



Town of Manila Zoning Ordinance

June 2024



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FOR LAND USE PLANNING AND ZONING
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Section 101. Declaration

This document is an amended Zoning Ordinance for the Town of Manila, Utah, (hereafter referred to as "Town") 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; to guide, control, and regulate future growth and development 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; 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; and to secure economy in government services and expenditures. In preparation of this Ordinance, consideration has been given to Sections 10-9a et sec of the Utah code (Amended through 2022) and to all studies and surveys made in the past in connection therewith.

Section 103. Short Title

This Ordinance may be cited as "The 2023 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 covering the zoning areas and districts in the Town, in their entirety and including the maps heretofore adopted and made part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the maps on file with the Planning and Zoning Commission and by this reference made apart hereof, shall be deemed a

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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.

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ARTICLE 2 APPEAL AUTHORITY

ARTICLE 2 APPEAL AUTHORITY

In order to provide for just and fair treatment in the administration of local land use ordinances, and to ensure that substantial justice is done, there is hereby created an Appeal Authority to exercise the powers and duties provided by this section.

Section 201. Organization

The Appeal Authority shall be appointed by the Mayor with the consent of the Town Council.

Section 202. Powers and Duties

The Appeal Authority shall hear and decide:

- A. Appeals from decisions applying the land use ordinance made by the Land Use Authority as designated by the Town Council;
- B. Variances from the terms of the land use ordinance.

Section 203. Variances

Any person or entity desiring a waiver or modification of the requirements of this ordinance as applied to a parcel of property that he owns, leases, or in which he holds some authority for a variance from the terms of the ordinance:

- C. The Appeal Authority may grant a variance only if all of the following five conditions are satisfied:
 - i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - iv) the variance will not substantially affect the general plan and will not be contrary to the public interest;
 - v) the spirit of the land use ordinance is observed and substantial justice done
- D. In determining whether or not enforcement of this ordinance would cause unreasonable hardship under paragraph 3,A,i. The Appeal Authority 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 to the property, not from conditions that are general to the neighborhood.
- E. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under paragraph 3,A,i, the Appeal Authority 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 paragraph 2,B, the appeal authority may find that special circumstances exist only if the special circumstances:

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ARTICLE 2 APPEAL AUTHORITY

- i) relate to the hardship complained of; and
 - ii) deprive the property of privileges granted to other properties in the same zone.
- G. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- H. Variances run with the land.
- I. The Appeal Authority may not grant a use variance; ie, change allowance uses for that particular zone, such as changing the use from residential to commercial, etc.
- J. In granting a variance, the Appeal Authority may impose additional requirements on the applicant that will:
 - i) mitigate any harmful affects of the variance; or
 - ii) serve the purpose of the standard or requirement that is waived or modified. (Utah Code § 10-9a-702)

Section 204. Appeals

Appeals from decisions made by the Planning Director or Land Use Authority in administering or interpreting this ordinance shall be processed and reviewed in accordance with this section.

- K. The applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within 10 days, appeal that decision by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of this ordinance.
- L. The appellant has the burden of proving that the land use authority erred.
- M. The Appeal Authority shall respect the due process rights of each of the participants.
- N. Only those decisions in which the Planning Director or Land Use Authority has applied the land use ordinance to a particular application, person, or parcel may be appealed to the Appeal Authority. (Utah Code §§ 10-9a-703; 705; 706 (2); 707 (4))

Section 205. Review and Public Hearing Procedures

Completed applications for both variances and appeals will be reviewed by the Land Use Authority and shall forward a recommendation to the Appeal Authority for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings." The Appeal Authority shall hold at least one (1) public meeting on the application. Prior to the meeting, notice shall be given in accordance with State Law. Where a variance will affect the location of a building or structure; i.e. setbacks, etc., any affected utilities must also be notified in writing at least 7 days before the meeting, including Natural Gas, Power, or other utility which requires minimum spacing from buildings, structures, etc. Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

- O. The Appeal Authority shall consider the recommendation of the Land Use Authority together with information provided by the applicant, and any statements made at the public meeting both for and against the application. The Appeal Authority may approve, approve with conditions, or deny the application.

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ARTICLE 2 APPEAL AUTHORITY

Section 206. Final Decision

A decision of an appeal authority is final and takes effect on the date when the appeal authority issues a written decision, or within 30 days of the decision by appeal authority; whichever is sooner. (Utah Code § 10-9a-708)

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ARTICLE 2 APPEAL AUTHORITY

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ARTICLE 3 AMENDMENTS TO THIS ORDINANCE

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Section 301. Amendments

The Town Council may amend:

1. The number, shape, boundaries, or area of any zone; and,
2. Any other provisions of this zoning ordinance.

Section 302. 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 review and recommendations.

Section 303. Procedure

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

1. A recommendation for approval from the Planning and Zoning Commission; and,
2. A public hearing:
 - A. At least ten (10) days notice required; and,
 - B. Notice shall be posted in three (3) public places in Town, as the Town Council designates; and,
3. A favorable majority vote of the entire Town Council.

Section 304. Denial 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 Appeal Authority as provided in [ARTICLE 2](#) of this Ordinance.

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ARTICLE 3 AMENDMENTS TO THIS ORDINANCE

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ARTICLE 4 SUPPLEMENTARY AND QUALIFYING REGULATIONS

ARTICLE 4 SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section 401. Effect of this Article

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

Section 402. 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, or multi-family dwelling of any legally (subdivision ordinance adopted by the Town Council September 19, 1969) created lot or parcel of land, provided:

1. That such lot or parcel of land is in a zone which permits [single-family dwellings or multi-family dwellings](#); and,
2. Is a legally divided lot held in separate ownership at the time this Ordinance became effective.

Section 403. Every Dwelling to be on a "Lot."

Every dwelling shall be located and maintained on a "Lot" as defined in this Ordinance. The Town Council adopted the first Town Subdivision Ordinance on September 19, 1969. Any lot created without being processed and approved by the Town Council after September 19, 1969, is not a legal lot of record.

Section 404. 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 separate from a larger parcel of land for the purpose, whether immediate or future, of building or developing as a lot.

Section 405. 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; or,
2. Accessory buildings in a rear yard; or,
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. Decks, provided they maintain the minimum setback requirements set in this code.

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ARTICLE 4 SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section 406. 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 407. Exceptions to Height Limitations

1. The following may be erected above the height limit of this Ordinance:
 - A. 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, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures.
2. No space above the height limit shall be allowed for the purpose of providing additional floor space, patios or open decks.

Section 408. 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. Building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface, regardless of roof type.

Section 409. Clear View of Intersection Streets

In all zones which require a front yard,

1. No obstruction to the view more than three (3) 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 fifteen (15) feet from the intersection of the street lines.

Section 410. Animals and Fowl

Up to twelve (12) chickens and/or two (2) rabbits may be permitted on any residential lot. Four (4) domestic pets are allowed at only one (1) residence. Roosters shall be prohibited.

Section 411. Water, Sewer, Power Requirements

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Water, sewer and power services shall not be provided to any residential or commercial structure prior to the issuance of a building permit for the primary residential or commercial structure.

Section 412. Effect of Official Map on a Front Yard

Excepting flag lots, a front yard is required for a lot facing on a street. The depth of such front yard shall be measured from the property line adjacent to a street.

Section 413. Setback from State and Federal Highways

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

1. Small temporary fruit and vegetable stands; or,
2. As provided elsewhere in this Ordinance.

Section 414. 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 415. Temporary Buildings and Temporary Dwelling Uses

1. Only recreational vehicles and Travel Trailers shall be permitted to be used as temporary dwelling in conjunction with construction, and shall:
 - A. Have a conditional use permit.
 - 1.) Not to exceed one (1) year,
 - 2.) May be renewed, for one (1) year, by the Planning and Zoning Commission and with final approval of the Town Council, after the owner has furnished satisfactory evidence that the need for a permit still exists.
 - B. Be removed,
 - 1.) Within ten (10) days of the completion of construction, or,
 - 2.) Upon expiration of the permit, whichever occurs first.

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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; and,
 - 1.) Not to exceed one (1) year; but,
 - 2.) May be renewed, for one additional (1) year, by the Planning and Zoning Commission and with final approval of the Town Council, after the owner has furnished satisfactory evidence of the need for a permit still exists.
 - B. Be removed,
 - 1.) Within ten (10) days of the completion of construction; or,
 - 2.) Upon expiration of the permit, whichever occurs first.
3. Temporary real estate offices, shall:
 - A. Have a conditional use permit; and,
 - 1.) Not to exceed two (2) years; but,
 - 2.) May be renewed, for two additional (2) years, by the Planning and Zoning Commission and with final approval of the Town Council, if some lots have not been sold.
 - B. Be located on the property being subdivided for sale as individual lots and,
 - 1.) Be limited to the sale of these lots.
 - C. Be subject to:
 - 1.) Height, yard, intensity of use and parking regulations for the zoning district in which it is located; and,
 - 2.) Meet water and sanitary standard as required by this Ordinance.
 - D. Be removed,
 - 1.) Upon expiration of the use permit, or,
 - 2.) When all lots have been sold, whichever occurs first.

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4. Temporary uses such as circuses, carnivals, Christmas tree sales lots, revivals, horse shows, rodeos, and charity events, shall:
 - A. Have a single event permit and temporary business license; and,
 - 1.) Not to exceed sixty (60) days from approval date.

Section 416. Recreational Vehicles, Aircraft, Boats, Truck Campers, and Motorhomes

1. It shall be unlawful to place any recreational vehicle on any lot or parcel of land in the Town and to use the same for any human habitation, permanent or temporary living, sleeping, camping or housekeeping purposes except as follows:
2. When a recreational vehicle is located in a recreational vehicle park.
3. When a valid building permit has been issued for a residential structure on a legal lot of record during the construction of a residence. The length of stay for a recreational vehicle being utilized as a temporary residence shall be limited to the validity of the associated building permit.
4. When a recreational vehicle is being stored in conjunction with an existing residence (cannot be on a vacant lot), a recreational vehicle can be stored indefinitely and used occasionally (up to 60 days per calendar year) for human habitation. It cannot be used for rental purposes.
5. If a violation occurs a civil penalty shall be imposed in accordance with Article 6 establishing civil penalties for violation of certain ordinances of the Town.

Section 417. Maintenance of Property for Safety and Prevention of Public Nuisance

1. 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; or,
 - B. Maintain dilapidated buildings, or any structure in a state of disrepair to constitute a potential fire hazard or safety hazard to any person, guest, or trespasser on the property; or,
 - C. Maintain junk, vehicles 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 6](#) of this ordinance.

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3. A civil penalty shall be imposed in accordance with Article 6 establishing civil penalties for violation of certain ordinances of the Town.

Section 418. Excavations

1. The Department Administrator of the Town Public Works Department shall make such inspections as are reasonably necessary in the enforcement of this Article. The Administrator 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. Guidance regarding standards and specifications is provided in the Utah Chapter of the American Public Works Association Manual of Standard Plans dated 2017.
2. The provisions of this Article shall not be construed as imposing on the Town 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 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, 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 annually at a time specified by the Town 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 Public Works Department for such a permit on the first working day after 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 except as otherwise provided in this Article.
6. The Town 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:

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- A. A public utility regulated by the Public Utilities Commission of the State of Utah.
 - B. A person holding a franchise from the Town.
 - C. The water and sewer departments of the Town and the 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. 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 Public Works Director to a compaction of ninety- five percent (95%).
8. The application for a permit required by the provisions of the Town, with the payment of the required fee when approved by the Town Public Works Director, 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 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 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 may use any or all deposits required by the Town 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 permitted shall be reduced by the amount thus expended by the Town.
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 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

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to supplement, but not replace, light sources. The Town Public Works Director may restrict the use of lanterns 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 always maintained to minimize inconvenience to the occupants of the adjoining property, and to the public.
 - A. When traffic conditions permit, the Town Public Works Director may, by written approval permit the closing of streets and alleys to all traffic for a period prescribed, if determined necessary. The written approval of the Public Works Director may require that the permittee give notification to various public agencies and to the 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 Works Director.
14. The permittee shall not interfere with any existing facility without the written consent of the Town 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 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 this 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 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 always, 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 the permittee cannot obtain a license

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from such owner the Town 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 the permittee to trek through 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 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 alongside the trench and kept trimmed to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Town Public Works Director. Whenever necessary, 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 cleanup 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 Town Public Works Director. From time to time, as may be ordered by the Town 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

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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 permanent 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 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 Town 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 Town 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 Town 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 possible, so as not to obstruct the public

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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 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 419. Propane Tanks

1. Propane tanks are regulated by the National Fire Protection Association (NFPA) 58 and are regulated by the State Fire Marshall.

Section 420. 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.

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Section 501. Office of Building Official Created

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

Section 502. Enforcement Officer

The Building Official, or other town designee, shall be charged with the administration and enforcement of this ordinance.

Section 503. Powers and Duties of the Building Official

The Building Official is authorized to inspect or cause to be inspected:

1. All buildings and structures during construction, modification, demolition or repair; and,
2. Land uses to determine compliance with the provisions of this Ordinance; and,
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 Planning and Zoning Commission or the 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.
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 Planning and Zoning Commission. The length of any extension shall be 6 months, the cost of extension shall be determined by the Town of Manila's consolidated fee schedule.
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 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.

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8. The Planning and Zoning Commission 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. Noncompliance 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 the conditions of this Home First Detached Outbuilding or Garage Ordinance.
10. The Building Official shall enforce all the provisions of this and other applicable ordinances, employing all legal means available to do so. In enforcement of this Ordinance, the Building Official or any employee of the department authorized to represent the Building Official 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 thereof without the written order of a court of competent jurisdiction.

Section 504. 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 Official; and,
2. The Building Official 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 505. Site Plan Required

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

1. Note of scale used; and,
2. Direction of north point; and,
3. Lot lines together with adjacent streets, roads, and right-of ways; and,
4. Location of all existing structures on the property and if necessary adjoining properties (including dimensions, utility lines, poles, etc.), a separate exhibit for existing improvements shall be included with the submitted site plan; and,
5. Location of proposed construction and improvements, including the location of all signs and survey

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markers; and,

6. existing utilities/improvements map needs to include water, sewer, power, gas, phone, any other utilities; and,
7. If necessary, motor vehicle access, individual parking spaces, circulation patterns, curb, gutter, and sidewalk locations; and,
8. All necessary explanatory notes; and,
9. Name(s), address(es), and telephone number(s) and builder(s); and,
10. All other information that may be required by the Building Official.

