional use permit

3. "numbers" = acres, feet, square feet, etc. as defined in the description.

4. NP = Does not apply or is not allowed.

If a use is not named, it is not allowed.

Section 1203 Use Regulations

1. Accessory uses and buildings customarily incidental to permitted uses.

All C districts	P

2. Accessory uses an buildings customarily incidental to conditional uses.

All C districts	C

3. Agriculture

The tilling of the soil, the raising of crops horticulture, and gardening.

All C districts	P

4. Automobile sales and services.

Automobile service station

All C districts	C

Automobile or recreational vehicle sales, service, lease, rental, and repair, new or used, conducted entirely within an enclosed building; auto parts, indoor.

CN	NP
CS, CH & CG	P

Parking lot incidental to a use conducted on the premises.

All C districts	P

Parking lot not incidental to use conducted on the premises

All C districts	C

Automatic car wash; automobile and recreational vehicle sales, lease, rental, or repair, new or used conducted outdoors; automobile repair garage.

CN	NP
CS,CH,CG	C

Body and fender shop; motor vehicle, bicycle, and recreational vehicle assembly painting, upholstering and rebuilding.

CN, CS & CH	NP
CG	C

5. Dwellings and other living quarters

Hotel; motel

CS, CH, &CG	C
CN	NP

Manufactured Home Park

CS, CH &CG	C
CN	NP

Recreational coach park

CS, CH, &CG	C
CN	NP

6. Processing and manufacturing

Baking, ice cream making and/ or candy making

All districts	C

Bookbinding

CN	NP
CS & CH	C
CG	P

Laboratories

CN	NP
CS, CH, CG	C

Laundry

CN & CS	NP
CH & CG	C

Machine shop

CN,CH & CS	NP
CG	C

Mobile lunch agency

CN	NP
CS &CH	C
CG	P

Motion picture studio

CN & CS	NP
CH & CG	C

Printing, convenience for drop-in customers

CN	NP
CS & CH	C
CG	P

Publishing and contract printing

CN & CS	NP
CH	C
CG	P

Upholstering, including mattress manufacturing, rebuilding or renovating

CN & CS	NP
CH	C
CG	C

Weaving

CN	NP
CS, CH & CG	C

Manufacturing, curing, compounding, processing, packaging, and treatment of the following:

Bakery goods, candy, cereal, cosmetics, dairy products, food products, (excluding fish, sauerkraut, pickles, vinegar, yeast and rendering of fat), meat products.

CN CS & CH	NP
CG	C

Maintenance of the following:
Boats, business machines, cameras, photo equipment, electronic or neon signs, billboards and/or commercial advertising structures, light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, venetian blinds, window shades, awnings musical instruments, novelties, rubber and metal stamps, toys.

All C districts	C

Mini- mall and strip malls

All C districts	C

7. Public and quasi-public

CG	C
CN, CH, & CS	NP

Cemetery

CN, CS & CH	NP
CG	C

Churches

All C districts	C

Parks, golf courses, swimming pools and other recreation areas

All C districts	P

Public buildings

All C districts	C

Private schools

All C districts	C

8. Recreation

Archery shop/range, if conducted in enclosed building

CN	NP
CS & CH	C
CG	P

Athletic club, health club, athletic good store

CN	NP
CS, CH & CG	P

Billiard or pool hall, commercial skating rink

CN	NP
CS, CH & CG	P

Bowling alley, boxing arena

CN & CS	NP
CH, CG	C

Bicycle shop

CN & CS	NP
CH, CG	C

Campground

CN & CS	NP
CH & CG	C

Dance hall, dancing

CN	NP
CS, CH & CG	C

Golf course, commercial miniature golf

CN & CS	NP
CH & CG	C

Gymnasium

CN	NP
CS, CH & CG	P

Night club, social club

CN	NP
CS, CH & CG	C

Private non profit locker club

CN	NP
CS, CH, & CG	C

Recreation center, commercial

CN	NP
CS, CH & CG	C

Recreational vehicles, rent/lease, sales and service, outdoor

CN & CS	NP
CH & CG	C

Swimming pool, commercial

CN	NP
CS & CH	C
CG	P

Theater, indoor

CN, CS & CH	C
CG	P

9. Sales and related services

Air conditioning, ventilating equipment, sales/repair

CN	NP
CS & CH	C
CG	P

Art needlework shop

All C districts	P

Art shop and/or supply

All C districts	P

Awning sales/repair

CN & CH	NP
CS & CG	P

Bakery, retail sales

All C districts	P

Beer outlet, class A & B

CN	NP
CS, CH & CG	C

Bookstore

All C districts	P

Building material sales, enclosed

CN	NP
CS, CH & CG	C

Cafe, cafeteria, catering establishment

All C districts	P

Candy, confectioner, nut shop

All C districts	P

Carbonated water sales

CN	NP
CS, CH & CG	P

China and /or silver shop

CN	NP
CS, CH & CG	P

Clothing Store

All C districts	P

Fuel sales office

CN, CS & CH	C
CG	P

Delicatessen

All C districts	P

Department store

CN & CH	NP
CS & CG	P

Discount store

All C districts	P

Drapery/ Curtain store

CN & CH	NP
CS & CG	P

Drive Inns, refreshment stand, eating and/or drink place.

All C districts	C

Drugstore

All C districts	P

Dry goods store

CN	NP
CS,CH & CG	C

Electrical, heating appliances, fixtures, sales/ repairs/ service

CN	NP
CS, CH & CG	P

Flooring covering sales

CN, CS & CG	P
CH	NP

Florist shop

CN	NP
CS, CH & CG	P

Fruit/ fruit juice store, fruit and/ or vegetable stand, or store

All C districts	P

Fur sales, storage, repair

CN & CH	NP
CS & CG	P

Furniture sales, and/ or repair

CN & CH	NP
CS & CG	P

Gift shop

All districts	P

Greenhouse, nursery, plant materials, soil/lawn service.

CN	NP
CS, CH & CG	P

Grocery, meat sales

All C districts	P

Gunsmith

CN	NP
CS & CG	P
CH	C

Hardware store

CN, CH	NP
CG, CS	P

Health food store

All C districts	P

Hobby and/or craft store

All C districts	P

Hospital Supplies

CN	NP
CS & CH	C
CG	P

Ice cream shop, ice sales

CN	NP
CS	C
CH & CG	P

Ice manufacturing, storage and retail/wholesale sales

CN & CS	NP
CH	C
CG	P

Ice vendor units and/or reach-in ice merchandise units, electric ice maker, ice storage, not more than five(5) tons capacity

CN	C
CS, CH & CG	P

Insulation sales

CN, CS & CH	NP
CG	P

Jewelry store

CH	NP
CS & CG	P
CN	C

Laundry, automatic self service laundry agent

All C districts	P

Leather goods

CN, CS & CG	P
CH	NP

Linen shop

CN, CS & CG	P
CH	NP

Liquor and beer sales, places for the drinking of liquor or beer

CN	NP
CS, CH & CG	C

Luggage sales

CN & CH	NP
CS & CG	P

Military Store

CN & CH	NP
CS & CG	P

Milk distribution station, sale of dairy products, excluding processing/bottling

All C districts	P

Monument sales, retail

CN & CS	NP
GG & CH	P

Motorboat sales

CN	NP
CS & CG	P
CH	C

Newsstand, magazine shop

All C districts	P

Notions

All C districts	P

Novelty shop

CN	NP
CS, CH & CG	P

Ornamental iron, sales only

CN & CH	NP
CS & CG	P

Package agency

CN	NP
CS, CH & CG	C

Painter and paint shop

CN, CS & CG	P
CH	NP

Pet shop

CN, CS & CG	P
CH	NP

Photographer or photography shop, sales and services

All C districts	P

Plumbing shop

CN & CH	NP
CS & CG	P

Popcorn and/or nut shop

All C districts	P

Radio and television, sales and repair

CN	NP
CS, CH & CG	P

Restaurant

All C districts	P

Roofing sales

CN & CH	NP
CS & CG	P

Second-hand shop, antiques, conducted within a building or enclosure

CN	NP
CH	C
CS & CG	P

Seed and feed store

CN, CS & CH	NP
CG	C

Shoe shop, shoe shine, shoe repair

CN, CS & CG	P
CH	NP

Sewing machine shop

CN & CH	NP
CS & CG	P

State store

CN	NP
CS, CH & CG	C

Stationery and greeting card sales

All C districts	P

Tobacco shop

CN	NP
CS, CH & CG	P

Tire shop, sales only

CN	NP
CS, CH & CG	P

Variety store

CN, CS & CG	P
CH	NP

Wallpaper store

CN & CH	NP
CS & CG	P

Wholesale business

CN & CH	NP
CS	C
CG	P

10. Service activities

Address-o-graph shop

CN & CH	NP
CS & CG	P

Animal hospital

CN & CS	NP
CH & CG	C

Baby formula service, baby diaper service, and sitter agency

All C districts	P

Bank

All C districts	P

Barber shop

All C districts	P

Beauty Shop

All C districts	P

Blueprinting, photo stating, duplicating

CN & CH	NP
CS & CG	P

Carpet and/or rug cleaning

CN, CS & CH	NP
CG	P

Clothes cleaning, dyeing, pressing

All C Districts	P

Costume rental

CN & CH	NP
CS & CG	P

Dramatics school

CN, CS & CG	P
CH	NP

Dressmaking

CN & CH	NP
CS & CG	P

Electric appliances and/ or electronic instruments service

CN & CH	NP
CS & CG	P

Employment agency or employment office

CN	NP
CS, CH, & CG	P

Fix-it shop repair shop, household items

CN	NP
CS, CH & CG	C

Flooring, floor repair shop

CN & CH	NP
CS & CG	P

Frozen food lockers

CN	NP
CS & CH	C
CG	P

Frozen food locker incidental to a main grocery store or food business

CN	NP
CS & CH	C
CG	P

Household cleaning/repair, house equipment displays

CN & CH	NP
CS & CG	P

Interior decorating store

CN, CS & CG	P
CH	NP

Janitorial service

CN, CS & CG	P
CH	NP

Kennel, conducted entirely within a soundproof and air-conditioned building

CN & CH	NP
CS & CG	C

Kennel

All C districts	NP

Key and lock service

CN	NP
CH, CS & CG	C

Lithographing, including engraving, photo engraving

CN & CS	NP
CH	C
CG	P

Massage

CN	NP
CS, CH & CG	P

Medical/dental clinic, laboratories

CN	NP
CH	C
CG & CS	P

Mortuary

CN	NP
CS, CH & CG	C

Nurses' agency

CN, CS & CG	P
CH	NP

Office, business or professional

CN	C
CS & CG	P
CH	NP

Office, supply, office machines, sales, repair

CN & CH	NP
CS & CG	P

Optometrist and/or oculist

CN, CS & CG	P
CH	NP

Pest extermination business

CS	P
CN & CG	C
CH	NP

Pest extermination and control office

CN, CS & CH	NP
CG	P

Printing, including engraving, photo engraving

CN & CS	NP
CH	C
CG	P

Printing and small paper reproduction service

CN, CS & CG	P
CH	C

Receptions center and/or wedding chapel

All C districts	C

Sign painting shop

CN & CH	NP
CS	C
CG	P

Tailor shop

CN, CS & CG	P
CH	NP

Taxidermist

CN & CH	NP
CS & CG	P

Towel and linen supply service

CN & CH	NP
CS & CG	P

Travel bureau

CN & CH	C
CS & CG	P

Upholstery shop

CN, CS & CH	NP
CG	P

Veterinary

CN, CS & CH	NP
CG	C

Veterinary, providing operations are completely enclosed within an air-conditioned and soundproof building.

CN	NP
CS, CG, & CH	C

11. Signs

A. Business signs, not to exceed a total of one (1) square foot of sign area for each one (1) linear foot of business building frontage; no such sign to exceed fifty (50) square feet in area and not more than three (3) signs for any one (1) business; to be flat wall or freestanding signs; no such sign to be revolving or to have flashing or intermittent lighting.

All C districts	P

B. Non-advertising signs, may be lighted but shall have no flashing or intermittent light and shall not revolve or have lighted moving parts. Such signs to be flat

wall signs or pole signs but no such signs shall project above the eaves or parapet wall of the building on the premises to which it is appurtenant. The maximum sign area may be used in not more than three (3) signs.

i. Development, maximum 40 square feet

All C districts	P

ii. Civic, maximum 14 square feet

All C districts	P

iii. Real estate, maximum 16 square feet

All C districts	P

iv. Residential

a. personal name plate maximum 2 square feet

All C districts	P

b. Other, maximum 8 square feet.

All C districts	P

C. Business signs permitted above may be allowed, by the Manila Town Council, as pole signs not to exceed twenty-five (25) feet in height and one hundred (100) square feet in total area, if recommended by the Planning and Zoning Commission.

CN & CS	NP
CH &CG	C

D. Advertising signs, not to exceed one hundred Thirty-two (132) square feet in area or twenty-five (25) feet in height may be allowed, by the Manila Town Council, if recommended by the Planning and Zoning Commission.

All C districts	NP

12. Storage and warehousing

Contractors equipment storage yard or plant, or rental of equipment used by contractors

CN, CS & CH	NP
CG	C

A. Garage, public

CN	NP
CS & CH	C
CG	P

B. Warehouse

CN & CH	NP
CS & CG	C

13. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchmen, which buildings must be removed upon completion or abandonment of construction work.

All C districts	C

14. Transportation

A. Bus terminal

CN, CS, & CG	NP
CH	P

B. Express Office

CN & CH	NP
CS & CG	P

C. Taxi stand

All C districts	P

15. Terminal, parking and maintenance

All C districts	NP

Section 1204 Height Regulations

The maximum height for all buildings and structures in districts regulated by this Article shall be:

A. In feet

CN	35
CS, CH & CG	75

B. In number of stories

CN	2 ½
CS, CH & CG	7

Section 1205 Area, Width, Frontage, Yard, and Coverage Regulations

1. Any parcel larger than one (1) acre, at the time of passage of this Ordinance, may be divided or developed only under planned unit development approval.

2. Regulations as may be required by conditional use permit or by planned unit development approval, except that no commercial building shall be located closer than fifteen (15) feet to any residential district boundary line or to any street which continues as frontage into any residential district.

