

Title 10 Land Use.

Title 10. Land Use.

**Chapter 1.
General Provisions.**

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Title 10. Section 10.1.10. Title.

Title 10 shall be known and may be cited as the Fairfield Town Land Use Code and may be identified within this document and other documents as “the Ordinance”, “Land Use Ordinance”, “the Code” or “Land Use Code”. Any reference in this code to "Fairfield Town Zoning Code" shall be deemed to be a reference to the Fairfield Town Land Use Code."

Section 10.1.20. Intent and Purpose.

A. This title is designed and enacted to implement the goals and objectives of the Fairfield General Plan. In keeping with the General Plan, the following goals and objectives define the major purposes of this title:

1. To preserve the quiet rural quality of life enjoyed by the residents of the Town;
2. To promote farming, ranching, tourism and the development of compatible commercial and home occupations;
3. To preserve the natural beauty, open space, dark skies, clean air and water; to preserve important natural resources; to prevent overcrowding of the land and to minimize congestion on the streets; and to preserve the history of the Town.
4. To encourage and facilitate the orderly growth and development of the community;

5. To encourage pride in the Town's appearance and maintenance of our community;
6. To support facilities for education, and provide for recreation and cultural activities;
7. To enable the Town to efficiently provide adequate public services;
8. To secure economy in governmental expenditures in the process of development; and
9. To enforce the provisions of this code and to minimize the exceptions or variances.

B. This title is intended to allow development in a manner that encourages the preservation of scenic values, and the unique setting and history of the Town.

C. This title seeks to prevent development that adversely influences existing geologic hazards, erosion, flooding or other conditions that create potential dangers to life and safety in the community or developments that detract from the rural quality of life in the community.

D. Definitions. See Title 12. Definitions.

Section 10.1.25. Penalties. Whosoever shall violate any of the provisions of this title shall be guilty of a Class "B" misdemeanor and, upon conviction of such violation, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six months in the county jail or by both fine and imprisonment as allowed under [Utah State Code 10-3-703](#).

Section 10.1.30. Conflicting Ordinances Repealed.

A. All prior Land Use Ordinances are repealed to the full extent of their inconsistency with this title.

Section 10.1.35

A. Any use not specifically permitted in this Title shall be prohibited:

Section 10.1.40. Interpretation Rights of Planning Commission.

A. In interpreting and applying this title, the provisions shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the Town.

B. Where the provisions of this title impose a greater restriction than is required by any ordinance, code, regulation, standard or other provisions of law, or by easement, covenant or private agreement, the provisions of this title shall govern.

C. The Planning Commission shall have the power to interpret the provisions of this title; provided that the Planning Commission shall consult with the Town Attorney concerning legal issues.

D. The interpretations shall be consistent, with the rules of statutory construction and with the rules of Section 10.1.90. of this chapter. It shall also be consistent over time until changed, in writing, by the

Town Council. Such interpretations shall be entitled the weight accorded to administrative interpretations by the courts.

Section 10.1.50. Conflict with Private Agreements.

This title does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted by the Town, this title shall apply.

Section 10.1.60. Burden of Proof.

It is the developer/landowner's responsibility to demonstrate compliance with this title.

Section 10.1.70. Zoning Map.

A. The boundaries of the zoning districts are set forth on a map entitled "Zoning Map of the Town of Fairfield, Utah" and adopted as part of this section. This map shall be kept by the Town Recorder and maintained as follows:

1. Boundaries; Interpretation. Unless otherwise expressly defined on the zoning map, zoning boundary lines are lot lines, section lines and Town limit lines. If uncertainty remains as to the boundary of the zone after application of the provisions of this subsection, the Planning Commission will interpret the zone boundary;
2. Amendments. All amendments to the zoning map shall be made by ordinance. The Town shall, within a reasonable time after adoption of any such amendment, make approved changes to the official zoning map; and
3. Whenever amendments or changes are made within zone boundaries, such amendments or changes shall be made on the official zoning map. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the Fairfield Town Recorder and may be available on the Fairfield Town website, shall be the final authority in determining current zoning status.

Section 10.1.80. General Description of Land Use Regulations.

