

**TOWN
OF
MANILA**

SUBDIVISION

ORDINANCE

AMENDED AUGUST 2004

MANILA SUBDIVISION ORDINANCE
Adopted August 12th, 2004

ORDINANCE NO. 04-08-12

AN ORDINANCE PERTAINING TO SUBDIVISION DEVELOPMENT WITHIN THE
TOWN OF MANILA, UTAH

BE IT ORDAINED BY THE TOWN council OF MANILA;

SECTION I. TITLE:

This Ordinance shall be known as the Subdivision Ordinance of the Town of Manila, Utah and may be so cited and pleaded.

SECTION II. PURPOSE:

The purpose of these subdivision regulations are to promote and protect public health, safety, and welfare; to encourage the harmonious, orderly and progressive development of land; to ensure the development of economically sound and compatible neighborhoods; to require the construction of necessary improvements and utilities; to ensure safe and convenient circulation of vehicular and pedestrian traffic; to ensure that parks, open spaces, school sites, and land needed for other public purpose are either reserved or dedicated; to ensure development is in accordance with the requirements of the Town's General Plan as such may be amended from time to time; and to ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

SECTION III. AUTHORITY:

The Mayor and Town Council of the Town of Manila, Utah adopts this Ordinance pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code and other authorities and provisions of Utah Statutory and common law that are applicable.

The Mayor and Town Council shall set all application fees related to land use action under this Ordinance per resolution.

SECTION IV. REPEAL OF EXISTING ORDINANCE AND EFFECTIVE DATE:

Manila Ordinance, Subdivision Section, amended August 1995 is hereby superseded, and repealed to read as set forth in this Ordinance, as adopted by the Town Council. This Ordinance shall take effect immediately following its adoption by the Council and signed by the Mayor.

SECTION V. INTERPRETATION:

The interpretation and application of the provisions of the Subdivision Ordinance shall be regarded as the minimum required for the protection of the public health, safety, and welfare and shall be liberally construed to further the purposes as specified in Section II above.

The word "shall" is mandatory. The word "may" is permissive.

Words used in the present tense include the future; words used in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary.

Reference by the "Town" shall be interpreted to generally apply to Town Staff, Planning Commission, and Town Council collectively.

SECTION VI. DEFINITIONS:

For purposes of this Ordinance, the following definitions shall apply:

ADJACENT LANDOWNER Any property owner of record, according to the records of the county recorder, whose property meets or touches at some point, or across a street, alley, or other public or private right-of-way, property proposed for subdivision, or any portion thereof.

AMENDED PLAT An amended subdivision plat, or "re-plat", which changes the number of separately described contiguous parcels of property or lots previously approved by the Town.

ARTERIAL STREET A major street in the street hierarchy, which has high traffic volume and is not intended to be a residential street. An arterial provides connections with or is a major State or Interstate roadway and is often the location significant community facilities as well as retail, commercial, and industrial facilities.

BUILDING LINE A line parallel to the property line beyond which no exposed portion of a building extends, other than the roof overhang.

COLLECTOR STREET A street whose function is to conduct traffic between major arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume. A collector can sustain minor retail or other commercial establishments along its route which will influence the traffic flow.

DEVELOPMENT The improvement of a parcel of land by construction thereon for more than one home, or division thereof.

EASEMENT That portion of a lot or lots reserved or granted for the present or future use by a person or agency other than the legal owner or owners of said properties. The easement may be for use under, on the surface, or above said lots.

ESTABLISHED RIGHT-OF-WAY A right-of-way that has been established by either deed, conveyance, or court order.

FEE SCHEDULE The schedule of application processing fees adopted by the Council

FINAL PLAT The final drawing of the subdivision and dedication prepared for filing for record with the county recorder and in compliance with all the requirements set forth in this ordinance and adopted pursuant thereto.

GENERAL PLAN Includes what is also commonly referred to as a "master plan".

LOCAL STREET A street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy. Occasionally a local street will connect with two (2) or three (3) small places or other local streets. Usually, there is no through traffic between two (2) streets of higher classification.