3. Except as may be allowed through a planned unit development approval, buildings and structures may cover no more percentage of the lot than:

CN, CS & CH	35
CG	50

Section 1206 Special Provisions

1. All uses, in district CN, shall be free from objectionable noise, hazards or nuisances.

2. In district CN, no more than twenty percent (20%) of the building shall be used for wholesale business.

ARTICLE XIII
CENTRAL DEVELOPMENT DISTRICT C-D

Section 1301 Purpose

To provide areas in appropriate locations for high intensity public, quasi-public, commercial, office and multiple-family uses, through planned development, to be in harmony with the existing facilities of the Town of Manila.

Section 1302 Permitted Uses

All uses require conditional use permits.

Section 1303 Conditional Uses

All uses allowed in the M-R-30, CN, CS, and CG districts.

Section 1304 Special Provisions

1. All parcels larger than one (1) acre at the time of passage of this Ordinance and its amendments, may be divided or developed only under Planned Unit Development approval. New lots smaller than one (1) acre may not be created.

2. Every Conditional Use Permit and every Planned Unit Development approval as proposed in the application, shall be based on how the development will:

   A. Contribute to the compatibility of existing, proposed and potential buildings and uses in the area;

   B. Affect the efficient, effective and aesthetic use of land, buildings, landscaping and amenities;

C. Affect the improvements to be made:

i. land use,

ii. building construction and appearance,

iii. traffic safety and control

iv. landscaping, and

v. drainage.

Section 1305 Area, Width, Frontage, Yard Coverage, and Height Regulations

To be determined by Conditional Use Permit or Planned Unit Development approval.

* See Appendix "A" Ordinance No. 07-02

ARTICLE XIV
MANUFACTURED HOMES, MOBILE HOME PARKS AND TRAVEL-TRAILER COURTS

Section 1401 Mobile Homes and Travel-trailers Prohibited - Exceptions

It shall be unlawful to place any travel-trailer on any lot or parcel of land in the Town of Manila and to use the same for permanent (hook-up to utilities) human habitation, except when located in a travel-trailer court. A travel-trailer shall not stay more than sixteen (16) days out of thirty (30) days on the same lot or parcel of land.

It shall be unlawful to place a mobile home on any lot or parcel of land in the Town of Manila, and to use the same for human habitation, except in compliance with one (1) or more of the following conditions.

1. When temporarily located on a lot for which a building permit has been issued and a building is being constructed, and is connected to approved water and sewer facilities, but not to exceed one (1) year.

2. When placed in a licensed mobile home park.

Section 1402 Manufactured Home Park Regulations

1. Approval and Intent The owners of a tract of land not less than ten (10) acres, which land lies in a location which is suitable and appropriate, taking into consideration existing conditions may construct a manufactured home park thereon, upon compliance with regulations and restrictions, as hereinafter set forth, and after approval of such manufactured home park by the Manila Town Council.

The intent of this provision is

A. The topography represented by contours shown at not greater intervals than two (2) feet, when required by the Planning and Zoning Commission.

B. The proposed street and trailer space layout.

C. Proposed reservations for parks, playgrounds, and open spaces

D. Tabulations showing percent of area to be devoted to parks playgrounds and open space, number of manufactured homes and, total area in the Manufactured Home Park.

E. Proposed location and number of parking spaces.

F. Generalized landscaping plan, including water, electric, and gas lines, fire hydrant locations, and sewer lines.

G. Storm drainage facilities and disposal plan for storm water runoff.

H. Written approval of the State Division of Health and Uintah Basin Health Department.

I. Name, address, and contact information of applicant.

J. Any other data that the Planning and Zoning Commission may require.

2. Utility Drawings

Three (3) copies of detailed construction drawings shall be drawn and approved by an engineer, licensed to practice in the State of Utah, prior to final approval of the Manila Town Council.

Such construction drawings shall show the following:

A. Profile and location of water and sewer lines.

B. Location of water valves and fire hydrants.

C. Location and size of water meters.

D. Location and size of sewer manholes.

E. Storm water disposal plan.

3. Standards and Requirements

The development of a Manufactured Home Park shall conform to the following standards and requirements:

A. The area shall be in one (1) ownership, or, if in several ownerships, the application for approval of the Manufactured Home Park shall be filed jointly by all owners of the property included in the plan.

B. The density in a Manufactured Home Park shall not exceed seven (7) units per acre. Homes may be clustered within the Manufactured Home Park, provided that no single manufactured home space shall be smaller in area than four thousand (4,000) square feet. Travel-trailers and recreational vehicles shall not be located in Manufactured Homes Parks, except when unoccupied and located in the storage area.

The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of the occupants of the development and visitors thereto.

C. Not less than ten (10%) percent of the gross area of the Manufactured Home Park shall be set aside as a playground or recreation area for the joint use of occupants. The land covered by vehicular roadways, sidewalks, off-street parking, or areas not suitable for playground use shall not be construed as part of the area required for parks and playgrounds. Ten percent (10%) of the lot area shall also be set aside for recreational vehicle storage area.

D. No manufactured home add-on shall be located closer than fifteen-feet from the nearest portion of any other manufactured home or add-on.

E. All area not covered by manufactured homes, concrete, buildings, off-street parking space, or driveways, shall be planted in lawns, trees and shrubs, or otherwise landscaped, except that natural drainage ways may be left in the natural state.

F. All off-street parking spaces and driveways shall be constructed of concrete or asphalt before the adjacent manufactured home spaces may be occupied.

G. A strip of land at least twelve (12) feet wide on the sides and ten (10) feet in front and rear of the Manufactured Home Park shall be left unoccupied by manufactured homes and shall be planted and maintained in lawns, shrubs, and trees designed to afford privacy to the development. A six (6) foot fence around the Manufactured Home Park shall also be required to screen the area.

H. All storage and solid waste receptacles outside the confines of a manufactured home must be housed in a closed structure or closed container.

I. Roadways shall be surfaced, and of adequate width to accommodate anticipated traffic as follows:

i. For one-way with no parking:
Minimum eighteen (18) feet in width

ii. For two-way traffic with no parking:
Minimum thirty (30) feet in width

iii. For entrance streets:
Minimum of thirty-six (36) feet in width

J. There shall be no more than two (2) entrances from the park onto any one (1) street. Entrances shall be no closer than twenty-five (25) feet to the corner of an intersection, or as otherwise required by the Planning and Zoning Commission.

K. Access shall be provided to each manufactured home space by means of an access way reserved for maneuvering a manufactured home, and shall be from interior private roads.

L. Off-street parking shall be provided at the rate of two (2) parking spaces per manufactured home space contained within the manufactured home park. In no case shall the parking space be located greater than one hundred (100) feet away from the manufactured home space it is designed to serve.

M. In addition to meeting the above requirements and conforming to the other requirements of this Ordinance, all Manufactured Home Parks shall also conform to requirements set forth in the code of hotel, motel and resort sanitation regulations adopted by the Utah State Board of Health, and to the fire prevention code, which codes are hereby adopted by reference and all restrictions, regulations, and notations, contained therein shall be made a part of this Ordinance, as fully

set forth herein. In event of any conflict between said regulations of codes and this Article, the most restrictive shall take precedence.

N. Utilities and Other Services

Utility lines and equipment shall be located and constructed in conformity with good engineering and construction practices, and shall be in compliance with all applicable laws, ordinances or codes of the State of Utah.

i. Sewer:

The Manufactured Home Park shall be served by the municipal sewer system. Main sewer collector lines shall not be installed in areas (such as underneath manufactured home pads) that will limit their access in designated utility easement areas.

ii. Water:

A public supply of water shall be obtained from the Manila Town water supply.

An adequate amount of water shall be piped into each manufactured space through a private system of design acceptable to the Town of Manila Engineer.

iii. Fire Hydrants:

Fire hydrants of a design and in sufficient numbers as approved by the Town of Manila engineer and/or fire department shall be installed according to the Uniform Fire Code.

iv. Electrical:

All electrical, telephone, and other service lines to each manufactured home lot shall be underground and shall comply with all currently adopted uniform electrical codes.

v. Liquid or Gaseous Fuels:

Any liquid fuel storage shall be located in tanks at a distance away from any manufactured home lot as determined safe by the building inspector and/or fire chief.

All fuel lines shall be underground, and, if metered, the meter shall be arranged in a uniform manner.

vi. Street Lights:

Street lighting shall be provided in sufficient number and intensity to permit safe movement of vehicles and pedestrians at night; per codes.

vii. Refuse Handling and Receptacles:

The storage, collection, and disposal of refuse in the manufactured home park shall be managed so as to create no health hazards, rodent harborage, or accident hazards. All refuse shall be stored in containers provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or dumpsters shall be provided at permanent locations convenient to manufactured home spaces.

5. Planning and Zoning Commission and Manila Town Council Approval.

The Planning and Zoning Commission shall review the plan and make recommendation for approval, disapproval, or approval with conditions to the Manila Town Council. In considering the plan, the Planning and Zoning Commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability, and that it will not adversely affect amenities in the surrounding areas. The Planning and Zoning Commission may recommend changes to be made in the plan and development standards in excess of the minimum standards contained in this Ordinance, such as walls, fences, buffers, setbacks, greater amounts of landscaping or parking spaces, etc. Such changes may be imposed as conditions of approval where it is determined by the Manila Town Council that such standards are necessary to ensure that the manufactured home park will mix harmoniously with the adjoining or nearby uses.

6. Guarantees:

A. Adequate and reasonable guarantees shall be required for installation of the landscaping including grass and other required improvements, as set forth in this Article. Guarantees may be in the form of a bond, a mortgage on real estate, or other acceptable form in the sum to be determined by the Manila Town Council with the advice of the town attorney.

B. In any case, when a manufactured home park is owned by more than one (1) person, the developer shall establish and appoint an agent for the purpose of service of process, which the agent shall be authorized to receive process and represent fully the interests of the owners in respect to continuing management and maintenance of the manufactured home park.

C. Prerequisite to the operation of any manufactured home park in the Town of Manila shall be to obtain an annual business license. It shall be unlawful to operate a manufactured home park without first obtaining a license and the license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.

7. Record Final Plat

After receiving final approval of the manufactured home plat by the Manila Town Council, the approved plat shall be recorded in the Office of the Daggett County Recorder. The final plat shall be prepared by a registered engineer, architect, or landscape architect licensed to practice in the State of Utah. No building permit shall be issued for said manufactured home park until final plans have been approved by the Manila Town Council, and recorded with the Daggett County Recorder and a financial guarantee posted guaranteeing that required improvements will be installed without cost to the Town of Manila.

Section 1403 Travel –Trailer Courts, Intent and Zoning

Travel-trailer courts may be permitted only in the CH & CG zones. All such installations shall be permitted only after the recommendation of the Planning and Zoning Commission and the approval of the Manila Town Council, subject to the restrictions and contained in this Ordinance.

1. Approvals- Applications:

Before a permit shall be issued for a travel-trailer court, the overall plan of the court must be submitted to the Planning and Zoning Commission for its review. The plan shall show:

A. Proposed road layout and trailer space.

B. Proposed reservation for parks, playgrounds, and other open spaces.

C. A generalized landscape plan.

D. Any other data that the Planning and Zoning Commission may require.

2. Standards and Requirements:

The travel-trailer courts shall conform to the following standards and requirements:

A. Travel-trailer courts shall be a minimum of four (4) acres in size

B. Entrances and exists from the travel-trailer court shall be by forward motion only.

C. Manufactured homes, or mobile homes as defined in this Ordinance, shall not be allowed in travel-trailer courts.

D. No exit or entrance from the travel-trailer court shall be through a residential zone, and no entrance or exit shall be located closer than fifteen (15) feet to the intersection of two (2) streets.

E. All travel-trailers shall be set back at least twelve (12) feet from any public street, right-of-way, except for state highway where the set back shall be twenty-five (25) feet.

F. All one-way roadways shall be at least fifteen (15) feet in width and all two-way roadways shall be thirty (30) feet in width, and all roadways shall be hard surfaced.

G. All areas within the court which are not surfaced shall be landscaped and maintained with lawn, trees and shrubs and designed to provide privacy and noise containment.

H. Fencing around the perimeter of the travel-trailer court may be required for health and safety reasons.

I. At least twenty percent (20%) of the total area shall be maintained in open green space.

J. Prerequisite to the operations of any travel-trailer court in the Town of Manila shall be the obtaining of a business license.

K. The license shall be issued only after inspection by the building inspector. It shall be unlawful to operate a travel-trailer court without first obtaining a license, and said license shall be refused or revoked, upon failure of the owner/operator to maintain the court, in accordance with the standards and requirements of the Town of Manila.

L. In addition to meeting the above requirements, all travel-trailer courts shall conform to the requirements set forth in the code of camp, trailer court, hotel, motel and resort sanitation requirements, adopted by the Utah State Board of Health , and shall also conform to the fire prevention code, which codes have been adopted by the Town of Manila.

Section 1404 Additional Regulations

1. Nothing in this Article shall be interpreted to prohibit storage of a travel-trailer when not in use on property of the owner, so long as it is not utilized as a dwelling. Travel-trailers shall not be stored on property so as to obstruct the view of traffic, or to create a nuisance for the adjoining property owners.

2. No travel-trailers shall be stored in the front yard in any residential zone.

3. No add on or additions shall be allowed in any trailer court or manufactured home park without prior consent of the building inspector.

4. Existing travel-trailer courts, mobile home parks, and manufactured home parks not in compliance with this Ordinance shall constitute a nonconforming use, but shall be subject to health and sanitary requirements, as provided for in Section 1403.

ARTICLE XV
CONDITIONAL USES

Section 1501 Purpose

To allow certain suitable uses within the Zoning Districts of the Town of Manila listed as Conditional Uses in the Zoning Ordinance, and only if the Conditional Uses are designed or laid out on the site in a particular manner.

Section 1502 Conditional Use Permit

A Conditional Use Permit shall be required for all uses listed as conditional uses in the Zoning Ordinance. A Conditional Use Permit may be revoked upon failure to comply with conditions of the original permit.

1. Application:
   Application for a Conditional Use Permit shall be made by the property owner or certified agent of the property owner, to the Planning and Zoning Commission.

2. Accompanying Documents:
   Detailed site plans drawn to scale and other drawings necessary to assist the Planning and Zoning Commission in arriving at an appropriate decision.

3. Fee:
   The fee for any Conditional Use Permit shall be set by the Town Council with the recommendation of the Planning and Zoning Commission. No part of the fee shall be refundable.

4. A penalty shall be imposed for violation of Article 15 as per Ordinance No. 98-09-10 establishing civil penalties for violations of the ordinance in the Town of Manila. *See Appendix A

5. Public Hearing:

No public hearing need be held; however, a hearing may be held when the Planning and Zoning Commission shall deem such hearing to be necessary and in the public interest.