Section 506. Records

1. The Building Official shall:
 - A. Keep careful and comprehensive records of all applications and permits issued; and,
 - 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 and subject to GRAMA; and,
 - B. Not be removed from the Town Office.

Section 507. Reports

The Building Official 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 508. Cooperation of Other Officials

The Building Official 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 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.

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Section 509. 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, manufactured home, alterations, removal, or demolition of a building or structure or any industrial facility without first filing with the Building Official an application in writing and obtaining a formal permit. Agricultural Buildings and detached accessory buildings of less than two hundred (200) square feet ([see ICC Code Section R 105.2](#)) are exempted. The Town has an interest to inspect said projects to ensure the health, safety, and general welfare of the residents of the Town. 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 briefly describe the proposed work and shall give such additional information as may be required by the Building Official for an intelligent understanding of the proposed work.
- D. Names of contractor(s) and license numbers.

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

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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 Official 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 has 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 one (1) year.

6. Action on Applications

It shall be the duty of the Building Official to examine applications for building permits within a reasonable time after filing. If, after examination, the Building Official finds no objection to the same and it appears that the proposed work will follow the laws and ordinances applicable thereto, such application shall be approved, and a building permit shall be issued for the proposed work as soon as practicable. If examination reveals otherwise, the Inspector shall reject such application, noting the finding in a report to be attached to the application and delivering a copy to the applicant.

7. Limitation of the Building Permit

- A. All work performed under a building permit issued by the Building Official 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,

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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. Building permits shall only be issued for legal lots of record.
- 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.

8. Signature to Building Permit

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

9. Posting of Building Permit

- A. 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.
- B. The governing body may require a certified copy of the approved plans to be always kept on the premises from the commencement of the work to completion thereof.
- C. The Building Official shall be given at least twenty-four (24) hours' written notice of the starting of work under a building permit.

10. Revocation

The Building Official 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.

11. County Assessor

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

12. Fees

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Any fee charged for the issuance of building permits shall be established by the town and based upon the current Uniform Building Code.

Section 510. Coordination by State Health and Building Officials and Inspectors

1. The Town 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. State Inspectors and agents of the Utah State Tax Commission shall notify the Town Building Official of all state inspections of new or existing development within the Town, and of all state-issued permits granted, denied, or renewed within the Town.
2. The Town reserves the right to deny occupancy, construction, development, or any use where a state inspection or permit was not previously coordinated with the Town prior to its issuance.

Section 511. Utility Services

The Town requires that a building permit be obtained before the start of construction of structures within the Town, 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. The utility purveyor shall verify with the town that such building permit is valid prior to providing service.
2. Violations of these provisions of this Ordinance shall be subject to fines and penalties as outlined in Article 6 of this ordinance.

Section 512. Occupancy Permit

1. Land, buildings and premises in any zone shall be used only for the purpose listed in the respective zone and in accordance with the regulations established for that zone.
2. The Building Official 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 ordinance, including nonconforming

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buildings and uses.

Section 513. Administrative Determination as to Uses Not Listed

Determination as to the classification of uses not specifically listed in [ARTICLE 8](#) through [ARTICLE 17](#) of this Ordinance, inclusive, shall be made by the Planning and Zoning Commission and shall be subject to appeal to the Town Council. The procedure shall be as follows:

1. Written Request

A written request for such a determination shall be filed with the Planning and Zoning Commission. The request shall include a detailed description of the proposed use and such other information as may be required.

2. Investigation

The Planning and Zoning Commission shall make investigations as are necessary to compare the nature and characteristics of the proposed use with those uses specifically listed in this Ordinance and determine its classification.

3. Determination

A. The determination of the Planning and Zoning Commission shall:

- 1.) Be made in writing within thirty (30) days unless with written consent of the applicant, and states that, and,
- 2.) The zone classification in which the proposed use will be permitted; and,
- 3.) The findings establish that the use is of the same character as the uses permitted in that zone classification.

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

4. Effect

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

B. Such use shall:

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- 1.) Become a permitted or conditional use in the zone, class or district specified in the determination, and,
- 2.) 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 Appeal Authority

- A. If the applicant is unsatisfied with the determination of the Planning and Zoning Commission, an appeal to the Appeal Authority may be filed in writing within ten (10) days after notification of the determination, as provided in [ARTICLE 2](#) of this Ordinance.

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ARTICLE 6 VIOLATION AND PENALTY

ARTICLE 6 VIOLATION AND PENALTY

Section 601. Purpose

The purpose of this section is to establish civil penalties for unauthorized use of land within the Town of Manila. This ordinance shall supersede the penalty Ordinance 98-09-10 and is referred to as Ordinance 23-05-11.

1. Any person using land located within the boundaries of Manila in violation of the planning and zoning, subdivision, business, building ordinances, as well as any of said town's other ordinances is declared to be engaging in the unauthorized use of land.
2. Any person engaging in the unauthorized use of land within the town shall be liable for a civil penalty. Any civil penalty assessed may be in addition to such other penalties, including criminal penalties injunctive relief, and any other remedy or penalty as may be provided by the ordinances of Manila Town, or the statutes of the state of Utah.

Section 602. General Regulations and Requirements

1. As used in this section, "receipt of notice" means the date the notice of violation was signed for. A notice of violation shall be sent to the property owner via certified mail, using the address of the property at issue and the address of the property owner as shown on the property or tax assessment records kept with the county.
2. If a receipt of notice is not returned within (2) two weeks of the notice of violation being mailed, a phone call shall be made and an email sent if possible. If contact is not confirmed, a notice shall be physically posted in a conspicuous place on the property. The date of contact, if by phone call or email, or the date of posting shall be considered the receipt of notice.
3. Whenever any property shall be used in any manner in violation of the ordinances of the town of Manila, the owner of the property, as shown by the records Daggett County, shall be liable for such unauthorized use and penalty.
4. A complaint must be filled officially with the Town of Manila by residents before a notice of violation is issued. A town representative such as mayor, public works, town employee, planning & zoning commissioner, town council member, or the building official may also bring forth violations, but will still be required to file a complaint form.
5. Each day a person engages in the unauthorized use of land within the town of Manila after the compliancy period ends shall constitute as separate offense and shall be subject to a separate and additional civil penalty for each day a violation continues.

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ARTICLE 6 VIOLATION AND PENALTY

6. Civil penalty fees shall be determined by the consolidated fee schedule for the Town of Manila.

Section 603. Procedure

1. A formal complaint is filed.
2. An investigation from the Town of Manila shall commence.
3. If the investigation confirms the unauthorized use of land, a notice of violation shall be written that includes the ordinances that the property/property owner is in violation of, a description of how the property/property owner is in violation of said ordinances, provide a (14) fourteen-day compliancy period that will begin upon receipt of notice, and a description of the appeal process. This notice shall be signed by the mayor.
4. This notice and a copy of the ordinances in violation shall be sent to the property owners as described in Section 602.
5. The property owners will be given (14) fourteen days after the delivery date to become compliant with ordinances before a penalty is issued. If a longer compliance period is requested and necessary, due either to the nature of the violation or the costs to cure the violation, the property owner shall contact the city and enter into an agreement as described herein.
6. If the property owners appeal the notice, the compliancy period and the impositions of penalties shall be stayed until after the completion of the appeal. If the notice of violation is upheld through the appeal process, the property owners shall have fourteen (14) days after the delivery of the decision on the appeal to cure the notice of violation and become compliant with the ordinances before a penalty is issued.
7. Once the (14) fourteen-day compliancy period ends and if the property is still in violation of ordinances, then the penalty fee shall be charged to the property owner on the 15th day. Every day the violation continues following the 15th day shall be considered a separate offense and shall be issued a separate penalty fee.
 - A. The compliancy period may be extended, without penalty, if the property owner enters into a contractual agreement with the town of Manila; to have the violations reconciled by an agreed upon date. The property owner shall be responsible for contacting the town of Manila and for providing good cause for the extension.
 - B. If the compliancy has not been achieved by the agreed upon date of the contract, then the penalty fee shall be put back into place starting the 15th day after the notice of violation delivery date. This amount shall be noted in contract.

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ARTICLE 6 VIOLATION AND PENALTY

8. If the property is still not in compliance after (30) thirty days after the first penalty is imposed, the full amount of the penalties imposed shall be due immediately.

Section 604. Payment of Penalties

The civil penalty shall be subject to the following:

1. Any penalty paid within five days of the receipt of notice of the penalty shall be reduced by the sum of 75% of the penalty fee.
2. Any penalty paid within 10 days from date of notice shall be reduced by the sum of 50% of the penalty fee.
3. Any penalty paid within 15 days from date of receipt of notice shall be reduced by the sum of 25% of the penalty fee.
4. If the penalty fee is not paid within 15 days then no amount shall be deducted.
5. If the property is still not in compliance after (30) thirty days after the first penalty is imposed, the full amount of the penalties imposed shall be due immediately and a lien shall be placed on the property until it is paid in full.
6. The town of Manila shall refuse to issue any building permit, business license, subdivision authorization, or any other approval related to property that has outstanding penalties. Outstanding penalties may be collected through any means available to the town, including but not limited to court proceedings or collection services. The imposition by the town from time to time of civil penalties shall not prevent the town of Manila from applying to the court for injunctive relief, nor shall the assessment of a civil penalty preclude prosecution for any criminal offense committed by any person in the town of Manila.

Section 605. Appeals

1. The Manila town council is designated as the hearing board to consider matters relating to the violations/unauthorized use of property within the town of Manila.
2. Any person having received a notice of such unauthorized use or the owner of any property employed in such use may appear before the town council and present and contest such alleged unauthorized use.
3. A person wishing to contest a notice of unauthorized use must deliver a written notice of appeal to the town recorder within 10 days after receipt of notice. The notice of appeal must be in writing, addressed to the town council, and set forth:

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- A. The date and nature of the violation as set forth in the notice of unauthorized use that is being appealed;
 - B. Describe in detail the relief requested; and,
 - C. Set forth all facts and circumstances justifying the requested relief;
 - D. Within a reasonable amount of time after delivery of the notice of appeal, the mayor shall schedule a date for the hearing before the town council. This date logically may correspond with the next scheduled meeting date of the Manila town council. Notice of the hearing date shall be sent by regular mail, postage prepaid, to the address listed on the notice of appeal at least 10 days prior to the date set for the hearing.
4. The property owner/appellant is expected to attend the hearing in person, and the failure to attend may waive any argument or claim that the appellant could have raised during the hearing. The property owner/appellant shall be given a reasonable opportunity, whether personally or through counsel, to present evidence, arguments, and information on their behalf to demonstrate that there is no violation of the applicable ordinances or that additional time is necessary to correct the violation.
 5. Within a reasonable time after the appeal hearing, the town council shall issue a written decision affirming, overturning, or modifying the notice of violation. The decision shall be delivered to the appellant in the same manner as the notice of violation. If the decision is to affirm some or all of the violations, the property owner shall be required to cure and correct all affirmed violations within fourteen (14) days after receipt of the decision, unless the town council authorizes a longer timeframe within the decision.

Section 606. Severability

If any section, part, or provision of this ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this ordinance and sections, parts, provisions, and words of this ordinance shall be servable.

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ARTICLE 7 NONCONFORMING USES

ARTICLE 7 NONCONFORMING USES

Section 701. 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 subject to the following:

Section 702. 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.

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 703. Repairs and Alterations

Repairs and structural alterations may be made to a nonconforming building or to a structure housing a nonconforming use. Additions, extensions and expansions to a nonconforming building or structure may be permitted if the addition, extension or expansion complies with all setback and other applicable land use regulations, and the addition, extension or expansion does not increase the nonconformity of the building or structure.

Section 704. 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 damage or destruction and follows the Ordinances.

Section 705. One Year Occupancy

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

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ARTICLE 7 NONCONFORMING USES

Section 706. Occupation within One Year

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

Section 707. Nonconforming Use

1. Buildings where a nonconforming use is located 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 where a nonconforming use is located 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.

Section 708. 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 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 been applied to the premises during any twelve-month (12) period.
2. A pre-existing residential land use that has legally transitioned into a commercial use cannot be transitioned back to a residential use.

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ARTICLE 8 ZONING DISTRICTS

ARTICLE 8 ZONING DISTRICTS

Section 801. Establishment of Zoning Districts

For the purposes of this Ordinance, the Town is divided into five (5) existing Zoning Districts, as follows:

1. [Residential – Rural District \(R-R\)](#)
2. [Residential – Low Density District \(R-L\)](#)
3. [Residential – Medium Density District \(R-M\)](#)
4. [Commercial - General District \(C-G\)](#)
5. [Central Development District \(C-D\)](#)

Section 802. Filing of Ordinance and Map

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

Section 803. 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; and,
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; and,
3. Where District boundary lines cannot be determined by the above rules, their location may be found using the scale appearing on the map; and,
4. Where the application of the above rules does not clarify the District boundary location, the Appeal Authority shall interpret the map.

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ARTICLE 9 RESIDENTIAL – RURAL DISTRICT

ARTICLE 9 RESIDENTIAL – RURAL DISTRICT

Section 901. Purpose

Residential – Rural District (R-R). To promote and preserve, in appropriate areas, conditions favorable to a rural large-lot family life. This District is intended to be primarily residential in character in areas where a rural atmosphere, open space preservation and agricultural uses are encouraged, and protected from encroachment by commercial and industrial uses.

Section 902. Use Regulations

No building, structure, or land shall be used, and no building or structure shall be erected, structurally altered, enlarged, except as provided in this Ordinance.