LOT LINE ADJUSTMENT Means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record.

LOT WIDTH The width of a lot measured at the building line.

MINOR SUBDIVISION Any parcel of land which has been divided and: (1) is a single splits off a parcel of land with no previous splits for the purpose of building development within a five (5) year or sixty (60) months timeframe; (2) meets minimum area zoning requirements; (3) has a record of survey map prepared by a Utah licensed surveyor; (4) has both culinary water and sewer connection, and (5) no variance has been granted nor is it part of any approved subdivision plat.

PARCEL OF LAND A contiguous quantity of land as assessed by a tax identification number and of record.

PLANNING COMMISSION The Town of Manila's Planning Commission.

PLAT Means a map or other graphical representation of lands being laid out and prepared for the recording of a subdivision.

PRELIMINARY PLAT A map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with this ordinance, to permit the evaluation of the proposal prior to detailed engineering and design.

OUTLOT A lot or lots representing the remaining aggregate of un-subdivided land in those instances where large parcels of land are subject to existing uses or development, and may be subject to future subdivision as part of a phased development.

PERSON Any individual firm, partnership, association, syndicate, corporation, trust or any other entity.

RECORD OF SURVEY MAP Means a map of a survey of land, which establishes a boundary, monument, or record of corner changes.

SETBACK Seventy (70) feet from centerline of the road or 25 feet from right-of-way, whichever is greater.

STORM WATER DRAINAGE SYSTEM A system designed to carry off and minimize the effects of run-off water. It may consist of surface grading, subsurface piping, or other components as required.

SUBDIVIDE Any act, which is intended to or does result in the creation of a subdivision of land.

SUB-DIVIDER A person, firm, partnership, joint venture, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development promotion, sale or lease of a subdivision, and who either owns the land or has written authorization from the owner of land to proceed with the subdivision.

**SUBDIVISION or
SUBDIVIDED LAND**

A parcel of land which is divided, re-subdivided, or proposed to be divided into two or more parcels, lots, tracts, sites, or other common interest ownership properties, and any act creating such results, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any all other plans, terms, and conditions. Notwithstanding UCA Sections 10-9-804 and 10-9-805, a person may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into two lots, without the necessary recording a plat, if:

- * An interest severing the oil, gas, mineral, or water from the surface estate;
- * Creation of a utility easement or an easement unrelated to the use of the surface;
- * Any division of property created by official acts of the Town, including but not limited to partial acquisitions and conveyances of land, easement, and public rights-of-way.
- * Boundary adjustments which resolve a disputed boundary or boundary survey problem such as overlap or gaps, so long as the boundary adjustment or transaction does not result in the transfer from one parcel to another, an area which would create a non-conforming lot.
- * A minor subdivision as defined herein.

- * A division of agricultural land that qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
- ** Meets the minimum size requirement of applicable zoning ordinance; and
- ** Is not used and will not be used for any non-agricultural purpose such as housing, cabin, or recreational use.

SECTION VII. ENFORCEMENT:

It shall be unlawful for any person to subdivide any land within the Town of Manila whether by sale, conveyance, gift, delivery, or recording of a plat, deed, or other legal instrument by any other means except in accordance with the provisions of the Utah Municipal Land Use Development and Management Act and this Ordinance.

The Town shall withhold building or occupancy permits with respect to any land, which has been subdivided in violation of the provisions of this Ordinance.

In addition to any other remedy that the Town may have, the Town may maintain an action in a court of competent jurisdiction for an order to enjoin, injunction, mandamus, and abate any violation of this Ordinance.

It shall be unlawful to sell any tract of land, including an entire platted lot or separately described tract, if a violation of the applicable dimensional requirements of the Town's Zoning Ordinance will result from such sale by virtue of a change in dimensions of any building site.

An owner of any land located in a subdivision, as defined in this Ordinance, who transfers or sells any land in that subdivision has been approved and recorded violates this ordinance for each lot or parcel transferred or sold.