A. The Planning and Zoning Commission may hold the hearing.

B. The Planning and Zoning Commission shall have a record of the hearing, together with its report of findings and recommendations of consideration of the proposed conditional uses.

C. The hearing, if deemed necessary, shall be held not more than thirty (30) days from the date of the application. The time and place shall be established by the Planning and Zoning Commission.

D. The Planning and Zoning Commission shall post notice of the hearing in three (3) public places within the Town of Manila not less than ten (10) days prior to the hearing. Failure of property owners to receive notice of the hearing shall in no way affect the validity of the action taken.

6. Determination:

The Planning and Zoning Commission may permit a conditional use to be located within any Zoning District in which the particular conditional use is permitted by Section 1508 of this Article. In authorizing any conditional use, the Planning and Zoning Commission will impose requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare.

7. The Planning and Zoning Commission shall establish policies regarding landscaping, fencing, lighting, ingress-egress, the height of buildings, etc. to ensure consistency in the issuance of Conditional Use Permits.

8. The Planning and Zoning Commission shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish:

A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and the community; and,

B. That the proposed use will comply with regulations and conditions specified in this Article for such use; and,

C. That the proposed use will conform to the intent of the Town of Manila General Plan adopted July 13, 2006.

D. That such use will not under the circumstances of the particular case and conditions imposed, be detrimental to the health, safety, and welfare of persons, not injurious to the property and improvements in the community, but will be compatible with and complimentary to the existing surroundings, uses, buildings, and structures when considering the following zones:

i. <u>Residential and Rural Zones</u>

a. Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?

b. Will the proposed development overload the carrying capacity for which local streets were designed?

c. Will internal traffic circulation adversely affect adjacent residential properties?

d. Will the proposed sign(s) adversely affect the development itself or the overall aesthetics of the general area?

e. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?

ii. <u>Commercial Zones</u>

a. Will traffic ingress and egress adversely affect the general traffic patterns in the area?

b. Will building location creations create a pedestrian traffic hazard by causing blind approaches for pedestrians?

c. Will building design be compatible with or complementary to already established adjacent structures?

d. If the development is adjacent to a residential zone or use, will the building location, lighting, parking, or traffic circulation adversely affect the adjacent residential use or zone?

Section 1503 Special Requirements

The Planning and Zoning Commission may establish conditions in addition to those outlined in this Article to meet concerns of safety for persons and property, health and sanitation, environment, general plan proposals, and neighborhood needs, performance and administration. More specifically the Planning and Zoning Commission may require:

1. Conditions Relating to Safety for Persons and Property

A. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.

B. The relocation, covering, or fencing of irrigation ditches, draining canals and other potential nuisances existing on or adjacent to the property.

C. Increased setback distanced from lot lines where the Planning and Zoning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended

characteristics of the Zoning District as outlined in this Ordinance.

D. Appropriate design, construction, and location of structures, buildings, and facilities in relation to property and limitations and/or restrictions of the use and/or location of uses due to special site conditions, including but not limited to, geologically hazardous areas; flood plains; fault zones; or landslide areas.

E. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.

F. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.

G. Construction of curbs, gutters, drainage culverts, sidewalks streets, fire hydrants, and street lighting.

2. <u>Conditions Relating to Health and Sanitation</u>

A. A guarantee of sufficient water to serve the intended land use and water delivery system meeting standards adopted by the Town of Manila.

B. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the Zoning District and to provide for an orderly development in the Town of Manila.

C. Other requirements ensuring the health, safety, and welfare of residents within the Town of Manila.

3. Conditions Relating to Environmental Concerns

A. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.

B. Processes for the control, elimination, or prevention of land, water, or air pollution. The prevention of soil erosion and the control of objectionable odors and noise.

C. The planting of ground cover or other surfacing to prevent dust or erosion.

D. Restructuring and/or planting of the land as directed by the Planning and Zoning Commission when the conditional use involves cutting and/or filling the land, where the land would be adversely affected if not restructured.

4. Conditions Relating to Compliance with the Intent of Comprehensive Plan and Characteristics of the Vicinity.

A. The removal of structures, debris, or plant materials, incompatible with the intended characteristic of the Zoning District outlined in this Ordinance.

B. The screening of yards or other areas as protection from obnoxious land uses and activities.

C. Landscaping to ensure compatibility with the intended characteristics of the Zoning District as outlined in this Ordinance.

D. Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installation, or other unsightly development.

E. Provisions or construction of recreational facilities necessary to satisfy needs of the conditional use.

F. Population density and intensity of land use limitations where the land capability and/or relationship to the vicinity make it appropriate to do so to protect health, safety, and welfare.

G. Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the Zoning District from the proposed conditional use.

H. A penalty shall be imposed for violation of Article XV as per Ordinance No. 98-09-10 establishing civil penalties for violation of the Ordinance in the Town of Manila. *See Appendix A

5. Conditions Relating to Performance

A bond or other valuable assurance in favor of the Town of Manila in an amount set by the Town Council, on the recommendation of the Planning and Zoning Commission, not to exceed the calculated cost as necessary to assure compliance with all condition imposed.

6. Specific Short- and Long-Range Plans of Development

A. Will the building location or proposed use adversely affect the adjacent residential and/or commercial property?

B. Will ingress and egress be sufficient to handle intended traffic and will the internal traffic circulation adversely affect the adjacent residential and/or commercial property?

C. Will the proposed use comply with the regulations and conditions specified in this Ordinance for such use?

D. Will the proposed use conform to the goals, policies, and governing principles of the General Plan for the Town of Manila?

Section 1504 Special Landscape Requirements for Site Approval of Commercial, and Residential Planned Unit Developments, and Open Spaces in Cluster Subdivisions

1. The Planning and Zoning Commission will require commercial, and residential Planned Unit Developments and open spaces in Cluster Subdivisions be included on a site plan of a scale appropriate to the project and include the following:

A. Where appropriate, a performance bond will be required to ensure compliance with approved site plans.

B. Plant material locations, with names

C. Size, location and type of construction of all walkways and landscaping.

D. Final grading plan including areas for matching the existing contours of the surrounding terrain.

E. A plant list which specifies the names, number of each, and size of each to be planted.

F. A sprinkling system engineered to maintain the landscaped areas.

Section 1505 Appeals

Any person shall have the right to appeal to the Board of Adjustment any decision rendered by the Planning and Zoning Commission by filing, in writing and in triplicate, the reasons for the appeal with the Manila Town office within thirty (30) days following the date upon which the decision is made by the Planning and Zoning Commission. After receiving the written appeal, the Board of Adjustment may reaffirm the Planning and Zoning Commission's decision or set a date for a public hearing. Fee schedule as established by the Manila Town Council.

1. Notification of Planning and Zoning Commission. The Board of Adjustment shall notify the Planning and Zoning Commission in writing, seven (7) days prior to the hearing to allow the Planning and Zoning Commission to prepare the record.

2. Determination of the Board of Adjustment. The Board of Adjustment, after proper review of the decision of the Planning and Zoning Commission, may affirm, reverse, alter, or remand for further review and consideration, any action taken by the Planning and Zoning Commission with the final approval of the Manila Town Council.

Section 1506 Building Permit

Following the issuance of a Conditional Use Permit by the Planning and Zoning Commission the Building Inspector may Approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with the conditions of the Conditional Use Permit.

Section 1507 Time Limit

Unless there is substantial action under a Conditional Use Permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. The Planning and Zoning Commission may grant a maximum extension of six (6) months, if the applicant can show exceptional circumstances exist to warrant the extension.

Section 1508 Conditional Uses

The following conditional uses are applicable according to Zoning District(s) in which they are proposed.

1. Residential Zoning Districts

   A. Cemetery, etc.
   B. Home occupation
   C. Nursery and/or greenhouse, provided that there is no retail shop operated in connection therewith
   D. Planned Unit Development
   E. Cluster development
   F. Private non-profit recreational grounds and facilities
   G. Public and quasi-public uses
   H. Temporary buildings for uses incidental to construction work which buildings must be removed upon completion or abandonment of the construction work. If the buildings are not removed within ninety (90) days after notice, the buildings will be removed by the town at the expense of the owner.

2. Commercial Zoning Districts

A. Automobile repair, including incidental body and fender work, painting and upholstering and/or welding; automatic automobile wash
B. Baking, ice cream making, and/or candy making
C. Cemetery, mortuary, etc.
D. Golf course, miniature golf course
E. Hotel and apartment hotel
F. Hardware store, including the sale of lumber, providing all storage of lumber be within a completely enclosed building
G. Manufactured home park
H. Motel
I. Multiple dwellings, group dwellings
J. Parking lot
K. Planned Unit Development
L. Plumbing shop
M. Private non-profit locker club
N. Private school
O. Public and quasi-public use
P. Reception center and/or wedding chapel
Q. Recreation, commercial
R. Sale of alcoholic beverages
S. Seed and feed store
T. Sign painting shop
U. State liquor store

ARTICLE XVI
PLANNED UNIT DEVELOPMENT

Section 1601 Introduction

Provisions of a Planned Unit Development as defined by this Article in no way guarantees a property owner the right to develop a Planned Unit Development. Planned Unit Developments shall be approved by the Planning and Zoning Commission only if, in its judgment, the proposed Planned Unit Development fully meets the intent, purpose, and requirements of the Zoning Ordinance.

Section 1602 Purpose

The purpose of the Planned Unit Development is to allow for diversified and various uses, and structures to permit for more flexibility in development. The application of planned unit concepts is intended to encourage good neighborhood, housing and area design, thus insuring substantial compliance with the intent of the Zoning District regulations and other provisions of this Ordinance,

A. Related to:

i. The public health

ii. Safety, and

iii. General welfare

B. At the same time, securing the advantages of large-scale site planning for:

i. Residential developments

ii. Recreational developments

iii. Any combinations of the above

Section 1603 Definition

Planned Unit Development, for the purpose of this Ordinance, shall mean an integrated design for development of residential, commercial, or recreational uses, or combination of uses, in

which one (1) or more of the regulations, (other than use regulations of Zoning District in which the development is situated), is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this Article.

A Planned Unit Development may be:

A. The development of compatible land uses arranged in such a way as to provide desirable living environment that may include private and common areas for recreation, circulation and/or aesthetic uses;

B. The conservation or development of desirable amenities not otherwise possible by typical development standards;

C. Creation of areas for multiple use to include single, multiple family and commercial development.

Section 1604 Planned Unit Development Permit

Planned Unit Developments may be allowed by Planning and Zoning Commission approval in any Zoning District.

1. An approved Planned Unit Development permit shall consist of:

   A. An Official Planned Unit Development form approved by the Planning and Zoning Commission, signed by its Chairman, and

   B. An approved site plan also signed by the Planning and Zoning Commission Chairman.

2. Denial of a Planned Unit Development shall also be indicated on the official form.

3. A Planned Unit Development permit shall not be granted unless the Planned Unit Development:

   A. Meets the use limitations of the Zoning District in which it is located, and:

   B. Meets the density and other limitations of such districts.

4. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the Subdivision Ordinance, except where modifications are specifically authorized in the approval of the application for the Planned Unit Development.

5. The permit shall be considered in two (2) parts:

   A. Preliminary approval subject to the public hearing provisions of this Article, and

   B. Final approval based on construction drawings and specifications in general accord with the granted preliminary approval.

Section 1605 Required Conditions

1. No Planned Unit Development shall have an area of less than one (1) acre.

2. An application for a Planned Unit Development which will contain uses not permitted in the Zoning District in which it is to be located will require a district zoning change, and shall:

   A. Be accompanied by an application for a Zoning Amendment, except any residential use shall be considered a permitted use in Planned Unit Development, and shall:

B. Be governed by design and other requirements of the Planned Unit Development permit.

C. Hotels, motels, lodges, mobile home parks, etc. shall not be considered residential uses for the purpose of this Article.

3. The development shall be in single, partnership, or corporate ownership, or under option to purchase by an individual or a corporate entity, at the time of application, or the application shall be filed jointly by all owners of the property.

4. The Planning and Zoning Commission shall require arrangements of structures and open spaces, within the site development plan, as necessary, to assure that the adjacent properties will not be adversely affected.

   A. Height and density of buildings and uses shall be arranged around the boundaries of the Planned Unit Development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two and a half (2 ½) stories.

   B. Lot acres, lot width, yard and coverage regulations shall be determined by approval of the site plan.

   C. The area, density and maximum number of dwelling units within a Planned Unit Development shall be in accordance with the following schedule:

Zone	Minimum Area In Development	Maximum No. of dwellings Units Per Acre	Maximum No. of Dwelling Units Per

	(In Acres)		Building
R-1-10	4	6	4
R-1-8	4	6	4

5. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by:

    C. Dedication of the land as a public park or parkway system, or

    D. Granting to the Town of Manila, with the approval of the Manila Town Council, a permanent, open space easement on or over the private open spaces to guarantee that the open space remains perpetually in recreational use with ownership and maintenance being the responsibility of the owner, or an Owner's Association established with articles of association and by laws which are satisfactory to the Town of Manila.

    E. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code, 1994, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

6. Landscaping, fencing, and screening related to the uses within the site and as means of integrating the proposed development into its surroundings shall be planned and presented to the Planning and Zoning Commission for approval, together with other required plans for the development.

7. The size, location, design, and nature of signs, if any, and the intensity and direction of area of flood-lighting shall be detailed in the application.

8. A grading and drainage plan shall be submitted to the Planning and Zoning Commission with the application.

9. All state fire standards and the Town of Manila Fire Department requirements shall be complied with as follows:

A. A flow rate of one thousand (1,000) gallons per minute for a duration of two (2) hours.

B. A flow rate of one thousand five hundred (1,500) gallons per minute for schools.

C. The system must contain twenty (20) pounds per square inch during a fire.

D. All new construction must meet the specific area model for fire suppression.

Section 1606 Planned Unit Development Site Plan Requirements

The applicant shall submit a Planned Unit Development plan for the total acres within the proposed development. If the Planned Unit Development is to be developed on a phase basis, each phase shall be of a size, composition, and arrangement that its construction, marketing, and operation are feasible as a unit independent of any subsequent phase. Final approval shall be given to only one (1) phase at a time. The general site plan shall show, where pertinent:

1. The use or uses, dimensions, sketch elevations, and locations of proposed structures.

2. Dimensions and locations or areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.

3. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

4. All other pertinent information, including but not limited to, residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

5. Bonding is required for each phase as determined by Town of Manila Council.

Section 1607 Scope of Planning and Zoning Commission Action

In carrying out the intent of this Article, the Planning and Zoning Commission shall consider the following principles:

1. It is the intent of this Article that site and building plans for a Planned Unit Development be prepared by a designer, or team of designers, having professional competence in urban planning, as proposed in the application. The Planning and Zoning Commission may require the applicant to engage a qualified designer or design team.

