

**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of Manila, in their entirety and including the maps heretofore adopted and made part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the maps on file with the Manila Town Planning and Zoning Commission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 hereby 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-of-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 rear 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 permittee 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 purpose 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 permittee 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 permittee 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 hereby 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 public 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 not 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  $\frac{1}{2}$  & 1 C

3. Apiary

Rural Residential  $\frac{1}{2}$  & 1 C

4. Aviary

Rural Residential  $\frac{1}{2}$  & 1 C

5. Dwellings

A. Single-family.

Rural Residential  $\frac{1}{2}$  & 1 P

B. Two- family.

Rural Residential  $\frac{1}{2}$  & 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
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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
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2. For accessory buildings:

Rural Residential	½ & 1	6
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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
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Section 1010

Coverage Regulations

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

Rural Residential	½ & 1	35
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**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
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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
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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	60
R-1-8	60
All R-M	60

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.
3. The side of home facing the street is the front of the home. Corner lot property owners may decide what street will be considered the front of the yard.

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

B. For accessory buildings

All districts	6
---------------	---

2. Rear set-backs on corner lots the main buildings are (8) feet. 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. If a rear yard abuts a side lot, it is 6 feet.- Updated 8-7-17

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
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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
Draperies/ 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
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Plumbing shop

CN & CH	NP
CS & CG	P

Popcorn and/or nut shop

All C districts	P
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Radio and television, sales and repair

CN	NP
CS, CH & CG	P

Restaurant

All C districts	P
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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
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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



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. Residential and Rural Zones

- 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. Commercial Zones

- 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. Conditions Relating to Health and Sanitation

- 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 (In Acres)	Maximum No. of dwellings Units Per Acre	Maximum No. of Dwelling Units Per 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.