Any person convicted by a court of competent jurisdiction for a violation of any provision of this Ordinance shall be guilty of a Class B misdemeanor.

Nothing in this ordinance shall prevent the restoration of building or structure on a nonconforming lot, destroyed by fire, wind storm, flood, explosion, or act of public enemy or accident, or prevent to the continuance of the use thereof as it existed at the time of such destruction, provided that restoration begins within one year of such destruction and there are no life, safety, and health violations.

The Mayor is authorized as the enforcing officer of this Ordinance and shall enforce all provisions, entering actions in court if necessary, and by his failure to do so shall not legalize any violations of such provisions. The Town Council may, by resolution or ordinance, from time to time, entrust administration of this Ordinance in whole or part to another officer of the Town without amendment to this Ordinance.

SECTION VIII. SUBDIVISION PROCEDURES:

The subdivision of land shall be accomplished in accordance with the procedures provided in this Ordinance. Prior to the processing of the subdivision, the Sub-divider shall make a reasonable effort to consult informally with property owners of record adjoining or within 100 feet of the proposed subdivision and the Town's staff. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision, prior to the sketch plan review. The Town shall be bound by virtue of any discussions during the informal review stage.

The proposal shall be consistent with the Town standards and will be reviewed considering the following as a minimum:

1. Conformance with the master plan and zoning regulations.
2. Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics.
3. Availability of water, means of sewage collection and treatment, access, and other utilities and services.
4. Compatibility with the natural environment, wildlife, vegetation, and unique natural features.

A sub-divider who does not intend to proceed presently with full development of all the tracts involved shall nevertheless submit a phased development preliminary plat for the entire tract showing his present plans for its eventual development.

Following informal review when applicable, ten (10) copies of the preliminary plat on 11" X 17" paper, along with a preliminary subdivision application, with fees as established by town resolution, and all required supplemental information as provided below, shall be submitted for planning commission review.

Preliminary plan: Shall include the following:

1. A location map, of approximately 4" X 4" showing the project location in relation to the Town of Manila, with appropriate reference to significant roads or highways.
2. A detailed map showing property boundaries of the subdivision, including the location of the nearest U.S. Survey or County Corner monument, north arrow, and date. The scale of the map shall not be less than "one inch equals two hundred feet". The map shall include the name of the subdivision, name of the county, township, range, section and quarter section. The map shall further include zoning and land use of all lands within three hundred feet of any property boundary owned by or under option to the sub-divider. A title box shall be located in the lower right corner of the map. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet shall also be submitted.
3. A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.
4. Significant natural and manmade features on the site, such as natural drainage ways, wetlands, vegetation types including location of timber or wooded areas, wildlife habitats, existing buildings, utility lines and easements, irrigation ditches, and existing development on adjacent property.
5. Total acreage of the tract.

6. Type and layout of all proposed infrastructure including streets, utilities, water, and sewer systems, and impact on existing systems.
7. Public use areas proposed to be dedicated to the public, and the purpose of the dedication, and their relationship to existing public use areas.
8. Existing site problems or peculiarities, such as areas of poor drainage, existing flood plains, geological hazards and seepage water.
9. Existing and proposed storm water discharge facilities pertaining to the property.
10. Plans for the water system and fire protection system showing locations, grade, pipe size, valves, fire hydrants, and connection points to the existing system.
11. Plans for the proposed sanitary sewer system showing locations, grade, pipe sizes, and invert elevations, and the connection points to the existing system.
12. The proposed name of the subdivision. No duplication of subdivision names within Daggett County shall be permitted.

Preliminary Plan Application: The application shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format).

1. Documented availability of source of waters to supply subdivision requirements.
2. Documented availability of means for sewage disposal.
3. Availability of electricity, natural or propane gas, and other utilities necessary or proposed to serve the subdivision.
4. Access to the property: Off-street parking, school bus stop area(s), and mail box location(s).
5. Total number of proposed dwelling units.
6. Demonstrated compatibility with natural feature.

