

**TOWN
OF
MANILA**

Zoning Ordinance

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ARTICLE I

TITLE, PURPOSE, and DECLARATION of INTENT

Section 101 Declaration

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

Section 103 Short Title

This Ordinance may be cited as "The 1995 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, of covenants which are more restrictive, but shall prevail of provisions which are less restrictive.

Section 106 Effect on Previous Ordinance and Maps

The existing ordinance of the Town of Manila covering the zoning areas and districts in the Town of Manila, in theirs entirety and including the maps heretofore adopted and made part of said ordinance, are hereby superseded and amended to read as set forth herein, provided however, that this ordinance, including the maps on file with the Manila Town Planning Commission and by this reference made a part hereof, shall be deemed a continuation of the previous ordinance and not a new enactment, insofar, as the substance of revisions of previous ordinance 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 became conforming or nonconforming.

ARTICLE II

RULES AND DEFINITIONS

Section 201 General Rule for construction of Language

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

Section 202 Definitions

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

1. Accessory Building: A detached, subordinate building, use of which is appropriate subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.
2. Agriculture: The tilling of the soil, the raising or grazing of livestock and raising of crops, horticulture, and gardening including the keeping or raising of domestic animals or fowls.
3. Apartment House: A multiple dwelling (see Dwelling, Multiple Family).
4. Automobile Graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicle or motor vehicle parts.
5. Basement: The lowest story of a building being partly or wholly below ground level.
6. Boarding House: A building with not more than five (5) guest rooms, where for compensation, meals are provided for at least five (5), but not more than fifteen (15) persons.

7. Building: A structure having a roof supported by columns of wall for housing, shelter, or enclosure of persons, animals, chattels, or property of any kind.
8. Commission: The Planning and Zoning Commission of the Town of Manila.
9. Conditional Use: A land use that, because of its unique characteristics or potential, impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
10. Contiguous: Substantial touching between two districts or areas of land which abut one another.
11. Cul-de-sac: A circular space, 75 feet in diameter, at the blind end of a dead end street, as part of that street, used for vehicles to make a "U" turn.
12. Drive-in Refreshment Stand: A place or business where food and drink are sold primarily for consumption on the premises outside the structure.
13. Dwelling: A building or portion thereof designed exclusively for residential occupancy, but not including hotels, tourist cabins, and boarding houses.
14. Dwelling, Single-Family: A building arranged or designed to be occupied by one (1) family, the structure having one (1) dwelling unit.
15. Dwelling, Two-Family: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
16. Dwelling, Four-Family: A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.
17. Dwelling, Multiple-Family: A building arranged or designed to be occupied by more than four (4) families.

18. Dwelling Unit: One or more rooms in a dwelling, apartment, hotel, or apartment motel, designed for, or occupied by one (1) family or 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 of other portable cooking units, and having its own sanitary facilities.
19. Family: One 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.
20. Farm: An area of not less than two (2) contiguous acres of land, and the buildings of this land, set apart for cultivation for commercial agricultural purposes or for other commercial industries, such as dairy farms and the raising of livestock
21. Frontage: All property fronting on one (1) side of the street, between intersecting or intercepting streets, or between a street and a right-of-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.
22. Garage - Public: A building or portion thereof, other than a private garage, designed for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.
23. Guest House: A separate dwelling structure located on a lot with a main dwelling structure and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease, or sale of the main dwelling. Guest Houses are not allowed on private residential lots within the Town of Manila.
24. Guest Ranch: A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel, or motel, including outdoor recreational facilities and dining facilities, intended for the use primarily, of guest of the guest ranch, but not including bars and restaurants which cater, primarily, to other than guests of the guest ranch.

25. Guest Room: A room, not including dormitories, which is designed for occupancy by one (1) or more guest, for sleeping purposes, but having no cooking facilities. Guest Rooms on private residential lots, outside of the main dwelling, are not allowed within the Town of Manila.
26. Guest: A transient person who rents or occupies a room for sleeping purposes.
27. Home Occupation: Any occupational dealing with the sale of goods or services from a place of residence as a fully or part time, for profit commercial enterprise, with the following conditions:
- A. shall be conducted wholly on the
 - a. premises; the SIZE of the accessory
 - b. building will be considered.
 - B. shall be conducted by a member of the
 - a. family.
 - C. shall have no employees other than
 - a. member(s)the immediate family living in
 - b. the dwelling structure.
 - D. shall obtain a conditional use permit.
28. 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, to and from, all guest rooms are made through an inside lobby or office.
29. House, Boarding: A building with guest rooms for more than two (2) persons, for compensation, where meals are provided, but which does not include provisions for cooking in any guest room.
30. Junk: Any old or scrap copper, brass, rope, rages, batteries, paper, trash, wood, and rubber debris or waste, or junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and other old or scrap ferrous or nonferrous material.

31. Junk Yard: The use of any lot, portion of a lot, or tract of land, for the storage, keeping, or abandonment of junk including scrap metal or other scrap material, or for the dismantling, demolition, or abandonment of automobiles or other vehicle, or machinery or parts thereof, provided that this definition shall be deemed not to include uses which are clearly accessory and incidental to any agricultural use permitted in the zone.
32. Lot: A parcel of land, occupied or to be occupied, by a building or group of buildings, together with such yards, open spaces, lot width, and lot areas, as required by this ordinance, having frontage upon a street, or upon a right-of-way, approved by the Planning Commission, but not less than sixteen (16) feet wide. Except for group dwelling and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot.
33. Lot Area: The area of a horizontal plane within the lot lines of a lot.
34. Lot Coverage: the percentage of the area of a lot, which is occupied by all buildings or other covered structures.
35. Lot Depth:
- A. for lots having front and rear lot lines
 - i. which are parallel, the shortest
 - ii. horizontal distance between such lines.
 - B. for lots having front and rear lot lines
 - i. which are not parallel, the shortest
 - ii. horizontal distance between the midpoint
 - iii. of the front lot line and the midpoint
 - iv. of the rear lot line.
 - C. for triangular shaped lots, the shortest
 - i. horizontal distance between the front
 - ii. lot line within the lot, parallel with,
 - iii. and at a maximum distance from the front
 - iv. lot line, having a length of not less
 - v. than ten (10) feet.
36. Lot Line: Any line bounding a lot.

37. Lot of Record:
- A. a lot which is part of a subdivision,
 - i. the plat or deed of which has been
 - ii. recorded in the office of the County
 - iii. Recorder of Daggett County, or
 - B. a lot, parcel or tract of land, the deed
 - i. of land which has been recorded in the
 - ii. office of the County Recorder of Daggett
 - iii. County.
38. Main Building: The primary structure on a lot.
39. Manufactured Home: A transportable dwelling structure, in one (1) or more sections designed to be installed on a permanent foundation.
40. Mini-Mall: A group of stores, retail outlets, and/or commercial offices under one roof, each having separate outside entrance and separate utilities.
41. Mobile Home: A transportable structure, in one or more section, with the plumbing heating, and electrical systems contained within the unit, which when erected on a site, with or without the wheels removed may be used, with or without a permanent foundation, as a single family dwelling, unless located in a mobile home part, in which case, the requirement of Article XIV, Section 1402, of this ordinance shall apply.
42. Mobile Home Park: Any tract of land on which two or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.
43. Modular Home: See Manufactured Home.
44. Mobile Home Space: A specific area within a mobile home park designed to accommodate one mobile home, together with its accessory structures including carports or other off-street parking areas.

45. Motel: A building or group of building containing guest room or dwelling units, so or all of which have a separate entrance leading directly from the outside of the building, with garage or parking space located on the lot and designed, used, or intended wholly or in part, for the accommodation of automobile transients. Motels include motor courts, motor lodges, and tourist courts, but not mobile home parks or travel trailer parks.
46. Nonconforming Building or Structure: A building or structure that legally existed before its current zoning regulations setback, height restriction, or other regulations that govern the structure.
47. 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.
48. Planned Unit Development: Complete development plan for an area pursuant to this Ordinance.
49. Restaurant: Any coffee shop, cafeteria, luncheonette, soda fountain, or fast food service where food is prepared for immediate consumption on the premises, but does not include drive-in refreshment stands.
50. 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.
51. Strip-mall: A group of stores, retail outlets, and/or commercial office, on one lot or parcel of land, under separate roofs with no common walls, each having separate outside entrances and separate utilities.

52. Subdivision: The division of a tract, lot, or parcel of land in two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development, provided 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.

53. Time Computation: In computing any period of time prescribed or allowed by this Ordinance:

A. the day of the act, event, or decisions

i. is not to be included.

B. the last day of the period is to be

i. included, unless it is a Saturday,

ii. Sunday, or Holiday, in which case the

iii. next working day is computed.

C. over seven days, Saturday, Sunday, and

i. Holidays are included.

D. under seven days, Saturday, Sunday, and

i. Holidays are not included.

ARTICLE III
BOARD OF ADJUSTMENT

Section 301 Creation of the Board of Adjustment

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

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

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

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

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

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

Section 302 Organization - Procedures

1. The Board of Adjustment shall organize and elect a chair person, and adopt rules that comply with any ordinance adopted by the Town Council.
2. The Board of Adjustment shall meet at the call of the Chairperson and at any other times that the Board of Adjustment determines.
3. the Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel witnesses.
4. A. All meetings of the Board of Adjustment shall comply with the requirements of Title 52, Chapter 4, Open and Public Meeting, Utah Code.

B. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote, indicating the fact, and keep records of its examinations and other official actions.

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

D. The Board of Adjustment shall file its records in the office of the Board of adjustment.

E. All records in the office of the Board of Adjustment are public records.
5. The concurring vote of four members of the Board of Adjustment is necessary to reverse any order, requirement, decision, or determination of any administrative official or agency, or to decide in favor of the appellant.
6. Decisions of the Board of Adjustment became effective at the meeting in which the decision is made.

Section 303 Powers and Duties

1. The Board of Adjustment shall hear and decide:
 - A. appeals from zoning decisions applying the zoning ordinance.
 - B. special exceptions to the terms of the zoning ordinance.
 - C. variances from the terms of the zoning ordinance.
2. the Board of Adjustment may make determinations regarding the existence, expansion, modification, or nonconforming uses.

Section 304 Appeals

1. A. i. The applicant, or any other person or entity, adversely affected by a decision administrating or interpreting a zoning ordinance, may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in administration or interpretation of the zoning ordinance. An application will be made available at the Manila Town Office and a fee shall be set by the Town Council.
 - ii. The Town Council shall enact an ordinance establishing a reasonable time for appeal to the Board, of decisions administrating or interpreting a zoning ordinance, and shall give at least 30 days public notice thereof.
 - iii. The Manila Town office and/or the Planning Commission shall transmit to the Board of Adjustment, all papers constituting the record upon which the action appealed from was taken.

- B. Any officer, department, board, or bureau of the Town of Manila affected by the grant or refusal of a building permit or by any other decision of the administrative office in the administration or interpretation of the zoning ordinance may appeal any decision to the Board of Adjustment.
2. The Board of Adjustment shall hear and decide appeal from the Planning Commission decisions regarding conditional use permits.
 3. The person or entity making the appeal has the burden of proving that an error has been made.
 4.
 - A. Only zoning decisions applying the zoning ordinance may be appealed to the Board of Adjustment.
 - B. A person may not appeal, and the Board of Adjustment may not consider, any zoning ordinance amendments.
 5. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance. Nevertheless, it shall be the duty of the Board of Adjustment to recommend appropriate modifications or amendments to the zoning ordinance to the Planning Commission when, in its opinion, such modifications or amendments would more fully promote the objective and purposes of this ordinance.
 6. The Board of Adjustment may interpret the zoning map.

Section 305 Meetings and Rules

1. Meetings of the Board of Adjustment shall be held at the call of the Chairperson except where otherwise provided for in this ordinance, and at other times as the Board may determine.
2. The Mayor, with the advise and consent of the Town Council, shall appoint a person to act as clerk of the Board of Adjustment.
3. Nothing herein shall be construed to affect the eligibility or qualifications to serve of any of the present members of the Board of Adjustment whose terms have not expired.

Section 306 Special Exceptions

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

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

3. The Board of Adjustment may permit the building of a dwelling upon a lot which does not have frontage on a street.

4. The Board of Adjustment may permit the enlargement of or the addition to a nonconforming building or structure, or a building or a structure occupied by a nonconforming use.

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

Section 307 Variances

1. Any person or entity desiring a waiver or modification of the requirements, if the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Board of Adjustment for a variance from the terms of the zoning ordinance.

2. A. The board of Adjustment may grant a variance only if:
 - i. literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

 - ii. there are special circumstances attached to the property that do not generally apply to other properties in the same district.

- iii. granting a variance is essential to the enjoyment of a substantial property right possessed by another property in the same district.
 - iv. the variance will not substantially affect the general plan and will not be contrary to the public interest.
 - v. the spirit of the zoning ordinance is observed and substantial justice is done.
- B. i. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection 2(A), the Board of Adjustment may not find an unreasonable hardship if the hardship unless the alleged hardship:
- a. is located on or associated with the property for which the variance is sought, and
 - b. comes from circumstances peculiar with the property, not from conditions that are general to the neighborhood.
- ii. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection 2(A), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- C. In determining whether or not there are special circumstances attached to the property under subsection 2(A), the Board of Adjustment may find that special circumstance exist only if the special circumstances:
- i. relate to the hardship complained of, and
 - ii. deprive the property of privileges granted to other properties in the same district.