1. The following uses shall be permitted in the R-R Zone:
 - A. Accessory building or use customarily incidental to permitted uses.
 - B. Nursery or greenhouse, wholesale, or retail.
 - C. Agricultural activity.
 - D. [Dwelling, Single-family.](#)
 - E. [Dwelling, Two-family.](#)
 - F. [Accessory Dwelling Units.](#) Subject to Article 19.
 - G. Seasonal home or cabin.
 - H. [Domestic Animals.](#)
 - I. Chickens - maximum of 12 (no roosters).
 - J. Signs.
 - 1.) One (1) [Real Estate sign.](#)
 - 2.) One (1) [Residential sign.](#)
2. The following uses are permitted in the R-R Zone provided a conditional use permit has been granted pursuant to [ARTICLE 15](#) of this ordinance:

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ARTICLE 9 RESIDENTIAL – RURAL DISTRICT

- A. Animals or fowl for recreation, education or for food production for the primary use of persons residing on premises.
- B. Forestry, except forest industry.
- C. Apiary.
- D. Aviary.
- E. [Home Occupation](#).
- F. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman. Temporary dwellings (i.e. RV or travel trailers) must be removed upon completion or abandonment of construction work.

Section 903. Development Standards

The following standards of development shall apply in the R-R Zone.

- 1. All parcels hereafter created shall comply with the following minimum standards of development, and parcels now held under separate ownership or of record shall not be reduced below these standards.
 - A. Each parcel shall have a minimum area of one acre.
 - B. Each parcel shall have the following width requirements:
 - 1.) Lots shall have a minimum width of 150 feet; and,
 - 2.) Cul-de-sac or curve parcels shall have a minimum average width of 100 feet.
- 2. Buildings and structure heights shall not exceed a maximum height of 25 feet. Building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface, regardless of roof type.
- 3. That portion of a parcel used for access on flag parcels shall have a minimum width of 30 feet.
- 4. The minimum frontage of a parcel shall be 60 feet, except that parcels fronting on knuckles or cul-de-sac may have a minimum frontage of 35 feet. Parcel frontage along curvilinear streets may be measured at the building setback line.
- 5. Minimum yard requirements are as follows:

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ARTICLE 9 RESIDENTIAL – RURAL DISTRICT

- A. A front yard shall have a depth of not less than 25 feet, measured from the existing property line or from any future right-of-way line, whichever is nearer the proposed building or structure.
 - B. Side yards on interior and through parcels shall be 10 feet. Side yards on corner and reversed corner parcels shall be not less than 15 feet from the existing or future street line, whichever is nearer the proposed structure, upon which the main building sides.
 - C. The rear yard shall not be less than 30 feet for the primary building and 6 feet for accessory buildings and/or uses.
 - D. No structural encroachments shall be permitted in the front, side, or rear yard except as provided for in this Ordinance.
 - E. Lots can have a maximum fence height of 6 feet along the side and rear property lines. Fences shall be no higher than 4 feet in front of main building; except on corner lots.
6. Distance between buildings.
- A. The minimum distance between accessory buildings and the primary dwelling shall be six feet.
 - B. The minimum distance between accessory buildings shall be five feet unless the buildings have a common or party wall.
7. The maximum coverage for any lot for buildings and structures shall not exceed 50 percent.

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ARTICLE 9 RESIDENTIAL – RURAL DISTRICT

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ARTICLE 10 RESIDENTIAL – LOW DENSITY DISTRICT

ARTICLE 10 RESIDENTIAL – LOW DENSITY DISTRICT

Section 1001. Purpose

Residential – Low Density District (R-L).To provide for low density detached single-family homes, and duplexes in residential neighborhoods where low and medium costs of development may occur.

Section 1002. Use Regulations

No building, structure, or land shall be used, and no building or structure shall be erected, structurally altered, enlarged, except as provided in this Ordinance.

1. The following uses shall be permitted in the R-L Zone:
 - A. Accessory building or use customarily incidental to permitted uses.
 - B. [Dwelling, Single-family](#).
 - C. [Dwelling, Two-family](#).
 - D. [Accessory Dwelling Units](#). Subject to Article 19.
 - E. [Domestic Pets](#).
 - F. Chickens - maximum of 12 (no roosters).
 - G. Signs.
 - 1.) One (1) [Real Estate or Development sign](#).
 - 2.) One (1) [Residential sign](#).
2. The following uses are permitted in the R-L Zone provided a conditional use permit has been granted pursuant to [ARTICLE 15](#) of this ordinance:
 - A. [Child Day Care Center](#) or Nursery.
 - B. [Home Occupation](#).
 - C. Private recreational grounds and facilities, not open to the public, and to which no general admission is charged.

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- D. [Public building](#) and quasi-public building and use.
 - E. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman. Temporary dwellings (i.e. RV or travel trailers) must be removed upon completion or abandonment of construction work.
3. The following uses are prohibited in the R-L Zone:
- A. Hospital; medical or dental clinic accessory to hospital and located on the same premises.
 - B. Kennel.
 - C. [Mobile Home Park](#).
 - D. [Public building](#) and quasi-public building and use.
 - 1.) Cemetery.
 - 2.) Substation or transmission lines of fifty (50) kilovolts (KV) or greater capacity.
 - 3.) Quarry, gravel pit, land excavation.

Section 1003. Development Standards

The following standards of development shall apply in the R-L Zone.

- 1. All parcels hereafter created shall comply with the following minimum standards of development, and parcels now held under separate ownership or of record shall not be reduced below these standards.
- 2. Each newly created legal parcel shall have a minimum area of 10,000 square feet.
- 3. The minimum average width for any lot shall be 60 feet.
- 4. The minimum depth of the front yard for a main building shall be 20 feet for lots not to exceed nine thousand (9,000) square feet, and 25 feet for lots above nine thousand (9,000) square feet.
- 5. On corner lots, if the rear yard abuts the side yard of another lot, no structure shall be closer than 6 feet to the rear property line.

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ARTICLE 10 RESIDENTIAL – LOW DENSITY DISTRICT

6. The minimum depth for the rear yard for a main building shall be 10 feet; and for accessory buildings, shall be 6 feet. However, on corner lots, the minimum rear yard depth shall be 6 feet; and if a corner lot abuts the side yard of another lot, no structure shall be closer than 6 feet to the rear property line.
7. The minimum side yard for any dwelling or a private unattached garage shall be 6 feet. Attached garages are considered part of the main building. Other accessory buildings shall have a minimum side yard of 6 feet.
8. On corner lots, a street side yard which faces on a street, for both main and accessory buildings, shall be not less than 15 feet.
9. The maximum height for a primary residence shall be 25 feet. Building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface, regardless of roof type.
10. The maximum coverage for any lot for buildings and structures shall not exceed 50 percent.
11. Lots can have a maximum fence height of 6 feet along the side and rear property lines. Fences shall be no higher than 4 feet in front of a main building, except on corner lots where the 4 feet maximum applies from the building setback forward.

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ARTICLE 10 RESIDENTIAL – LOW DENSITY DISTRICT

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ARTICLE 11 RESIDENTIAL – MEDIUM DENSITY DISTRICT

ARTICLE 11 RESIDENTIAL – MEDIUM DENSITY DISTRICT

Section 1101. Purpose

Residential – Medium Density District (R-M). Residential neighborhood development composed of detached single-family homes and duplexes with supporting community uses such as churches, schools, and parks. Neighborhood open space amenities are encouraged at this density level.

Section 1102. Use Regulations

No building, structure, or land shall be used, and no building or structure shall be erected, structurally altered, enlarged, except as provided in this Ordinance.

1. The following uses shall be permitted in the R-M Zone:
 - A. Accessory building or use customarily incidental to permitted uses.
 - B. [Dwelling, Single-family.](#)
 - C. [Dwelling, Two-family.](#)
 - D. [Dwelling, Three-family and Four-family.](#)
 - E. [Accessory Dwelling Units.](#) Subject to Article 19.
 - F. [Domestic Pets.](#)
 - G. Chickens - maximum of 12 (no roosters).
 - H. Signs.
 - 1.) One (1) [Real Estate or Development sign.](#)
 - 2.) One (1) [Residential sign.](#)
2. The following uses are permitted in the R-M Zone provided a conditional use permit has been granted pursuant to [ARTICLE 15](#) of this ordinance:
 - A. Accessory uses and buildings customarily incidental to conditional uses.
 - B. [Child Day Care Center](#) or nursery.

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ARTICLE 11 RESIDENTIAL – MEDIUM DENSITY DISTRICT

- C. [Home Occupation](#).
 - D. Manufactured Home/Mobile Home Park.
 - E. [Public building](#) and quasi-public building and use.
 - F. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman. Temporary dwellings (i.e. RV or travel trailers) must be removed upon completion or abandonment of construction work.
3. The following uses are prohibited in the R-M Zone:
- A. Hospital; medical or dental clinic accessory to hospital and located on the same premises.
 - B. Kennel.
 - C. Cemetery.
 - D. Substation or transmission lines of fifty (50) kilovolts (KV) or greater capacity.
 - E. Quarry, gravel pit, land excavation.

Section 1103. Development Standards

The following standards of development shall apply in the R-M Zone.

- 1. All parcels hereafter created shall comply with the following minimum standards of development, and parcels now held under separate ownership or of record shall not be reduced below these standards.
- 2. Each newly created legal parcel shall have a minimum area of 8,000 square feet.
- 3. The minimum average width for any lot shall be 60 feet.
- 4. The minimum depth of the front yard for a main building shall be 20 feet for lots not to exceed nine thousand (9,000) square feet, and 25 feet for lots above nine thousand (9,000) square feet.
- 5. On corner lots, if the rear yard abuts the side yard of another lot, no structure shall be closer than 6 feet to the rear property line.

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ARTICLE 11 RESIDENTIAL – MEDIUM DENSITY DISTRICT

6. The minimum depth for the rear yard for a main building shall be 10 feet; and for accessory buildings, shall be 6 feet. However, on corner lots, the minimum rear yard depth shall be 6 feet; and if a corner lot abuts the side yard of another lot, no structure shall be closer than 6 feet to the rear property line.
7. The minimum side yard for any dwelling or a private unattached garage shall be 6 feet. Attached garages are considered part of the main building. Other accessory buildings shall have a minimum side yard of 6 feet.
8. On corner lots, a side yard which faces on a street, for both main and accessory buildings, shall be not less than 15 feet.
9. The maximum height for all buildings and structures shall be 25 feet. Building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface, regardless of roof type.
10. The maximum coverage for any lot for buildings and structures shall not exceed 50 percent.
11. Lots can have a maximum fence height of 6 feet along the side and rear property lines. Fences shall be no higher than 4 feet in front of a main building, except on corner lots.

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ARTICLE 12 COMMERCIAL – GENERAL DISTRICT

ARTICLE 12 COMMERCIAL – GENERAL DISTRICT

Section 1201. Purpose

1. 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. Use Regulations

No building, structure, or land shall be used, and no building or structure shall be erected, structurally altered, enlarged, except as provided in this Ordinance.

1. The following uses shall be permitted in the C-G Zone:
 - A. Accessory uses and buildings customarily incidental to permitted uses.
 - B. Parking lot incidental to a use conducted on the premises.
 - C. Processing and manufacturing.
 - 1.) Bookbinding, printing and/or publishing.
 - 2.) Upholstering, and/or weaving.
 - D. Recreation
 - 1.) Archery shop/range, if conducted in enclosed building.
 - 2.) Athletic club, health club, or gymnasium.
 - 3.) Athletic goods and equipment store.
 - 4.) Billiard or pool hall.
 - 5.) Commercial skating rink.
 - 6.) Swimming pool, commercial.
 - 7.) Theater, indoor.

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ARTICLE 12 COMMERCIAL – GENERAL DISTRICT

- 8.) Parks
- E. Retail sales and related services, if conducted in enclosed building.
 - 1.) Art, hobby and/or craft shop and/or supply.
 - 2.) Automotive, boat, recreational vehicle sales, service, lease, rental, and repair, new or used.
 - 3.) Auto parts & tire sales.
 - 4.) Bookstore.
 - 5.) China and/or silver shop.
 - 6.) Clothing, linen, or leather goods store, with or without clothes making or tailoring.
 - 7.) Department, discount, or variety store.
 - 8.) Food sales, including groceries, meat, candy, fruits/ fruit juice, nuts, vegetables, baked goods, milk, and dairy products.
 - 9.) Florist shop.
 - 10.) Gift, novelty, or notions shop.
 - 11.) Firearms and ammunition sales, gunsmith.
 - 12.) Home materials, improvement, or repair store, including but not limited to:
 - a.) Awnings; appliances; plumbing, hardware fixtures; drapery/curtains; flooring covering, furniture; wallpaper; paint; HVAC equipment, roofing, plant materials.
 - 13.) Ice manufacturing, storage, and retail/wholesale sales.
 - 14.) Jewelry store.
 - 15.) Laundromat.
 - 16.) Military surplus store.

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ARTICLE 12 COMMERCIAL – GENERAL DISTRICT

- 17.) Monument sales.
- 18.) Office supply; sales and/or service.
- 19.) Pet shop.
- 20.) Pharmacy or drug store.
- 21.) Photography shop, sales, and services.
- 22.) [Restaurant](#), including cafe, cafeteria, delicatessen, or catering establishment.
- 23.) Second-hand shop, antiques.
- 24.) State store.

F. Service activities

- 1.) Bank or financial Institution.
- 2.) Barber and/or beauty shop.
- 3.) Bicycle shop.
- 4.) Carpet and/or rug cleaning.
- 5.) Clothes cleaning, dyeing, pressing.
- 6.) Frozen food locker incidental to a grocery store or food business.
- 7.) Household cleaning/repair.
- 8.) Interior decorating store.
- 9.) Janitorial service.
- 10.) Massage.
- 11.) Medical, dental, optometry clinic and/or laboratory.
- 12.) Office, business or professional.

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ARTICLE 12 COMMERCIAL – GENERAL DISTRICT

13.) Pest extermination and control office.

14.) Printing, including photo engraving.

15.) Taxidermist.

16.) Towel and linen supply service.

17.) Churches

G. Signs

1.) Sign, business. 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 business; to be flat wall or freestanding signs; no such sign to be revolving or have flashing or intermittent lighting.