7. Names and addresses of all property owners of record adjoining or within 100 feet of the proposed subdivision.

Preliminary Plan Supplemental Documents: Disclosure of ownership, with supporting documentation from a title insurance company or attorney licensed in the state of Utah, which shall set forth a legal description of the property and title ownership of the property.

In the situation where the town or developers construction of subdivision improvements would be of financial benefit to subsequent sub-dividers, the original improvement provide may draft a protection agreement with the Town, subject to approval by the Town Attorney for consideration by the planning commission (who must recommend the same to the Town Council and Mayor). This agreement shall be made by the improvement provider (Town of Manila) or sub-divider request repayment of construction fees in accordance with:

1. A pro-rated amount determined by the amount of improvement utilized.
2. A pro-rated amount established on an annual basis, decreasing the amount of fee to be reimbursed to the original developer with a time frame not to exceed ten years.

Payment of construction fees shall be from any new subdivision utilizing the improvements provided for herein, when a protection agreement exists, and shall be paid prior to final plat approval of a new subdivision, to the original improvement provider.

The maximum amount to be paid back to the original improvement provider shall not exceed fifty (50%) percent of the original construction costs.

Upon complete submittal of all required information and payment of fees, the Town of Manila shall schedule the preliminary plat before the planning commissions regularly scheduled meeting, whom shall review and approve, or disapprove, or approve with modifications the preliminary plat application. Normal review time frame should not exceed sixty (60) days. The sub-divider also shall ascertain that he or she has made application or provides proof of exemption with all the requirements of the Utah Uniform Sales Practices Act, Utah Code Annotated (1953), Section 57, 11-1, as amended.

Preliminary plat approval shall remain in effect for a period of one (1) year from date of approval.

The Planning Commission may consider extension for reason beyond the sub-dividers control. If the plat is disapproved, the reason for such shall be included in the minutes of the Planning Commission meet and provided in writing to the applicant. Appeal of preliminary plat decision shall be with the board of adjustment within thirty (30) days of the planning commission's decision.

The Planning Commission may advance notice to all property owners of record within 100 feet of the proposed subdivision. Notice can be hand delivered or deposited into U.S. Mail. No construction of the required subdivision improvements shall commence until the Town Council gives approval of the final plat.

Final Plat: No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved in accordance with this section.

1. The submittal of final plats for approval must occur within two (2) years of an approval or a related preliminary plat, unless development of the project in accordance with such preliminary plat has been pursued with due diligence, in which case, the submittal period for final plat may be extended up to one (1) year. In all cases, no final plat shall be approved if submitted beyond three (3) years of approval of a related preliminary plat.

2. Building permits may be issued for any property with an approved preliminary plat, but no certificate of occupancy shall be issued until a final plat is approved and recorded.

3. Ten (10) copies of the final plat shall be submitted to the Town on 11 X 17 inch paper for review, along with five copies of all required supporting plans. Additionally, a 24 X 36 inch Mylar of the final plat shall also be provided. A filing fee as determined shall be submitted upon filing of the final plat. The Mylar of the final plat shall contain all elements required as a condition of preliminary plat approval and the following, in all forms acceptable to the Town:

a. The total number of lots and lot numbers or letters.

b. Sufficient data to determine easily and reproduce on the ground location of all monuments, and the bearing and length of every street line, boundary line, block line, lot line, and building line whether curved or straight, including the radius, central angle and tangent distance for the center line of curved streets. Other curved lines shall show arc or chord distances and radius. All dimensions shall be to the nearest one-hundredth of a foot (,01') and all angles to the nearest second. The plat shall include at least two references to Town GPS Coordinates.

c. A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirement of this Ordinance and State Law.

d. A certificate of dedication for streets, easements, and other property dedicated for public use, properly executed and notarized.

e. A certificate by a licenses professional engineer that the water, storm water, and sewer systems are properly engineered, designed and constructed, and in compliance with all applicable requirement of the Town and State.

f. Separate certificate of approval of the plat by the Town Attorney.