3. The applicant shall bear the burden of proving that all of the conditions justifying the variance have been met.
4. Variance run with the land.
5. The Board of Adjustment and any other body may not grant use variance.
6. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:
 - A. mitigate any harmful affects of the variance, or
 - B. serve the purpose of the standard or requirement waived or modified.

Section 308 District Court review of Board of Adjustment Decision

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

1. Any person adversely affected by any decision of the Board of Adjustment petition the District Court for review of the decision.
2. in the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious or illegal.
3. The petition is barred unless it is filed within 30 days after the Board of Adjustment's decision is final.
4. A. The Board of Adjustment shall transmit to the reviewing court, the record of its proceedings including minutes, findings, orders, and if available, a true and correct transcript of its proceedings.

B. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purposes of this subsection.

5. A. i. If there is a record, the District Court's review is limited to the record provided by the Board of Adjustment.

ii. The court may not accept or consider any evidence outside the Board of Adjustment and the Court determines that it was improperly excluded by the Board of Adjustment.

B. If there is no record, the Court may call witnesses and take evidence.

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

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

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

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

iii. After petitions filed, the petitioner may seek an injunction staying the Board of Adjustment's decision.

NOTES

ARTICLE IV
AMENDMENTS TO THIS ORDINANCE

Section 401 AMENDMENTS

The Manila Town Council may amend:

1. the number, shape, boundaries, or area of any zone,
and
2. any other provision of this zoning ordinance.

Section 402 PLANNING COMMISSION RECOMMENDATIONS

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

Section 403 PROCEDURE

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

1. A recommendation for approval from the Planning Commission,
2. A public hearing:
 - A. at least 14 days notice required,
 - B. notice shall be posted in one (1) publication of general circulation in the Town of Manila, or
 - C. notice shall be posted in three (3) public places in the Town, as the Town Council designates,
3. A favorable majority vote of the entire Town Council.

Section 404 Disapproval of Rezoning Applications

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

1. may not re-file the application for one year unless circumstances or new evidence is provided to warrant reconsideration by the Planning Commission,
2. May file an appeal to the Board of Adjustment as provided in Article III of this ordinance.

ARTICLE V

SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section 501 Effect of this Article

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

Section 502 Lots in Separate Ownership

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

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

Section 503 Yard Space for One Building Only

No required yard, or other open spaces, around an existing building shall be considered to prove a yard or open spaces for any other building, existing or to be constructed.

Section 504 Every Dwelling to be on a "Lot"

Every dwelling shall be located and maintained on a "lot" as defined in this Ordinance.

Section 505 Private Garage with Side Yard - Reduced Yards

A dwelling, on any lot other than a corner lot, with a private attached garage, may reduce a side yard to the minimum requirement for a side yard, provided:

1. The garage contains a sufficient number of parking spaces to meet the requirements of this ordinance, and
2. Has one side yard equal to the minimum requirements of the zone in which it is located.

Section 506 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other, requirements of this Ordinance for a lot or building , may be sold or leased away from such lot or building.

Section 507 Sale of Lots Below Minimum Requirements

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

Section 508 Area of Accessory Buildings

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

Section 509 Yard to be Unobstructed - Exceptions

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

1. canopies which may be allowed under any Article in This Ordinance,
2. accessory buildings in a rear yard,
3. The ordinary projection into a yard of not more than three (3) feet, of skylights, sills, belt courses, cornices, chimneys, flues, or other ornamental features,
4. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies projecting into the yard not more than five (5) feet.

Section 510 Addition Height Allowed

Public and semi-public utility buildings, when authorized in a zone, may be erected to a height no 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 one building is erected.

Section 511 Exceptions to Height Limitations

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

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

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

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

Section 512 Maximum Height of Accessory Buildings

No building which is accessory to a one-family (1), two-family (2), three-family (3), or four-family (4) dwelling shall be erected to a height greater than one (1) story or twenty (20) feet.

Section 513 Clear View of Intersection Streets

In all zones which require a front yard,

1. No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines, and a line connecting them at forty (40) feet from the intersection of street lines, except
2. A reasonable number of trees pruned high enough to permit [an] unobstructed vision to automobile driver and of pumps at gasoline service stations.

Section 514 Animals and fowl

1. No animals or fowl shall be kept or maintained closer than forty (40) feet from any dwelling, and
2. no barn, stable, coop, pen, or corral shall be kept closer than 40) feet from any street, except
3. in Rural Zoning Districts, no corral or stable for the keeping of horses may be closer than one hundred (100) feet from any dwelling or public street.

Section 515 Water and Sewage Requirements

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

1. The sewage disposal and the culinary water supply shall comply with the requirements of the Utah State Department of Health, and
2. The applications for a building permit shall be accompanied by a Certificate of Approval from the Utah State Department of Health.

Section 516 Effect of Official Map on a Front Yard

Whenever a front yard is required, for a lot facing a street, for which an official map has been recorded in the office of the Daggett County Recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

Section 517 Setbacks from State and Federal Highway

All buildings abutting State or Federal Highways (except non-access highways) shall be set back at least fifty (50) feet from the Highway right-of-way, except

1. Small temporary fruit and vegetable stands, or
2. As provided by this Ordinance

Section 518 Public Dumping Grounds

Public dumping grounds shall:

1. be maintained in accordance with the Utah State Department of Health standards, and
2. be located at least one thousand (1000) feet from any building used for human occupancy.

Section 519 All Excavations

1. All gravel sand, clay and top soil pits and similar excavations located within five hundred (500) feet of a street or dwelling, shall:
 - A. Have a permit
 - B. Furnish the Town of Manila with a bond or other assurance, in an amount set by Chapter 70 of the Uniform Building Code, before a permit can be issued, to guarantee of the reconditioning will be done in a manner that the site will not:
 - i. depreciate the surrounding property;
 - ii. impair the beauty of the landscape;
 - C. Smooth and recondition the site so as not to be a hazard or unsightly at the termination of operation or use.
2. Upon the completion of reconditioning as approved by the Manila Town Council, the bond or other assurance shall be returned to the owner.

3. In the event the reconditioning has not been completed within one (1) year from the date of abandonment to the site, the Manila Town Council may,

A. Declare the bond or other assurance forfeited, and

B. Do the required reconditioning with the proceeds from the bond or other assurance.

Section 520 Conservation of Values

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

Section 521 Temporary Buildings and Uses

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

A. have a conditional use permit,

i. no to exceed one (1) year,

ii. may be renewed for one (1) year by the Board of Adjustment, after the owner has furnished satisfactory evidence that the need for a permit still exists.

B. be removed,

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

ii upon expiration of the permit, whichever occurs first.

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

A. have conditions use permit

i. not to exceed one (1) year,

ii. may be renewed for one (1) year by the Planning Commission after the owner has furnished satisfactory evidence that the need for a permit still exists.

B. be removed,

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

ii. upon expiration of the permit, whichever occurs first

3. Temporary real estate offices, shall

A. have a conditional use permit,

i. not to exceed two (2) years

ii. may be renewed for two (2) years by the Planning Commission, if some lots have not been sold,

B. be located on the property being subdivided for sale as individual lots,

C. be subject to

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

ii. meet water and sanitary standards as required by this Ordinance.

D. be removed,

i. upon expiration of the use permit, or

ii. when all lots have been sold, whichever occurs first.

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

A. have conditional use permit,

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

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

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

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

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

A. not to exceed seventy-two (72) hours, and

B. all ordinances, specifications and sanitation laws are adhered to.

C. upon obtaining a permit from the Town of Manila, may be used not to exceed seven (7) days.

Section 523

The Maintenance of Property for Safety and
Prevention of Public Nuisance

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

A. be permitted to allow weeds, brush, and dead vegetation material to grow or accumulate within seventy-five (75) feet of any structure, including accessory buildings, fences, barns, sheds, and containers of fuel or water,

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

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

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

Section 601 Office of Building Inspector Created

The Office of Building Inspector is hereby created within the Town of Manila, Utah, the Manila Town Council shall fill the off of Building Inspector.

Section 602 Enforcement Officer

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

Section 603 Powers and Duties of the Building Inspector

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

1. all buildings and structures in the course of construction, modification, or repair, and
2. land use to determine compliance with the provisions of this ordinance,
3. provided that no inspection shall be required as a condition precedent to commencement or condition of any construction, modification, or repair of any structure.

Section 604 Permits to Comply with Ordinance

After the effective date of this Ordinance:

1. no building permit may be issued without first having been approved by the Building Inspector,
2. the Building Inspector, or any Town Officer, shall not approve a building permit or license if any structure or use of land would be in violation with any provision of this Ordinance.

Section 605 Site Plans Required

A detailed site plan, drawn to scale (scale and sheet size to be determined by the Building Inspection), shall be filed as part of any application for a Building Permit.

The site plan shall show where pertinent:

1. note of scale used,
2. direction of north point,
3. lot lines together with adjacent streets, road, and rights-of-way.
4. location of all existing structures on the property (including dimensions, utility lines, poles, etc.),
5. location of proposed construction and improvements, including the location of all signs and survey markers,
6. motor vehicle access, individual parking stalls, circulation patterns, curb, gutter, and sidewalk locations,
7. all necessary explanatory notes,
8. name(s), address(es), and telephone number(s) of the owner(s) and builder(s),
9. all other information that may be required by the Building Inspector.

Section 606 Records

1. The Building Inspector shall:
 - A. keep careful and comprehensive records of all applications and permits issued,
 - B. retain on file, copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence.

2. All records shall:

- A. be open to public inspection at reasonable hours,
- B. not be removed from the Manila Town Office.

Section 607 Reports

The Building Inspector shall make a report to the Planning and Zoning Commission once each month or more often if requested, including a statement of permits issued.

Section 608 Cooperation of Other Officials

The Building Inspector, in order to perform his duties, may request and shall receive the assistance and cooperation of all departments, agencies, officials, and public employees vested with the authority to issue permits, licenses, or to enforce the regulations of this Ordinance.

Section 609 Building Permits

1. When required:

- A. Building permits are required for any building or structure that is:
 - i. erected,
 - ii. constructed,
 - iii. enlarged,
 - iv. altered,
 - v. repaired,
 - vi. moved,
 - vii. improved,
 - viii. converted, or
 - x. demolished

B. before commencing any of the above proposed work, the Building Inspector shall:

- i. receive, in writing, a formal application,
- ii. issue a building permit

C. This Ordinance shall apply to:

- i. state, federally, or privately financed proposed work,
- ii. governmentally or privately owned proposed work.

2. Work exempt from permit: A building permit shall not be required for the following:

A. one-story detached accessory buildings used as tool and storage sheds, playhouses, and similar used, provided the projected area does not exceed 120 square feet.

B. Fences not over six (6) feet high on the back and sides of a lot, or four (4) feet high in the front of a structure.

C. Oil derricks.

D. Movable cases, counters, and partitions not over 5 feet 9 inches high.

E. Retaining walls which are not over 4 feet in height measured from bottom of footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.

F. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and ratio of height to diameter or width does not exceed 2 to 1.

G. Platforms, walks, or driveways not more than 30 inches above grade and not over any basement or story below.

H. Painting, papering, and similar finish work.

I. Temporary motion picture, television, and theater stage sets and scenery.

J. Window awning supported by an exterior wall of Group R, Division 3, and Group M occupancies (as defined in the Uniform Building Code), when projecting not more than 54 inches.

K. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy (as defined in the Uniform Building Code) in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of the Uniform Building Code shall be deemed to grant authorization for any work to be done in any manner in violation of the Uniform Building Code or any other laws of the State of Utah or ordinances of the Town of Manila.

3. Form of Application

A. An application for a building permit shall:

- i. be made by the owner of the property, or
- ii. A lessee or agent of the property owner, and shall be accompanied by an affidavit from the owner giving authority to act as an agent.

B. An application for a building permit shall contain:

- i. a description of the proposed work, and
- ii. additional information as may be required by the Building Inspector.

4. Plans Required

A. a plan, in duplicate, drawn to scale, of the proposed work, and shall include:

- i. the legal description of the property, and
- ii. the street address, and
- iii. the type of use and the type of building, and
- iv. the distance from the front, side, and rear lot lines of the proposed work, and
- vii. the elevations of the proposed work showing the heights of the building or structure, and
- viii. location of water lines, and
- ix. location of sewer lines, and
- x. location of septic system, if applicable, and
- ix. location of existing uses, structures, and buildings.

B. Any information that the Building Inspector may require.

5. Amendments to the application. Nothing in this ordinance shall prohibit the filing of amendments to any part of an application, at any time before the completion of the proposed work for which the building permit was sought. Such amendments, after approval, shall be filed with and become a part of the original application.

6. Completion after Ordinance Amendments. Nothing in this Ordinance shall require changes in the plans, proposed work, or designated use of a structure for which a lawful building permit has been issued prior to the time this Ordinance, or its amendments, become effective if the proposed work shall have begun within ninety (90) days after this Ordinance or its amendments became effective and which the proposed work shall be completed as authorized within two (2) years.