2. It is not the intent of this Section that control of the design of a Planned Unit Development by the Planning and Zoning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred. Rather, it is the intent of this Section that the control exercised be the minimum necessary to achieve the purpose of this Article.

3. The Planning and Zoning Commission may approve or disapprove an application for a Planned Unit Development. In approving an application, the Planning and Zoning Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section

1605 of this Article. The action of the Planning and Zoning Commission may be appealed to the Board of Adjustment.

Section 1608 Construction Limitations

1. Upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specifications approved by the Planning and Zoning Commission and shall conform with any conditions attached by the Planning and Zoning Commission with its approval.

2. Amendments to approved plans and specifications for a Planned Unit Development shall be approved by the Planning and Zoning Commission and shown on the approved plans.

3. The building inspector, or any other department, shall not issue any permit for any proposed building, structure, activity or uses within the project unless the building, structure, activity, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

Section 1609 Public Hearing

Preliminary development plans, including site plans, (buildings, open spaces, parking, landscaping, pedestrian and traffic circulation), building elevations, and general drainage and utility layout with topography shall be submitted for the purpose of public review. A public hearing shall be held after a notice of public hearing is posted in three places as designated by the Manila Town Council, not less than ten (10) days prior to the date of the hearing. Failure of property owners to receive notice of the hearing shall in no way affect the validity of the action taken.

Section 1610 Fees

The fees for a Planned Unit Development, as well as other fees which may apply, are set by the Manila Town Council and are on file in the Manila Town Office.

ARTICLE XVII
CLUSTER SUBDIVISIONS

Section 1701 Effect of this Article

The regulations in this Article supplement or qualify the zoning regulations appearing elsewhere in this Ordinance.

Section 1702 Purpose

The purpose of this Article is to encourage the creation and permanent protection of open space, to preserve the rural character and natural beauty of certain areas in the incorporated limits of the Town of Manila, as called for in the town's General Plan adopted July 13, 2006. It is not the intent of this Ordinance to create subdivisions with lots sprawled over large areas or strung out along roadways.

Section 1703 General Regulations

A cluster subdivision shall meet the requirements of the Town of Manila Zoning Ordinance, and shall assure proper use and maintenance of open space facilities and shall result in a development superior to a conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.

Section 1704 Minimum Open Space

1. To encourage quality open space that promotes the intent of this Ordinance, the minimum percent of a cluster subdivision left in open space shall be as follows:

    A. In the R-R-1 and R-1-10 Zone, a minimum of forty (40) percent of any cluster subdivision shall be preserved as permanent open space.

Section 1705 Lot Area, Width, Yard and Height Requirements

1. The Town Council may approve a reduction in the minimum lot area required for a lot in a subdivision provided the

provisions of this Section and the Town of Manila Ordinance are met.

2. The minimum lot area in cluster subdivisions shall be ten thousand (10,000) square feet unless approved as part of a general planned community or approved by the Manila Town Council.

3. The minimum lot width in cluster subdivisions shall be one hundred (100) feet.

4. Setback and height regulations shall be the same as the underlying R-R-1 and R-1-10 Zoning Districts.

5. The lot width and yard reductions listed in this section are the maximum allowed. Creating greater lot width reductions calculated by combining the reductions in this section with other permitted in the Zoning Ordinance is not permitted.

Section 1706 Additional Design Standards and Requirements

1. Cluster subdivisions shall be designed and platted in conformance to the goals and objectives of the Town of Manila General Plan adopted July 13, 2006,

2. Lots in the cluster subdivision shall be clustered into contiguous groups of not less than two (2) lots and no more than three (3) clusters per subdivision.

3. Areas designated as floodplain by the Federal Emergency Management Agency and within required river and stream corridor setbacks shall be left as open space.

4. Land that is deemed undevelopable by this or any other County, State or Federal law, ordinance or regulation or existing and proposed public and private road right-of-ways shall not be included as open space and/or recreation.

5. Contiguous Land. Open space within a development shall be contiguous to provide for large and integrated open space areas within the subdivision, and to connect open spaces on adjacent properties. Non-contiguous parcels of conservation lands may be approved by the Manila Town Council during the preliminary plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Open space used in the density calculations shall be contiguous.

6. Open Space Network Connection. Open space shall be designed to connect to adjacent open space to ensure that an interconnected network of open space will be provided.

7. Recreation Uses. A portion of the required open space may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc. *exclusive of parking lots* as approved by the Planning and Zoning Commission.

8. Road Access. All open space areas shall have access to a public or private road(s) as determined by the Manila Town Council.

9. Pedestrian Access. The developer shall provide adequate pedestrian access to open space which is open to public or resident use.

10. Maintenance Access. The developer shall provide sufficient maintenance access to all open space within the subdivision.

11. All state fire standards and the Town of Manila Fire Department requirements shall be complied with as follows:

A. A flow rate of one thousand (1,000) gallons per minute for a duration of two (2) hours.

B. A flow rate of one thousand five hundred (1,500) gallons per minute for schools.

C. The system must contain twenty (20) pounds per square inch during a fire.

D. All new construction must meet the specific area model for fire suppression.

Section 1707 Bonus Density

1. Developing a cluster subdivision that the Planning and Zoning Commission determines meets the intent of this Ordinance, a ten percent (10%) bonus may be granted (see Section 1702- Purpose)

2. Providing road stubs to adjacent property where the Planning and Zoning Commission determines that streets are needed to provide for current or future traffic circulation up to a ten (10) percent bonus density may be granted.

3. Provides access to Public Lands- up to ten percent (10%) bonus density may be granted.

4. Common area is open to the public and provides amenities to the general public such as trails- up to a ten percent (10%) bonus density may be granted.

5. Protection of areas that are identified by the State Division of Wildlife Resources as critical wildlife habitat- up to twenty percent (20%) bonus density may be granted.
6. Preservation of historical sites and buildings (barns, homes, trails, or other structures) -up to ten percent (10%) bonus density may be granted.

7. Protection of sensitive lands including but not limited to slopes greater than fifteen percent (15%), waterways, floodplains, agriculture land, historic sites or structures, etc, - up to thirty percent (30%) bonus density may be granted.

8. Implementation of Wildlife Interface design techniques and Firewise Landscaping to limit the risk of wildfires- up to twenty percent (20%) bonus density may granted.

Section 1708 Open Space Preservation

1. Protection of Open Space. All open space shall be permanently restricted from future development by an easement, deed restriction, or other method of protection and preservation acceptable to the Town of Manila. Under no circumstances shall any development be permitted in the open space areas at anytime, except for those permitted or conditional uses listed herein and approved in conjunction with the subdivision. All easements, deed restrictions, or other acceptable method of protection and preservation shall be approved by the Town of Manila and recorded prior to or concurrent with the recording of the final plat.

2. If a bonus density is granted for the preservation of critical or valuable wildlife habitat, a wildlife habitat easement shall be offered to the Utah State Division of Wildlife Resources. Bonus densities for critical or valuable wildlife habitat shall be based on a review of the subdivision by the Utah State Division of Wildlife Resources and their finding that the subdivision preserves critical or valuable wildlife habitat.

3. Ownership. Unless otherwise approved by the Town of Manila and subject to the provisions set forth herein, the underlying fee ownership of the open space shall remain in single ownership and may be owned and maintained by one of the following entities: a homeowner's association, land trust, conservation organization, governmental entity, or private individual.

4. Property subject to conservation easement, or other acceptable method of protection and preservation, shall not be subdivided unless under the following circumstances:

    A. Zoning Classification Change; or

    B. Other Jurisdictional Transfer

5. Property subject to conservation easement, or other acceptable method of protection and preservation, shall only be used for the following.

    A. Agriculture,

    B. Non-commercial recreational structures and uses.

    C. Accessory buildings providing that all buildings meet the required setbacks of the R-R-1 and R-1-10 Zoning Districts and are only used for agricultural and recreational purposes.

Section 1709 Maintenance of Open Space

1. Costs. Unless otherwise agreed by the Town of Manila, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.

2. Plan. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the open space land with the Preliminary Plat application for the subdivision. The maintenance plan shall provide the following:

    A. The plan shall define ownership.

    B. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g. lawns, playing

fields, meadow, pasture, wetlands, stream corridors, hillsides, woodlands, etc.).

C. The plan shall eliminate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

D. At the Town of Manila's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of the common facilities for up to one year.

3. Approval. The Maintenance Plan must be approved by the Town of Manila Council prior to or concurrent with Final Plat approval for the subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the Town's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the Town of Manila.

4. Failure to Maintain. In the event the organization established to maintain the conservation land and common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Town of Manila may assume responsibility, as a right, but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

5. Corrective Action. The Town of Manila may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be

charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Town of Manila in the County Recorder's Office. The Maintenance Plan and all other documents creating and establishing any association or authority set forth herein, and shall be recorded against the property.

6. Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the subdivider shall be required to file with the Manila Town Council an approved financial guarantee, guaranteeing completion in a manner satisfactory to the Town Council, prior to recordation of the final plat.

7. The Planning and Zoning Commission may place additional conditions it deems necessary to ensure development and maintenance of the desired character, including plans for disposition or re-use of property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

Section 1710 Unit/Density Calculation

1. The maximum number of units developed shall be determined by the amount of land proposed for development divided by the average density required in the zone of the entire site.

2. If there is an amount of land left over it shall be considered in the overall percent of the built area calculation.

3. Existing homes owned by the same property owner as the land being developed are to be considered a unit in a unit calculation method.

Section 1711 Percent built area

1. The buildable area shall be determined by the amount of land in the entire site multiplied by the allowable percentage.

2. Lot size shall be determined by the developer not to exceed the percent built area or be smaller than the minimum lot size.

3. The minimum lot size shall be the minimum allowable in this Article.

Section 1712 Open Space

1. A deed restriction must be filed on the property remaining in open space stating use of the land will be limited to the uses permitted in Section 1704 two (2), until such time as any of the following occur:

    A. Zoning Classification Change; or

    B. Other Jurisdictional Transfer

2. Areas or spaces designated as open space by Section 1712 shall not be developed or used except as follows, subject to the regulations of the Zoning District in which the development is located:

    A. Game preserves, wildlife sanctuaries, and the like; and

    B. Non-commercial, recreational structures and uses.

    C. Accessory buildings that maintain proper setbacks and are used for agricultural purposes.

Section 1713 Required Utilities

1. Power

A. All development for human habitation requires a commercial or alternative source of power. An alternative source of power requires an approval of a conditional use permit.

2. Water

A. All development shall be required to request for hookup to existing public culinary water lines. If approval is granted from the Town of Manila water system, all appropriate fees determined by the Town of Manila shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit is issued.

Wastewater

A. All development for human habitation requires an approval from the Board Of Health before any permit shall be issued.

B. The developer shall obtain approval from the Central Utah Public Health Department represented by a letter.

C. All development shall be required to request for hookup to existing wastewater lines, and all appropriate fees determined by the Town of Manila wastewater system shall be paid. If denied hookup, appropriate documentation of the request and denial is required before a building permit shall be issued.

Section 1714 Parking

1. Off-street parking where required shall meet the following criteria:

    A. A garage, carport or parking area for the off-street parking of at least two (2) cars per dwelling unit.

Section 1715 Access to Public Lands

1. Traditional accesses through the property to public lands shall be maintained in accordance with the Town of Manila General Plan.

Section 1716 Required Fire Protection

1. All plans will be reviewed by the Town of Manila, including as appropriate, all structures and residential structures described in the cluster subdivision to determine compliance with the provisions of the Fire District. In keeping with this review, the Town of Manila shall issue recommendations and fire prevention requirements for the structures within the cluster subdivision. These recommendations and requirements shall include, as appropriate, access, design, preventive building materials and strategies as well as mitigation equipment and measures that owners of the structures shall complete and install as a condition, or conditions, to the granting of the building permit. These requirements shall apply to all structures whether individually sited or located in the approved cluster subdivision.

ARTICLE XVIII

MINI-MALLS AND STRIP-MALLS

Section 1801 Purpose

In order to promote economic development in the Town of Manila while maintaining orderly growth and the health, safety and welfare of all citizens, this Ordinance is adopted to:

A. Define a mini-mall and a strip-mall, and

B. Establish rules and guidelines governing mini-malls and strip-malls.

Section 1802 Definitions

1. Mini-malls. A group of at least two (2) stores, retail outlets, and/or commercial offices, on one (1) lot or parcel of land, each having:

   A. Common interior walls,

   B. Common roof,

   C. Separate outside entrances, and

   D. Separate utilities

2. Strip-malls. A group of at least two (2) stores, retail outlets, and/or commercial offices, on one (1) lot or parcel of land, each having:

   A. Separate interior walls, or common interior walls

   B. Separate roofs, or a common roof

   C. Separate outside entrances, and

   D. Separate utilities

Section 1803 Zoning

Mini-malls and strip-malls shall only be constructed in zones governed by Central Development.

Section 1804 Governing Ordinances

Mini-malls and strip-malls shall be governed by the Planned Unit Development ordinances.

Section 1805 Existing Structures

All existing structures defined by this Ordinance as a mini-mall or strip-mall shall:

A. Comply with this Ordinance, or

B. Apply for a variance from the Board of Adjustment with final approval from the Manila Town Council.

Section 1806 Mixed use

A mini-mall, a strip-mall and/or additional structures may be located on the same lot or parcel of land if permitted by a Conditional Use Permit issued by the Planning and Zoning Commission.

ARTICLE XIX

COSTS AND CHARGES

Section 1901 Purpose

It is recognized the Town of Manila government may incur substantial costs in the processing and review of petitions and applications for land development, changes in ordinances, zoning changes, and appeals. In order to ease the burden on the public, reasonable charges shall be imposed on all petitions and applications which come before the Planning and Zoning Commission.

Section 1902 Charges to be Imposed

Costs and charges, in connection with petitions and applications coming before the Planning and Zoning Commission are set by the Manila Town Council, with the recommendation of the Planning and Zoning Commission. The cost and charges are reviewed periodically, and are adjusted as needed. A copy of all costs and charges are on file in the Town Office and are available to the General Public.