2.) Sign, non-advertising. 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.

a.) Development, maximum 40 square feet.

b.) Civic, maximum 14 square feet.

c.) Real estate, maximum 16 square feet.

d.) Sign, residential.

(1.) Personal name plate, maximum 2 square feet.

(2.) Other, maximum 8 square feet.

2. The following uses are permitted in the C-G Zone provided a conditional use permit has been granted pursuant to [Article 15](#) of this ordinance:

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

B. Automobile and recreational vehicle sales, lease, rental, or repair, new or used, conducted wholly or partially outdoors.

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- C. Automobile repair garage.
- D. Body and fender shop.
- E. Car wash.
- F. Cemetery.
- G. Church and other place of religious worship.
- H. [Hotel](#) or Motel.
- I. Manufacturing, curing, compounding, processing, packaging, and treatment of food products, (excluding fish, sauerkraut, pickles, vinegar, yeast and rendering of fat).
- J. Motor vehicle, bicycle, and recreational vehicle assembly, painting, upholstering, and rebuilding.
- K. Parking lot not incidental to use conducted on the premises.
- L. Recreational Vehicle Park.
- M. Processing and manufacturing:
 - 1). Baking, ice cream making and/or candy making.
 - 2). Laboratory.
 - 3). Maintenance of boats, business machines, photo equipment, 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.
- N. [Service Station](#).
- O. [Strip-mall](#).
- P. Golf, miniature.
- Q. Golf course, with standard-length fairways; park, and/or other recreation areas.

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- R. [Public building.](#)
- S. School, private.
- T. Campground.
- U. Dance hall.
- V. Night club, social club.
- W. Recreation center, commercial.
- X. Recreational vehicle or boat, rent/lease, sales, or service, outdoor.
- Y. Sales and related services.
 - 1). Beer outlet, class A & B.
 - 2). Building material sales, outdoor.
 - 3). Liquor and beer sales, places for the drinking of liquor or beer.
 - 4). Package agency.
 - 5). Seed and feed store.
- Z. Service activities.
 - 1). Animal hospital.
 - 2). Fix-it shop repair shop, household items.
 - 3). Kennel, conducted entirely within a soundproof and air-conditioned building.
 - 4). Key and lock service.
 - 5). Mortuary.
 - 6). Pest extermination business.
 - 7). Wedding chapel and/or reception center.

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- 8). Veterinary, providing operations are completely enclosed within a climate controlled and soundproof building.

AA. Storage and warehousing.

- 1.) Contractor's equipment storage yard, or rental of equipment used by contractors.
- 2.) Warehouse.

- 3. Uses subject to similar use finding.

The planning commission, based on its own discretion, can find that other proposed uses similar to those listed above are consistent with the intent of this land use classification.

A. Signs.

- 1). Business signs may be allowed by the 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.

- 4. The following uses are prohibited in the C-G Zone:

A. Bus terminal.

Section 1203. Development Standards

The following development standards shall apply in the C-G District.

- 1. All parcels hereafter created shall comply with the following minimum standards of development, and parcels now held under separate ownership or of record shall not be reduced below these standards.
- 2. There are no minimum lot area, lot width, and lot depth standards.
- 3. The minimum front yard setback for buildings and structures shall be 25 feet.
- 4. There are no minimum side yard setbacks for buildings and structures, except when adjacent to a street, the side yard setback shall be 10 feet. The setback adjacent to residentially zoned property shall be 15 feet.
- 5. There are no minimum rear yard setbacks for buildings and structures excepting adjacent to

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residentially zoned property the setback shall be 15 feet.

6. One parking space shall be required for every 250 square feet of commercial/sales floor area. Parking spaces shall be 9 feet wide by 18 feet in length. A 25-foot unobstructed drive aisle shall be provided to access the parking stalls. Public streets do not constitute or substitute for the required 25-foot drive aisle.
7. The maximum height for all commercial buildings and structures shall be 40 feet. Building height is measured from the average grade either to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface, regardless of roof type.
8. Buildings and structures may cover no more than fifty percent (50%) of the lot.
9. All uses in the C-G District shall be free from objectionable noise, hazards, or nuisances.

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ARTICLE 13 CENTRAL DEVELOPMENT DISTRICT

ARTICLE 13 CENTRAL DEVELOPMENT DISTRICT

Section 1301. Purpose

Central Development District (Mobile): To provide areas in appropriate locations for high intensity public, quasi- public, commercial, office and multiple-family uses to be in harmony with the existing facilities of the Town and provide for commercial and business growth.

Section 1302. Permitted Uses

All uses require Conditional Use Permits as per requirements outlined in [Article 15](#).

Section 1303. Conditional Uses

All uses allowed in the [Commercial – General District \(C-G\) District](#).

Section 1304. Special Provisions

1. Every Conditional Use Permit as proposed in the application for development 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:
 - 1.) Land use,
 - 2.) Building construction and appearance,
 - 3.) Traffic safety and control,
 - 4.) Landscaping; and,
 - 5.) Drainage.

Section 1305. Area, Width, Frontage, Yard Coverage, Parking, Density and Height Standards.

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To ensure compliance with Utah State law and provide clarity and predictability in land use decisions, the following standards are established for the Central Development District (C-D):

1. Commercial uses shall adhere to the development standards found in Article 12 Section 1203.
2. Residential developments shall adhere to the following development standards in addition to the requirements set in the Conditional Use Permit approval process.
 - 2.1. Density: A maximum of 7 dwelling units per acre.
 - 2.2. Minimum Lot Area: Each dwelling unit shall have a minimum lot area of 6,000 square feet.
 - 2.3. Minimum Frontage: Each development must have a minimum frontage of 65 feet.
 - 2.4. Setbacks: - Front Setback: Minimum of 20 feet. - Side Setback: Minimum of 10 feet. - Rear Setback: Minimum of 15 feet.
 - 2.5. Height: Maximum building height is 35 feet or 3 stories.
 - 2.6. Parking: Two (2) parking spaces per dwelling unit, plus one (1) additional off-street parking space for each roomer, boarder, or batching tenant.

Section 1306. Existing Residential Structures

Existing homes in the C-D district requesting additions or modifications must:

- 1) Obtain a Conditional Use Permit.
- 2) Ensure additions are compatible with the surrounding uses and meet the special provisions outlined in Section 1304.
- 3) Follow the standards and guidelines set forth in Section 1305, where applicable.

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ARTICLE 14 MOBILE HOME PARK AND RECREATIONAL VEHICLE

ARTICLE 14 MOBILE HOME PARK AND RECREATIONAL VEHICLE PARK

Section 1401. Mobile Home Park Regulations

1. Approval and Intent. The owners of a parcel 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/mobile home park thereon, upon compliance with regulations and restrictions, as hereinafter set forth, and after approval of such manufactured home/mobile home park by the Town Council. For the purposes of this ordinance, the term "mobile home" shall be synonymous with the term "manufactured home."

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 manufactured home/mobile home 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/Mobile Homes and, total area in Manufactured Home/Mobile 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 Town Council.

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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/Mobile 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/Mobile Home Park shall be filed jointly by all owners of the property included in the plan.
- B. The density in a Manufactured Home/Mobile Home Park shall not exceed seven (7) units per acre. Homes may be clustered within the park, provided that no single Manufactured/Mobile Home space shall be smaller in area than four thousand (4,000) square feet. Recreational vehicles shall not be kept in Manufactured Home/Mobile Home Parks, except when unoccupied and located in a designated RV storage area.

The remaining land not contained in individual spaces, 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/Mobile 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 Manufactured Home/Mobile Home Park area shall also be set aside for recreational vehicle storage.
- D. No Manufactured/Mobile Home add-on shall be located closer than fifteen feet from the nearest portion of any other Manufactured/Mobile Home or add-on.
- E. All area not covered by Manufactured/Mobile Homes, concrete, buildings, off-street

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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/Mobile 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/Mobile Home Park shall be left unoccupied by Manufactured/Mobile Homes and shall be planted and maintained in lawns, shrubs, and trees designed to afford privacy to the development.
- H. A six (6) foot high fence around the Manufactured Home/Mobile Home Park shall also be required to screen the area.
- I. All storage and solid waste receptacles outside the confines of a Manufactured/Mobile Home must be housed in a closed structure or closed container.
- J. Roadways shall be surfaced, and of adequate width to accommodate anticipated traffic as follows:
 - 1.) For one-way with no parking: Minimum eighteen (18) feet in width.
 - 2.) For two-way traffic with no parking: Minimum thirty (30) feet in width.
 - 3.) For entrance streets: Minimum of thirty-six (36) feet in width.
- K. There shall be no more than two (2) entrances from the park onto any 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.
- L. Access shall be provided to each Manufactured/Mobile Home space by means of an access way reserved for maneuvering a Manufactured/Mobile Home and shall be from interior private roads.
- M. Off-street parking shall be provided at the rate of two (2) parking spaces per Manufactured/Mobile Home space contained within the manufactured home/mobile home park. In no case shall the parking space be located greater than one hundred (100) feet away from the Manufactured/Mobile Home space it is designed to serve.
- N. In addition to meeting the above requirements and conforming to the other requirements of this Ordinance, all Manufactured Home/Mobile Home Parks shall also conform to requirements set forth in the code of hotel, motel and resort sanitation regulations adopted

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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.

O. Utilities and Other Services.

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

1.) Sewer:

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

2.) Water:

A public supply of water shall be obtained from the 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 Engineer.

3.) Fire Hydrants:

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

4.) Electrical:

All electrical, telephone, and other service lines to each Manufactured/Mobile Home space shall be underground and shall comply with all currently adopted uniform electrical codes.

5.) Liquid or Gaseous Fuels:

Any liquid fuel storage shall be in tanks at a distance away from any Manufactured/Mobile Home space as determined safe by the Building Official and/or fire chief.

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

6.) Streetlights:

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

7.) Refuse Handling and Receptacles:

The storage, collection, and disposal of refuse in the manufactured home/mobile home park shall be managed 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/mobile home spaces.

4. Planning and Zoning Commission and Town Council Approval.

The Planning and Zoning Commission shall review the plan and make recommendation for approval, disapproval, or approval with conditions to the 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 more than 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 Town Council that such standards are necessary to ensure that the manufactured home/mobile home park will mix harmoniously with the adjoining or nearby uses.

5. 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 Town Council with the advice of the town attorney.
- B. In any case, when a manufactured home/mobile 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/mobile home park.

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- C. A prerequisite to the operation of any manufactured home/mobile home park in the Town shall be to obtain an annual business license. It shall be unlawful to operate a manufactured home/mobile 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.

6. Record Final Plat

After receiving final approval of the Manufactured/Mobile Home plat by the 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/mobile home park until final plans have been approved by the 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.

Section 1402. Recreational Vehicle, Intent and Zoning

A recreational vehicle park may be permitted only in the CG zone. All such installations shall be permitted only after the recommendation of the Planning and Zoning Commission and the approval of the Town Council, subject to the restrictions contained in this Ordinance.

1. Approvals - Applications:

Before a permit shall be issued for a recreational vehicle park, the plan of the park must be submitted to the Planning and Zoning Commission for its review. The plan shall show:

- A. Proposed road layout and RV 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:

A recreational vehicle park shall conform to the following standards and requirements:

- A. A recreational vehicle park shall be a minimum of four (4) acres in size.
- B. Entrances and exits from the recreational vehicle park shall be by forward motion only.

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- C. Manufactured/Mobile Homes, as defined in this Ordinance, shall not be allowed in a recreational vehicle park.
- D. No exit or entrance from the recreational vehicle park 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 recreational vehicles 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 recreational vehicle park 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 recreational vehicle park in the Town shall be the obtaining of a business license.
- K. The license shall be issued only after inspection by the Building Official. It shall be unlawful to operate a recreational vehicle park 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.
- L. In addition to meeting the above requirements, any recreational vehicle park 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.

Section 1403. Additional Regulations

1. Nothing in this Article shall be interpreted to prohibit storage of a recreational vehicle when not in use on property of the owner, so long as it is not utilized as a dwelling. Recreational vehicles shall not be stored on property that obstructs the view of traffic or creates a nuisance for the adjoining property owners.

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2. No recreational vehicle shall be stored in the front yard in any residential zone.
3. No add on or additions shall be allowed in any recreational vehicle park or manufactured home/mobile home park without prior consent of the Building Official.
4. Any existing recreational vehicle park, and manufactured home/mobile home park 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 1402](#).

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ARTICLE 15 RESIDENTIAL MULTI-FAMILY OVERLAY

ARTICLE 15 RESIDENTIAL MULTI-FAMILY OVERLAY

Section 1501: Purpose

The Residential Multi-Family (RMF) Overlay is established to provide areas within the Town for high-density housing and multi-family structures designed to allow economical use of land while creating an attractive, functional and safe residential environment. The RMF Zone is intended to be primarily residential in nature. Applying the RMF Overlay should be carefully reviewed to ensure compatibility with existing development and neighborhoods and the land use goals of the Town.

Section 1502: Permitted and Accessory Uses

The following land use types are permitted uses in the RMF Overlay. Unless specifically listed, any other use is not permitted. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

1. Permitted Uses: The following land use types are permitted uses in the RMF Overlay:
 - A. Single family dwellings
 - B. Multi-family structures and dwellings
 - C. Public or private utility rights-of-way
 - D. Parks, trails, open space areas, and other related recreation facilities and project amenities
2. Conditional Uses: The following land use types are allowed as conditional uses in the RMF Overlay. Each conditional use must be reviewed and approved in accordance with Town Code.
 - A. Religious buildings and structures
 - B. Educational facilities unless otherwise addressed in Utah Code
 - C. Residential facilities for the elderly or persons with a disability in accordance with State law
 - D. Public and private utility maintenance facilities
3. Accessory Uses: The following land use types are allowed as accessory uses in the RMF Overlay. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

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- A. Storage facilities for equipment that is associated with maintenance of the site. The accessory building shall be constructed of essentially the same materials as the main residential buildings or structures.
- B. Incidental shelter for pets.
- C. Home occupations, pursuant to Manila Town Code.