7. Action on Applications. It shall be the duty of the Building Inspector:

A. to examine applications for building permits within a reasonable time after filing, and

B. if, after examination, finds no objection, approve the application issue a building permit, or

C. if the examination finds an abjection, the Building Inspector shall:

i. reject the application, and

ii. note the findings, and attach to the application, and

iii. deliver the noted application to the applicant

8. Limitation of the Building Permit:

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

B. Location of all work as proposed, and as shown on the approved plot diagram, and all approved amendments shall be strictly followed.

C. It shall be unlawful to reduce or diminish the area of a lot, plot, or parcel of land for which a plot diagram has been filed and has been used as a basis for a building permit, unless and amended plot diagram showing the proposed change in conditions has been filed and approved, unless the lot is reduced by reason of a street opening, widening, or other public improvement.

D. A building permit, under which no work has been started within 180 days after issuance, shall expire.

E. If a parcel of land is subdivided into two (2) or more lots, building permits shall not be issued for any part of the subdivision until the subdivision has been:

i. approved by the Planning Commission and the Manila Town Council,

ii. officially recorded in the office of the Daggett County Recorder, and

iii. all other provisions of the Subdivision Ordinance have been met.

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

9. Signature on Building Permit. The Building Inspector shall:

A. sign all building permits, or

B. authorized a subordinate to affix the Building Inspectors signature to a building permit.

10. Posting of Building Permit:

A. A copy of the building permit shall be posted on the site of construction, open to public inspection for the duration of all work covered by the building permit.

B. The Planning Commission may required a certified copy of the approved plans to be kept on site of construction at all times for the duration of all work covered by the building permit.

C. The Planning Commission shall be given at least twenty-four (24) house written notice of starting work covered by the building permit.

11. Revocation.

A. The Building Inspector may revoke a building permit or approval issued under the terms of this Ordinance if there has been any false statement or misrepresentation as to fact in the application or plans on which the building permit or approval was based.

B. Building permits shall not be issued if they are in conflict with this Ordinance, and if any such permit is issued in conflict with the Ordinance, the permit shall be null and void.

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

13. Fees. Any fees charged for the building permits shall be based on the current Uniform Building Code fees.

14. Codes. The Town of Manila adopts and enforces the provisions of the Uniform Building Code, in its most recent editions, as well as the Uniform Plumbing Code and the Uniform Electrical Code, the Model Energy Code, and the Utah State regulations which apply to the handicapped.

Section 610 Coordination by State Health and Building Officials and Inspectors

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

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

Section 611 Utility Services

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

1. It shall be unlawful for any individual, business, or company to furnish utility services of any newly constructed structure until receiving a copy of the Building Permit.
2. Any individual, business, or company violating this provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to fine not to exceed two hundred ninety-nine dollars (\$299.00).

Section 612 Occupancy Permit

1. Land, buildings, and premises in any zone shall be used only for the purpose listed in Articles IX through XII, inclusive, as permitted in that zone, and in accordance with the regulations established for that zone.
2. The Building Inspector shall inspect the premises and determine whether it meets the requirements, and if so, issue the permit for occupancy.
3. The permit for occupancy shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use.
4. Upon written request from the owner, an occupancy permit may also be issued covering any lawful use of a building or land existing on the effective date of this amendment, including nonconforming buildings and uses.

Section 613 Administrative Determination as to Uses Not Listed

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

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

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

3. Determination.

A. The determination of the Building Inspector shall:

i. Be made in writing within thirty (3) days unless with written consent of the applicant,

ii. state:

a. the zone classification in which the proposed use will be permitted,

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

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

4. Effect.

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

B. Such use shall:

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

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

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

ARTICLE VII
VIOLATION AND PENALTY

Section 701 Violation

1. It shall be unlawful and a public nuisance to:
 - A. Sell or transfer any real property by grant, gift, or any other form which is not recorded in the Daggett County Recorders Office, or
 - B. Use any property to establish, erect, or maintain any structure in violation of this Ordinance.

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

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

4. Upon written notification of an alleged violation of this Ordinance, the Town of Manila, by law, shall:
 - A. immediately commence action(s) or proceeding(s), and
 - B. issue a notice to cease or remove the violation, and
 - C. take any other action(s) necessary, and
 - D. apply to the court(s) of jurisdiction to grant the removal of the offending structure, or the discontinuance of the use in violation of this Ordinance.

Section 702 Penalty

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

A. be guilty of a misdemeanor, and

B. upon conviction, shall be punishable by:

i. fine, or

ii. imprisonment for a term not to exceed ninety (90) days, or

iii. both.

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

Section 703 Notice of Violation

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

A. Certified letter from the Planning Commission addressed to the owner listed on the current Daggett County tax assessment roll, and

B. Stop-work sign posted conspicuously on the property.

2. These two forms of notice shall:

A. Describe the alleged violation, and

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

3. The notices shall:

A. inform the violator of the location to which he may respond to the notice, and

B. the time limit within which such action may be taken.

ARTICLE VIII
NONCONFORMING USES

Section 801 CONTINUING EXISTING USES

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

Section 802 Expansion of a Nonconforming Use

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

- A. enlarged
- B. extended
- C. reconstructed,
- D. structurally altered, or
- E. replaced by another nonconforming use,

unless it conforms with the regulations of this Ordinance and its amendments for the zoning district in which the property is located.

2. A structure occupied by a nonconforming use, or a structure nonconforming because of height and/or area of yard regulations with a variance approved by the Board of Adjustment as provided for in Article III of this Ordinance,

A. may be added to, enlarged, or moved to a new location on the lot if:

- i. the proposed change(s) do(es) not impose any unreasonable burden on the lands and residents located in the same vicinity,
- ii. all other regulations of this Ordinance are in compliance.

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

Section 803 Repairs and Alterations

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

Section 804 Restoration of Damaged Buildings

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

Section 805 One-Year Occupancy

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

Section 806 Continuation of Use

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

Section 807 Occupation Within One Year

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

Section 808 Change of Use

The nonconforming use of a structure may not be changed except to a conforming use, by where such change is made, the use shall not be changed back to a nonconforming use.

Section 809 Nonconforming Use of Land

The nonconforming use of land, existing at the time this Ordinance and its amendments became effective, may continue provided:

1. the use shall not be expanded or extended, either on the same or adjoining property, and
2. If the use or any portion of the use is abandoned or changed for a period of one (1) year or more, any future use shall conform with the provisions of this Ordinance and its amendments.

ARTICLE IX
ZONING DISTRICTS

Section 901 Establishment of Zoning Districts

For the purposes of this Ordinance, the territory of the Town of Manila is divided into twenty-five (25) zoning districts as follows:

1. Multiple Use District M-U-40
2. Multiple Use District M-U-80
3. Multiple Use District M-U-160

4. Agricultural District A-20
5. Agricultural District A-40

6. Rural Residential District R-R-1/2
7. Rural Residential District R-R-1
8. Rural Residential District R-R-5
9. Rural Residential District R-R-10

10. Residential District R-1-40
11. Residential District R-1-20
12. Residential District R-1-12
13. Residential District R-1-10
14. Residential District R-1-8
15. Residential District R-M-7
16. Residential District R-M-15
17. Residential District R-M-30

18. Neighborhood Commercial District C-N
19. Neighborhood Shopping District C-S
20. Highway Commercial District C-H
21. General Commercial District C-G

22. Manufacturing Distribution District M-D
23. General Industrial District M-G

24. Central Development District C-D
25. Planned District P

Section 902 Filing of Ordinance and Map

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

Section 903 Rules for Locating Boundaries

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

1. Wherever the District boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, then that line shall be construed to be the boundary of the District.
2. Whenever the boundary line of a District is indicated as being approximately at the line of any river, irrigation canal, or other waterway, or public park or other public land, or any section line, then the center line of the river, canal, or waterway, or the boundary line of the public land or section line shall be said to be the boundary of the District.
3. Where District boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing on the map.
4. Where the application of the above rules does not clarify the District Boundary location, the Board of Adjustment shall interpret the map.

ARTICLE X

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

Section 1001 Purpose

1. Multiple Use Districts. The purposes of providing Multiple Use Districts are:

A. to establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources,

B. to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and a scattering of the population,

C. to encourage use of the land, where appropriate for a forestry, grazing, agriculture, mining, wildlife habitat, and recreation,

D. to avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values, and,

E. to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the community.

- i. M-U-40, minimum lot size: 40 acres
- ii. M-U-80, minimum lot size: 80 acres
- iii. M-U-160, minimum lot size: 160 acres

2. Agricultural Districts

To promote and preserve in appropriate areas, conditions favorable to agriculture, and to maintain greenbelt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect these Districts from the intrusion of uses contrary to the continuance of agricultural activity.

- A. A-20, minimum lot size: 20 acres
- B. A-40, minimum lot size: 40 acres

3. Rural Residential Districts

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

- A. R-R-1/2, minimum lot size: 1/2 acre
- B. R-R-1, minimum lot size: 1 acre
- C. R-R-5, minimum lot size: 5 acres
- D. R-R-10, minimum lot size: 10 acres

Section 1002 Codes and Symbols

Codes and symbols used in this Article are as follows:

- 1. P = permitted uses
- 2. C = requires conditional use permit
- 3. "numbers" = acres, feet, square feet, etc, as defined by the description
- 4. NP = does not apply or is not allowed
- 5. If a use is not named, it is not allowed

Section 1003 Uses

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

- 1. Accessory building uses customarily incidental to permitted uses.

All	P
-----	---
- 2. Accessory uses and buildings customarily incidental to conditional uses.

All	C
-----	---
- 3. Agriculture and Forestry
 - A. Agriculture: including grazing and pasturing of animals.

Multiple use	All	P
Agricultural	All	P
Rural Residential	1/2	NP
	1,5,&10	P

B. Agriculture: Business or industry.

Multiple use	All	C
Agricultural	All	C
Rural Residential	1/2	NP
	1,5,& 10	C

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

All	P
-----	---

D. Nursery or greenhouse, wholesale or retail

All	C
-----	---

E. the tiling of soil, raising of crops, and horticulture.

Multiple use	All	P
Agricultural	All	P
Rural residential	All	C

F. Farms devoted to raising and marketing Chickens, turkeys, or other fowl or poultry, fish or frogs, including wholesale and retail sales.

Multiple use	All	p
Agricultural	All	P
Rural residential	1/2 & 1	NP
	5 & 10	C

G. Forestry, except forest industry

Multiple use	All	P
Agricultural	All	P
Rural residential	1/2	NP
	1,5&10	P

H. Forest industry, such as a saw mill, wood products plant, or others

Multiple use	All	C
Agricultural	All	NP
Rural residential	All	NP

4. Apiary

Multiple use	All	P
Agricultural	All	P
Rural residential	1/2	NP
	1,5,&10	C

5. Aviary

Multiple use	All	P
Agricultural	All	P
Rural residential	1/2	NP
	1,5,&10	P

6. Cluster subdivision of single family dwellings.

A. provided that the residential density is not increased more than one hundred (100) percent for the district.

Multiple use	All	NP
Agricultural	All	NP
Rural residential	All	C

B. provided that the area, in acres, or a parcel is not less than.

Multiple use	All	NP
Agricultural	All	NP
Rural residential	1/2	3
	1	7
	5	15
	10	30

7. Dude Ranch, family vacation ranch

Multiple use	All	C
Agricultural	All	C
Rural residential	All	NP

8. Dwellings

A. single family.

Multiple use	40	P
	80 & 160	C
Agricultural	All	P
Rural residential	All	P

B. Two family.

Multiple use	All	C
Agricultural	All	P
Rural residential	1/2	NP
	All others	P

C. Seasonal home or cabin

Multiple use	All	C
Agricultural	All	P
Rural residential	All	P

D. Farm or ranch housing		
Multiple use	40	P
	80 & 160	C
Agricultural	All	C
Rural residential	All	NP
9. <u>Home occupation</u>		
	All	C
10. <u>Household pets</u>		
	All	P
11. <u>Kennel</u>		
Multiple use	All	NP
Agricultural	All	C
Rural residential	1/2	NP
	All others	C
12. <u>Mine</u> , quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plan, oil well, or steam wells		
Multiple use	All	C
Agricultural	All	C
Rural residential	All	NP
13. <u>Power</u> generation		
Multiple use	All	C
Agricultural	All	C
Rural residential	All	NP
14. <u>Private</u> park, recreation grounds, camp, or resort, including accessory or supporting dwellings, complexes, and commercial service uses, which are owned or managed by recreational facility to which it is accessory		
Multiple use	All	C
Agricultural	All	C
Rural residential	1/2 & 1	NP
	5 & 10	C
15. <u>Public</u> stable, riding academy, or riding ring, horse show barns or facilities		
Multiple use	All	C
Agricultural	All	C
Rural residential	1/2 & 1	NP
	5 & 10	C

16. Public use, quasi-public use, essential services including private school, with curriculum corresponding to a public school, church, dams and reservoirs, radio and television transmitting stations, or towers, cemetery.