g. A separate certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the Town will be free and clear of all liens and encumbrances affecting marketability.

h. A separate certificate by the Town Clerk as to receipt of any security for the completion of improvements.

i. The name of the subdivision and the name, address and phone number of the sub-divider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the Mylar.

j. The name and license number of the surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the upper right corner of the Mylar.

k. A certificate of recording to be executed by the County Recorder.

l. The scale used, direction of true north, and basis of bearing.

m. A location map, of approximately 4" X 4", showing the project location in relation to the Town of Manila, with appropriate reference to significant road or highway.

n. The location of ownership interest of all watercourses including ditches and flood prone areas, the location and names of street, sidewalks, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts, and other underground utilities and storm water drainage facilities.

o. The layout of all lots showing the building lines, dimensions, and lot areas.

p. The layout and location of all parks, trails, recreation paths and open space.

q. The layout and location of the boundaries of the "base flood" (100-year flood) and floodway and base flood elevation data.

2. The final plat shall be accompanied by a computation showing closure of the tract boundary to one foot (1') in five thousand feet (5,000') or better. The final plat and accompanying plans shall be drawn to a scale of not less than "one inch equals one hundred feet (1" = 100'). If discrepancies are believed to exist, the Town may have the plat checked by an independent registered surveyor at the sub-dividers expense.

3. The final plat may be submitted for a portion of the preliminary plat, or "phased", subject to the following conditions:

a. All required improvements, utilities, and road infrastructure must be accessible to the remaining aggregate of un-subdivided land or "out lot."

b. In instances where completion of required improvements, utilities, or road infrastructure within the out lot is determined by the Town to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities, or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, storm water drainage systems, trails and park development.

c. In instances where the dedication of land for public purposes within the out lot is determined by the Town to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of lands for parks, trails, open space, rights-of-way, and easements.

4. The final plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with this Ordinance.

5. Accompanying the final plat shall be two (2) copies of the "as-built" plans for sanitary sewers, storm sewers, or drainage systems and the water and fire systems showing grades, pipe size, pipe types, outlet, connection points, and other information which the Town may require, along with as-built plans for all other utility systems. As-built plans for any improvements not completed at the time the final plat is submitted shall be submitted prior to inspection or approval of the improvements and release of any security.

6. The Town Council shall approve not final plat until:

a. All of the improvements required by this subdivision ordinance have been installed, inspected by competent authority, or properly secured in accordance with the provisions of Section IX of this Ordinance on forms approved by the Town.

b. Two (2) hard copies as as-built plans for completed utility improvements have been provided to the Town. As-built plans for any improvements not completed at the time the final plat is submitted, and secured in accordance with Section IX of this Ordinance shall be submitted prior to inspection or approval of the improvements and release of any security.

c. The final plat has been submitted in final form on a reproducible Mylar, with all requisite signatures.

d. Payment to the Town of any costs incurred by the Town within the subdivision review process, which costs are specifically subject to reimbursement.

7. Following final approval and execution by the Town, the plat shall be recorded, with due diligence, by the County Recorded at the developer's expense.

Required Improvements: All subdivisions and improvements shall be in compliance with this Ordinance. All subdivisions shall be provided, at the expense of the sub-divider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts:

1. Street improvements:
 - a. Paved streets: Includes all existing new streets within the subdivision development. Not included in the paving requirements are existing streets which abut or border the perimeter of the subdivision.
 - b. Street signs:
 - c. On and off-site traffic mitigation improvements.
2. Public utilities:
 - a. A water system including fire hydrants and fire mains.
 - b. A sanitary sewer system.
 - c. A storm water system.
 - d. Other public utilities, natural gas if available, electricity, telephone and cable TV if applicable.
 - e. Survey monuments.

Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All property, improvements, and easements dedicated to the Town on any plat shall become property of the Town upon execution of the plat, free and clear of all mortgages, liens, and encumbrances. All dedicated improvements shall be subject to the one-year warranty as provided below.