A. This description is intended to provide the reader with some guidance using the terms of this title and is not a substitute for the standards, criteria and procedures contained in this title:

1. Zoning Map. Prior to considering the development or redevelopment of land, an applicant should refer to the official zoning map to determine which base zoning and overlay zones correspond to the property. The official zoning map is available from the Town Recorder and may be available on the Town website;
2. Zoning. Once the applicant has identified the zoning, the applicant should refer to the chapter or section which corresponds to the applicable zone(s). Definitions are also found in Title 12 of this code. The applicant should next refer to the site development and design requirements within the zoning chapter or section to determine if the property is adequate in size to accommodate the

proposed project. The site development and design standards will determine the building setbacks from the property lines, minimum lot area (if any), minimum open space, build-to lines, maximum height, density and parking requirements for buildings and uses on the property, etc.;

3. **Overlay Zones.** Some areas are in an Overlay Zone, as well as in a base zoning. Once the Overlay Zone has been identified, the applicant should refer to both the base zoning chapter and the overlay zone chapter that corresponds to the overlay zone;
4. **Use Standards.** The applicant should then refer to the use list for the zone. The applicant should first determine if the desired use is allowed in the zone. If the use is allowed as a conditional use, the applicant must apply for and obtain a conditional use permit. Finally, if the use is an existing legal use that is no longer allowed in the zone, and there is a proposal to change or modify a structure associated with the use, the applicant must apply for and obtain a variance from the Appeal Authority;
5. **Variances/Rezoning.** If the applicant cannot meet the standards described in this, Title 10, the applicant should determine whether there are alternative development options or any exceptions to the general rules that may accommodate the project. If the project does not meet standards and other development alternatives are not possible, then there are two (2) methods available to attempt to vary the standards;
 - a. **Variance.** The variance process is generally used for existing development, or development of an existing, validly created lot. The Appeal Authority shall issue a variance upon the applicant's demonstration that the application meets each variance standard detailed in Section 10.7.260 of this Title; and
 - b. **Rezone.** A petition for rezone is a request to change the development standards for the property in question. The process for requesting a rezone is detailed in Section 10.11.60 of this Title. Rezoning is a discretionary legislative act.
6. **Subdivision of Land.** If the applicant would like to subdivide a piece of property, merge a number of different parcels into one parcel, or resubdivide, the applicant shall go through the subdivision process as provided in Chapter 15 of this Title;
7. **Meanings and Intent.** All provisions, terms, phrases and expressions contained in this title shall be construed according to Section 10.1.40. of this Chapter;
8. **Headings, Illustrations and Text.** In case of any difference of meaning or implication between the text of this title and any heading, drawing, table, figure or illustration, the text shall control;
9. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as "including", "such as", or similar language are intended to provide examples, not to be an exhaustive lists of all possibilities;
10. **Computation Of Time.** References to days are calendar days. Exclude the first day and

include the last day. If the last day is a Saturday, Sunday or holiday observed by the Town, that day shall be excluded;

11. References to Other Regulations, Publications and Documents. Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation or document, unless otherwise specifically stated;
12. Technical and Nontechnical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning;
13. Public Officials and Agencies. All public officials, bodies and agencies to which references are made are those of Fairfield Town unless otherwise indicated;
14. Mandatory and Discretionary Terms. The words “shall”, “will”, and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms;
15. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - a. “And” indicates that all connected items, conditions, provisions, or events apply; and
 - b. “Or” indicates that one or more of the connected items, conditions, provisions or events may apply;
16. Tenses and Plurals. Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

Section 10.1.90. Conflicting Provisions.

A. This title is written to harmonize with Federal, State and Town laws. To the extent a provision of this title conflicts with a Federal, State or local law or private contract, the following rules apply:

1. Conflict With State or Federal Regulations. If the provisions of this title are inconsistent with those of the State or Federal government, the more restrictive provision will control, to the extent permitted by law;
2. Conflict With Other Town Regulations. If the provisions of this title are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions or regulations of the Town, the more restrictive provision will apply; and

3. Conflict With Private Agreements. It is not the intent of this title to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this title impose a greater restriction than imposed by a private agreement, the provisions of this title will apply. If the provisions of a private agreement impose a greater restriction than this title, the provisions of the private agreement will control. The Town shall not be responsible for monitoring or enforcing private agreements.

Section 10.1.100. Creation of Vested Rights.

A. The Town may alter certain private property rights by amending this title from time to time.

B. How Rights Vest. Certain private property rights shall become fixed at law, and may not be altered for a period of time, upon an applicant:

1. Application. Submission of a complete application to develop property that is consistent with this title; and
2. Fees. Payment of all applicable permit fees.