Multiple use	All	C
Agricultural	All	C
Rural residential	1/2	NP
	All others	C

17. Signs

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

Multiple use	All	P
Agricultural	All	P
Rural residential	1/2 & 1	NP
		5 & 10 C

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

All	P
-----	---

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

Multiple use	All	P
Agricultural	All	P
Rural residential	1/2 & 1	NP
	5 & 10	C

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

All	P
-----	---

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

All	C
-----	---

Section 1004 Area Regulations

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

Multiple use	40	40 acres
	80	80 acres
	160	160 acres
Agricultural	20	20 acres
	40	40 acres
Rural Residential	1/2	1/2 acre
	1	1 acre
	5	5 acres
	10	10 acres

Section 1005 Width Regulations

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

Multiple use	40	660
	80 & 160	1320
Agricultural	20	330
	40	660
Rural Residential	1/2	120
	1	150
	5	200
	10	400

Section 1006 Frontage Regulations

The minimum frontage in feet for any lot in districts regulated by this chapter, on a public or private street, approved by the Town Council, shall be:

Multiple use	All	60
Agricultural	All	60
Rural residential	1/2 & 1	25
	5 & 10	50

Section 1007 Front Yard Regulations

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

Multiple use	All	60
Agricultural	All	60
Rural residential	1/2 & 1	30
	5 & 10	60

2. Accessory buildings may have the same minimum front-yard depth as the main building if they have the same side yard required for the main building, otherwise they shall be set back at least six (6) feet in the rear of the main building.

Section 1008 Rear Yard Regulations

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

A. For main building:

Multiple use	All	60
Agricultural	All	60
Rural residential	1/2 & 1	30
	5 & 10	50

B. For accessory buildings:

Multiple use	All	60
Agricultural	All	60
Rural residential	1/2	2
	1	10
	5 & 10	60

Section 1009 Side Yard Regulations

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

Multiple use	All	60
Agricultural	All	60
Rural residential	1/2	10
	1	15
	5 & 10	20

2. And a total width in feet of the two (2) required side yards of not less than:

Multiple use	All	120
Agricultural	All	120
Rural residential	1/2	20
	1, 5 & 10	40

3. except on corner lots, tow (2) front and two (2) rear yards are required.

Section 1010 Height Regulations

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

A. in feet

Rural residential	1/2	25
	1, 5,&10	35

B. in stories

Rural residential	1/2	2
	1, 5,&10	2-1/2

Section 1011 Coverage Regulations

Maximum coverage in percentage for any lot in rural residential districts shall be:

Rural residential	1/2	25
	1	20
	5	10
	10	10

ARTICLE XI

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

Section 1101 PURPOSE

1. Residential District R-1-40. To provide for large-lot residential neighborhoods of essentially rural or estate character.
Minimum Lot Size: 40,000 square feet.

2. Residential District R-1-20. To provide areas for very low density, single-family residential neighborhoods of essentially spacious and un-crowded character.
Minimum Lot Size: 20,000 square feet.

3. Residential District R-1-12. To provide for low density, single-family residential neighborhoods of spacious and un-crowded character.
Minimum Lot Size: 12,000 square feet

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

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

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

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

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

Section 1102 Codes and Symbols

Codes and Symbols used in this article are as follows:

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

Section 1103 Use Regulations

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

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

All Districts P

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

All Districts C

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

All Districts P

4. Child day-cared or nursery:

All Districts C

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

30,000 square feet	R-1-30	C
	All others	NP
15,000 square feet	R-1-15	C
	All others	NP
8,000 square feet	R-1-12	C
	All others	NP
7,000 square feet	R-1-10	C
	All others	NP
6,000 square feet	R-1-8	C
	All others	NP
4,000 square feet	R-1-6	C
	All R-M	C
	All others	NP

B. Additional requirements

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

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

6. Dwellings:

A. Single-family dwelling		
	All Districts	P
B. Two-family dwelling		
	All R-1	NP
	All R-M	P
C. Three-family dwelling		
	All R-1	NP
	All R-M	C
D. Four-family dwelling		
	All R-1	NP
	All R-M	C
E. Multiple-family dwellings		
	All R-1	NP
	All R-M	C

- F. Group of dwellings, each approved as a planned unit development
- | | |
|---------|----|
| All R-1 | NP |
| All R-M | C |
- G. Two-family dwellings on corner lots require two (2) front and two (2) rear yards, in R-M districts.
- | | |
|---------|----|
| All R-1 | NP |
|---------|----|
7. Home occupations
- | | |
|---------------|---|
| All districts | C |
|---------------|---|
8. Hospital, medical or dental clinic accessory to hospital and located on the same premises
- | | |
|-------------|----|
| All R-1 | NP |
| R-M-7 | NP |
| R-M-15 & 30 | C |
9. Household pets
- | | |
|---------------|---|
| All districts | P |
|---------------|---|
10. Mobile home developments
- A. Mobile home parks
- | | |
|---------|----|
| All R-1 | NP |
| All R-M | C |
- B. Mobile home subdivisions
- | | |
|---------------|---|
| All districts | P |
|---------------|---|
- C. Mobile homes on private lots
- | | |
|---------------|---|
| All districts | P |
|---------------|---|
11. Private educational institution having curriculum similar to that ordinarily given in public schools
- | | |
|---------------|---|
| All districts | C |
|---------------|---|
12. Private recreational grounds and facilities not open to the general public, and to which no general admission charge is made
- | | |
|---------------|---|
| All districts | C |
|---------------|---|

13. Public and quasi-public buildings and uses
- A. Cemetery
 - All districts NP
 - B. Church
 - All districts C
 - C. Essential service
 - All districts C
 - D. Golf course
 - All districts C
 - E. Substation or transmission lines of fifty (50) KV or greater capacity
 - All districts C
14. Quarries, gravel pits, land excavations
 - All districts NP
15. Signs
- A. One civic sign not to exceed sixteen (16) square feet in area
 - R-1-30 & 15 P
 - All other R-1 NP
 - All R-M P
 - B. One development sign, not to exceed eight (8) square feet in area
 - All districts P
 - C. One real estate sign, not to exceed eight (8) square feet in area
 - All districts P
 - D. One residential name and address sign:
 - i. single-family, not to exceed four (4) square feet
 - ii. multiple-family, not to exceed eight (8) square feet
 - All districts P
 - E. Civic and residential signs may be illuminated, but the source of illuminations shall not be visible. No flashing or intermittent illumination shall be employed.

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

G. Identification sign, sign for conditional use
All districts C

Section 1104 Area Regulations

1. the minimum lot area, in square feet for any single-family dwelling shall be (in thousands)

R-1-40	40
R-1-20	20
R-1-12	12
R-1-8	8
R-M-7	7
R-M-15	8
R-M-30	8

2. The additional lot area for each additional dwelling unit in a dwelling structure

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

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

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

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

R-1-40	40
R-1-20	20
R-1-12	12
R-1-10 & 8	10
All R-M	10

Section 1105 Width Requirements

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

R-1-40	120
R-1-20	100
R-1-12	80
R-1-10	80
R-1-8	70
All R-M	70

Section 1106 Fence Regulations

On lots regulated by this article, the maximum height of fence, in feet, shall be:

- A. Behind the main building. 6
- B. In front of the main building. 4

Section 1107 Frontage Regulations

The minimum frontage, on a public street or a private street approved by the Manila Town Council, for lots in the district regulated by this Article, shall be (in feet):

R-1-40	60
R-1-20	50
R-1-12 & 10	45
R-1-8	40
All R-M	45

Section 1108 Front Yard Regulations

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

R-40, 20, 12, & 10	30
R-8	25
All R-M	25

2. On corner lots, in districts regulated by this Article, if the rear yard abuts the side yard of another lot, no structure shall be closer than ten (10) feet to the rear property line.

Section 1109 Rear Yard Regulations

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

A.	R-1-40, 20, 12, & 10	30
	R-1-8	25
	R-M-7	30
	R-M-15 & 30	20
B.	For accessory buildings	
	All districts	1

2. On corner lots, in districts regulated by this Article, if the rear yard abuts the side yard of another lot, no structure shall be closer than ten (10) feet to the rear property line.

Section 1110 Side Yard Regulations

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

R-1-40	15
R-1-20 & 12	10
R-1-10	8
R-1-8	6

B. and the total width of the two (2) required side yards, shall be:

R-1-40	30
R-1-20	24
R-1-12	22
R-1-10	18
R-1-8	16
All R-M	18

C. Except that in no case, shall the total width of the two side yards be less than the height of the building.

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

R-1-40	15
R-1-20 & 12	10
R-1-10	8
R-1-8	6
All R-M	6

Section 1112 Coverage Regulations

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

R-1-40 & 20	20
R-1-12	30
R-1-10 & 8	35
R-M-7	35
R-M-15 & 30	50

NOTES

ARTICLE XII
COMMERCIAL AND INDUSTRIAL DISTRICTS

Section 1201 Purpose

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

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

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

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

5. Manufacturing - Distribution District M-D. To provide areas in appropriate locations where light manufacturing, industrial processes, and warehousing, not producing objectionable effects, may be established, maintained, and protected. The regulations of this District are designed to protect the environmental quality of the Districts and the adjacent areas.

6. General Industrial District M-G. To provide for areas in appropriate locations, where heavy industrial processes, necessary to the economy of the Town of Manila, may be conducted. The regulations of this District are designed to protect the environmental quality of the District and adjacent areas.

Section 1202 Codes and Symbols

Codes and symbols used in this Article are as follows:

1. P = Permitted uses

2. C = Requires a conditional use permit

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

4. NP = Does not apply or is not allowed

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

Section 1203 Use Regulations

1. Accessory uses and buildings customarily incidental to permitted uses

All districts	P
---------------	---

2. Accessory uses and building customarily incidental to conditional uses

All districts	C
---------------	---

3. Agriculture
- A. Agriculture industries
- | | |
|---------------------|----|
| MG | C |
| All other districts | NP |
- B. the tilling of the soil, the raising of crops, horticulture, and gardening
- | | |
|---------------|---|
| All districts | P |
|---------------|---|
4. Automobile sales and services
- A. Automobile service station
- | | |
|---------------|---|
| All districts | C |
|---------------|---|
- B. Automobile or recreational vehicle sales service, lease, rental, and repair, new or used, conducted entirely within an enclosed building, auto parts, indoor
- | | |
|--------------|----|
| CN, MD, & MG | NP |
| CS, CH, & CG | P |
- C. Parking lot incidental to a use conducted on the premises
- | | |
|---------------|---|
| All districts | P |
|---------------|---|
- D. Parking lot not incidental to use conducted on the premises
- | | |
|---------------|---|
| All districts | C |
|---------------|---|
- E. Automatic car wash, automobile and recreational vehicle sales, lease, rental or repair, new or used, conducted indoors, automobile repair garage
- F. Body and fender shop, tire recapping, motor vehicle, bicycle, and recreational vehicle assembly, painting, upholstering, and rebuilding
- | | |
|--------------|----|
| CN, CS, & CH | NP |
| CG | C |
| MD & MG | P |

6. Dwellings and other living quarters
- A. Hotel, motel
- | | |
|--------------|----|
| CS, CH, & CG | C |
| CN, MD, & MG | NP |
- B. Mobile home park
- | | |
|--------------|----|
| CS, CH, & CG | C |
| CN, MD, & MG | NP |
- C. Recreational coach park
- | | |
|--------------|----|
| CS, CH, & CG | C |
| CN, MD, & MG | NP |
7. Processing and manufacturing
- A. Bag cleaning
- | | |
|-----------------|----|
| All C districts | NP |
| MD, & MG | P |
- Baking, ice cream making, and/or candy making
- | | |
|---------------|---|
| All districts | C |
|---------------|---|
- Blacksmith shop
- | | |
|-----------------|----|
| All C districts | NP |
| MD & MG | P |
- Boiler works
- | | |
|-----------------|----|
| All C districts | NP |
| MD & MG | P |
- Bottling works
- | | |
|-----------------|----|
| All C districts | NP |
|-----------------|----|
- Bookbinding
- | | |
|-------------|----|
| CN | NP |
| CS & CH | C |
| CG, MD & MG | P |

B. Cement, mortar, plaster, or paving materials,
central mixing plant, related to construction
industry

All C & MD districts	NP
MG	C

Construction of buildings to be sold and moved off
the premises

CN, CS, & CH	NP
CG	C
MD & MG	P

C. Dairy

CN, CS, & CH	NP
CG	C
MD & MG	P

D. Egg candling, sales, or processing

CN, CS, & CH	NP
CG, MD & MG	P

E. Fertilizer and soil conditioner manufacturing,
processing, and/or sales, provided only non-animal
products and by-products are used

All C districts	NP
MD & MG	C

Forage plant

All C districts	NP
MD & MG	P

Foundry plant

All C districts	NP
MD	C
MG	P

F. Hatchery

CN, CS, & CH	NP
CG	C
MD & MG	P

Honey extraction

CN, CS, & CH	NP
CG, MD, & MG	P

G.	Incinerator, non-accessory	
	All C districts	NP
	MD & MG	C
H.	Knitting mills	
	CN, CS, & CH	NP
	CG	C
	MD & MG	P
I.	Laboratories	
	CN	NP
	All other districts	C
	Laundry	
	CN & CS	NP
	CH & CG	C
J.	Machine shop	
	CN, CS & CH	NP
	CG	C
	Mobile lunch agency	
	CN	NP
	CS & CH	C
	CG, MD, & MG	P
	Monument works	
	CN, CS & CH	NP
	CG	C
	MD & MG	P
	Motion picture studio	
	CN & CS	NP
	CH & CG	C
	MD & MG	P

K.	Planeing mill	
	All C districts	NP
	MD	C
	MG	P
	Printing, convenience for drop-in customers	
	CN	NP
	CS & CH	C
	CG, MD & MG	P
	Publishing and contract printing	
	CN & CS	NP
	CH	C
	CG, MD & MG	P
L.	Rock crusher	
	All C districts	NP
	MD	NP
	MG	C
M.	Sand blasting	
	All C districts	NP
	MD & MG	C
	Saw mill	
	All C districts	NP
	MD	NP
	MG	C
N.	Tire re-treading and vulcanizing	
	CN, CS, & CH	NP
	CG	C
	MD & MG	P
O.	Upholstering, including mattress manufacturing, rebuilding, or renovating	
	CN & CS	NP
	CH	C
	CG, MD, & MG	P
P.	Weaving	
	CN	NP
	CS, CH, & CG	C
	MD & MG	P

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

Bakery goods, batteries, Candy, cereal, cosmetics, Dairy products

Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)
Lubrication grease, Meat products, Oil, Pharmaceuticals, Toiletries:

CN, CS, & CH	NP
CG, MD, & MG	C

R. Manufacturing, compounding, processing, packaging, and treatment of fish, sauerkraut, pickles, vinegar, yeast, and the rendering of fat.