Section 1503. Development Standards

1. Project Area: This overlay is designed to accommodate larger multi-family projects, such as townhome, condominiums, and apartment complexes, or communities with a mix of housing types. Therefore, any parcel seeking application of the RMF Overlay shall contain no less than two (2) acres.
2. Density: The RMF Overlay accommodates a variety of densities for multi-family dwellings. In granting overlay approval, the Town Council shall designate the maximum density permitted, at a density of either 5, 10, or 20 units per acre. This density is calculated as the net density rounded to the nearest whole number. This shall be designated on the Overlay approval as RMF-5, RMF-10, or RMF-20, respectively. In making a determination for the maximum density, the Council shall consider the following:
 - A. The design standards of the proposed project
 - B. The nature of the surrounding neighborhood and potential impact on the neighborhood
 - C. Water and sewer capacity to and from the proposed site
 - D. Steps taken by the development to reduce any negative impact on the surrounding neighborhood, such as, but not limited to, onsite parking, new streets and other vehicular access, open space, pedestrian and/or bike trails, and landscaping.
3. Width: Each project in the RMF Overlay shall have a minimum width and frontage of two hundred (200) feet for all of the area within the required front setback of the zone.
4. Single-Family Detached Dwellings: If the RMF Overlay is used to accommodate single-family dwellings, each lot for a single-family dwelling shall have a minimum lot width and frontage of sixty-five (65) feet and lot area of 6,500 square feet. Flag lots shall not be permitted.
5. Setback: When a proposed project in the RMF Overlay is adjacent to a non-multi-family dwelling outside the RMF Overlay, the setback requirements of the adjacent residential zone shall be implemented along the perimeter of the development. Otherwise, the following minimum setback and build-to-line

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requirements shall apply for each building or structure and is measured from the respective property line of the lot or parcel:

- A. Front Setback: Twenty (20) feet
 - B. Side Setback: Ten (10) feet, unless otherwise noted herein
 - 1.) Side Setback for Corner Lot: Fifteen (15) feet along the public street on the side of the lot not being used as the front setback
 - 2.) Side Setback for Accessory Building: Five (5) feet
 - C. Rear Setback: Fifteen (15) feet
 - D. Rear setback for accessory building: Five (5) feet
 - E. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. Reasons to impose a build-to line may include: reducing parking adjacent to the street, aesthetic improvements, enhanced circulation.
6. Projections Into Setbacks: The following structures may project into a required setback, but not beyond the property line, except as noted herein:
- A. Fences and walls in conformance with all applicable Town ordinances and resolutions.
 - B. Landscaping and irrigation systems that shall be extended to the sidewalk or back of curb.
 - C. Necessary appurtenances for utility service.
 - D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
7. Building Height: Each structure shall satisfy the regulations of the adopted fire code. The Fire Chief may reduce the maximum building height and/or roof slope to ensure the ability to protect the structure on a case-by-case basis, as necessary based on the abilities of the local Fire Department. The maximum height is regulated by density, as follows:
- A. RMF-20: Three (3) stories and fifty (42) feet total height
 - B. RMF-10: Three (3) stories and forty-two (42) feet total height

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- C. RMF-5: Two (2) stories and thirty-five (35) feet total height
- D. An accessory structure in the RMF Overlay may not exceed eighteen (18) feet in total height.
- 8. Distance Between Buildings: The minimum distance between buildings is determined by building height, and shall be whichever is greater, as follows:
 - A. Any two-story building: ten (10) feet.
 - B. Any three or four-story building: twenty (20) feet
 - C. Accessory building and any residential building: ten (10) feet.
- 9. Lot Coverage: The sum total of all buildings and structures shall not be greater than forty (40) percent of the total area.
- 10. Open Space: Each project shall contain at least thirty (30) percent permanently maintained outdoor open space exclusive of buildings (except a clubhouse, gazebo, or other usable amenities, as agreed at the time of the overlay approval), parking, and roadways. That thirty (30) percent shall be broken down as follows:
 - A. Twenty-five (25) percent minimum: Sited and designed as usable open space for the residents of the project. At least approximately half of this, or twelve (12) percent shall be non-impervious surface.
 - B. Five (5) percent maximum: Landscaped areas between the structures. These are areas where the actual distance between the buildings is within ten (10) feet of the minimum required distance between those buildings.
 - C. Storm Water Facilities: The acreage set aside for storm water facilities shall not be used toward the open space requirement unless the Town Council has determined that the area is designed as functional usable open space. The presumption shall be that storm drainage areas are not suitable as usable open space due to their purpose of retaining water runoff. The Town Council is not obliged to grant this waiver, but may consider proposals where ample steps have been taken to make the ground usable. The Council shall, at a minimum, consider the following:
 - 1.) The location, size, design, access and usability of the storm water facility,
 - 2.) That the facility is placed in a centralized location within the project or reasonably connected to other project amenities,
 - 3.) The slope of the basin is no steeper than 5:1,
 - 4.) The size of the basin and adjacent landscaped area is no more than ten (10) percent of the required open space requirement,

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- 5.) The landscaping treatments are suitable for use by the residents of the project and include amenities as deemed appropriate,
11. Landscaping: All open areas not covered by residential buildings or structures, parking, or permitted accessory structures shall be attractively landscaped and maintained. Each project shall include a landscaping plan, prepared by a licensed landscape architect or other qualified landscape professional, for review and approval. At a minimum, the landscaping plan shall include the following:
- A. General landscape principles:
- 1.) Visual variety and interest to site and buildings,
 - 2.) Landscape features that highlight primary entry to a building and complex, for both vehicular and pedestrian access,
 - 3.) Placement of shade trees over gathering areas and near buildings,
 - 4.) Landscape screening of parking areas and undesirable views,
 - 5.) Use of landscaping to provide a visual and noise buffer and shelter from wind.
- B. Incorporation of layered landscaping and a mix of deciduous and evergreen trees. As a guideline, the landscaping plan will need to indicate one (1) tree for every two (2) dwelling units, with the trees being a mixture of coniferous evergreen and deciduous trees. The coniferous trees shall be at least eight (8) feet in height and the deciduous trees shall be at least two (2) inches in caliper. Shrubs and other plantings shall be included in the landscaping plan.
- C. Landscaped areas shall contain grass or other acceptable ground cover. Xeriscaping with native and water-wise vegetation is encouraged and the Town may prohibit any vegetation that is deemed to be invasive.
- D. All landscaped areas shall be irrigated by an underground automatic sprinkling system.
- E. Plant materials shall be selected and located to avoid conflicts with underground or above ground utilities.
12. Fencing Standards: Multi-family projects shall be fenced on at least three sides by a six (6) foot sight-obscuring fence unless it can be demonstrated that the fence is unnecessary to make the proposed project compatible with the surrounding area.

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- A. All fencing in multi-family projects shall have decorative features and shall be constructed primarily of masonry materials. The use of chain link, vinyl, and wood products will be limited to internal areas that are not visible from the exterior of the project and located in low traffic areas.
 - B. The Council may require certain areas to be free of fencing, or have reduced fence height to increase visibility and connectivity to the surrounding neighborhood.
13. Lighting: Safety and security in the project and its immediate surroundings shall be enhanced through lighting design. A photometric plan shall be included showing how the project will meet the lighting standards. Lighting fixtures shall:
- A. Be compatible with the architectural style, materials, color, and scale of the project.
 - B. Be located to avoid light spillage and glare on adjacent properties and in private spaces.
 - C. Be compliant with dark skies standards.
 - D. Include full cutoff light fixture that shield light away from bedroom windows, adjacent properties, and the sky.
 - E. Have a maximum correlated color temperature of 3,000 K (Kelvins).
 - F. Be mounted no higher than sixteen (16) feet.
 - G. Not be visible from the property line or beyond.
 - H. Have a maximum lumens amount of 2,500 lumens per light with a maximum of 100,000 lumens per net acre.

Section 1504. Performance Standards

1. Amenities: Each development approved in the RMF Overlay shall include amenities for the residents of the project and shall include a plan for the amenities to be properly maintained. Because each project is different in nature, the amenities may vary, but shall be tailored to accommodate the expected demographic of the residents. As a general rule, active recreation areas will include amenities such as sport courts (designed for basketball, pickleball, tennis, skate park, or another sport), horseshoe pits, swimming pools, volleyball courts, putting greens, splash pads, playgrounds, and clubhouses etc. Passive recreation areas, which include open lawn space, community gardens, or dog parks are required for all projects. Any sport court shall meet an industry minimum standard for usability for the intended use. The minimum amount of amenities in addition to passive recreation areas that are required is determined by the proposed number of units in the development, as follows:

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A. Fewer than fifty (50) units:

- 1.) Picnic areas with tables and barbecue areas, and
- 2.) An active recreation area.

B. Fifty-one (51) to seventy-five (75) units:

- 1.) A picnic area with tables and barbecue area with shade structure,
- 2.) A sport court with at least one thousand (1,000) square feet,
- 3.) An active recreation area, or an additional one thousand (1,000) square feet of sport court.

C. Seventy-six (76) to one hundred (100) units:

- 1.) Two (2) picnic areas with tables and barbecue areas with shade structures,
- 2.) A sport court with at least one thousand (1,000) square feet,
- 3.) An active recreation area, or an additional one thousand (1,000) square feet of sport court,
- 4.) A clubhouse used for gatherings of residents not less than one thousand (1000) square feet in size complete with restrooms. The clubhouse may be substituted for an outside social function area, no less than two thousand (2000) square feet in size, with approval by the Town Council.

D. One hundred (100) or more units:

- 1.) Two (2) picnic areas with tables and barbecue areas with shade structures,
- 2.) A sport court with at least one thousand (1,000) square feet,
- 3.) Two (2) active recreation areas with amenities appropriate for the targeted population, one of these areas could be an additional one thousand (1,000) square feet of sport court,
- 4.) A clubhouse used for gatherings of residents not less than two thousand (2,000) square feet in size complete with restrooms and indoor amenities and services.

E. The Town Council will be the final authority in determining if the amenity package is appropriate for the project size, location, and target population. The type and quality of amenities will be taken into consideration in determining an acceptable amenity package and whether to grant application of the Overlay.

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2. Design Standards: Building design should enhance appearance of the buildings from streets and other public viewpoints. All sides of structures shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.
3. Exterior Materials: All buildings shall include brick, stucco, stone, or other decorative masonry products, including fiber-cement siding, as approved by the Town Council upon recommendation by the Planning Commission. At least two different building materials shall be used on all sides of the building with at least forty (40) percent of the vertical surface containing brick or stone. Garage doors, windows, and doors are not included in the vertical surface calculation. Vinyl and wood siding are not permitted; however, shake shingles may be permitted as an accent material as approved. The types of material will be complementary to the architectural design and heavier materials used lower on the building elevation to form the building base.
4. Colors: Varied building colors are essential to a quality project. The use of different colors and materials helps to break up the massing of the building. A minimum of two colors per elevation, plus trim and roof color shall be provided. Contrasting but complementary colors should be used for trim, windows, doors and ornamental features. As outlined in the general plan, colors should be complementary to the landscape and character of Manila.
5. Wall Plane: There shall be a variation in wall plane on all facades visible from a public street or public view. It is expected that the highest level of articulation will occur on the front façade. However, some architectural detailing should be incorporated into all building elevations, as well as courtyards, play areas and similar common areas.
6. Architectural Design: Architectural elements, such as balconies, porches, overhangs, trellises, projections, awnings, insets, materials and textures shall be used to create shadow patterns that contribute to a building's character and visual interest. Deep roof overhangs are encouraged to create shadows and add depth to façades, also helping to shade openings and windows.
7. Massing: Tall or large structures should emphasize horizontal planes through the use of trim, awnings, eaves, or a combination of complementary colors. The upper story of a multi-story building shall be stepped to reduce the scale of façades facing streets or courtyards, unless the building height contributes to the sense of place.
8. Roofing Design: Roof forms typical of residential buildings such as gable or hip roofs are encouraged. For row-type townhouses, each unit shall be varied in height and setback.
9. Development Entrance Features: Pedestrian and vehicular pavement designs shall include material and/or color changes at entrances, walkways and crosswalks and other significant areas.
 - A. If an applicant can clearly demonstrate that one or more unique conditions affecting the land make the literal application of one or more of the design standards impracticable or unduly burdensome,

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the Town Council may modify the standard as may be reasonable. The modification shall not be contrary to the general intent and purposes of this Chapter and the health, safety, general welfare, and aesthetics of the neighborhood. The Town Council is not obligated to grant any modification and the site may ultimately not be suitable for application of this overlay.

- B. If the applicant and staff disagree on the architectural design, types of amenities, or determining adequate amenities for the proposed project, the Town Council shall render the decision.

Section 1505. Parking

- 1. Each project in the RMF Overlay shall provide adequate vehicular access to the site, internal circulation, and parking. Furthermore, pedestrian connections and networks shall be integrated into the site and connect to adjoining public facilities, including sidewalks. Each applicant shall demonstrate the following:
 - A. Minimum Parking: Projects shall provide at least the minimum parking of 1 parking stalls per residential unit. Any other use, such as clubhouse or leasing office space, shall be consistent with the Manila Parking Ordinance.
 - B. Parking Location: Parking shall be interior to the project and generally hidden from the public street, with the primary structures along the outside edges of the projects, unless the Town determines that interior parking is impractical or undesirable due to unique characteristics of the site and/or connection to surrounding properties. A build-to-line may be imposed to accomplish this design feature.
 - C. Circulation: Site circulation shall allow for and facilitate emergency access to the site and all buildings.
 - D. Covered Parking: Garages shall be designed consistent with the roof pitch, materials, colors, and architectural features of the primary structures.
 - E. Bicycle Parking and Pedestrian Walkways: Pedestrian circulation walkways and bicycle racks are required in multi-family projects. These facilities shall be located in highly visible and convenient areas. Bicycle parking shall be provided at the ratio of 0.5 bicycle spaces per unit.

Section 1506. Approval Process

Any request for the RMF Overlay shall run concurrent with Project Plan approval. Approval is subject to any and all applicable Town resolutions and ordinances and the Manila Town General Plan.

- 1. Each applicant shall first submit a Concept Plan of the proposed development. Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Development Plan.