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ORDINANCE NUMBER 09-02-12

AN ORDINANCE PROVIDING MODIFICATIONS TO EXISTING MANILA PLANNING AND ZONING ORDINANCE ARTICLE V, SECTION 517 WHICH REGULATES THE SETBACK DIMENSION FOR BUILDINGS LOCATED ALONG THE STATE HIGHWAY AND EXISTING WITHIN THE MUNICIPAL LIMITS.

WHEREAS, the Manila Council is charged with the responsibility of making and enforcing ordinances which benefit the citizens of the community, and

WHEREAS, ordinances and their subsequent enforcement are necessary to ensure the health, welfare, and of the community citizens, and

WHEREAS, the Manila Council believes it necessary to modify existing Planning and Zoning ordinances which define and regulate the specific minimum dimension for setbacks of building whose front or rear face the State of Utah highways which are within the municipal limits of Manila. This specific action is taken to ensure consistency in placement of building standards, to minimize the unsafe backing of vehicles onto the State highway, provide coordination with the Manila General Plan, provide for best use of commercial properties, and to enhance the economic welfare of the business corridor.

NOW THEREFORE, be it ordained by the Mayor and the Manila Council, Daggett County, State of Utah, as follows:

1. **Planning and Zoning Article V, section 517, PAGE 24, SUPPLEMENTAL AND QUALIFYING REGULATIONS will be modified to read:**

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Section 517. Setback from State and Federal Highways.

All buildings abutting State or Federal Highways (except non access highways) shall be set-back at least 25 feet from the Highway right-of-way, except:

1. **Small or temporary fruit and vegetable stands; or**
2. **As provided elsewhere in this ordinance.**

This ordinance shall be effective once approved by the Manila Council, signed by the Mayor, and posted in accordance to law.

PASSED BY MAJORITY VOTE OF THE MANILA COUNCIL, AND DATED THIS 12TH DAY OF FEBRUARY, 2009.

_____

Chuck Dickison, Mayor
Town of Manila

ATTEST:

_____

Andrea Scott, Clerk

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MANILA ORDINANCE
Adopted 10-11-12

Ordinance number 12-10-11

A TOWN OF MANILA ORDINANCE SETTING SPECIFIC REQUIREMENTS FOR NEW HOME AND GARAGE OR OUTBUILDING CONSTRUCTION OR BUILDING REPLACEMENT PERMITTING SEQUENCE.

BE IT ORDAINED BY THE COUNCIL OF MANILA:

Section 1. Title:

This ordinance shall be known as permitting requirements in sequence for the building of a home, garage, or combination home and garage, and outbuildings in new first time construction or replacement construction.

Section II. Purpose:

The purpose of this ordinance is to fulfill the requirement of government to promote public health, safety and welfare; the harmonious and orderly progressiveness of land development; to ensure the development of sound and compatible neighborhoods; to require the construction of necessary improvements and utilities; and to ensure that development is in accordance with the requirements, scope, and focus of the general plan to develop a community where homes are a basic consideration in the development plan with consideration for amendment as needed for the logical fulfillment of this basic requirement.

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Section III Authority:

The Mayor and the Manila Utah Town Council adopts this ordinance pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code and other authorities and provisions of Utah Statutory and Common laws as applicable.

Section IV:

This ordinance provisions and modifications to existing ordinances shall take effect immediately following its adoption by the Manila Town Council and signed by the Mayor of Manila. All existing section relating to new home construction, home and garage combinations, outbuildings, or replacement of existing buildings currently contained in Planning and Zoning or related ordinances or resolutions are repealed to read as set forth in this ordinance once adopted by the Manila Town Council and signed by the Manila Mayor.

Section V: Interpretation:

DEVELOPMENT; The improvement of a parcel of land by construction thereon.

DWELLING OR HOME: A place to live in, residence, house, abode, single or multiple family building.

GARAGE OR OUTBUILDING; A closed shelter designed and intended to be used solely for the storage of automobiles or other vehicles, personal property, or used as a work shop.

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HABITATION; **The act of living in, occupying, or dwelling within a home or garage within the existing Planning and Zoning ordinances or resolutions, this ordinance parameters, or specific prohibitions and penalties for violations.**

SECTION VI; SPECIFIC ORDINANCE PROVISIONS;

1. **This ordinance does not modify any current Planning and Zoning ordinance or resolution specifically addressing requirements for setbacks or placement of buildings, homes, garages or outbuildings on a building lot.**
2. **No building permit will be approved by either the Manila Planning and Zoning or the Manila Council which does not specifically apply to the building of a home first. No permit will be accepted under the parameters of this ordinance that asks for a permit for an unattached garage or outbuilding without the placement of a home or dwelling first.**
3. **The permit for a home shall allow for construction to begin with 180 days of permit date. An extension of time may be allowed upon evidence of valid need by application to the Manila Planning and Zoning and agreement by Manila Town Council.**
4. **Home construction must be completed under the parameters of the building permit within one year from date of original permit or date of extension.**
5. **A second application for garage or outbuilding construction permit may be submitted to Manila Planning and Zoning and subject to approval upon submission of appropriate plans, drawings, application, and payment of fees only after the initial permit for home construction has been completed and passed as appropriate by inspection.**

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6. The Manila Planning and Zoning may authorize and the Manila Council may approve an application for a permit for the construction of a home and garage combination when both are attached and housed under the same roof and constructed within the time frame of permit and completion.
7. Nothing within the parameters of this ordinance is intended to alter Manila Ordinances or Resolutions which pro ibit the habitation of a garage or outbuilding or otherwise using the building as a dwelling. Such a practice is strictly prohibited.
8. Non compliance to any section of this ordinance shall be considered justification for refusal of any permit application. Successful resubmission of application for a construction permit must meet all of the conditions of this Home First Before Detached Outbuilding or Garage Ordinance.

SECTION VII ENFORCEMENT;

It shall be unlawful for any person to violate the provisions of this ordinance.

In addition to refusal to accept an application for a construction permit in violation of the ordinance sections, the Town of Manila may maintain an action in a court of competent jurisdiction for order to enjoin, injunction, mandamus, and abate any violation of this ordinance.

This ordinance and its modifications to related Planning and Zoning Ordinances and Resolutions shall be effective once approved by the Manila Council, signed by the Mayor, and posted in accordance to law.

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PASSED BY THE MANILA COUNCIL, AND DATED THIS 11TH DAY OF OCTOBER 2012.

TOWN OF MANILA

Chuck Dickison, Mayor

ATTEST:

Lynette Asay, Clerk

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ORDINANCE NUMBER 09-02-12

AN ORDINANCE PROVIDING MODIFICATIONS TO EXISTING MANILA PLANNING AND ZONING ORDINANCE ARTICLE V, SECTION 517 WHICH REGULATES THE SETBACK DIMENSION FOR BUILDINGS LOCATED ALONG THE STATE HIGHWAY AND EXISTING WITHIN THE MUNICIPAL LIMITS.

WHEREAS, the Manila Council is charged with the responsibility of making and enforcing ordinances which benefit the citizens of the community, and

WHEREAS, ordinances and their subsequent enforcement are necessary to ensure the health, welfare, and of the community citizens, and

WHEREAS, the Manila Council believes it necessary to modify existing Planning and Zoning ordinances which define and regulate the specific minimum dimension for setbacks of building whose front or rear face the State of Utah highways which are within the municipal limits of Manila. This specific action is taken to ensure consistency in placement of building standards, to minimize the unsafe backing of vehicles onto the State highway, provide coordination with the Manila General Plan, provide for best use of commercial properties, and to enhance the economic welfare of the business corridor.

NOW THEREFORE, be it ordained by the Mayor and the Manila Council, Daggett County, State of Utah, as follows:

1. **Planning and Zoning Article V, section 517, PAGE 24, SUPPLEMENTAL AND QUALIFYING REGULATIONS will be modified to read:**

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Section 517. Setback from State and Federal Highways.

All buildings abutting State or Federal Highways (except non access highways) shall be set-back at least 25 feet from the Highway right-of-way, except:

1. **Small or temporary fruit and vegetable stands; or**
2. **As provided elsewhere in this ordinance.**

This ordinance shall be effective once approved by the Manila Council, signed by the Mayor, and posted in accordance to law.

PASSED BY MAJORITY VOTE OF THE MANILA COUNCIL, AND DATED THIS 12TH DAY OF FEBRUARY, 2009.

Chuck Dickison

Chuck Dickison, Mayor
Town of Manila

ATTEST:

Andrea Scott

Andrea Scott, Clerk

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MANILA ORDINANCE

Adopted 11-18- 2004

Ordinance number 04-11-18

AN ORDINANCE PERTAINING TO THE MODIFICATION REQUIREMENT FOR SPECIFIC SETBACK DIMENSIONS AND PROVISIONS FOR THE DEVELOPMENT OF BATHROOM FACILITIES WITHIN A GARAGE IN THE TOWN OF MANILA, UTAH.

BE IT ORDAINED BY THE COUNCIL OF MANILA:

Section 1. Title:

This is known as the Setback Dimension modification and sink and toilet provision for garages ordinance for the Town of Manila, Utah and may be so cited and pleaded.

Section 11. Purpose:

The purpose of this ordinance is to fulfill the requirement of government to promote public health, safety and welfare; the harmonious and orderly progressiveness of land development; to ensure the development of economically sound and compatible neighborhoods; to require the construction of necessary improvements and utilities; and to ensure that development is in accordance with the requirements of a general development plan with consideration for amendment as needed for the logical fulfillment of this basic requirement.

Section 111. Authority:

The Mayor and Town Council of Manila, Utah adopts this ordinance pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code and other authorities and provisions of Utah statutory and common laws as applicable.

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Section IV. REPEAL OF ORDINANCE SECTIONS:

This ordinance provisions and modifications to existing ordinances shall take effect immediately following its adoption by the Council and signed by the Mayor of Manila. All existing sections which relate to setback dimension requirements, specifically described as one (1) foot allowance in certain circumstances are repealed to read as set forth in this ordinance, as adopted by the Town Council.

Section V. Interpretation:

The interpretation and application of the provisions of this ordinance shall be regarded as the minimum required for the protection of the public health, safety and welfare and shall be liberally construed to further the purposes as specified in Section II above.

The word "shall" is mandatory. The word "may" is permissive.

Words used in the present tense include the future; words used in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary.

Reference to the "Town" shall be interpreted to generally apply to Town Staff, Planning Commission, Building Inspector, and Council collectively.

Section VI. Definitions: For purposes of this Ordinance, the following definitions shall apply:

ADJACENT PROPERTY : Any property owned according to the records of the county recorder, which touches at some point the specific property affected by the provisions of this ordinance.

BUILDING LINE: A line parallel to the property line beyond which no exposed portion of a building extends, other than a roof overhang.

DEVELOPMENT: The improvement of a parcel of land by construction thereon.

DIMENSION: Measurements in length, width, or depth.

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DWELLING: A place to live in, residence, house, abode.

GARAGE: A closed shelter designed and intended to be used solely for the storage of automobiles or other vehicles, personal property, or used as a work shop.

HABITATION: The act of living in, occupying, or dwelling.

PERSON: An individual, firm, partnership, association, syndicate, corporation, trust, or any other entity.

SETBACK: A specific dimension or distance from the building line to the structure as required by ordinance.

SHOWER; An apparatus as in a bathroom or enclosure, which allows for the spraying of water on the human body.

SIDE YARD: That portion of a building lot which does not include the ends, top, or bottom areas. In relationship to the placement of a dwelling, the side yard is that lot portion which does not include the front or back.

SINK; Any of a variety of basins as used in kitchens, or bathrooms, and connected to a water supply and sewer drain.

TOILET: A bowl shaped fixture, fitted with a device for the flushing of water, intended for disposal of human body waste into the sewer.

UTILITIES: As used in this ordinance, utilities refer to the water and sewer as owned and supplied by the Town of Manila.

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SECTION VI: Specific Ordinance Procedures.

SETBACK DIMENSION REQUIREMENTS:

1. Current ordinance provides for the allowance of setbacks and side yards in a specific minimum dimension of one-foot (1 foot) from the property line within the existence of certain circumstances. These certain circumstances entail the absence of a structure on an adjacent property. That one-foot minimum side yard and setback allowance and all relating reference is repealed by this enacted ordinance.
2. The minimum setback dimension allowed in any circumstance or zoning district designation regardless of the presence or absence of a structure on the adjacent property will be six feet (6 feet) from the property line.
3. All property improvements shall be in accordance with the minimum standards set forth by this ordinance and all other applicable Manila ordinances and regulations. All Plans submitted for Planning and Zoning Board consideration will contain details meeting the minimum design standards in accordance with good engineering and construction practices.

ARTICLE V: SUPPLEMENTARY AND QUALIFYING REGULATIONS.

<u>Section 505 A</u> <u>Private Garages with a Sink and Toilet</u>

1. As a condition of the building permit process, Manila Ordinance may allow the following garage additions to be connected to water and sewer.
    a. One sink as defined by ordinance.
    b. One toilet as defined by ordinance.
2. A Shower as defined by this ordinance is prohibited.
3. Improvements intended to provide for human habitation, living, or dwelling within a garage is prohibited. This includes living quarters of any type or

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design. Ordinance currently allows only one dwelling per building lot. Habitation within a garage as defined by this ordinance is strictly prohibited.

4. Submission drawings for a garage building permit shall include details for inclusion of a sink and toilet within the interior.

SECTION VII. ENFORCEMENT:

It shall be unlawful for any person to violate the provisions of this ordinance.

In addition to any other remedy that the Town of Manila may have, the Town may maintain an action in a court of competent jurisdiction for an order to enjoin, injunction, mandamus, and abate any violation of this Ordinance.

Any person convicted by a court of competent jurisdiction for a violation of any provision of this Ordinance shall be guilty of a Class B misdemeanor.

The Mayor is authorized as the enforcing officer for this Ordinance and shall enforce all provisions, entering actions in court if necessary, and by his or her failure to do so shall not legalize any violations of such provisions. The Town Council may, by resolution or ordinance, from time to time entrust administration of this Ordinance in whole or in part to another officer of the Town without amendment of this Ordinance.

This ordinance and its modifications to related Manila Planning and Zoning Statutes shall be effective once approved by the Manila Council, signed by the Mayor, and posted in accordance to law.

PASSED BY THE MANILA COUNCIL, AND DATED THIS 18th DAY OF November, 2004.

TOWN OF MANILA

ATTEST:

Chuck Dickison, Mayor

Judy Archibald, Clerk

FILE COPY

ORDINANCE NO 98-09-10

AN ORDINANCE ESTABLISHING CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN ORDINANCES OF THE TOWN OF MANILA.