All C districts	NP
MD	NP
MG	C

S. Manufacturing, compounding, assembling, treatment of articles of merchandise from the following previously prepared material:

Bone, Cellophane, canvas, cloth, cork, Feather, Hair, horn, Leather, Paper, paint, plastics, precious or semi-precious stone or metals, Rubber, Shell, straw, Textile, tobacco, Wood, wool, Yarn:

All C districts	NP
MD & MG	C

T. Manufacturing/maintenance of the following:

Boats, business machines, Cameras, photo equipment, Electronic or neon signs, billboards and/or commercial or commercial advertising structures, Light sheet metal products including heating and ventilation ducts and equipment, cornices and eaves, Venetian blinds, window shades, awnings, Musical instruments, Novelties, Rubber and metal stamps, Toys

All C districts	NP
MD & MG	P

U. Manufacturing, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage, and/or maintenance of the following:

Airplanes and parts, automobiles and parts, alcohol, Brass Candles, cans, cameras, photo equipment including film, cast stone products, copper, Dye, Emery cloth, excelsior Glass, glucose, gypsum, Hair, hardware, Ink, iron, Lamp black, linoleum, lime Machinery, malt, matches, meats, musical instruments, Novelties, Oilcloth, oiled rubber goods, oxygen, Paper, paint, pulp, pickles, pottery, incidental plaster, plaster of Paris, plastics, Salt, sheet metal, shellac, shoddy, shoe polish, soap and detergents, soda, starch, steel, Terra cotta, tile toys, turpentine, Varnish, vinegar, Yeast:

All C districts	NP
MD	NP
MG	P

W. Manufacturing of:

Brick, clay, ceramic, cinder, concrete, synthetic cast stone, plastic and pumice, stone products, including manufacturing or fabrication of building blocks. Tile or pipe from raw materials or use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing, or raw materials, except that which is incidental to the manufacturing or fabrication of the above-described products, and provided that such crushing facilities be located no closer than 200 feet to any property line.

All C districts	NP
MD& MG	C

X. Mini-mall and strip malls

All districts	C
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Y. Uses which follow, provided they are located at least 300 feet from any other District boundary:

Animal by-products, plants, offal, dead animal reduction or dumping, Blast furnace Fat rendering, fertilizer, soil conditioner, foundry, Garbage or refuse maintenance or disposal site, gravel pits, quarries, Manufacturing, processing, storage, or compounding of the following:

Acid, ammonia, asphalt, acetylene gas, Bleaching powder and chlorine, bones, Disinfectants, Explosives, Fireworks, Gas, gelatin or size, glue, grease or lard, Hides, Insecticides, Metal crushing, Ore, Petroleum, plastics, potash, puroxylin, Roofing or waterproofing material, rubber, or gutta-percha Tallow, tar, Wood

All C districts	NP
MD	NP
MG	C

7. Public and quasi-public

A. Cemetery

CN, CS, CH	NP
CG, MD	C
MG	NP

B. Churches

All C districts	C
MD & MG	NP

C. Parks, golf courses, swimming pools and other recreation areas

All districts	P
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D. Public buildings

All districts	C
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E. Private schools

All C districts	C
MD	C
MG	NP

F. Radio/television transmitting towers

All C districts	NP
MD	C
MG	P

8. Recreation

A. Archery shop/range, if conducted in enclosed building

CN	NP
CS & CH	C
CG	P
MD & MG	C

Athletic club, health club, athletic good store

CN	NP
CS, CH, & CG	P
MD & MG	NP

B. Billiard or pool hall, commercial skating rink

CN	NP
CS, CH, & CG	P
MD	C
MG	NP

Bowling alley, boxing arena

CN & CS	NP
CH, CH & MD	C
MG	NP

Bicycle shop

CN & CS	NP
CH, CG & MD	C
MG	NP

C. Campground

CN & CS	NP
CH, CG & MD	C
MG	NP

D. Dance hall, dancing

CN	NP
CS, CH, CG & MD	C
MG	NP

E.	Go-cart racing	
	All C districts	NP
	MD & MG	C
	Golf course, commercial miniature golf	
	CN & CS	NP
	CH, CG & MD	C
	MG	NP
	Gymnasium	
	CN	NP
	CS, CH, DG, MD	P
	MG	NP
F.	Night club, social club	
	CN	NP
	CS, CH, & CG	C
	MD & MG	NP
G.	Private non profit locker club	
	CS	NP
	All others	C
H.	Recreation center, commercial	
	CN	NP
	CS, CH, CG, & MD	C
	MG	NP
	Recreational vehicle, rent/lease, sales and service, outdoor	
	CN & CS	NP
	CH, CG, & MD	C
	MG	NP
I.	Swimming pool, commercial	
	CN	NP
	CS & CH	C
	CG & MD	P
	MG	NP

J. Theater, indoor

CN, CS, & CH	C
CG	P
MD	C
MG	NP

Theater, outdoor, providing:

i. A solid fence or masonry wall with a minimum height of six (6) feet shall be constructed on all sides.

ii. Driveways and parking areas shall be provided with properly maintained, dustless surfaces.

iii. Automobile off-street storage areas for automobiles awaiting entrance to theater shall have a capacity of at least fifteen (15) percent of the number of auto parking spaces provided inside the theater.

iv. Minimum area for single screen theater shall be ten (10) acres. Minimum area for two-screen theater shall be twelve (12) acres.

CN & CS	NP
All other districts	C

9. Sales and related services

A. Air conditioning, ventilating equipment, sales/repair:

CN	NP
CS, & CH	C
CG & MD	P
MG	NP

Art needlework shop

All C districts	P
MD & MG	NP

Art shop and/or art supply

All C districts	P
MD & MG	NP

Awning sales/repair

CN & CH	NP
CS & CG	P
MD & MG	NP

B. Bakery, retail sales		
All C districts		P
MD & MG		NP
Beer outlet, class A & B		
CN		NP
CS, CH, & CG		C
MD & MG		NP
Bookstore		
All C districts		P
MD & MG		NP
Building material sales, enclosed		
CN		NP
CS, CH, & CG		C
MD & MG		P
Building material sales yard with sale of rock, sand, gravel, and the like as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section:		
CN, CS, & CH		NP
CG		C
MD & MG		P
C. Café, cafeteria, catering establishment:		
All C districts		P
MD & MG		C
Candy, confectionery, nut shop		
All C districts		P
MD & MG		NP
Carbonated water sales		
CN		NP
CS, CH, & CG		P
MD & MG		NP
China and/or silver shop		
CN		NP
CS, CH, & CG		P
MD & MG		NP

Clothing store		
All C districts		P
MD & MG		NP
Coal/fuel sales office		
CN, CS, & CH		C
CG & MD		P
MG		NP
D. Delicatessen		
All C districts		P
MD & MG		NP
Department store		
CN & CH		NP
CS & CG		P
MD & MG		NP
Discount store		
All C districts		P
MD & MG		NP
Drapery/curtain store		
CN & CH		NP
CS & CG		P
MD & MG		NP
Drive-ins, refreshment stand, eating and/or drinking place		
All districts		C
Drugstore		
All C districts		P
MD & MG		NP
Dry good store		
CN		NP
CS & CG		P
CH		C
MD & MG		NP
E. Electrical, heating, appliances, fixtures, sales/repair/service		
CN		NP
CS, CH, & CG		P
MD & MG		NP

F. Five/ten cent store		
All C districts		P
MD & MG		NP
Floor covering sales		
CN, CS, & CG		P
CH, MD & MG		NP
Florist shop		
CN		NP
CS, CH, & CG		P
MD & MG		NP
Fountain equipment supply		
CN, CS, & CH		NP
CG & MD		P
MG		NP
Fruit/fruit juice store, fruit and/or vegetable stand, or store		
All C districts		P
MD & MG		NP
Fur sales, and/or repair		
CN & CH		NP
CS & CG		P
MD & MG		NP
Furniture sales, and/or repair		
CN & CH		NP
CS & CG		P
MD & MG		NP
G. Gift shop		
All C districts		P
MD & MG		NP
Greenhouse, nursery, plant materials, soil/lawn service		
CN		NP
CS, CH, CG, & MD		P
MG		NP
Grocery, meat sales		
All C districts		P
MD & MG		NP

Gunsmith		
	CN	NP
	CS & CG	P
	CH	C
	MD & MG	NP
H. Hardware store		
	CN, CS, & CH	NP
	CG & MD	P
	MG	NP
Health food store		
	All C districts	P
	MD & MG	NP
Hobby and/or craft store		
	All C districts	P
	MD & MG	NP
Hospital supplies		
	CN	NP
	CS & CH	C
	CG & MD	P
	MG	NP
I. Ice cream shop, ice sales		
	CN	NP
	CS	C
	CH, CG, & MD	P
	MG	NP
Ice manufacturing, storage and retail/wholesale sales		
	CN & CS	NP
	CH	C
	CG, MD & MG	P
Ice vendor units and/or reach-in ice merchandise units, electric ice maker, ice storage, not more than five (5) tons capacity		
	CN	NP
	All other districts	P
Insulation sales		
	CN, CS, & CH	NP
	CG, MD & MG	P

J.	Jewelry store		
	CN & CH		NP
	CS & CG		P
	MD & MG		NP
K.	Laundry, automatic self service laundry agent		
	All C districts		P
	MD & MG		NP
	Leather good		
	CN, CS, & CG		P
	CH, MD, & MG		NP
	Liquor and beer sales, places for the drinking or liquor or beer		
	CN		NP
	CS, CH, & CG		C
	MD & MG		NP
	Luggage sales		
	CN & CH		NP
	CS & CG		P
	MD & MG		NP
	Lumber yard		
	CN, CS, & CH		NP
	CG		C
	MD & MG		P
L.	Military store		
	CN & CH		NP
	CS & CG		P
	MD & MG		NP
	Milk distribution station, sale of dairy products, excluding processing/bottling		
	All C districts		P
	MD & MG		NP
	Monument sales, retail		
	CN & CS		NP
	All other districts		P

Motorboat sales		
CN & MG		NP
CS & CG		P
CG & MD		C
Music store		
CN, CS, & CG		P
CH, MD, & MG		NP
M. New stand, magazine shop		
All C districts		P
MD		P
MG		NP
Notions		
All C districts		P
MD & MG		NP
Novelty shop		
CN		NP
CS, CH, & CG		P
MD & MG		NP
N. Oil burner shop		
CN & CH		NP
CS, CG & MD		P
MG		NP
Ornamental iron, sales only		
CN & CH		NP
CS, CG & MD		P
MG		NP
O. Package agency		
CN		NP
CS, CH, & CG		C
MD & MG		NP
Painter and paint shop		
CN, CS, & CG		P
CH, MD, & MG		NP
Pet shop		
CH, CS, & CG		P
CH, MD, & MG		NP

Photography or photography shop, sales and service

All C districts P
MD & MG NP

Plumbing shop

CN & CH NP
CS, CG, MD, & MG P

Popcorn and/or nut shop

All C districts P
MD & MG NP

R. Radio and television, sales and repair

CN NP
CS, CH, & CG P
MD & MG NP

Radio and television station

CN, CS, & CH NP
CG & MD C
MG P

Restaurant

All districts P

Roofing sales

CN & CH NP
CS, CG, & MD P
MG NP

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

CN NP
CH C
CS, CG, & MD P
MG NP

Seed and feed store

CN, CS, & CH NP
CG, MD, & MG P

Shoe shop, shoe shine, shoe repair

CN, CS, & CG N
CH, MD, & MG NP

Sewing machine shop		
	CN & CH	NP
	CS & CG	P
	MD & MG	NP
State store		
	CN	NP
	CS, CH, & CG	C
	MD & MG	NP
Stationery and greeting card sales		
	All C districts	P
	MD & MG	NP
R.	Tobacco shop	
	CN	NP
	CS, CH, & CG	C
	MD & MG	NP
Tire shop, sales only		
	CN	NP
	CS, CH, & CG	C
	MD & MG	NP
S.	Variety Store	
	CN, CS & CG	P
	CH, MD & MG	NP
T.	Wallpaper store	
	CN & CH	NP
	CS, CG, & MD	P
	MG	NP
Wholesale business		
	CN & CH	NP
	CS,	C
	CG, MG, CG, & MD	P
10.	Service Activities	
A.	Address-o-graph shop	
	CN & CH	NP
	CS, CG & MD	P
	MG	NP