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2. Following review by staff, the Planning Commission will hold a public hearing to receive input about the Preliminary Development Plan. Notice of the public hearing will be in accordance with Manila Town Code.
3. Following a public hearing, the Planning Commission will forward to the Town Council a recommendation to approve, approve with conditions, or deny the Preliminary Development Plan.
4. After receiving a recommendation from the Planning Commission, the Town Council may approve, amend and approve, approve with conditions, remand the proposed development back to the Planning Commission for further review, or deny the application for Preliminary Plan approval.
5. Following approval of the Preliminary Development Plan by the Town Council, the applicant may prepare the Final Development Plan. After their review, the Town Council may approve, amend and approve, approve with conditions, or deny the application for Final Plat approval. The Town Council, at their discretion, may approve the Preliminary Development Plan and the Final Plat concurrently. A copy of the Final Development Plan will be included in the Planning Commission packet for their review prior to final review by the Town Council.
6. Development Agreement: The approval of the Town Council and the obligations of the applicant shall be ratified in a development agreement. The agreement between the developer and the Town shall demonstrate how the developer's proposal will fulfill each provision of this ordinance along with any other conditions of RMF Overlay approval.
7. Covenants, Conditions, And Restrictions (CC&Rs): All multi-family projects shall include the establishment of an owners or renters' association to address maintenance, parking, enforcement, and other resident related issues. Generally, the Town is not a party to this contract.
8. Project Master Plan: If the project will be carried out in multiple phases, a Project Master Plan is required to address the timing and responsibilities carried out in each phase. This Plan can be incorporated into the Development Agreement and is required as part of the Overlay approval

Section 1506. Other Requirements

The following requirements shall be met:

1. Signs: Signs shall be consistent with the requirements of Manila Town Code. Sign type and locations shall be consistent throughout the project and the sign materials and graphics shall complement the project design.
2. Solid Waste : All refuse containers, except individual residential containers, shall be placed within screened storage areas or enclosures. Enclosure materials and colors will be consistent with, and complementary

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to, building materials and finishes. These containers should be conveniently located throughout the project, yet sufficiently buffered from project entries, main building entries, and main pedestrian paths.

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Section 1601. Permit Required, Exceptions

1. General Requirement: No person shall commence or perform any grading, excavation, filling or clearing of land without first having obtained a permit from the Zoning Administrator and ascertaining the existence and location of any underground utilities. No grading permit shall be issued except in connection with a permitted use allowed within the zoning district in which the property that is to be graded, filled or cleared is located. Any such permitted use that requires a building permit or other approval as provided by this title, such as home construction or a commercial site or a subdivision, must obtain either final site plan approval, or final preliminary plat approval as provided under this title before a grading permit may be issued. All plans submitted for approval must be prepared by a professional engineer licensed in the State of Utah.
 - A. All hotel/condo, townhome and multi-family projects are required record a final plat prior to releasing the grading or building permits for the project. The developer will be required to provide either a cash bond or a letter of credit for improvements prior to recording the final plat. The bond must cover everything except the building, ie. Paving, hardscape, landscaping, utilities, and any other proposed site improvement as shown on the approved site construction drawings. The developer will be required to submit a cost breakdown of these site improvements showing each item for which the bond will cover, the quantity of each item, unit price, total price and the total cost of the site improvements. The bond will need to cover 100% of the cost of these items. Staff will need to approve the spreadsheet that covers the cost breakdown for the proposed bond prior to the city accepting a bond. Once the city approves the spreadsheet cost breakdown, the developer will be required to provide the city either a cash bond or a letter of credit in the amount shown on the approved spreadsheet.
2. Exemptions:
 - A. Agricultural: Grading, excavation, filling or clearing for agricultural purposes within an agricultural zone shall be exempt from a grading permit. Grading, excavation, etc., associated with nonagricultural uses or construction, in an agricultural zone, shall require a grading permit.
 - B. Residential Landscaping: Minor grading, excavation, filling or clearing associated with landscaping projects for single- family residential uses shall be exempt from a permit requirement.

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- C. Non disturbance of Natural Grade: Grading, excavation, filling or clearing that does not disturb the natural grade of more than two thousand (2,000) square feet or result in a change to the natural grade exceeding four percent (4%), shall be exempt from permit requirements.
 - D. Public Facility Projects: Grading required to construct Public Facilities including roadways and utility improvements approved by the City Council
3. Scope of Permit: A grading permit and the approved grading plan is intended to be utilized for grading purposes only and is not to be used for the purpose of constructing on-site or off-site improvements. Issuance of a grading permit based on an approved grading plan does not constitute approval of driveway locations or sizes, parking lot structural sections or layout of any structure, ADA-related requirements, building locations or foundations, walls, curbing, off-site drainage facilities or other items not related directly to the basic grading operation. On-site and off-site improvements shall be constructed from construction plans and drawings approved by the City.

Section 1602. Review Process

- 1. Application Form: Grading permit application forms are available from the City and shall be submitted to the Zoning Administrator. Included in the grading permit application shall be:
 - A. A detailed grading plan showing, at a minimum, the details outlined in 2018 International Building Code, Appendix J Grading. In addition, the grading plan shall contain an estimate of the volumes, in cubic yards, of cut and/or fill and area of site to be graded as well as a statement concerning the ultimate disposition of any excess dirt. Excess dirt moved outside the city limits shall comply with the applicable standards of the area it is moved to. Any location within the city limits used for disposal of excess dirt shall require a separate grading permit application and issuance of a separate grading permit for the receiving site;
 - B. A Soils Engineering Report and Geology Study Report addressing the adequacy of the native soil to be graded for applicant's intended use;
 - C. Proof of land ownership in the form of a recorded deed or grant, recorded plat or title insurance policy;
 - D. Additional information that may be required by the Zoning Administrator for complex grading projects such as, but not limited to: drainage studies, storm water pollution protection plans, dust control plans and restoration plans;
 - E. Payment of the required grading plan review and permit fees in accordance with the City's Consolidated Uniform Fee Schedule.

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2. City Review: The Zoning Administrator shall determine the adequacy of the application and may require the submission of further information where necessary.
3. Inspections: All construction or work for which a permit is required shall be subject to inspection at all reasonable times by the Zoning Administrator. The Zoning Administrator may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this article and other ordinances which are applicable. The permittee shall notify the Zoning Administrator when grading reaches completion and prior to being covered or concealed by additional work. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Zoning Administrator may require, through written notice, that such work be exposed for examination. The work of exposing and recovering shall be an expense of the permittee requiring the inspection.
4. Grading Bond: In reviewing a grading permit application the Zoning Administrator may require the applicant/permittee to post a grading bond if one of the following instances are present:
 - A. Grading is to occur within any area that is designated as part of the City's Hillside Development Overlay Zone (10-16A-1 et seq of this Title);
 - B. Any off-site grading which requires the permission of adjacent property owner;
 - C. Any project in which on-site drainage structures/storm drain system connects to a City storm drain and drainage facilities are constructed in concurrence with grading plan;
 - D. Any grading plan in which the scope of work increases the potential to transport silt/sediment into public right of way and/or City's storm drain system;
 - E. Any grading plan in which the scope of work would create a public safety risk in event of work stoppage; and/or
 - F. Any grading plan in which the Zoning Administrator reasonably determines would create an increased risk of possible damage or injury to residents or Public Facilities of the City.

A cash bond or instrument of credit with the city in an amount equal to that which would be required for a performance bond and in conformance with section 10-5-3, "Security For Completion", of this title.

Section 1603. Standards for Review

All grading, filling and clearing operations which are allowed under this Article shall be consistent with section 10-21-9 of this title, and shall be designed to:

1. Minimize cuts and fills on steep or hazardous terrain.

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2. Eliminate scars from cuts and fills, and preserve the natural scenic beauty of the area, such as by rounding off sharp angles at the top, toe and sides of cut and fill slopes to preserve, match or blend with the natural contours and undulation of the land, and by retaining trees, brush and other native vegetation where possible.
3. Limit clearing of vegetation or disturbances of the soil to those areas of proven stability, taking into consideration geologic hazards and soil conditions.
4. Assure that the natural runoff capacity of hillsides, slopes, graded areas, cleared areas, filled areas or streams will not be exceeded, causing flooding, erosion or silting greater than that which would have occurred if the land had been left in its natural state.

Section 1604. Discharge Prohibitions

1. Scope: No solid or liquid waste materials, including soil, silt, clay, sand and other organic or earthen materials shall be discharged, either during the course of the grading process or as a result of changes created by the grading process covered under the permit into any creeks or streams, onto lands below the high-water level of the same, or onto adjoining property.
2. Control Devices: In order to prevent such discharges from occurring, approved erosion and siltation control devices may be required for all grading and filling. Control devices and measures which may be required include, but are not limited to, the following:
 - A. Energy absorbing devices to reduce the velocity of runoff water.
 - B. Sedimentation controls, such as desilting basins and catch basins. (Any trapped sediment shall be removed to a disposal site approved by the Zoning Administrator.)
 - C. Dissipation or discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.
 - D. Multiple discharge points to reduce the volume of runoff over localized discharge areas.
 - E. Physical erosion control devices, e.g., culverts, rock banks, etc.
 - F. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

Section 1605. Dust Control

Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to eliminate dust arising from the exposed material.

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The Zoning Administrator must approve dust control methods. All dust control measures must meet state and federal standards and methods. (<https://deq.utah.gov/air-quality/stationary-source-compliance> <https://www.epa.gov/system/files/documents/2022-02/fugitive-dust-control-best-practices.pdf>)

Section 1606. Disposal of Cleared Vegetation

Vegetation removed during clearing operations shall be disposed of in a manner approved by the Zoning Administrator.

Section 1607. Interceptors

Diversers may be required at the top of all cut and filled slopes where there is a surface runoff potential.

Section 1608: Non Construction Areas Protected:

1. There shall be no excavation on the site before the Zoning Administrator has approved the location (stakeout) of the drives, parking sites, building sites and other areas to be graded or filled.
2. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicle of any kind shall pass over areas to be left in their natural state according to the approved plans.
3. Appropriate barriers around all native vegetation proposed for retention may be required to be erected during construction.
4. The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. The permittee shall carry the responsibility both for his own employees and for any and all subcontractors from the first day of construction until the notice of completion is filed.

Section 1609. Underground Public Utilities Protected

The contractor shall ascertain and verify the location of any public underground utilities that may be on the property before doing any grading excavation, and once located, he shall take reasonable care to protect and avoid damage to any such underground utilities by allowing forty-eight (48) hours for such utilities to be located. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the contractor's expense to the satisfaction of the utility company and/or the city.

Section 1610. Historic or Prehistoric Ruins

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1. No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments or objects of antiquity are present.
2. The grading plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or object of antiquity which were not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the building department shall determine what precautions should be taken to preserve the historic artifacts.

Section 1611. Grading Plan

All development projects and projects requiring installation of public and private improvements are required to obtain a grading permit. A grading plan shall be submitted showing, at a minimum, the details outlined in 2018 International Building Code, Appendix J Grading. The grading plan should be included with the Construction Drawings when submitted to the City Representative for review. A Soils Engineering Report and an Engineering Geology Report addressing the adequacy for the intended use of the proposed development shall be submitted with the grading plan. In complex grading projects, City Representatives may require grading plans to include a drainage study, a storm water pollution protection plan, a dust control plan and a restoration plan. When Construction Drawings, including the grading plan, are approved by the City's Representative, a grading permit will be issued upon payment of the required grading plan review and permit fees in accordance with the Town's Consolidated Uniform Fee Schedule.

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ARTICLE 17 CONDITIONAL USES

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Section 1701. Purpose

To allow certain suitable uses within the Zoning Districts of the Town 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 1702. Conditional Use Permit

A Conditional Use Permit shall be required for all uses listed as conditional uses in the Zoning Ordinance and in Article 18. 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 the current penalty ordinance and Utah State Code Section 10-3-703 establishing civil penalties for violations of the ordinance in the Town.

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

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Commission.

- D. The Planning and Zoning Commission shall post notice of the hearing as prescribed by State law.

6. Determination:

The Planning and Zoning Commission may permit conditional use to be located within any Zoning District in which the particular conditional use is permitted. 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 location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing 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 General Plan.
- D. That such use will not under the circumstances of the 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:

1.) 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?

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- 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?
- 2.) 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 1703. 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

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

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.

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- 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 ensure 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 15](#) as per Article 6 establishing civil penalties for violation Ordinance in the Town.

5. Conditions Relating to Performance

A bond or other valuable assurance in favor of the Town 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?

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Section 1704. Appeals

Any person shall have the right to appeal to the Board of Zoning Adjustment any decision rendered by the Planning and Zoning Commission by filing, in writing, the reasons for the appeal with the 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 Zoning Adjustment may reaffirm the Planning and Zoning Commission's decision or set a date for a public hearing.

1. Notification of Planning and Zoning Commission. The Board of Zoning 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 Appeal Authority. The Appeal Authority, 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 Town Council.

Section 1705. Building Permit

Following the issuance of a Conditional Use Permit by the Planning and Zoning Commission the Building Official 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 1706. 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.

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Section 1801. 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," and the word "shall" is mandatory and not directory; and the word "may" is permissive.

Section 1802. Definitions

For this Ordinance, certain words are hereby defined in alphabetical order.

- ◆ 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.
- ◆ Agricultural activity: The tilling of soil, horticulture, and gardening including the keeping or raising of [domestic animals](#) or fowl.
- ◆ Apartment House: A multiple family dwelling with tenants paying rent or lease; see [Dwelling, Multiple- Family](#).
- ◆ Basement: The lowest story of a building being partly or wholly below ground level.
- ◆ Bed and Breakfast: A lodging establishment built expressly for, or converted to, for the renting rooms to paying guests and to provide breakfast to paying guests on a short term (daily basis). The host stays in the structure while rooms are rented and manages the property. This definition does not include [hotel](#), motel, short-term rental or [boarding house](#).
- ◆ 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.
- ◆ 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.
- ◆ Child Day Care Center: A building or structure where continuous care and supervision of five or more qualifying children that is in lieu of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.
- ◆ Conditional Use: A land use that, because of its unique characteristics or potential, impact on the

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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.