WHEREAS,the Town Council of the Town of Manila is charged with the responsibility of making and enforcing ordinances for the benefit of the citizens of the town, and

WHEREAS, ordinances have from time to time been passed regulating land use and requiring businesses to obtain licenses and pay fees as a condition of operating in the Town, and

WHEREAS, enforcement of those ordinances is necessary for the health, welfare, and safety of the citizens of the Town and visitors thereto, and

WHEREAS. the Mayor and Town Council of the Town of Manila believe that a system of civil penalties will provide an effective means of enforcing the ordinances of the Town.

NOW THEREFORE be it ordained by the Mayor and Town Council of the Town of Manila, Daggett County, State of Utah, as follows:

1. Any person using land located within the boundaries of Manila in violation of the zoning and planning, subdivision, business, or building ordinances of said Town is declared to be engaging in the unauthorized use of land.

2. Any person engaging in the unauthorized use of land within the Town shall be liable for a civil penalty. Any civil penalty assessed may be in addition to such other penalties as may be provided by the ordinances of Manila Town, or the statutes of the State of Utah.

3. Each day a person engages in the unauthorized use of land within the Town of Manila constitutes a separate offense and shall be subject to a separate and additional civil penalty for each day a violation continues.

4. The civil penalty shall be imposed as follows:

ORDINANCE SECTION	PENALTY
Zoning section 518 -Public dumping	100 dollars
Zoning section 522- Travel trailers, etc	100 dollars
Zoning section 523- Property Maintenance	100 dollars
Zoning section 1502- Conditional use	100 dollars
Ordinance No. A-12-9-68 Bus. Licenses	100 dollars

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5. The civil penalty specified in this ordinance shall be subject to the following:

   (a) Any penalty paid within five days of the receipt of notice of the penalty shall be reduced by the sum of $75.00.

   (b) Any penalty paid within ten days from date of notice shall be reduced by the sum of $50.00.

   (c) Any penalty paid within fifteen days from date of receipt of notice shall be reduced by the sum of $25.00.

6. As used in this ordinance, receipt of notice means the affixing of a notice to the property or structure which is in violation of the ordinances of the Town or Manila, or by delivery of such notice to the owner or occupant thereof.

7. Whenever any property shall be used in a manner in violation of the ordinances of the Town of Manila, the person to whose name such property is listed on the records of Daggett County shall be liable for such unauthorized use and penalty therefore.

8. If the civil penalty is not paid within thirty (30) days after issuance of Notice of Violation, the City Recorder shall mail a copy of the Notice of Violation by certified mail to the address of the real property shown on the official records of Daggett County.

9. If the civil penalty is not paid within thirty (30) days, the full amount of the civil penalty shall be immediately due and payable and the Town of Manila may exercise any and all legal remedies, including filing an action in the courts to obtain judgement for the assessed civil penalties. The imposition by the Town from time to time of civil penalties shall not prevent the Town of Manila from applying to the court for injunctive relief, nor shall the assessment of a civil penalty preclude prosecution for any criminal offense committed by any person in the Town of Manila.

10. The Mayor shall execute the Notice or Violation (unauthorized use) and shall give or cause to be given notice of the violation to the property owner as prescribed in this ordinance.

11. The Manila Town Council is designated as the Hearing Board to consider matters relating to the unauthorized use of property within the Town of Manila.

12. Any person having received a notice of such unauthorized use or the owner of any property employed in such use my appear before the Town Council and present and contest such alleged unauthorized use.

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13. A person wishing to contest a Notice of Unauthorized Use, must deliver a written notice of appeal to the Town Recorder within (10) ten days after receipt of notice. The Notice of Appeal must be in writing, addressed to the Town Council, and set forth:

    (a) The date and nature of the Violation as set forth in the Notice of Unauthorized Use that is being appealed;

    (b) Describe in detail the relief requested; and

    (c) Set forth all facts and circumstances justifying the requested relief.

14. Within fifteen (15) days after delivery of the Notice of Appeal, the Mayor shall schedule a date for the hearing before the Town Council. This date logically may correspond with the next scheduled meeting date of the Manila Town Council. Notice of the hearing date shall be sent by regular mail, postage prepaid, to the address listed on the Notice of Appeal at least ten (10) days prior to the date set for the hearing.

15. If it is necessary to bring an action in the courts to obtain judgement or otherwise enforce this ordinance, the party violating the ordinance shall be liable, not only for the penalties provided by this ordinance, but also for costs and attorney fees necessarily incurred by the Town of Manila.

This ordinance shall become effective immediately upon approval by the Town of Manila Council, signed by the Mayor, and posting in three (3) public places in the Town of Manila.

PASSED BY THE MANILA TOWN COUNCIL AND DATED THIS 14th DAY OF September, 1998.

FILE COPY

TOWN OF MANILA

Chuck Dreibson

Mayor

ATTEST;

Judy Archibald

Manila Town Recorder

Posted 9-14-98

FILE COPY

ORDINANCE 01-09-13 c

An ordinance for the Town of Manila which specifies the construction standards for future buildings, particularly requiring a shape of building and roof, and exterior wall construction. This ordinance provides for building units to meet or not meet specific criteria.

WHEREAS, the Town of Manila Council believes it has an obligation to its citizens and wants to be responsive to their needs; and

WHEREAS, certain citizens who own property within the Town of Manila have expressed a concern about buildings being constructed within the residential neighborhoods which tend to detract from the desired appearance of the affected neighborhood and is believed to create a devaluation of property value; and

WHEREAS, the Manila Planning and Zoning Board has heard the issue of requiring specific future building unit and accessory building criteria and has advised the Manila Town Council to provide for an equitable solution with public ability for input; and

WHEREAS, the Manila Town Council believes the issue has a legitimacy sufficient to ask for public input and as a result of that input provide for a certain criteria for all future building units and accessory buildings constructed within the Town of Manila.

THEREFORE, BE IT ENACTED that:

1. BUILDING STANDARDS: Housing units and accessory buildings shall be evaluated as meeting or not meeting standards based on the following criteria:

   A. The main body of the building unit shall be generally rectangular and its apparent bulk shall be similar to other housing in the neighborhood.

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B. All exterior walls shall be non-reflective and shall be textured, similar to wood, masonry, or stone, regardless of their actual composition. This section does not prohibit metal composition which is non-reflective and textured.

C. The roof shall be non-reflective and appear to be shingled or tiled, or built up roofs with marble chips, regardless of actual composition. Roofs may be of metal composition which is non-reflective and textured.

D. The roof shall be pitched to a point, not rounded or flat, with a minimum of three-foot rise to each twelve foot run (3:12 pitch)

NOW, THEREFORE, be it ordained by the Council of the Town of Manila that all future building units must be evaluated to meet or not meet the criteria as set forth in this ordinance. This ordinance shall become effective upon approval by the Manila Town Council, signed by the Mayor, and posted in three (3) specific places in the Town of Manila.

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 13th DAY OF September 2001

Town of Manila

Chuck Dickison

Chuck Dickison, Mayor

Attest Judy Archibald

Town Clerk

Judy Archibald

TOWN OF MANILA CORPORATE Seal State of Utah

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ORDINANCE NUMBER 03-12-11

AN ORDINANCE PROVIDING MODIFICATIONS TO EXISTING MANILA PLANNING AND ZONING ORDINANCES WHICH DEFINE "MANUFACTURED HOMES", "MOBILE HOMES", AND TRAILERS WITH PROVISIONS FOR COMMUNITY LOCATIONS AND NONCONFORMING REPLACEMENTS.

WHEREAS, the Manila Town Council is charged with the responsibility of making and enforcing ordinances which benefit the citizens of the community, and

WHEREAS, ordinances and their enforcement are necessary to ensure the health, welfare, and safety of the community citizens, and

WHEREAS, the Manila Council believes it necessary to modify existing Planning and Zoning Ordinances which define and regulate the types of homes and their specific placement in the community. This action is taken to ensure the future of Manila with a focus on consistency in housing standards, retention of property values, and the economic welfare of the community; whether the housing be new or a replacement structure in a nonconforming status.

NOW THEREFORE, be it ordained by the Mayor and the Manila Council, Daggett County, State of Utah, as follows:

1. **Planning and Zoning Article II, Section 202, Rules and Definitions, found on pages 3-9, items 1 to 56 will be modified to read:**

   <u>Section 202 Definitions:</u> For the purpose of this ordinance, certain words are hereby defined:

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MANILA PLANING AND ZONING AREAS OF MODIFICATION

Rules and Definitions

Section 202

39. Manufactured Home: A transportable factory built housing unit constructed on or after June 15,1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with** (or without) a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

(**For information, not inclusion in ordinance.) Utah Municipal Code section 10-9-106.5 identifies the manufactured home the same as defined in the previously quoted Section 58-56-3 of the Occupations and Professions code. The exception in this section is that the home MUST be attached to a permanent foundation.
Section (2) of this same code states:
"A manufactured home may not be excluded from a zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local zoning, building code, and subdivision requirements, including any restrictive covenants, applicable to single family residence within that zone or area."

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41. Mobile Home: A mobile home is identified in Utah Code 58-56-3(11) as a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) ***(refer to following information)
***Manila Planning and Zoning Ordinance ARTICLE XIV, Section 1401 prohibits Mobile Homes and Travel Trailers from being placed on any lot or parcel of land in the Town of Manila for the purpose of permanent human habitation, except when placed in a travel-trailer court(not allowed from more than 16 out of 30 days) or in the case of mobile homes, in a licensed mobile home park.

42. Mobile Home Park: Any tract of land on which two or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes. (current planning and zoning)

46. Nonconforming Building or Structure: A building or Structure that legally existed before its current zoning designation, and because of subsequent zoning changes, does not conform with zoning regulations setback, height restrictions, or other regulations that govern the structure. (current planning and zoning)***
***(This nonconforming section should provide for the prohibition of replacing an existing trailer or mobile home with other than a manufactured or home. Elimination of residences not in current compliance results.)

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OTHER CONSIDERATIONS

Ordinance 01-09-03 c (included with this information) requires building standards for housing units, which include provisions for the following:

A. Shape, appearance, and similarity to other housing in the neighborhood where situated.
B. Exterior walls and their composition with prohibition of reflective finish.
C. Roof composition and appearance.
D. Requirement for a pitched roof to a point, not rounded or flat, with a minimum of a three-foot rise to each twelve foot run (3:12 pitch)

In conclusion, Manila has the lawful ability to regulate housing in the residential neighborhoods. We also have the ability to require replacement housing to comply with current ordinances. The State of Utah provides the definition for manufactured housing and mobile homes. This distinction is based on the year of manufacture as outlined by code. Manila has the ability to regulate homes built prior to 1976 and trailers. These mobile homes and trailers may be designated to appropriate parks and may be restricted in the residential neighborhoods. Our ordinance for roofs with a 3:12 pitch further regulates the type of homes acceptable for placement in the community.

Utah code also requires manufactured housing to have a permanent foundation. Other methods or shortcuts are prohibited. Covenants placed by the developers of subdivisions may lawfully require housing to be regulated to stricter standards for types of housing allowed. It would seem logical that a few modifications to our existing ordinances will provide Manila the ability to change the future building environment. The result will be a community more conducive to a better appearance and retention of property values.

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BASIC LEGAL ISSUES FOR LAND USE CONTROL

Utah local governments are enabled, by State legislature, with very broad powers to control land use and development. The enabling statute, **Utah Code 10-9-101**, reads as follows:

"To accomplish the purpose of this chapter, and in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and to protect property values, municipalities may enact all ordinances, resolutions, and rules that they consider necessary for the use and development of land within the municipality, including ordinances, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, public facilities, vegetation, and trees and landscaping, unless those ordinances, resolutions, or rules are expressly prohibited by law."

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39. Manufactured Homes A manufactured home means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code) in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

40. Mobile Home A mobile home means a transportable factory-housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

2. Section 809 Nonconforming Use of Land

The nonconforming use of land, existing at the time of this ordinance and its amendments becoming effective, may continue within the following provisions:

1. The use may not be expanded or extended, either on the same or adjoining property; and
2. If the use or any portion of the use is abandoned or changed for a period of (1) year or more, any future use shall conform to the provisions of this ordinance and its amendments.

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3. An existing structure on land falling under the provisions of section 809, Nonconforming Use of Land, cannot be replaced with another structure which is prohibited by any Manila Planning and Zoning Statute. A manufactured home, mobile home, or trailer, upon removal, may not be replaced by another constituting non-conforming use.

This ordinance and its modifications to related Manila Planning and Zoning statutes shall be effective once approved by the Manila Council, signed by the Mayor, and posted in accordance to law.

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 11th DAY OF December 2003.

TOWN OF MANILA

Chuck Dickison

Chuck Dickison, Mayor

ATTEST:

_____

Judy Archibald, Town Clerk

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(b) require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;

(e) require a school district to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or

(f) impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

(3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new school with the municipality in which the school is to be located, to avoid or mitigate existing and potential traffic hazards to maximize school safety. 1999

10-9-106.5. Manufactured homes.

(1) For purposes of this section, a manufactured home is the same as defined in Section 58-56-3, except that the manufactured home must be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the applicable building code.

(2) A manufactured home may not be excluded from any zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local zoning, building code, and subdivision requirements, including any restrictive covenants, applicable to single family residence within that zone or area.

(3) A municipality may not:

(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or

(b) reject a development plan based on the fact that the development is expected to contain manufactured homes. 2001

10-9-107. Limit on plan check fees.

(1) A municipality may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the municipality charges for a building permit fee for that building.

(2) (a) For purposes of this Subsection (2):

(i) "Identical plans" means building plans submitted to a municipality that:

(A) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and

(B) describe a building that is:

(I) located on land zoned the same as the land on which the building described in the previously approved plans is located; and

(II) subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

(ii) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(A) verifying that building plans are identical plans; and

(B) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans referred to in Subsection (2)(a)(i).

(b) Subject to Subsection (1), a municipality may impose and collect only a nominal fee for reviewing and approving identical plans. 1999

PART 2

PLANNING COMMISSION

10-9-201. Appointment, term, vacancy, and compensation.

(1) (a) Each municipality may enact an ordinance establishing a planning commission.

(b) The ordinance shall define:

(i) the number and terms of the members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office; and

(iv) other details relating to the organization and procedures of the planning commission.

(2) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended. 1991

10-9-202. Organization and procedures.

(1) The planning commission shall elect a chairperson from its members as provided by the ordinance establishing the planning commission.