Animal hospital		
	CN & CS	NP
	CH, CG, & MD	C
	MG	NP
B. Baby formula service, baby diaper service, sitter agency		
	All C districts	P
	MD & MG	NP
Barber shop		
	All C districts	P
	MD & MG	NP
Bath and massage		
	CN	NP
	CS, CH, & CG	P
	MD & MG	NP
Beauty shop		
	All C districts	P
	MD & MG	NP
Blue printing, photo-stating, duplicating		
	CN & CH	NP
	MS, CG & MD	P
	MG	NP
C. Carpet and/or rug cleaning		
	CN, CS, & CH	NP
	CG & MD	P
	MG	NP
Cloths cleaning, dyeing, pressing		
	All districts	P
Costume rental		
	CN & CH	NP
	CS, CG & MD	P
	MG	NP
D. Dramatics school		
	CN, CS, & CG	P
	CH, MD, & MG	NP

Dressmaking

CN & CH	NP
CS, CG	P
MD & MG	NP

E. Electric appliances and/or electronic instruments service

CN & CH	NP
CS, CG	P
MD & MG	NP

Employment agency

CN	NP
CS, CH, CG, & MD	P
MG	NP

F. Fix-it shop, repair shop, household items

CN	NP
CS, CH, CG, & MD	P
MG	NP

Flooring, floor repair shop

CN & CH	NP
CS, CG, & MD	P
MG	NP

Frozen food lockers

CN	NP
CS & CH	C
CG & MD	P
MG	NP

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

CN	NP
CS, CH,	C
CG, & MD	P
MG	NP

G. Household cleaning/repair, house equipment displays

CN & CH	NP
CS, CG, & MD	P
MG	NP

H.	Interior decorating store	
	CN, CS, & CG	P
	CH, MD, & MG	NP
I.	Janitorial service	
	CN, CS, CG, & MD	P
	CH & MG	NP
J.	Kennel conducted entirely within a soundproof and air conditioned building	
	CN & CH	NP
	CS, CG, MD & MG	C
	Kennel	
	All C districts	NP
	MD & MG	C
	Key and lock service	
	CN	NP
	CH	C
	CS, CG, & MD	P
	MG	NP
K.	Lithographing, including engraving, photo engraving	
	CN & CS	NP
	CH	C
	CG & MD	P
	MG	NP
L.	Medical/dental clinic, laboratories	
	CN	NP
	CH & MD	C
	CS & CG	P
	MG	NP
	Mortuary	
	CN	NP
	CS, CH, & CG	C
	MD & MG	NP
M.	Nurses agency	
	CN, CS, & CG	P
	CH, MD, & MG	NP

N.	Office, business or professional	
	CN	C
	CS, CG & MD	P
	CH & MG	NP
	Office, supply, office machines sales, repair	
	CN & CH	NP
	CS, CG, & MD	P
	MG	NP
	Optometrist and/or oculist	
	CN, CS, & CG	P
	CH, MD, & MG	NP
O.	Pest extermination business	
	CS	P
	CN, CG, MD, & MG	C
	CH	NP
	Pest extermination and control office	
	CN, CS, CH	NP
	CG & MD	P
	MG	NP
	Printing, including engraving, photo engraving	
	CN & CS	NP
	CH	C
	CG & MD	P
	MG	NP
	Printing and small paper reproduction service	
	CN, CS, CG, & MD	P
	CH	C
	MG	NP
P.	Receptions center and/or wedding chapel	
	All C districts	C
	MD & MG	NP
Q.	Sign and painting shop	
	CN & CH	NP
	CS	C
	CG & MD	P
	MG	NP

R. Tailor shop
 CN & CS NP
 CS, CG, & MD P
 MG NP

Towel and linen supply service
 CN & CS NP
 CS, CG, & MD P
 MG NP

Travel bureau
 CN & CH NP
 CS, CG & MD P
 MG NP

S. Upholstery shop
 CN, CS, & CH NP
 CG & MD P
 MG NP

T. Veterinary
 CN, CS, & CH NP
 CG, MD, & MG C

Veterinary, providing operations are completely enclosed within an air-conditioned and sound-proof building
 CN NP
 All others C

U. Weather-stripping shop
 CN & CH NP
 CS C
 CG & MD P
 MG NP

11. Signs

A. Business signs, not 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) sign for any one business, all such signs for any one business, all such signs to be flat wall or freestanding signs, no such sign to be revolving or to have flashing or intermittent lighting
 All districts P

B. Non-advertising signs, may be lighted, but shall have no flashing or intermittent light and shall not revolve or have lighted moving parts. Such signs to be flat wall signs or pole signs, but no such signs shall project above the eaves or parapet wall of the building on the premises to which it is appurtenant. The maximum sign area may be used in not more than three (3) signs.

i. Development maximum 40 square feet
All districts P

ii. Civic, maximum 14 square feet
All districts P

iii. Real estate, maximum 16 square feet

iv. Residential

a. personal name plate, maximum 2 sq. ft.

b. other, maximum 8 sq ft.
All districts P

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

CN & CS NP
All other districts C

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

MG C
All other districts NP

12. Storage and warehousing

A. Coal, fuel, and wood yards

CN & CS NP
CH & CG C
MD & MG P

Contractor's equipment storage yard or plant, or rental of equipment used by contractors

CN, CS, & CH	NP
CG	C
MD & MG	P

B. Garage, public

CN,	NP
CS & CH	C
CG, MD, & MG	P

C. Junk yard

All C districts	NP
MD & MG	C

D. Warehouse

CN & CH	NP
CS & CG	C
MD & MG	P

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

All districts	C
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14. Transportation

A. Bus terminal

CN	NP
CS & CH	C
CG & MD	P
MG	NP

B. Draying, freighting, or trucking yard or terminal

CN & CS	NP
CH & CG	C
MD & MG	P

C. Express office

CN & CH	NP
All other districts	P

D. Railroad yards, shop, and/or roundhouse for railroads

All C districts	NP
MD & MG	P

E. Taxi stand		
	All districts	P
	Terminal, parking and maintenance facilities	
	All districts	P
	Transfer company, provided trucks no larger than two (2) tons capacity are used	
	CN	NP
	CS & CH	C
	CG, MD, & MG	P
	Transfer company	
	CN & CS	NP
	CH & CG	C
	MD & MG	P
	Truck stop and service facilities	
	CN & CS	NP
	CH, CG & MD	C
	MG	P

Section 1204 Height Regulations

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

A. in feet		
	CN	35
	All other districts	75
B. in number of stories		
	CN	2-1/2
	All other district	7

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

1. Any parcel larger than one (1) acre, at the time of passage of this Ordinance, may be divided or developed only under planned unit development approval.
2. Regulations as may be required by conditional use permit or by planned unit development approval, except that no commercial building shall be located closer than fifteen (15) feet to any residential district boundary line or to any street which continues as frontage into any residential district.

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

CN, CS, & CH	35
CG, MD, & MG	50

Section 1206 Special Provisions

1. Any area, in District MD, outside of a building used for any activity other than off-street parking and loading, shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels of land.

2. All uses, in district MD, shall be free from objectionable noise, hazards, or nuisances.

3. All uses, in district CN, shall be conducted from enclosed buildings, except automobile service stations, off-street parking and loading, and outdoor restaurants unless otherwise permitted by planned unit development or conditional use permit.

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

NOTES

ARTICLE XIII

CENTRAL DEVELOPMENT DISTRICT C-D

Section 1301 Purpose

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

Section 1302 Permitted Uses

All uses require conditional use permits.

Section 1303 Conditional Uses

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

Section 1304 Special Provisions

1. All parcels larger than one (1) acre at the time of passage of this Ordinance and its amendments, may be divided or developed only Planned Unit Development approval. No new lot smaller than one (1) acre may be created.

2. Every conditional use permit and every Planned Unit Development approval, as proposed in the application, shall be based on how the development will:

A. Contribute to the compatibility and mutual private and public from existing, proposed and potential buildings and uses in the area,

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

C. the improvements to be made:

- i. land use
- ii. building, construction, and appearance,
- iii. traffic safety and control
- iv. landscaping, and
- v. drainage

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

To be determined by conditional use permit or Planned
Unit Development approval.

ARTICLE XIV

MOBILE HOMES, MOBILE HOME PARKS, AND TRAVEL TRAILER COURTS

Section 1401 Mobile Homes and Travel Trailer Prohibited - Exceptions

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

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

1. When temporarily located on a lot for which a building permit has been issued, and a building is being constructed, and ins connected to approved water and sewer facilities, but not to exceed one (1) year.
2. When placed in a licensed mobile home park.
3. When placed on a lot that complies with all the regulations of the zoning district in which the mobile home is located, provided,
 - A. Residential dwellings are a permitted use in the zone, and the mobile home is connected to an approved water supply and the municipal sewer system.
 - B. the mobile home is placed upon a permanent foundation and is skirted with brick, masonry, or a continuation of the facing material of the mobile home.
 - C. Will be entered upon the tax rolls of Daggett County as real property, as evidenced by a letter or other proof from the County Assessor.

D. the mobile home is certified by the U. S. Department of Housing and Urban Development (H.U.D.), or the State of Utah that it has been inspected and has attached to the mobile home, a H.U.D. or State of Utah inspection shield.

Section 1402 Mobile Home Park Regulations

1. Approval and intent. The owners of a tract of land not less than ten (10) acres, which land lies in a location which is suitable and appropriate, taking into consideration, existing conditions, may construct a mobile home park thereon, upon approval of such mobile home park by the Manila Town Council.

The intent of this provision is:

A. The topography represented by contours shown at no greater intervals than two (2) feet, when required by the Planning Commission.

B. The proposed street and trailer space layout.

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

D. Tabulations showing a percent of area to be devoted to parks, playgrounds, and open space, number of mobile homes, and total area in 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, telephone number of applicant.

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

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

Such construction drawing 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.

4. Standard and Requirements. The development of a Mobile Home Park shall conform to the following standards and requirements:

- A. The area shall be in one-ownership, or, if in several ownerships, the application for approval of the Mobile Home Park shall be filed jointly by all owners of the property included in the plan.
- B. The density in a Mobile Home Park shall not exceed seven (7) units per acre. Mobile homes may be clustered within the Mobile Home Park, provided that no single mobile home space shall be smaller in area than four thousand (4,000) square feet. Travel trailers and recreational vehicle shall not be located in Mobile Home Parks, except when unoccupied and located in the storage area.

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

C. Not less than ten (10) percent of the gross area of the Mobile Home Park shall be set aside as 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 (10) percent of the lot area shall also be set aside for recreational vehicle storage area.

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

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

F. All off-street parking spaces and driveways shall be surfaced before the adjacent mobile home spaces may be occupied.

G. A strip of land at least fifteen (15) feet wide on the sides and thirty (30) feet in the front and rear of the Mobile Home Park shall be left unoccupied by mobile homes, and shall be planted and maintained in lawns, shrubs and trees designed to afford privacy to the development. A six (6) foot chain link or other approved fence around the Mobile Home Park shall also be required.

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

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

i. For one-way with no parking: Minimum thirty (30) feet in width

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

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

There shall be not more than two (2) entrances from the park onto any one street. Entrances shall be no closer than twenty-five (25) to the corner of an intersection, or as otherwise required by the Planning Commission.

J. Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile home and shall be from an interior private roads.

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

L. In addition to meeting the above requirements and conforming to the other requirements of this Ordinance, all mobile home parks shall also conform to requirements set forth in the code of cap-trailer court, hotel, motel, and resort sanitation regulations adopted by the Utah State Board of Health, and to the fire prevention code, which codes are hereby adopted by reference and all restriction, 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 or codes and this Article, the most restrictive shall take precedence.

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

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

ii. Water. A public supply of water shall be obtained from the Manila Town water supply. An adequate amount of water shall be piped to each mobile home space through a private system of a design acceptable to the Town of Manila engineer.

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

iv. Electrical. All electrical, telephone, and other service lines to each mobile home lot shall be underground and shall comply with all currently adopted Uniform Electrical Codes.

v. Liquid or Gaseous Fuels. Any liquid fuel storage shall be located in tanks at a distance away from any mobile home lot as determined safe by the building inspector and/or fire chief. All fuel lines shall be underground, and, if metered, the meters shall be arranged in a uniform manner.

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

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

5. Planning Commission and Manila Town Council Approval.

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

6. Guarantees.

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

B. In any case, when a mobile home park is owned by more than one 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 mobile home park.

C. Prerequisite to the operation of any mobile home park in the Town of Manila, shall be to obtain an annual business license. It shall be unlawful to operate a 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.

7. Record Final Plat.

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

Section 1403 Travel Trailer Courts, Intent and Zoning

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

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

- A. Proposed road layout and trailer space.
- B. Proposed reservation for parks, playgrounds, and other open spaces.
- C. A generalized landscape plan.
- D. Any other data that the Planning Commission may require.