- ◆ Contiguous: Substantial touching between two districts or areas of land which abut one another.
- ◆ 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.
- ◆ Density: Acres or square feet per one primary dwelling unit.
- ◆ Domestic Animals: Any of various animals (such as horses, sheep, goats,) domesticated to live and breed in a tame condition.
- ◆ Domestic Pets: Dogs, cats, fish, birds and other domesticated or tamed pets kept for companionship or pleasure and reside primarily in a residential dwelling.
- ◆ Dwelling: A building or portion thereof designed exclusively for residential occupancy, but not including [hotels](#), tourist cabins and [boarding houses](#).
- ◆ Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family, the structure having one (1) dwelling unit.
- ◆ Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- ◆ Dwelling, Three-family: A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.
- ◆ Dwelling, Four-Family: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.
- ◆ Dwelling, Multiple-Family: A building arranged or designed to be occupied by more than four (4) families.
- ◆ Dwelling Unit (D.U.): 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.
- ◆ Dwelling Unit Size: The minimum dwelling size to be twenty (20) body feet or more in width, and forty (40) body feet or more in length. With the exceptions of ADU's, which shall be regulated by

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the coverage Ordinance # 01-12-2022 A. Except for JADU which are to be no bigger than 500 sq ft. (Amended & Adopted 7-13-17).

- ◆ Essential Services: Services provided by public and private utilities necessary for the exercise of the principle use or service of the principal 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.
- ◆ 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.
- ◆ 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 of 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.
- ◆ 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.
- ◆ 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.
- ◆ 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.
- ◆ 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.
- ◆ Guest: A transient person who rents or occupies a room for sleeping purposes.
- ◆ Home Occupation: Any occupation dealing with the sale of goods or services from a place of

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residence as full or part-time, for profit, commercial enterprise, with the following conditions:

- A. Shall be conducted wholly on the premises; and,
- B. Shall be conducted by a member of the family; and,
- C. Shall have no employees other than (a) member(s) of the immediate family living in the dwelling structure; and,
- D. Shall obtain a conditional use permit.

- ◆ 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.
- ◆ 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.
- ◆ Legal Description: A metes and bounds description of a parcel of land filed in accordance with the requirements of the State of Utah and Daggett County.
- ◆ Lot: A parcel of land, occupied, or to be occupied, by a building or group of buildings, together with such yards, open spaces, lot width, and lot areas, as required by this Ordinance, having frontage upon a street, or upon a right-a-way, approved by the Planning and Zoning Commission, but not less than sixteen (16) feet wide. Except for group dwellings and [guest houses](#), not more than one (1) dwelling structure shall occupy any lot.
- ◆ Lot Area: The area of a horizontal plane within the lot lines of a lot.
- ◆ Lot Coverage: The percentage of the area of a lot, which is occupied by all buildings or other covered structures.
- ◆ 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.

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- ◆ Lot line: Any line bounding a lot.
- ◆ Lot Width: The distance across a lot or parcel of property measured along a line parallel to the front lot line.
- ◆ Lot of Record:
 - A. A lot, which is part of a subdivision, the plat or deed of which has been approved by the Town Council and recorded in the Office of County Recorder of Daggett County after September 19, 1969 (subdivision ordinance) ; or,
 - B. A lot, parcel or tract of land which existed by deed and which was recorded in the Office of the County Recorder of Daggett County prior to September 19, 1969.
- ◆ Main Building: The primary structure on a lot.
- ◆ 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). A manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code. A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that zone or area. 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 covenants, applicable to single-family residence within the zone or area.
- ◆ Mobile Home: A transportable structure, consisting of two (2) or more sections with integrated plumbing, heating, and electrical systems. When erected on a site, it may serve as a single-family residence, either with or without the wheels removed, and with or without a permanent foundation. If the mobile home is located within a manufactured home/mobile home park, it must comply with the specific requirements and definitions outlined in Article 14 for such parks. The term "mobile home" is synonymous with "manufactured home" but should not be confused with an RV (Recreational Vehicle).
- ◆ Manufactured Home/Mobile Home Park: Any tract of land on which two (2) or more manufactured homes or mobile home spaces are leased, or offered for lease or rent, to accommodate Manufactured/Mobile Homes for residential purposes.

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- ◆ Modular Home: (See [Manufactured Home](#))
- ◆ 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 a [garage](#) or parking lot located on the property 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 manufactured home/mobile home parks or recreational vehicle parks.
- ◆ Nonconforming Building or Structure: A building or structure that legally existed before its current zoning classification and because of subsequent zoning changes, does not conform with zoning regulation's setback, height restrictions, or other regulations that govern the structure. [ARTICLE 7](#) provides for the prohibition of replacing an existing recreational vehicle or mobile home with other than a manufactured or custom-built home. Elimination of residences not in current compliance results.
- ◆ 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.
- ◆ 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.

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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.

- ◆ Planning Commission: The Town of Manila Planning Commission.
- ◆ Public place: Any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property controlled by the Town and dedicated to public use.
- ◆ Recreational Vehicle (RV): A recreational vehicle; including truck campers, bumper-pull travel trailers, fifth-wheel travel trailers, Class "A", "B" or "C" motorhomes; not exceeding eight and one half (8½) feet in width nor more than forty (40) feet in length.
- ◆ Recreational Vehicle Park: Any parcel of land accommodating two (2) or more recreational vehicles for dwelling or sleeping purposes, for which a charge is made for those accommodations.
- ◆ Recreational Vehicle Space: A plot of ground within a manufactured home/mobile home park designated for RV storage or a recreational vehicle park designed for accommodation of a recreational vehicle, together with any accessory structures, including carports or other off-street parking areas.
- ◆ Restaurant: Any coffee shop, cafeteria, luncheonette, soda fountain, fast-food place, or other eating establishment where food is prepared for immediate consumption on the premises.
- ◆ 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.
- ◆ Sign, types. All signs shall be located on the property to which they pertain; and only Civic and residential signs may be illuminated, but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.
 - A. Civic sign, not to exceed sixteen (16) square feet in area. Sign may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed.
 - B. Identification sign, sign for conditional use.
 - C. Real Estate or Development sign: A portable or freestanding sign erected by the owner, or assigned agent, advertising the real estate upon which the sign is located for rent, lease, or sale, not to exceed eight (8) square feet in area.

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- D. Non-advertising sign. 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.
- E. Residential sign, not to exceed two (2) square feet in area for [single-family dwellings](#); and not to exceed eight (8) square feet in area for [multiple-family dwellings](#). Sign may be illuminated, but the source of illumination shall not be visible. No flashing or intermittent illumination shall be employed.

♦ Strip-Mall: A group of 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.

A strip-mall shall only be constructed in the Central Development and Commercial General Zoning Districts.

Any existing structures defined by this Ordinance as a strip-mall shall:

- A. Comply with this Ordinance; or,
- B. Apply for a variance from the Planning and Zoning Commission with final approval from the Appeal Authority.

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.

♦ Subdivision: The division of a tract, lot, or parcel of land into 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.

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- ◆ 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.
- ◆ Time computation: In computing any period 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.
- ◆ Town: Town of Manila, Utah.
- ◆ Utility: A private company and/or corporation or municipal department engaged in providing a particular service to the public. May include but not be limited to water, sewer, power, gas, phone, any other utilities.

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ARTICLE 19 COSTS AND CHARGES

ARTICLE 19 COSTS AND CHARGES

Section 1901. Purpose

It is recognized the Town government may incur substantial costs in the processing and review of petitions and applications for land development, changes in ordinances, zoning changes, and appeals. 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 Town Council, with the recommendation of the Planning and Zoning Commission. The cost and charges are reviewed periodically and are adjusted as needed. A copy of all costs and charges are on file in the Town Office and are available to the General Public.

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ARTICLE 20 SHORT-TERM RENTAL UNITS AS A CONDITIONAL USE

Section 2001. Definitions

The following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this code, and there is a contradiction as to their meaning, the definitions set forth in this section shall control the Short-Term Rental Ordinance.

1. Application: The application for a Short-Term Rental shall be a Conditional Use Permit for a short-term rental.
2. Complete Application: Shall mean an application that has satisfied all the submittal requirements set forth in this Short-Term Rental Ordinance and otherwise complies with all the criteria required for the issuance of a Short-Term Rental Conditional Use Permit.
3. Floor Plan: Shall mean a level-by-level plan of the rental property with labeling of all enclosed spaces within the structure and dimensions, including without limitation, all sleeping areas.
4. Nightly/Short Term Rental: Shall mean the rental of a dwelling unit or a portion thereof for less than thirty (30) days. Nightly rental does not include the use of a dwelling for commercial uses.
5. Guest Room: A room which is designed for occupancy by one (1) or more guests for sleeping purposes but having no cooking facilities and not including dormitories.
6. Owner: Shall mean owner of record, recorded in Daggett County Recorder's office, of the residence for which a short-term rental conditional use permit is sought or has been issued to. The owner may be a person, or any form of business entity recognized by the State of Utah. If the Owner is a form of business entity, the business entity shall maintain current registration with the Utah Department of Commerce.
7. Property or Short-Term Rental Property: Shall mean all such residences or dwelling units used for short term rental purposes.
8. Property Management Company: Shall mean the owner's agent for renting the property, if any.
9. Sleeping Area: Shall mean any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, pull out couch or futon. To be a valid sleeping area the sleeping area shall have appropriate exits, ceiling heights, and windows. A sleeping area shall require a minimum of 100 square feet of floor space.
10. Transient: Shall mean occupancy of a dwelling unit or sleeping unit for not more than 30 days.

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11. Use with Criteria: Shall mean the land use approval process contained in the Town of Manila Ordinances; provided however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the town ordinances and the process and requirements set out in the short-term rental ordinance, the terms and conditions in this short-term rental ordinance shall control.
12. Parking Space: Shall mean area with a width of not less than 9 feet and a length of not less than 18 feet located within the designated garages, or on impermeable surfaces such as asphalt, concrete, or gravel.
13. Valid Objection: Shall mean an objection based on:
 - A. The Owner's failure to file a complete application; or,
 - B. The Owner's failure to meet any of the required criteria for the issuance of a short-term rental conditional use permit.
 - C. The limit for the number of short term rentals allowed within the Town's boundaries has been reached. The current limit is 15 short-term rental units.

Section 2002. General Provisions

It shall be unlawful for any person to rent for less than thirty (30) days a residence without possessing and maintaining a conditional use permit as required by this ordinance. For this ordinance, the word permit shall mean the same as conditional use permit. Only the owner(s), as defined in the ordinance, shall be allowed to hold a permit. No more than 15 permits for short-term rentals shall be issued at any time. Upon the revocation or failure to renew an existing permit, Manila shall issue a new permit to the next Owner(s) who applies for such permit and demonstrates compliance with all standards, regulations, and requirements set forth herein. A residence providing short term rentals, when allowed as a conditional use shall be approved in the conditions stated below.

1. Term of Permit: All permits issued for short term rentals shall be good for the term matching the associated business license.
2. Conditional Use Permits: Shall only be issued to the owner(s) of the property.
3. Continued Compliance – Proof of insurance, Active Utah State Tax Account Numbers must be provided to the Planning and Zoning Secretary. Inspections are required from the fire chief as well as the building inspector in order to renew the conditional use Permit. (\$100 initial inspection and \$100 yearly inspection fees)
4. Owner: Each owner and his agent renting or leasing a short term residential rental unit shall

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maintain that unit in a condition fit for human habitation and in accordance with this ordinance and the rules of the Tri-County Health Department. Each short term residential rental unit shall have electrical systems, heating, sanitation plumbing, and hot and cold water.

5. Units: Each unit shall pass a safety inspection by the Town of Manila Building Official and pay the appropriate fees for the said inspection which is listed in this packet.
6. Sales and transfer of property: In the event of a sale or other transfer of property containing a permit as a short-term rental unit, the purchaser or transferee of the property shall be required to apply for a new conditional use permit within forty-five (45) days of the date of purchase or transfer. If the purchaser or transferee fails to apply for a new permit within said 45 days, the conditional use permit will be forfeited, and the owner must re- apply for a short-term conditional use permit.
7. Register of guests: Each short term residential rental property owner shall keep a register of guests. Such registration or list shall include the names and addresses of all guests and be available for inspection by the Building Official or law enforcement at any time.
8. HOA: Must comply with all Homeowner's Association (HOA) rules and regulations. If short term rentals are not allowed, then said HOA rules shall apply.

Section 2003. Application Requirements

1. The applications for a conditional use permit for short term rental of residential property must fill out and complete and pay all required fees before the application will be considered.
2. The conditions for approval will be questions on applications and must be met to be considered for a conditional use permit.
3. An initial safety inspection of the property by the Building Official shall be a part of this application. Said safety inspection must be completed and applicable fees for said inspection must be paid before the application can be considered.
4. Proof of ownership for said unit.
5. Proof of valid insurance for each unit being licensed for short term rentals.
6. Proof of valid liability insurance for the following: owner, property management company/or any other entity.
7. Floor plan and site plan, including the parking area with each parking space mapped out, drawn to scale with dimensions.

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8. Zone designation and street address for each unit.
9. A Town business license is required.
10. The application must include a valid Utah State Tax number for remittance of transient lodging taxes.
11. A signed acknowledgment on the application, that the owner, property management company and/or owner's agent, if any, have read all the Town regulations and ordinances pertaining to the operation of a short-term rental.
12. The owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a property management company or other agent of the owner managing the short-term rental, the agent or authorized officer of the property management company, or both, shall also sign the applications certifying the accuracy of the information submitted and agreeing to comply with all regulations.

Section 2004. Conditions of Approval

1. A Town business license shall be obtained before occupancy and after approval of the conditional use permit. Sales and transient room taxes must be collected and remitted to the proper authority.
2. No more than four (4) occupants per room shall be allowed, and total occupants of the dwelling cannot exceed the number allowed by the international building code.
3. A fire escape plan shall be developed in accordance with the International Building Code.
4. Passed safety inspection by the Town of Manila Building Official.
5. A notification to guests shall be prepared and shall contain the residence rules and the fact that the residence is being rented under a conditional use permit that may be revoked if guest actions lead to excessive complaints from neighbors of the residence.
6. Upon receipt of a completed short term residential conditional use permit application, the planning and zoning secretary shall notify, in writing, all persons with real property within three hundred (300) feet of the proposed short term residential rental unit location.
7. The application may be denied by the Planning and Zoning Commission with valid objections.
8. No public hearing will need to be held; however, a hearing may be held when the Planning Commission shall deem a hearing to be necessary and in the public interest.