(2) (a) The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.

(b) The legislative body may provide that those policies and procedures be approved by the legislative body before taking effect. 1991

10-9-203. Use of state data.

(1) The planning commission may obtain access to and use any data and information held by the state or any of its agencies:

(a) that is classified "public"; and

(b) that is classified "protected" if the planning commission's use of the data is lawfully authorized or if the data will be used for a purpose similar to the purpose for which it was gathered.

(2) Each state official, department, and agency shall:

(a) make any data and information requested by the planning commissions available if authorized under the requirements of this section; and

(b) furnish any other technical assistance and advice that they have available to planning commissions without additional cost to the municipality. 1991

10-9-204. Powers and duties.

The planning commission shall:

(1) prepare and recommend a general plan and amendments to the general plan to the legislative body as provided in this chapter;

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TOWN COUNCIL
TOWN OF MANILA
Manila, Daggett County, Utah

ORDINANCE NO. 08-4-17

An Ordinance providing for the regulation and control of Dogs and Livestock within the town of Manila and providing penalties for the violation thereof.

SECTION I.

DEFINITIONS.

Livestock. Means cattle, horses, mules, sheep, goats, or hogs.

Running at large. Means strolling about without restraint or confinement, roving or rambling at will.

Nuisance. For purposes of this ordinance the word nuisance means the following:

A. 1) the owner or person in possession of a dog or livestock;
2) within a three month period, and on three separate days allows one of the following:
a) noise; or
b) smell; or
c) trash, rubbish or the accumulation of other unsightly things.
3) that interferes with the quiet enjoyment of any property or business of another.

Or

B. 1) the owner or person in possession of a dog;
2) within a three month period, and on three separate days allows the dog;
3) to bark, growl or howl between the hours of 10:00 p.m. and 6:00 a.m.

SECTION II.

No person who owns or is in possession of livestock, shall permit it to run at large within the city limits of Manila City.

SECTION III.

The owner of any livestock that trespasses upon the premises or property of another person is liable in a civil action to the owner or occupant of the premises for any damage afflicted by the trespass.

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SECTION IV.

No person who owns or is in possession of a dog, shall permit it to run at large within the city limits of Manila.

SECTION V.

No person who owns or is in possession of a dog or livestock shall allow the dog or livestock to cause a nuisance within the city limits of Manila.

SECTION VI.

Any person may injure or kill any dog within the city limits, while,

a) the dog is attacking, chasing, or worrying:

i) any person;

ii) a domestic animal having a commercial value;

iii) any species of hoofed protected wildlife; or

iv) domestic fowl.

SECTION VII.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a class B misdemeanor. In addition, to a fine and/or imprisonment of the person violating the ordinance, the magistrate may order the removal or destruction of the offending dog or livestock.

This Ordinance shall take effect. On April 16, 2008.

Passed by the Town Council of Manila on the 17TH day of APRIL, 2008.

Mayor

TOWN OF MANILA CORPORATE Seal

ATTEST:

Andrea Scott Clerk

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ORDINANCE NO: 7-09-98

AN ORDINANCE ESTABLISHING THE PLANNING COMMISSION AND DEFINING ITS POWERS AND DUTIES

WHEREAS, Utah law allows the Town to establish a planning commission and establish the number and terms of the members of the commission as well as other details and duties of the commission; and

WHEREAS, the Town desires o update its Planning Commission ordinance to reflect current State law and Town practices and policies; and

NOW, THEREFORE, be it ordained by the council of the Town of Manila:

SECTION 1. The following is hereby adopted as a part of the code of the Town of Manila:

PLANNING COMMISSION

1. Establishment of Planning Commission
2. Term of Office
3. Organization
4. Duties and Powers
5. Additional Duties and Powers

1: Establish of Planning Commission. Pursuant to authority granted in Title 10-9-201 UCA 1953, as amended, there is hereby created a Planning Commission. The Planning Commission shall consist of five (5) members. The members shall be appointed by the Mayor with the advice and consent of the Town Council.

Members shall be selected without respect to political affiliation. The legislative body may fix per diem compensation for the members of the Planning Commission, based on necessary and reasonable expenses and on meetings actually attended.

2: Term of Office. Each member of the Planning Commission shall serve for a term of four (4) years and until a successor is appointed; provided, that the first appointments shall be for such terms that the term or one member shall expire annually. The term of office for each member shall commence on the first day of January. The Town Council may remove any member of the Planning Commission for cause, and after public hearing, if requested by the Commission member. Any vacancy occurring on said Commission by reason of death, resignation, removal or disqualification shall be filled in the same manner as an original appointment for the unexpired term.

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3: Organization.

(1) At its first meeting in July of each odd year, the Planning Commission shall elect one of its members as Chair and a second as Vice-Chair. The Chair shall serve for a term of two years and until a successor is chosen. A vacancy in the position of Chair or Vice-Chair shall be filled for the unexpired term by election at the next meeting of the Planning Commission. A person may be elected to serve consecutive terms

(2) The Chair shall preside at all meetings of the Planning Commission. In the absence of the Chair, the Vice-Chair shall preside. A Pro-Tem Chair shall be selected by the commission if both the Chair and Vice-Chair are absent.

(3) The ex offficio member shall present such matters to the Town Council as are appropriate and receive such instruction and guidance as required from the Town Council and the Mayor as may affect the Planning Commission.

(4) Subject to the approval of the Town Council, the Planning Commission shall adopt rules of procedure consistent with this Code for its own organization and for the transaction of business. Such rules shall not be inconsistent with any directive or instruction received from the Town Council.

(5) Meetings of the Planning Commission shall be held as frequently as the Commission deems advisable.

(6) Reports of official acts and recommendations of the Planning Commission shall be made in writing to the Town Council. Any member of the Commission my also make a concurring or dissenting report or recommendation to the Town Council whenever they so desire.

4: Duties and Powers. The Planning Commission shall:

(1) Prepare and recommend to the Town Council, a General Plan and amendments to the General Plan as provided by Chapter 9, Municipal Land Use Development and Management, of the Utah Code;

(2) Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the Town Council;

(3) Recommend subdivision regulations and amendments to such regulations to the Town Council;

(4) Recommend approval or denial of subdivision applications, as provided by law;

(5) Advise the Council on matters as the Town Council directs;

(6) Hear or decide matters the Town Council designates, including the approval or denial of, or recommendation to approve or deny, conditional use permits.

(7) Review all building permit applications, site plans and development proposals prior to submission to the building inspector for purposes of determining compliance with all ordinances (with the exception of compliance with the Uniform Building Code, which shall be the duty of the building inspector) and compliance with the Town's general plan. No building permit may be issued by the Town without the prior review and approval of the Planning Commission.

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5: Additional Duties and Powers. The Planning Commission.

(1) May conduct hearings and meetings with interested property owners, officials and citizens in the process of carrying out its functions.

(2) Will exercise any other powers that are necessary for it to perform its function or which are delegated by the legislative body.

(3) The Planning Commission, or its authorized agents, may enter upon any land at reasonable times to make examinations and surveys.

SECTION 2. All ordinances in conflict with the provisions of this ordinance are here by repealed.

SECTION 3. This ordinance shall take effect upon posting.

Passed this 9th day of July. 1998.

MAYOR:

Chuck Dickerson

Attest:

Judy Archibald

Town Recorder

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MANILA ORDINANCE 07-02

ORDINANCE OF ANNEXATION OF TERRITORY TO THE MUNICIPALITY OF THE TOWN OF MANILA AND AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE TOWN OF MANILA AND ESTABLISHING A ZONE FOR THE ANNEXED PROPERTY.

WHEREAS, the Manila Utah Town Council has been petitioned to annex certain property and has given public notice of such petition and the protest period has now run without protest; and

WHEREAS, the laws of the State of Utah provide that the Articles of Incorporation of the Town of Manila be amended with respect to its geographical description by adding thereto the territory so annexed; and

WHEREAS, the Town of Manila may establish a zone designation at the time of annexation pursuant to Utah Code section 10-9-406;

NOW THEREFORE, be it ordained by the Manila Utah Town Council, that;

1. **The territory described in Exhibit A hereto is hereby annexed into the Town of Manila and the Articles of Incorporation of the Town are hereby amended with respect to the geographical description of the addition of the territory described in Exhibit A hereto.**
2. **The newly annexed territory shall have the zone designation of CD.**
3. **This ordinance shall take effect immediately upon passage.**

PASSED and dated 12th day of February 2007.

Mayor, Manila Utah

ATTEST:

Manila Town Clerk

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THEREFORE, BE IT ENACTED that:

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS ARTICLE X1, Section 1101 of the Manila Planning and Zoning Ordinance is modified to delete all future R-1-6 designations.

The specific section of ARTICLE X1, RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS, Section 1101 Purpose of the Manila Planning and Zoning Ordinance eliminated as a designation for all future building lots within the jurisdictional limits of Manila currently reads:

1. **Residential District R-1-6. To provide for areas of low Density, single-family residential neighborhoods where Low and medium costs of development may occur. Minimum lot size: 6,000 square feet.**

NOW, THEREFORE, be it ordained by the Council of the Town of Manila that all future building lot designations in the Residential, Single family, Districts with an R-1 designations have a size designation no less than R-1-8. A designation of R-1-6 is eliminated for all future building lots. This ordinance shall become effective upon approval by the Manila Town Council, signed by the Mayor, and posted in three (3) specific places in the Town of Manila.

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 13th DAY OF September 2001

Town of Manila

Chuck Dickison, Mayor

Attest Judy Archibald

Town Clerk

TOWN OF MANILA CORPORATE Seal

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ORDINANCE

An ordinance for the Town of Manila which eliminates future designation of R-1-6 lots. This ordinance does not apply to those building lots currently designated as Residential, Single family, 6,000 square feet. R-1-6 building lots are recognized as insufficient in size to adequately build a single-family residence within the criterion of Manila Planning and Zoning.

WHEREAS, the Town of Manila Council and the Manila Planning and Zoning Board wants to be responsive to the needs of those citizens who have experienced considerable difficulty in utilizing a building lot currently designated as R-1-6; and

WHEREAS. And R-1-6 designated lot is only suitable for a dwelling comparable to the configuration of a single wide trailer which must be positioned with exactness to meet the minimum Planning and Zoning criterion for yards and setbacks; and

WHEREAS, the Manila Town Council and the Manila Planning and Zoning Board believes an R-1-6 building lot does not meet the expectations of the property owner or the community by providing limitations in property use and planning; and

WHEREAS, the public has had an opportunity to provide input and the Manila Town Council has decided to respond to this input and provide a solution which corrects the inherent problems associated with an R-1-6 lot designation by eliminating such designation.

FILE COPY

ORDINANCE

An ordinance for the Town of Manila which specifies the construction standards for future buildings, particularly requiring a shape of building and roof, and exterior wall construction. This ordinance provides for building units to meet or not meet specific criteria.

WHEREAS, the Town of Manila Council believes it has an obligation to its citizens and wants to be responsive to their needs; and

WHEREAS, certain citizens who own property within the Town of Manila have expressed a concern about buildings being constructed within the residential neighborhoods which tend to detract from the desired appearance of the affected neighborhood and is believed to create a devaluation of property value; and

WHEREAS, the Manila Planning and Zoning Board has heard the issue of requiring specific future building unit and accessory building criteria and has advised the Manila Town Council to provide for an equitable solution with public ability for input; and

WHEREAS, the Manila Town Council believes the issue has a legitimacy sufficient to ask for public input and as a result of that input provide for a certain criteria for all future building units and accessory buildings constructed within the Town of Manila.

THEREFORE, BE IT ENACTED that:

1. **<u>BUILDING STANDARDS:</u> Housing units and accessory buildings shall be evaluated as meeting or not meeting standards based on the following criteria:**

    A. The main body of the building unit shall be generally rectangular and its apparent bulk shall be similar to other housing in the neighborhood.

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B. All exterior walls shall be non-reflective and shall be textured, similar to wood, masonry, or stone, regardless of their actual composition. This section does not prohibit metal composition which is non-reflective and textured.

C. The roof shall be non-reflective and appear to be shingled or tiled, or built up roofs with marble chips, regardless of actual composition. Roofs may be of metal composition which is non-reflective and textured.

D. The roof shall be pitched to a point, not rounded or flat, with a minimum of three-foot rise to each twelve foot run (3:12 pitch)

NOW, THEREFORE, be it ordained by the Council of the Town of Manila that all future building units must be evaluated to meet or not meet the criteria as set forth in this ordinance. This ordinance shall become effective upon approval by the Manila Town Council, signed by the Mayor, and posted in three (3) specific places in the Town of Manila.

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 13th DAY OF September 2001

Town of Manila

Chuck Dickison

Chuck Dickison, Mayor

Attest Judy Archibald

Town Clerk

Judy Archibald

TOWN OF MANILA CORPORATE Seal

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Section
58-56-9. Qualifications of inspectors — Contract for inspection services.
58-56-10. Repealed.
58-56-11. Standards for specialized buildings.
58-56-12. Factory built housing units.
58-56-13. Modular units.
58-56-14. Modification of factory built housing units and modular units.
58-56-15. Factory built housing and modular units — Division responsibility.
58-56-16. Registration of dealers — Bonding requirements — Renewal — Exemptions — Discipline.
58-56-17. Fees on sale — Escrow agents — Sales tax.
58-56-17.5. Factory Built Housing Fees Restricted Account.
58-56-18. Repealed.

58-56-1. Short title.

This chapter is known as the "Utah Uniform Building Standards Act." 1989

58-56-2. Chapter administration.

The provisions of this chapter shall be administered by the Division of Occupational and Professional Licensing. 1989

58-56-3. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Building" means a structure used or intended for supporting or sheltering any use or occupancy and any improvements attached to it.

(2) "Code(s)" means the following codes, including the standards and specifications contained in them:

(a) codes adopted by the commission under Subsection 58-56-4(2); and

(b) codes approved by the commission under Subsection 58-56-4(4)(a).

(3) "Commission" means the Uniform Building Code Commission created under this chapter.

(4) "Compliance agency" means an agency of the state or any of its political subdivisions which issue permits for construction regulated under the codes, or any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes.

(5) "Factory built housing" means manufactured homes or mobile homes.

(6) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis. The scope of the work included under the license includes the placement and or securing of the factory built housing on a permanent or temporary foundation, securing the units together if required, and connection of the utilities to the factory built housing unit, but does not include site preparation, construction of a permanent foundation, and construction of utility services to the near proximity of the factory built housing unit. If a dealer is not licensed as a factory built housing set up contractor, that individual must subcontract the connection services to individuals who are licensed by the division to perform those specific functions under Title 58, Chapter 55, Utah Construction Trades Licensing Act.