2. Standards and Requirements. The travel trailer court shall conform to the following standards and requirements:

- A. Travel trailer courts shall be a minimum of four (4) acres in size.
- B. Entrances and exits from the travel court shall be by forward motion only.
- C. Mobile homes, as defined in this Ordinance shall not be allowed in travel trailer courts.
- D. No exit or entrance from the travel trailer court shall be through a residential zone, and no entrance or exit shall be located close than fifteen (15) feet to the intersection of two streets.
- E. All travel trailers shall be set back at least twelve (12) feet from any public street, right-of-way, except for state or federal highways where the setback shall be fifty (50) feet.
- F. All one-way roadways shall be at least twelve (12) feet in width and all two-way roadways shall be twenty (20) feet in width and all roadways shall be hard surfaced.
- G. All areas within the court which are not surfaced, including the thirty (30) foot setback space, shall be landscaped and maintained with lawn, trees, and shrubs, and designed to provide privacy and noise containment.

H. Each travel trailer spaces shall be at least twenty-five feet in width and at least fifty (50) feet in length. No travel trailer, R.V. unit, or add-on shall be located closer than fifteen (15) feet from another travel trailer, R.V. unit or add-on.

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

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

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

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

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

Section 1404 Additional Regulations

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

2. All travel trailers shall be stored at least thirty (30) feet back from any public street in any residential zone.

3. No add-on or additions shall be allowed in any trailer court or mobile home park without prior consent of the Building Inspector.

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

NOTES

ARTICLE XV
CONDITIONAL USES

Section 1501 Purpose

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

Section 1502 Conditional Use Permit

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

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

2. Accompanying documents. Detailed site plans drawn to scale and other drawings necessary to assist the Planning 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 Commission. No part of the fee shall be refundable.

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

A. The Planning Commission may hold the hearing.

B. the Planning Commission shall have a record of the hearing, together with a report of its findings and recommendations of its 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 application. The time and places shall be established by the Planning Commission.

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

5. Determination. The Planning Commission may permit a conditional use to the located within any Zoning District in which the particular conditional use is permitted by Section 1508 of this Article. In authorizing any conditional use, the Planning 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.

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

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

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

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

C. That the proposed use will conform to the intent of the Town of Manila Master Plan.

D. That such use will not under the circumstances of the particular case and conditions imposed, be detrimental to the health, safety, and welfare of persons, no injurious to property and improvements in the community, but will be compatible with and complimentary to the existing surroundings, uses, buildings, and structures when considering the following zones:

i. Residential and Rural Zones

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

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

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

d. Will the proposed sign(s) adversely affect the development itself or the overall aesthetic acceptability of the development?

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

ii. Commercial Zones

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

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

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

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

iii. Manufacturing Zones

a. Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?

b. If the proposed use emits tolerable pollution of any type, will the prevailing breezes and winds direct the pollutant toward residential or commercial properties in the immediate area?

c. Will landscaping add aesthetic acceptance to the proposed development?

d. Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties?

Section 1503 Special Requirements

The Planning 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, master plan proposals, and neighborhood needs, performance and administration. More specifically, the Planning 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, drainage canals, and other potentially attractive nuisances existing on, or adjacent to, the property

C. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to insure the public safety and to insure compatibility with the intended characteristics of the Zoning District as outlined in this Ordinance.

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

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

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

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

2. Conditions Relating to Health and Sanitation

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

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

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

3. Conditions Relating to Environmental Concerns

A. Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capability, 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 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 of Compliance with the Intent of Comprehensive Plan and Characteristics of the Vicinity

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

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

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

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

E. Provision 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.

5. Conditions Relating to Performance

A bond or other valuable assurance in favor of the Town of Manila in an amount set by the Town Council, on the recommendation of the Planning Commission, not to exceed the calculated cost as necessary to assure compliance with all conditions 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 general area traffic circulation?

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 Master Plan for the Town of Manila?

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

The Planning Commission will require commercial, industrial, residential Planned Unit Developments, and open spaces in cluster subdivisions be included on a site plan of a scale appropriate to the project and include the following:

1. Where appropriate, a performance bond will be required to ensure compliance with the approved site plans.
2. Plant material locations, with names
3. Size, location, and type of construction of all walkways and landscaping
4. A plant list which specifies the names, number of each, and size of each to be planted.
5. A sprinkling system engineered to maintain the landscaped areas.

Section 1505 Appeals

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

1. Notification of Planning Commission. The Board of Adjustment shall notify the Planning Commission in writing, seven (7) days prior to the hearing to allow the Planning Commission to prepare the record.
2. Determination of the Board of Adjustment. The Board of Adjustment, after proper review of the decision of the Planning Commission, may affirm reverse, alter, or remand for further review and consideration, any action taken by the Planning Commission.

Section 1506 Building Permit

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

Section 1507 Time Limit

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

Section 1508 Conditional Uses

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

1. Rural and Agricultural Zoning Districts

- A. Agriculture. keeping animals and fowl for family food productions, grazing and pasturing animal.
- B. Airport
- C. Cemetery, mortuary, etc
- D. Dude ranch
- E. Forest industry, production of forest products
- F. Golf course
- G. Hydroelectric dam
- H. Mobile homes
- I. Planned Unit Development
- K. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If the buildings are not removed within ninety (90) days after notice, the building(s) will be removed by the Town at the expense of the owner.

2. Residential Zoning Districts

- A. Airport
- B. Cemetery, etc.
- C. Golf course
- D. Home occupation
- E. Nursery and/or greenhouse, provided that there is on retail shop operated on connection therewith
- F. Planned Unit Development
- G. Private educational institutions having an academic curriculum similar to that ordinarily give n public schools

- H. Private non- recreational grounds and facilities.
- I. public and quasi-public uses
- J. Temporary building for uses incidental to construction work which building must be removed upon completion or abandonment of the construction work. If the buildings are not removed within ninety (90) days after notice, the buildings will be removed by the Town at the expense of the owner.

3. Commercial Zoning Districts

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

- i. A solid fence or masonry wall within a minimum height of six (6) feet shall be constructed on all sides

- ii. Driveways and parking areas shall be provided with properly maintained dustless surface

iii. Automobile off-street storage areas for automobiles awaiting entrance to the theater shall have a capacity of at least fifteen (15) percent of the number of automobile parking spaces provided inside the theater

iv. Minimum area for a single screen theater ten (10) acres. Minimum area for a two-screen theater shall be twelve (12) acres.

W. Transfer company, provided trucks no larger than two (2) tons capacity are use

X. Temporary buildings for uses incidental to construction work. If the buildings are not removed within ninety (90) days after notice, the buildings will be removed by the Town at the expense of the owner.

Y. Veterinary, provided operation is completely enclosed within an air-conditioned building.

4. Industrial Zoning Districts

A. Airport

B. Building material sales yard, including the sale of rocks, sand, gravel, and the like, as incidental part of the main business

C. Coal, fuel, and wood yards

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

E. Draying, freighting, or trucking yard or terminal

F. Fertilizer and soil conditioner manufacturing, processing, and/or sales, providing only non-animal products and by-products are used

G. incinerator, non-accessory, provided that no objectionable fumes and odors are emitted

H. Junk yard, provided the use is fenced with a visual barrier

I. Lumber yard

J. Manufacture, processing, compounding, packaging, treatment, and/or storage of the following products:

i. Gas and petroleum products

ii. Mined minerals, coal, and other raw goods

K. Manufacturing, compounding, assembling, and treatment of articles of merchandise from previously prepared materials.

- L. Metals crushing for salvage, metals and metal products treatment and processing
- M. Oil and lubricating grease compounding
- N. Petroleum refining and storage
- O. Planeing mill
- P. Planned Unit Development
- Q. Public and quasi-public use
- R. Rock crushing
- S. Uses which following, provided they are located at least 300 feet from any other zone boundary:

- i. Animal by-products plant, offal dead animal reduction or dumping
- ii. Blast furnace
- iii. Fat rendering
- iv. Garbage
- v. Gravel pits, quarries

NOTES

ARTICLE XVI
PLANNED UNIT DEVELOPMENT

Section 1601 Introduction

Provision of a Planned Unit Development as defined by this Article in not way guarantees a property owner the right to develop an Planned Unit Development. Planned Unit Developments shall be approved by the Planning Commission only if, in its judgment, the proposed Planned Unit Development fully meets the intent, purpose, and requirements of the Zoning Ordinance.

Section 1602 Purpose

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

A. related to:

- i. the public health
- ii. safety, and
- iii. general welfare.

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

- i. residential developments
- ii. industrial developments
- iii. mountain developments
- iv. recreational developments, or
- v. any combination of the above.

Section 1603 Definition

Planned Unit Development, for the purpose of this Ordinance, shall mean an integrated design for development of residential, commercial, industrial, or recreational uses, or combination of uses, in which one or more of the regulations (other than use regulations of the Zoning District in which the development is situated), is waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements as specified in this Article.

A Planned Unit Development may be:

- A. The development of compatible land uses arranged in such a way as to provide desirable living environment that may include private and common areas for recreation, circulation, and/or aesthetic uses,
- B. the conservation or development of desirable amenities not otherwise possible by typical development standards,
- C. creation of areas for multiple use that are of benefit to the neighborhood or environment of the area.

Section 1604 Planned Unit Development Permit

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

1. An approved Planned Unit Development permit shall consist of:
 - A. an Official Planned Unit Development form approved by the Planning Commission, signed by its Chairman, and
 - B. an approve site plan also signed by the Planning Commission Chairman.
2. Denial of a Planned Unit Development shall also be indicated on the Official Form.

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

A. meets the use limitation of the Zoning District in which it is located, and

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

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

5. The permit shall be considered in two parts:

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

B. Final approval based on construction drawing and specification in general accord with the granted preliminary approval.

Section 1605 Required Conditions

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

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

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

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

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

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

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

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

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

C. Density of dwelling units, per acre, shall be the same as allowed in the zone in which the Planned Unit Development is located.

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

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

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

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

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

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

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

Section 1606 Planned Unit Development Site Plan Requirements

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

1. the use or uses, dimensions, sketch elevations, and locations of proposed structures.
2. Dimensions and locations or areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.
3. Architectural drawing and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

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

Section 1607 Scope of Planning Commission Action

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

1. It is the intent of this Article that site and building plan for a Planned Unit Development be prepared by a designer, or team of designers, having professional competence in urban planning, as proposed in the application. The Planning Commission may required the applicant to engage a qualified designer or design team.
2. It is not the intent of this Section that control of the design of a Planned Unit Development by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred. Rather, it is the intent of this Section that the control exercised by the minimum necessary to achieve the purpose of this Article.
3. The Planning Commission may approve or disapprove an application for a Planned Unit Development. In approving an application, the Planning Commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in Section 1605 of this Article. The action of the Planning Commission may be appealed to the Board of Adjustment.

Section 1608 Construction Limitations

1. upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specification approved by the Planning Commission to its approval.
2. Amendments to approved plans and specifications for a Planned Unit Development shall be approved by the Planning Commission and shown on the approved plans.
3. the Building Inspector, or any other department, shall not issue any permit for any proposed building, structure, activity, or uses within the project unless the building, structure, activity, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

Section 1609 Public Hearing

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

Section 1610 Fees

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

ARTICLE XVII
MINI-MALLS AND STRIP-MALLS

Section 1701 Purpose

In order to promote economic development in the Town of Manila while maintaining orderly growth and the health, safety, and welfare of all citizens, this Ordinance is adopted to:

- A. Define a mini-mall and a strip-mall, and
- B. establish rules and guidelines governing mini-mall and strip-malls.

Section 1702 Definitions

1. Mini-malls. A group of at least 2 stores, retail outlets, and/or commercial offices, on one lot or parcel of land, each having:

- A. common interior walls,
- B. common roof
- C. separate outside entrances, and
- D. separate utilities.

2. Strip-malls. A group of at least 2 stores, retail outlets, and/or commercial offices, on one lot or parcel of land, each having:

- A. separate interior walls,
- B. separate roof
- C. separate outside entrances, and
- D. separate utilities.

Section 1703 Zoning

Mini-malls and strip-malls shall only be constructed in zones governed by Central Development.

Section 1704 Governing Ordinances

Mini-malls and strip-malls shall be governed by the Planned Unit Development ordinances.

Section 1705 Existing Structures

All existing structures defined by the ordinance as a mini-mall or strip-mall shall:

- A. comply with these ordinances, or
- B. Apply for a variance from the Board of Adjustment.

Section 1706 Mixed use

A mini-mall, a strip-mall and/or additional structures may be located on the same lot or parcel of land if permitted by a Conditional Use Permit issued by the Planning Commission.

ARTICLE XVIII
COSTS AND CHARGES

Section 1801 Purpose

It is recognized the Town of Manila government incur substantial costs in the processing and review of petitions and applications for land development, charges in ordinances, zoning changes, and appeals. In order to ease the burden on the public, reasonable charges shall be imposed on all petitions and applications which come before the Planning Commission.

Section 1802 Charges to be Imposed

Costs and charges, in connection with petitions and applications coming before the Planning Commission are set by the Manila Town Council, with the recommendation of the Planning Commission. The costs 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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A RESOLUTION OF THE MANILA TOWN COUNCIL AMENDING THE BUILDING PERMIT FEE SCHEDULE, ASSOCIATED BUILDING FEES, AND THE BUSINESS LICENSE FEE SCHEDULE OF THE TOWN.