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- A. The Planning Commission may hold the hearing.
- B. The Planning Commission shall have a record of the hearing, together with a report of findings and recommendations relative thereto, for its consideration of the proposed conditional uses.
- C. Such hearing, if deemed necessary, shall be held not more than sixty (60) days from the date of the application. The time and place shall be established by the Planning Commission.
- D. The Planning Commission shall publish a notice of hearing in a newspaper of general circulation in the town not less than ten (10) days prior to date of said hearing. Failure of property owners to receive notice of said hearing shall in no way affect the validity of action taken.

Section 2005. Parking Regulations

The owner of any property permitted as a short-term rental unit shall provide off street parking in accordance with the following:

- 1. Required parking areas and access to parking areas shall be always maintained and available for use. All vehicles belonging to overnight occupants shall be parked on the property and shall not be parked on any adjacent property, street, or public rights-of-way. Vehicles including all motorized vehicles and such vehicle's trailers, RV's, boats, motor homes, etc. shall be parked in a designated parking area and each shall be considered a vehicle.
- 2. Parking shall be provided, at a minimum, of one vehicle per bedroom. Tandem spaces on a driveway may be used.
- 3. The number of vehicles allowed by the occupants of a short-term rental home shall be restricted to the number of parking spaces provided by the owner.
- 4. All parking spaces shown on site plan shall be available for parking and shall not be blocked or otherwise unavailable due to storage of materials or for any other reasons.

Section 2006. Maintenance Standards

Any property that contains a dwelling which is permitted as a short-term rental shall conform to the following standards:

- 1. Structures shall be properly maintained, painted, and kept in good repair, and grounds and landscape areas shall be properly maintained, and grass watered in order that the use in no way detracts from the general appearance of the neighborhood.

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2. The use of a dwelling as a short-term rental does not in any way change the appearance of the dwelling or property for residential purposes.
3. Each sleeping room must meet current international residential code for egress and be equipped with smoke and CO detectors.
4. Trash receptacles with lids must be provided and must have a contract with the Town for regular trash pick-up. All trash must be bagged and placed in receptacles. Cardboard boxes are not to be accepted. Property must be kept free of accumulated garbage and clutter.
5. Snow shall be removed as outlined in state and local codes.
6. RVs, campers, and boats, and other vehicles are not permitted to hook up to a resident's sewer or water system and are not permitted to be used as short-term rentals.

Section 2007. Prevention of noise, nuisance or trespass and prohibited activities

The owner of any dwelling permitted as a short-term rental property shall be responsible to ensure that guests or occupants of the short-term rental do not:

1. Create noises that by reason of time, nature, intensity of duration, are out of character with noises customarily heard in the surrounding residential neighborhood.
2. Abide by the 10:00 p.m. - 6:00 a.m. Town noise ordinance.
3. Interfere with the privacy of surrounding residents or trespass onto surrounding residential properties.
4. Allow pets or animals to create noise, roam the streets, trespass on neighboring properties, or create a mess that is not cleaned up by the owner or custodian of the pet or animal.
5. Engage in any disorderly or illegal consumption of drugs and alcohol.
6. Occupancy beyond the specific number allowed in permit.
7. Outdoor sleeping of individual(s), which exceeds the occupancy permitted.
8. No cooking facilities shall be allowed in guest rooms.
9. All signs shall be in accordance with the Town ordinance.

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10. No alcoholic beverages shall be sold on the premises.

Section 2008. Required Posting

The following information must be posted in a clear, concise, and unambiguous manner and in a conspicuous location inside any dwelling permitted as a short-term rental unit:

1. A copy of the rental unit business license.
2. A copy of the conditional use permit.
3. The name, address, and phone number of the owner/ property manager.
4. The location of all fire extinguishers.
5. A copy of the fire escape plan.
6. A list of all applicable rules for short-term rental property. Including the 10:00 p.m. - 6:00 a.m. Town noise ordinance.
7. The maximum occupancy of the short-term rental property and the maximum number of vehicles allowed.
8. One nameplate sign not to exceed 12' x 18' made of durable weather-resistant material containing the name and telephone number of the owner or the owner's designated agent, as defined herein who will be responsible for receiving and resolving complaints regarding activities on the property and the conduct of its occupants and guests, who can be contacted 24 hours a day shall be permanently and conspicuously attached to the building near the front entrance. Such nameplates shall not contain any advertising.

Section 2009. Miscellaneous Rules and Regulations

The following rules and regulations shall apply to any dwelling for which a short-term rental property conditional use permit has been issued.

1. The owner or property manager shall provide information on current occupants to police, emergency, city, or county personnel as requested. The owner, or other person designated as the property manager, shall respond to complaints and concerns within 1 hour of any phone call or other notification. Failure of the owner or property manager to respond in a timely manner may result in a violation and possible fines to the conditional use permit holder and property owner.
2. The requirements of this section shall be in effect throughout the time a short-term rental property

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conditional use permit is in effect on the property, regardless of whether the property is occupied by the owner, non-paying guests of the owner, or paying guests of the owner. The Town finds that, given the practical difficulty of determining whether the occupants are paying guests, enforcement of the requirements contained in this section shall be based on whether the property is permitted as a short- term rental unit.

3. An inspection of a short-term rental property for compliance with these regulations will be performed at the time of conditional use permit review. Additional inspections may be performed with a 24-hour notice to the permit holder/property manager if deemed necessary by the Town.
4. The owner of any dwelling licensed as a short-term rental property shall be required to collect and remit on a timely basis, transient lodging taxes.

Section 2010. Conditions for conditional use permit renewal for a short-term rental property

1. A copy of the current Town business license shall be included with the conditional use permit renewal application.
2. Sales taxes and transient room taxes must have been collected and remitted in a timely manner to the proper authorities.
3. Documented complaints must be minimal and must have been successfully addressed by the owner in a timely manner. Original complaints should be reported and/ or documented to the owner at the time of violation using the Town form available from the planning and zoning secretary. A copy must be submitted to the planning and zoning secretary within 30 days by the aggrieved party. In the case of a complaint involving immediate health or safety concerns, 911 should be called before contacting the owner. Recurring and or unresolved complaints could instigate an investigation and/or revocation of the conditional use permit.
4. Owner shall maintain a list of rental dates, renters, and their addresses.
5. Applications for renewal are due annually and must be submitted 2 months prior to expiration. No property shall be rented on a short-term basis without a current conditional use permit.
6. The short-term residential rental shall meet all conditions of this ordinance and other applicable ordinances and laws. There shall be an initial inspection of the premises by the Town Building Official, and one follow up if necessary.

Revocation or modification of a conditional use permit with a valid objection.

If there is cause to believe that grounds exist for revocation or modification of an approved conditional

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use permit for short term rentals, the planning and zoning commission shall hold a public meeting to consider the modification or revocation of a conditional use permit granted under the terms and the provisions of this ordinance.

A Conditional use permit may be modified or revoked if the planning commission finds that one or more of the following conditions exist.

1. The conditional use permit was obtained in a fraudulent manner.
2. The use which the conditional use permit was granted has now ceased for at least 12 consecutive calendar months.
3. One or more of the conditions of the conditional use permit have not been met.
4. At least 3 verified and justified complaints have been submitted to the town.
5. Upon discovery of an immediate health hazard to renters, the Code Enforcement Officer can suspend the short-term rental conditional use permit until the hazard has been remedied and the property has been inspected.

Additionally, the Town Planning and Zoning Commission without the consent of the owner may modify the conditions under which a conditional use permit was originally approved if the Planning and Zoning Commission finds that the use or related development constitutes or is creating a demonstrated nuisance. The Town reserves the right to revoke the short-term rental based on extenuating circumstances.

Section 2011. Enforcement Provisions

1. Any owner of any dwelling in a residential zone with the Town who allows or permits occupation of said dwelling as a short-term rental, as defined herein, without having first obtained a business license and a conditional use permit in accordance with the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 6.02 of this ordinance. Every violator shall be deemed guilty of a separate offense for each day such violation is permitted to exist after official notice has been given.
2. Violation of any provision of this section regulating short-term rental unit shall constitute a separate offense for each day said violation occurs or continues.
3. Any person who occupies a short-term rental property as a guest and who violates any local ordinance or state law shall be subject to arrest, issuance of a citation, or other criminal process in accordance with all state, federal or local statutes, rules, or ordinances.
4. In the event of any violations of this section committed by owner or guest, within any 12-month

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period, the Planning and Zoning Commission may, depending on the nature and or extent of the violation, proceed with revocation of the Conditional Use Permit for any short-term rental unit in accordance with the provisions of the Conditional Use Permit Ordinance and Short-Term Rental Unit Ordinance.

5. In addition to each misdemeanor, the owners shall be penalized according to Article 6 of this ordinance. All other fines and penalties will be administered as violations occur.

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ARTICLE 21 ACCESSORY DWELLING UNITS

ARTICLE 21 ACCESSORY DWELLING UNITS

Section 2101: Purpose

The purpose of this ordinance is to establish use and development regulations for Accessory Dwelling Units (ADUs) in order to provide uniform standards for ADUs, to accommodate the housing needs of town residents and to provide alternative housing options for a needed workforce.

Section 2102: Definitions

The following definitions supplement the definitions found in Article 16:

1. Accessory Dwelling Unit (ADU): A residential dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is secondary to a primary dwelling and is located on the same lot/parcel as the primary dwelling.
2. Accessory Dwelling Unit, Attached (AADU): Accessory dwelling that is additional to the primary dwelling that can be accessed from the inside of the primary dwelling and has a separate exterior entrance.
3. Accessory Dwelling Unit, Detached (DADU): Accessory dwelling unit that is separate from the primary dwelling. Detached units can only be located within the side or rear yard of the primary dwelling.
4. Accessory Dwelling Unit Internal (IADU): Accessory dwelling unit that is located within the footprint of the primary dwelling.
5. Building Code: All construction and remodeling shall comply with building codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah State Code and Town of Manila.
6. Dwelling Size Regulation: The minimum dwelling size to be twenty (20) body feet or more in width, and forty (40) body feet or more in length. With the exceptions of ADU's, which shall be regulated by the coverage Ordinance # 01-12-2022 A. Except for JADU which are to be no bigger than 500 sq ft. (Amended & Adopted 7-13-17).
7. JR. Accessory Dwelling Unit (JADU): a structure either attached or detached, that is not bigger than 500 sq feet, which supports the use of the primary dwelling. This area will not be required to have full amenities and shall not be rented as living quarters. Will not require an extra parking spot.

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8. Owner Occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) for more than 275 (two hundred seventy-five) days in every calendar year.
9. Primary Dwelling: A single-family dwelling that is occupied as the primary residence of the owner of record.

Section 2103: Permitted & Non-Permitted Uses

This section defines what uses are permitted and what uses are not permitted regarding ADUs.

Permitted Uses:

1. Attached Accessory Dwelling Units (AADU).
2. Internal Accessory Dwelling Units (IADU).
3. Detached Accessory Dwelling Units (DADU) shall be permitted for full time residents only.
4. Jr. Accessory Dwelling Units (JADU) shall be permitted (Not to be used for a living quarters).
5. All ADUs shall be permitted in residential and commercial zones if a residential structure exists on a legally created lot.
6. ADUs may be used for personal use or for long term rentals (30 Days or longer)

Uses Not Permitted:

1. ADUs shall not be permitted on lots seven thousand (7,000) sq ft. or less.
2. A recreational vehicle shall not be used as an ADU.
3. ADUs shall not be used for short term rentals.
4. No more than one (1) ADU shall be approved for a single property.
5. No DADU shall be permitted for any property that is not owner occupied.
6. No ADUs shall be allowed on commercial properties.
7. ADUs shall not be permitted in mobile homes.
8. No detached ADUs shall be placed in front of the primary dwelling.

Section 2104: General Regulations & Requirements

This section shall be used to determine requirements and development standards related to the establishment of ADUs.

1. An ADU is allowed as an accessory use within all residential zoning districts.
2. Regardless of the manner of construction, all setbacks, height limits, lot coverage, and other planning and zoning regulations shall be adhered to.

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3. ADUs shall require at least 1 off-street parking space.
4. All construction must comply with applicable building, health and fire codes. This includes obtaining the required permits from the Town of Manila.
5. Site coverage for all ADUs must meet lot usage restrictions.
6. ADUs may share utilities with the primary residence, or they may have independent connections.
7. If an ADU has independent utilities, it must have its own connection and meter separate from the primary residence.
8. Connection fees will apply if a new service is installed for the ADU.
9. Impact fees must be paid in full for all ADUs.
10. If utilities are shared between the ADU and the primary residence, impact fees will still apply.
11. ADUs must remain accessory to the primary dwelling and shall not be separated by a lot split, subdivision, or any other form of land division.
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12. Utilities not managed by the Town will be governed under the separate Utility
13. Property owners as shown on the Daggett County Recorder's Office shall occupy the primary dwelling as their permanent residence. In no case, shall a property owner rent out both the primary dwelling and the accessory dwelling.
14. Building permits are required and will require the same documentation and inspections as any other residential dwelling.
15. The primary dwelling and accessory dwelling must share the same address number, but must indicate the separate units.
16. Recreational vehicles, portable structures and shipping containers shall not be considered as an ADU.
17. All ADUs, which are intended to be used as a dwelling (This shall exclude JRADUs) must meet the lot coverage requirements that allow for up to 50% of the lot to be built on.

Section 2105: Violations and Penalties

Violation of this ordinance shall be subject to the penalties outlined in Section 10-3-703 of the Utah State Code and Article 6 of the Manila Zoning Ordinance.

Section 2106: Severability

If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions, and words of this Ordinance shall be severable.