Following the completion of any required improvements and submission of the as-built plans, the Building Inspector shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other regulation and construction standards, shall issue a certificate of completion. For a period of one year thereafter, the subdivider shall be responsible to correct all defects or failures, which appear in such improvements. At the end of said one-year warranty period, the developer shall request of the Building inspector, a final inspection of the improvements, and upon arrival, the Town shall accept the improvements. The warranty shall continue, however, until such acceptance is provided in writing to the developer.

Minimum Design Standards: All public improvements shall be constructed in accordance with the minimum standards set forth below and construction specifications and standards, and other applicable Town ordinance or regulations. All public improvements shall be in substantial conformity with the preliminary plat as approved, and in accordance with good engineering construction practices.

The Planning Commission may recommend to the Town Council, a deviation from these standards during preliminary or final plat review, If and only if all of the below criteria are met. The Council may accept or deny the recommendations accordingly.

1. Unusual topography or a hardship exists;
2. Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations.

Minimum Standard:

1. Streets.
 - a. Sub-divider shall be required to make and install improvements to existing streets within and abutting the subdivision. The improvements do not include the requirement for street paving of the abutting streets. It shall be presumed that existing streets directly abutting the subdivision must be improved to current Town standards in order to properly serve the subdivision.
 - b. Wherever topography will permit, the arrangement of the streets shall provide for alignment with and continuation of existing streets and adjoining areas.
 - c. Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way at least one hundred feet (100') in diameter and a paved turn-around with a minimum outside diameter of eighty feet (80'). Cul-de-sacs shall be no longer than five hundred feet (500'), and at least forty feet (40') from intersections. Cul-de-sacs shall only be designed when topography will not allow the continuation of the street.

d. Whenever a new street is proposed along the edge of a subdivision, the entire street shall be dedicated and improved within the subdivision.

e. No more than two (2) streets shall intersect at any point. Intersections shall be as near as practicable to ninety degrees. A street shall have a minimum straight distance of one hundred feet (100') from the intersection before it may be curved.

f. A straight section of one hundred feet (100') shall be provided between reverse curves on all streets.

g. All lots in the subdivision will have direct access to a dedicated street, subject to the following exception: Private access drives, subject to Town specifications, may be approved for subdivisions with a total of three (3) or less units in the residential zoning district(s).

h. The length of local streets between intersections shall be subject to a maximum of one thousand two hundred and thirty feet (1,230').

i. The Town must approve street names.

j. Streets shall be developed in accordance with the Town Transportation Plan. The minimum dedicated right-of-way shall be as follows:

Street Classification	Minimum Right of Way	Minimum Pavement Width
Arterial	80 feet	48 feet
Collector	60 feet	32 feet
Local	36 feet	24 feet

k. Subdivisions, which include any part of an existing platted street, which does not conform to the minimum right-of-way requirements of these regulations.

1. No street shall be less than one-half of one percent (0.5%) or exceed the following maximum grade:

Street Classification	Maximum Percent Grade	Maximum Radius of Curve	Minimum Sight Distance **
Arterial	5% percent	400 feet	500 feet
Collector	8% percent	300 feet	300 feet
Local	8% percent	100 feet	100 feet

**as measure between points four feet (4') feet above the centerline of the street

Lots and Blocks:

1. In residentially zoned districts, blocks shall be wide enough to permit two (2) lots between lengthwise streets.
2. The set back for residential lots shall be set back 70 feet from the centerline of the road or twenty-five feet (25') from the front right-of-way, whichever is greater.
3. The set back on corner lots shall be set back twenty-five feet (25') from both street front right-of-way lines.
4. Every lot shall front on a designated collector or Local Street except private shared access drives accessing more than one dwelling unit may be allowable, subject to Town approval, in subdivisions containing a total of three (3) or less dwelling nits in residential zoning district.
5. No residential lot shall front on an arterial street. No access shall be permitted directly from a residential lot to an arterial street.