WHEREAS, the Manila Town Council has determined the necessity to amend the building permit fee schedule, associated building fees, and the business license fee schedule of the Town, and,

WHEREAS, an amendment to these fee schedules is hereby allowed pursuant to the State of Utah Uniform Building Code,

NOW THEREFORE, be it resolved by the Town Council of Manila, Utah, that the building permit fee schedules, associated building fees, and the business license fee schedule of the Town of Manila be amended as follows:

Section 1. Building Permit Fees

The Town of Manila declares the following Building Permit fee schedule to be in effect this 12th day of November, 1998. Additionally, listed are related fees to be incurred at the applicants expense. Some fees require a determination of structure evaluation based upon a square footage cost with consideration for composition.

MOBILE HOMES: FLAT RATES FOR SIZE (NO ADJUSTMENTS AVAILABLE)

Single Wide Building Permit Fee:	\$350
Double Wide Building Permit Fee:	\$450
Triple Wide Building Permit Fee:	\$550

BUILDING FEES FOR ALL OTHER STRUCTURES

The building permit fees for the Town of Manila are determined by the total evaluation for the particular type of structure and the fee provided for this evaluation as outlined in the Uniform Building Code. The total evaluation is determined by the average square foot cost as determined by structure type when compared with total square feet covered by the respective building permit. The Town of Manila uses the **BUILDING VALUATION DATA** as determined by Building Standards. Appropriate charts are included with this building permit fee schedule.

Table 1. Building Permit Fees

Total Evaluation	FEE
\$1.00 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100 evaluation, or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up	\$3,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000 or fraction thereof.

Section 2

Inspection and Building Related Fees

Inspections outside of normal business hours	\$47.00 per hour
Re-inspection fees assessed under section 305.8 hour	47.00 per hour
Inspections where no fee is specifically indicated	47.00 per hour
Additional plan review required by changes, revisions	47.00 per hour
Use of outside consultants for inspection purposes	Actual Costs

Payment of Fees. All fees shall be paid to the Town of Manila Clerk at the Town Office. Fees may be accepted in cash, money order, certified check or approved personal check.

Fees for Planning and Zoning Matters. All required fees for any planning and/or zoning matters must be paid at the time of application before the matter can be submitted for consideration.

- a. Zoning Change - \$100.00 plus \$50.00 per acre or fraction thereof.
- b. Conditional Use Permit
 1. Residential - \$100.00 plus \$25.00 per dwelling unit.
 2. Commercial - \$100.00 plus \$50.00 per acre or fraction thereof.
 3. Public/Quasi-public - \$50.00
 4. Home occupation - \$25.00
- c. Amended Site Plan or Plat - \$100.00
- d. Change of Existing Use - \$50.00
- e. Subdivision Approval - \$100.00 plus \$25.00 per lot
- f. Additional Planning Commission Hearing - \$100.00 plus hearing

g. Appearance before the Board of Adjustments - \$100.00

Section 3. **Business License Fees**

Business License - Single Business	\$50.00
Business License - Home, temporary	\$25.00
Sale of beer not consumed on premise	\$125.00
Beer and/or liquor with meals	\$150.00

Section 4 **Planned Industrial and Planned Unit
Development**

Preliminary Plan Review thereof	\$100.00 + \$10.00 per acre or fraction
Re-submittal	\$50.00
Final Plan Review	\$50.00 1-4 lots \$75.00 plus \$10.00 per lot 5-25 lots
Re-submittal	\$50.00

SUBDIVISION

Preliminary Plat Review	\$100.00 plus \$10.00 per acre
Re-submittal	\$100.00
Final Plat Review	\$100.00 1-4 lots \$100.00 plus \$10.00 per lot, 5-25 lots \$200.00 plus \$10.00 per lot, 26 or more lots
Re-submittal	\$100.00

Section 5 **Zoning and Subdivision Ordinance**

Processing and Implementation fee \$50.00

Section 6 **Cost Responsibility**

All costs associated with any of the fees listed will be paid by the applicant. These fees include, but are not limited to, the following:

- Attorney fees
- Clerical fees
- Inspection fees
- Postage
- Recording fees

Section 7 **Sever-ability**

The provisions of this resolution shall be sever-able if any provision thereof or the application of such provision under any circumstance is held invalid, it shall not affect any other provision of this resolution or the application in a different circumstance.

Section 8 **Effective Date**

This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 12th day of November, 1998.

TOWN OF MANILA

Chuck Dickison, Mayor

ATTEST:

Judy Archibald, Town Clerk

ORDINANCE NUMBER

AN ORDINANCE PROVIDING MODIFICATIONS TO EXISTING MANILA PLANNING AND ZONING ORDINANCES WHICH DEFINE "MANUFACTURED HOMES", "MOBILE HOMES" AND TRAILERS WITH PROVISIONS FOR COMMUNITY LOCATIONS AND NONCONFORMING REPLACEMENTS

WHEREAS, the Manila Town Council is charged with the responsibility of making and enforcing ordinances which benefit the citizens of the community, and

WHEREAS, ordinances and their enforcement are necessary to ensure the health, welfare, and safety of the community citizens, and

WHEREAS, the Manila Council believes it is necessary to modify existing Planning and Zoning Ordinances which define and regulate the types of homes and their specific placement in the community. This action is taken to ensure the future of Manila with a focus on consistency in housing standards, retention of property values, and the economic welfare of the community, whether the housing be new or a replacement structure in a nonconforming status.

NOW THEREFORE, be it ordained by the Mayor and the Manila Council, Daggett County, State of Utah, as follows:

1. Planning and Zoning Article II, Section 202, Rules and Definitions, found on pages 3-9, items 1 to 56, will be modified to read:

Section 202 **Definitions:** For the purpose of this ordinance, certain words are hereby defined:

39. Manufactured Homes. A manufactured home means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code) in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is building on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All manufactured home constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

40. Mobile Home. A mobile home means a transportable factory-housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

2. Section 809 Nonconforming Use of Land:

The nonconforming use of land, existing at the time of this ordinance and its amendments becoming effective, may continue within the following provisions:

1. The use may not be expanded or extended, either on the same or adjoining property, and
2. If the use or any portion of the use is abandoned or changed for a period of (1) year or more, any future use shall conform to the provisions of this ordinance and its amendments.
3. An existing structure on land falling under the provisions of section 809, Nonconforming Use of Land, cannot be replaced with another structure which is prohibited by any Manila Planning and Zoning Statute. A manufactured home, mobile home, or trailer, upon removal, may not be replaced by another constituting non-conforming use.

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

PASSED BY THE MANILA TOWN COUNCIL, AND DATED THIS 11th DAY OF DECEMBER 2003.

TOWN OF MANILA

Chuck Dickison, Mayor

ATTEST:

Judy Archibald, Town Clerk

12/11/03

Manila Council

Re: Ordinance modifications

Dear Council,

The following are ordinance modifications to the Planning and Zoning requirements for differentiating between "Manufactured" and "Mobile" homes. The Planning and Zoning Board have reviewed the modifications and they have provided a recommendation for Council acceptance.

It has been the focus of the Manila Council and Planning and Zoning to clarify the ordinances governing the placement of mobile homes and travel trailers in residential areas. Existing ordinance restricts mobile homes and trailers to specific areas designated for their placement in the community. The following modifications will provide definitions from Utah State Codes, which outline the parameters of a manufactured home. Basically, nothing is changed by these modifications.

The Council, at the December Public meeting, will be asked to sanction these modifications. The end result will be a future community which reflects consistency in housing standards, whether it new or a replacement structure in a nonconforming situation.

Sincerely,

Chuck Dickison, Mayor

Section 809 **Nonconforming use of land:** (Add #3 to page 43)

The nonconforming use of land, existing at the time of this ordinance and its amendments became effective, may continue, provided:

1. The use may not be expanded or extended, either on the same or adjoining property, and
2. If the use or any portion of the use is abandoned or changed for a period of (1) year or more, any future use shall conform with the provisions of this Ordinance and its amendments.
3. An existing structure on land falling under the provisions of Section 809, Nonconforming Use of Land, cannot be replaced with another structure which is prohibited by any Manila Planning and Zoning statute. A manufacture home or trailer being removed may not be replaced by another constituting non-conforming use.

Recommended modifications, Article II, Section 202, Rules and Definitions, found in pages 3-9, items 1 to 56.

Section 202 **Definitions:**

For the purpose of this ordinance, certain words are hereby defined:

39. (Add) Manufactured Homes: A manufactured home means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code) in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is building on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All manufactured home 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.

41. (Add) Mobile Home. A mobile home means a transportable factory-housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

MANILA ORDINANCE

Adopted 11-18-2004

Ordinance Number 04-11-18-1

AN ORDINANCE PERTAINING TO THE
MODIFICATION REQUIREMENTS FOR SPECIFIC
SETBACK DIMENSIONS and PROVISIONS FOR
THE DEVELOPMENT OF BATHROOM FACILITIES
WITHIN A GARAGE IN THE TOWN OF MANILA,
UTAH

BE IT ORDAINED BY THE COUNCIL OF MANILA:

Section I. Title:

This is know as the Setback Dimension modification and sink and toilet provision for garages ordinance for the Town of Manila, Utah, and may be so cited and pleaded.

Section II. Purpose:

The purpose of this ordinance is to fulfill the requirement of government to promote public health, safety, and welfare, the harmonious and orderly progressiveness of land development, to ensure the development of economically sound and compatible neighborhood, to require that construction of necessary improvements and utilities, and to ensure that development is in accordance with the requirements of a general development plan with consideration for amendment as needed for the logical fulfillment of this basic requirement.

Section III. Authority:

The Mayor and Town Council or Manila, Utah, adopts this ordinance pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code and other authorities and provisions of Utah statutory and common laws as applicable.

Section IV. Repeal of Ordinance Sections:

This ordinance provisions and modifications to existing ordinances shall take effect immediately following its adoption by the Council and signed by the Mayor of Manila. All existing section which related to setback dimension requirements, specifically described as one (1) foot allowance in certain circumstances are repealed to read as set forth in this ordinance, as adopted by the Town Council.

Section V. Interpretation:

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

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

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

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

Section VI. Definitions:

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

ADJACENT PROPERTY: Any property owned according to the records of the county recorder, which touches at some point, the specific property affected by the provisions of this ordinance.

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

DEVELOPMENT: The improvement of a parcel of land by construction thereon.

DIMENSION: Measurements in length, width, or depth.

DWELLING: A place to live in, residence, house, abode.

GARAGE: A closed shelter designed and intended to be used solely for the storage of automobiles or other vehicles, property, or used as a work shop.

HABITATION: The act of living in, occupying, or dwelling.

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

SETBACK: A specific dimension or distance from the building line to the structure as required by ordinance.

SHOWER: An apparatus as in a bathroom or enclosure, which allows for the spraying of water on the human body.

SIDE YARD: That portion of a building lot which does not include the ends, top, or bottom areas. In relationship to the placement of a dwelling, the side yard is that lot portion which does not include the front or back.

SINK: Any of a variety of basins as used in kitchens or bathrooms, and connected to a water supply and sewer drain.

TOILET: A bowl shaped fixture, fitted with a devices for the flushing of water, intended for disposal of human body waste into the sewer.

UTILITIES: As used in this ordinance, utilities refer to the water and sewer as owned and supplied by the Town of Manila.

SECTION VII. Specific Ordinance Procedures:

SETBACK DIMENSION REQUIREMENTS:

1. Current ordinance provides for the allowance of setback and side yards in a specific minimum dimensions of one-foot (1 foot) from the property line within the existence of certain circumstances. These certain circumstances entail the absences of the structure on an adjacent property. That one-foot minimum side yard and setback allowance and all relating reference is repealed by this enacted ordinance.
2. The minimum setback dimension allowed in any circumstance or zoning district designation regardless of the presence or absence of a structure on the adjacent property will be six feet (6 feet) from the property line.
3. All property improvements shall be in accordance with the minimum standards set forth by the ordinance and all other applicable Manila ordinance and regulations. All Plans submitted for Planning and Zoning Board consideration will contain details meeting the minimum design standards in accordance with good engineering and construction practices.

ARTICLE V:

SUPPLEMENTARY AND QUALIFYING REGULATIONS

Section 505A Private Garages with a Sink and Toilet

1. As a condition of the building permit process, Manila Ordinance may allow the following garage additions to be connected to water and sewer.
 - a. One sink as defined by ordinance.
 - b. One toilet as defined by ordinance.
2. A shower as defined by this ordinance is prohibited.
3. Improvements intended to provide for human habitation, living, or dwelling within a garage is prohibited. This includes living quarters of any type or design. Ordinance currently allows only one dwelling per building lot. Habitation within a garage as defined by this Ordinance is strictly prohibited.
4. Submission drawings for a garage building permit shall include details for inclusion of a sink and toilet within the interior.

SECTION VII. ENFORCEMENT:

It shall be unlawful for any person to violate the provisions of this ordinance.

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

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

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

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

**PASSED BY THE MANILA COUNCIL, AND DATED THIS 18th DAY OF
NOVEMBER, 2004.**

TOWN OF MANILA

Chuck Dickison, Mayor

ATTEST:

Judy Archibald, Clerk