(7) "HUD code" means the Federal Manufactured Housing Construction and Safety Standards Act.

(8) "Installation standard" means the standard adopted and published by the National Conference of States on Building Codes and Standards (NCSBCS) for "Standard for Manufactured Home Installations," the accompanying manufacturer's instructions for the installation of the manufactured home, or such equivalent standard as adopted by rule.

(9) "Local regulator" means each political subdivision of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes.

X (10) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

X (11) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(12) "Modular unit" means a structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to Section 58-56-4 and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

(13) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.

(14) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

(15) "Unlawful conduct" is as defined in Subsection 58-1-501(1) and includes:

(a) engaging in the sale of factory built housing without being registered with the division as a dealer, unless the sale is exempt under Section 58-56-16; and

(b) selling factory built housing within the state as a dealer without collecting and remitting to the division the fee required by Section 58-56-17.

(16) "Unprofessional conduct" is as defined in Subsection 58-1-501(2) and includes:

(a) any nondelivery of goods or services by a registered dealer which constitutes a breach of contract by the dealer;

(b) the failure of a registered dealer to pay a subcontractor or supplier any amounts to which that subcontractor or supplier is legally entitled; and

(c) any other activity which is defined as unprofessional conduct by division rule in accordance with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act. 2002

58-56-4. Definitions — Adoption of building codes — Amendments — Approval of other codes —

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ORDINANCE

An ordinance for the Town of Manila which specifies the construction standards for future buildings, particularly requiring a shape of building and roof, and exterior wall construction. This ordinance provides for building units to meet or not meet specific criteria.

WHEREAS, the Town of Manila Council believes it has an obligation to its citizens and wants to be responsive to their needs; and

WHEREAS, certain citizens who own property within the Town of Manila have expressed a concern about buildings being constructed within the residential neighborhoods which tend to detract from the desired appearance of the affected neighborhood and is believed to create a devaluation of property value; and

WHEREAS, the Manila Planning and Zoning Board has heard the issue of requiring specific future building unit and accessory building criteria and has advised the Manila Town Council to provide for an equitable solution with public ability for input; and

WHEREAS, the Manila Town Council believes the issue has a legitimacy sufficient to ask for public input and as a result of that input provide for a certain criteria for all future building units and accessory buildings constructed within the Town of Manila.

THEREFORE, BE IT ENACTED that:

1. **<u>BUILDING STANDARDS:</u> Housing units and accessory buildings shall be evaluated as meeting or not meeting standards based on the following criteria:**

   A. The main body of the building unit shall be generally rectangular and its apparent bulk shall be similar to other housing in the neighborhood.

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B. All exterior walls shall be non-reflective and shall be textured, similar to wood, masonry, or stone, regardless of their actual composition. This section does not prohibit metal composition which is non-reflective and textured.

C. The roof shall be non-reflective and appear to be shingled or tiled, or built up roofs with marble chips, regardless of actual composition. Roofs may be of metal composition which is non-reflective and textured.

D. The roof shall be pitched to a point, not rounded or flat, with a minimum of three-foot rise to each twelve foot run (3:12 pitch)

NOW, THEREFORE, be it ordained by the Council of the Town of Manila that all future building units must be evaluated to meet or not meet the criteria as set forth in this ordinance. This ordinance shall become effective upon approval by the Manila Town Council, signed by the Mayor, and posted in three (3) specific places in the Town of Manila.

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 13th DAY OF September 2001

Town of Manila

Chuck Dickison

Chuck Dickison, Mayor

Attest Judy Archibald

Town Clerk

Judy Archibald

TOWN OF MANILA CORPORATE Seal

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Check

ORDINANCE NUMBER 01-09-13C

AN ORDINANCE PROVIDING MODIFICATIONS TO EXISTING MANILA PLANNING AND ZONING ORDINANCES WHICH DEFINE "MANUFACTURED HOMES", "MOBILE HOMES", AND TRAILERS WITH PROVISIONS FOR COMMUNITY LOCATIONS AND NONCONFORMING REPLACEMENTS.

WHEREAS, the Manila Town Council is charged with the responsibility of making and enforcing ordinances which benefit the citizens of the community, and

WHEREAS, ordinances and their enforcement are necessary to ensure the health, welfare, and safety of the community citizens, and

WHEREAS, the Manila Council believes it necessary to modify existing Planning and Zoning Ordinances which define and regulate the types of homes and their specific placement in the community. This action is taken to ensure the future of Manila with a focus on consistency in housing standards, retention of property values, and the economic welfare of the community; whether the housing be new or a replacement structure in a nonconforming status.

NOW THEREFORE, be it ordained by the Mayor and the Manila Council, Daggett County, State of Utah, as follows:

1. **Planning and Zoning Article II, Section 202, Rules and Definitions, found on pages 3-9, items 1 to 56 will be modified to read:**

   <u>Section 202 Definitions:</u> For the purpose of this ordinance, certain words are hereby defined:

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MANILA PLANING AND ZONING AREAS OF MODIFICATION

Rules and Definitions

Section 202

39. Manufactured Home: A transportable factory built housing unit constructed on or after June 15,1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with** (or without) a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

(**For information, not inclusion in ordinance.) Utah Municipal Code section 10-9-106.5 identifies the manufactured home the same as defined in the previously quoted Section 58-56-3 of the Occupations and Professions code. The exception in this section is that the home MUST be attached to a permanent foundation.
Section (2) of this same code states:
"A manufactured home may not be excluded from a zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local zoning, building code, and subdivision requirements, including any restrictive covenants, applicable to single family residence within that zone or area."

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OTHER CONSIDERATIONS

Ordinance 01-09-03 c (included with this information) requires building standards for housing units, which include provisions for the following:

A. Shape, appearance, and similarity to other housing in the neighborhood where situated.
B. Exterior walls and their composition with prohibition of reflective finish.
C. Roof composition and appearance.
D. Requirement for a pitched roof to a point, not rounded or flat, with a minimum of a three-foot rise to each twelve foot run (3:12 pitch)

In conclusion, Manila has the lawful ability to regulate housing in the residential neighborhoods. We also have the ability to require replacement housing to comply with current ordinances. The State of Utah provides the definition for manufactured housing and mobile homes. This distinction is based on the year of manufacture as outlined by code. Manila has the ability to regulate homes built prior to 1976 and trailers. These mobile homes and trailers may be designated to appropriate parks and may be restricted in the residential neighborhoods. Our ordinance for roofs with a 3:12 pitch further regulates the type of homes acceptable for placement in the community.

Utah code also requires manufactured housing to have a permanent foundation. Other methods or shortcuts are prohibited. Covenants placed by the developers of subdivisions may lawfully require housing to be regulated to stricter standards for types of housing allowed. It would seem logical that a few modifications to our existing ordinances will provide Manila the ability to change the future building environment. The result will be a community more conducive to a better appearance and retention of property values.

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41. Mobile Home: A mobile home is identified in Utah Code 58-56-3(11) as a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) ***(refer to following information)
***Manila Planning and Zoning Ordinance ARTICLE XIV, Section 1401 prohibits Mobile Homes and Travel Trailers from being placed on any lot or parcel of land in the Town of Manila for the purpose of permanent human habitation, except when placed in a travel-trailer court(not allowed from more than 16 out of 30 days) or in the case of mobile homes, in a licensed mobile home park.

42. Mobile Home Park: Any tract of land on which two or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes. (current planning and zoning)

46. Nonconforming Building or Structure: A building or Structure that legally existed before its current zoning designation, and because of subsequent zoning changes, does not conform with zoning regulations setback, height restrictions, or other regulations that govern the structure. (current planning and zoning)***
***(This nonconforming section should provide for the prohibition of replacing an existing trailer or mobile home with other than a manufactured or home. Elimination of residences not in current compliance results.)

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BASIC LEGAL ISSUES FOR LAND USE CONTROL

Utah local governments are enabled, by State legislature, with very broad powers to control land use and development. The enabling statute, **Utah Code 10-9-101**, reads as follows:

"To accomplish the purpose of this chapter, and in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and to protect property values, municipalities may enact all ordinances, resolutions, and rules that they consider necessary for the use and development of land within the municipality, including ordinances, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, public facilities, vegetation, and trees and landscaping, unless those ordinances, resolutions, or rules are expressly prohibited by law."

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39. Manufactured Homes A manufactured home means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code) in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

40. Mobile Home A mobile home means a transportable factory-housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

2. Section 809 Nonconforming Use of Land

The nonconforming use of land, existing at the time of this ordinance and its amendments becoming effective, may continue within the following provisions:

1. The use may not be expanded or extended, either on the same or adjoining property; and
2. If the use or any portion of the use is abandoned or changed for a period of (1) year or more, any future use shall conform to the provisions of this ordinance and its amendments.

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3. An existing structure on land falling under the provisions of section 809, Nonconforming Use of Land, cannot be replaced with another structure which is prohibited by any Manila Planning and Zoning Statute. A manufactured home, mobile home, or trailer, upon removal, may not be replaced by another constituting non-conforming use.

This ordinance and its modifications to related Manila Planning and Zoning statutes shall be effective once approved by the Manila Council, signed by the Mayor, and posted in accordance to law.

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 11th DAY OF December 2003.

TOWN OF MANILA

Chuck Dickison

Chuck Dickison, Mayor

ATTEST:

_____

Judy Archibald, Town Clerk

A.

amendments,
zoning ordinance 50

animals and fowl,
supplementary
regulations 28

appeals,
conditional uses 129

applications
rezoning, disapproval 24

area,
accessory buildings 26
central development 104
commercial 102
multiple residential 76
multiple use 67
residential 76
rural residential 76

B.

board of adjustment
Article III 15
district court review 21
special exceptions 19

boats,
location of 32

boundaries,
locating 63

building inspector,
enforcement officer 44
office of 44

buildings,
area of accessory 26

C.

camping trailers,
location of 32
campers, truck
location of 32

change,
of nonconforming
use 61

cluster subdivisions 140

codes and symbol,
commercial 81
multiple residential 70
multiple use 65
residential 70
rural residential 70

conditional uses,
per zoning district 119

conflicts,
zoning ordinance 2

construction of language 3

cooperation,
with State and Federal
officials and inspectors 48
with other officials 48

coverage regulations,
central development 104
commercial 102
multiple residential 79
multiple use 69
residential 79
rural residential 79

D.

damaged buildings,
nonconforming use 61

declaration,
zoning ordinance 1

definitions,
cluster subdivisions 140
mini-malls 151
planned unit
development 132
strip-malls 151

determination,
uses not listed 54

dwelling,
every, on a lot 25

E.

effect,
on previous ordinances
and maps 2

enforcement officer,
building inspector 44

existing structures,
nonconforming use 60
mini/strip-malls 151

excavations 33

F.

fees,
charges to be imposed 153
planned unit development 139

fence,
multiple residential 77
residential 77

filing,
ordinance and map 62

foundation,
footing and foundation
specifications 11

front yard,
commercial 102
multiple residential 77
multiple use 68
residential 77
rural residential 77

G.

governing ordinances,
home business 7
mini/strip-malls 152

grandfather,
see: nonconforming use

H.

height,
additional, allowed 27
central development 104
commercial 102
limitations, exceptions 27
maximum, accessory 28
multiple residential 79
residential 79
rural residential 79

I.

intersection streets,
clear view 28

interpretation,
Zoning Ordinance 2

J.

L.

land,
nonconforming 62

landscape requirements,
commercial, residential
planned unit development,
cluster subdivisions 127

lease,
of required space 26

locating,
boundaries 63

lots,
every dwelling 25
below minimum
requirements 26
required space 26
separate ownership 25

M.

maintenance of property,
for safety 33

manufactured home parks 105

Map,
filing of 63

meetings and rules,
board of adjustment 19

mixed use,
mini-malls, strip-malls 152

mobile homes,
exceptions 105
prohibited 105

mobile home parks,
existing 105
new prohibited 105

motor homes,
location of 32

N.

nonconforming uses,
continuing existing 60
continuation of 61
expansion of 60
repairs and alterations 60

notice,
of violation 57

O.

occupancy,
nonconforming use 60
one year 61
within one year 61

occupancy permit,
building inspector 54

one building,
yard space 25

ordinance,
filing of 23

organization,
board of adjustment 16

P.

penalty,
notice of violation 57

permits,
building 48
conditional use 129
occupancy 54
planned unit development 132
to comply 46

propane tanks,
requirements 42

powers and duties,

board of adjustment 17

procedures,
board of adjustment 16
amendments,
zoning ordinance 23

public hearing,
planned unit development 138

public nuisance,
prevention of 33

purpose,
central development 103
commercial 80
conditional uses 117
costs and charges 153
mini-malls 151
multiple residential 70
multiple use 63
planned unit development 131
residential 70
rural residential 70
strip-malls 151
zoning ordinance 1

Q.

R.

rear yard,
multiple residential 78
multiple use 68
residential 78
rural residential 78

records,
building inspector 47

repairs,
nonconforming use 60
reports,
building inspector 48

required space,
sale or lease of 26

required conditions,
planned unit development 133

restoration,
nonconforming use 61

rezoning applications,
disapproval 24

S.

sale,
required space 26

safety,
maintenance of property for 33

separate ownership,
lots in 25

set backs,
see: front yard
rear yard
side yard
State and Federal
highways 29

sewer,
requirements 28

side yard,
commercial 102
multiple residential 78
multiple use 68
accessory buildings 78
residential 78
rural residential 78

site plans,
planned unit development 136
required 46

special provisions,
central development 103
commercial 102

special regulations,
conditional uses 122

T.

time limit,
conditional uses 129

travel trailers,
additional regulations 116
courts 113
exceptions 105
location of 32
prohibited 105

truck campers,
location of 32

U.

uses,
central development 103
change of nonconforming 60
commercial 81

land,
nonconforming 62
multiple residential 70
multiple use 70
nonconforming 62
not listed 54
residential 70
rural residential 70
temporary 30

utilities services,
building inspector 53

V.

variances,
board of adjustment 19

violation,
see: Appendix A and penalty 57
notice of 58

W.

water,
requirements 28
planned unit development 136
cluster subdivision 143

width,
central development 104
commercial 102
multiple residential 77
multiple use 68
residential 77
rural residential 77

X.

Y.

yard,
to be unobstructed 26

yard space,
one building only 25

Z.

zoning,
mini-malls, strip malls 152

zoning districts,
establishment of 63