Fire Hydrants: Fire hydrants shall be installed in all subdivision developments. Such fire hydrants shall be of a type, size, and number as approved by the town's Fire Marshal. A fire hydrant shall be placed at the end of every cul-de-sac.

Public Sites and Open Spaces: Where a proposed park, playground, school, or other public use shown in the General Plan is located in whole or in part of a subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.

Monuments: Monuments shall be set in concrete and placed on all corners of all street intersections, at the intersections of the boundary of the subdivision with street rights-of-way lines, at angle points and pints of curve in each street, and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18" in length and metal cap.

Common Areas and Facilities: All common areas and facilities shall conform with the provisions of that Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953 as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

Developer and Town of Manila Shared Costs: It is the intent of the Town of Manila for developers to pay all costs associated with subdivision development improvements.

SECTION IX. SECURITY FOR COMPLETION OF IMPROVEMENTS:

If the subdivider wishes to have the final plat approved prior to the installation, inspection, and approval of all required improvements, the sub-dividers must provide security to guarantee the completion of all improvements within two (2) years after approval of the final plat in accordance with this Section, and incorporated into the Subdivision Improvements Agreement. Said security shall be in the form of a cash escrow deposited with the Town or a clear irrevocable letter of credit in an amount to be verified by the Town's competent authority equal to one hundred and fifty(150%)percent of the pro rata cost to complete the subdivision improvement necessary to serve that lot. Finds in any escrow account shall be returned to the sub-divider upon the completion and acceptance by the Town of the subdivision improvement(s).

The subdivider shall complete all improvements within two (2) years of the approval of the final plat by the Council. In the event that all required improvements are not completed, inspected, and approved within two (2) year of the date of approval of the final plat by the Council, no further building permits, occupancy permits, water taps, or sewer taps shall be allowed by the Town in such subdivision until such improvements are completed. It shall than be unlawful to sell any further lots in the subdivision until all improvements are completed.

The Town Council may authorized extensions of time to complete all improvements beyond the two (2) year limitation as set forth herein.

SECTION X. AMENDED PLATS:

Amended plat may be submitted without a preliminary plat if the meet the below requirements. Five (5) copies of the amended plat shall be filed with the Town. A filing fee of (amount) shall be submitted upon filing of the plat, which fee shall cover all administrative costs.

1. The plat, as amended, reduces the number of lots within the subdivision.
2. All lots or tracts are adjacent to a dedicated public street.
3. The lots are part of a subdivision plat, which has been approved and/or accepted by the Town and recorded in the Daggett County Records.
4. The improvements required by these regulations are already in existences and available to serve each lot, or secured.
5. Each lot will meet requirements of the applicable Town Zoning Ordinance without the necessity for any variance and no variance has been granted. No material changes to prior plat notes, restriction or easements are proposed.

The plat Mylar shall contain the same certifications as required on the final plat Mylar. Upon the Planning Commission making a favorable recommendation to the Council, the Council may approve, disapprove, or conditionally approve the amended plat.

SECTION XI. MINOR SUBDIVISION:

A divided parcel of land, which meets all the requirements, as defined herein, is exempt from these subdivision procedures.

SECTION XII. REVIEW OF CONSTITUTIONAL TAKING ISSUES:

There is an underlying policy in the Town favoring the careful consideration of matters involving Constitutional Taking claims in fairness to the owner of private property bringing the claim, and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of the Town in lawfully regulating real property must be preserved the public's right to required the dedication of exaction of property consistent with the Constitution. Consistent with this policy, any owner of private real property who claims there has been a Constitutional Taking of private real property be application of this Ordinance shall request a review of a final decision of the Town, pursuant to the procedures for the review of Constitutional Taking issues, as provided by the law of the State of Utah and Manila Town.

This ordinance and its modification to related Manila Planning and Zoning Statutes shall be effective once approved by the Manila Council, signed by the Mayor, and posted in Accordance to law.

**PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS
12TH DAY OF AUGUST, 2004**

TOWN OF MANILA

Chuck Dickison, Mayor

ATTEST:

Judy Archibald, Clerk