C. What Rights Vest. The applicant's rights vest under this title in those rights for which the applicant has applied. For example, if the applicant has applied for a subdivision, and has "vested rights" pursuant to the applicant's rights vest under the Subdivision Ordinance, and the applicant is entitled to the benefit of the Subdivision Code in effect at the time of vesting. An applicant's vested rights under the Subdivision Ordinance, however, do not vest the applicant under an adopted Building, Fire or Plumbing Code, if the applicant has not submitted a complete application, nor paid applicable fees. Applications shall not vest if:

1. Pending Revisions. Revisions to this title are pending at the time of application which would prohibit or further condition the approval sought; or
2. Health and Safety. There exists a compelling and countervailing health, safety, or welfare reason.

D. Preservation of Vested Rights/Compliance with Conditions of Approval. An applicant with vested rights must comply with and maintain all conditions of final approval to preserve the vested rights. An applicant's failure to meet or maintain conditions of approval constitutes the applicant's knowing and willful waiver of the applicant's vested rights.

E. Applicability of Ordinances that are General In Nature. The establishment of a vested right shall not preclude the application of Town ordinances or regulations that are general in nature, applicable to all property subject to land use regulation, and necessary to preserve the health, safety or welfare of the community.

Section 10.1.110. Amendments.

A. Authorized; Submit to Planning Commission. The Town Council may amend the number, shape, boundaries, or area of any zone, or any regulation of or within any zone or zones or any other provisions of this title. A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.

B. Appeal of Denial. Zoning amendment applications denied by the Planning Commission may be appealed to the appeals authority. Any such appeals must be made within ten (10) calendar days of the date of the Planning Commission's decision. The appeals authority shall then make the final decision.

C. Denial to Reclassify. Denial of an application to amend the zoning map to reclassify any parcel or property shall prohibit the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one year from the date of the final denial of the previous application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the denial of the previous application to merit consideration of a second application within the one year time period.

Section 10.1.120. Certificate of Occupancy Required.

A. Determination by the Building Department. No building shall be occupied or used until a certificate of occupancy has been issued by the Fairfield Town Building Department. Prior to issuing a certificate of occupancy, the building inspector shall determine:

1. That all construction has been completed, as authorized by a valid building permit;
2. The establishment of the use is authorized as provided by valid approvals; and
3. The building and use comply with all approvals, permits, and licenses, as required by this title, and all other applicable requirements.

B. Unlawful Without Certificate. It is unlawful to use or occupy, or to permit the use or occupancy of, any building or structure unless a certificate of occupancy has been issued for such building or structure, as required by this section. It is unlawful to use or occupy, or to permit the use or occupancy of, any building or structure with a use or occupancy different from that provided by the certificate of occupancy. Failure to obtain a certificate of occupancy shall be a violation of this title.

C. Public Nuisance Declared. The use or occupancy of any building, structure or premises for which a certificate of occupancy has not been issued is hereby declared to be a public nuisance and may be cited and abated as such. It shall also be a public nuisance for any building, structure or premises to be used or occupied in a manner different than authorized by a certificate of occupancy.

Section 10.1.130. Development Shall Not Burden Other Areas.

A. Any development proposed within the Town boundaries shall assume all costs related to such development. Development, in this sense, includes individuals as well as a developer.

B. Development Requirements shall include, but not be limited to:

1. Supplying adequate water rights for the development;
2. Providing means to irrigate the entire acreage where applicable;
3. Installing all required utilities;
4. Bringing roads up to the Fairfield Town Road Standards;
5. Providing open space to the extent it is required by the governing body;
6. Protecting vistas that are important to the citizens of the Town; and
7. Controlling drainage water created by the development on the developed property.

Section 10.1.140. Severability.

This code and the various parts, sections, and titles and chapters are hereby declared to be severable, except the provisions relating to large scale developments; otherwise, if any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or, invalid, it is declared that the remainder of the code shall not be affected; the Town Council declares that it would have passed this code and each part, section, paragraph, sentence, clause, and phrase, irrespective of the fact that any one or more portions may be declared invalid.

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Chapter 10.3.00. Reserved.

Title 10. Land Use.

Chapter 5.

Land Use Authorities and Other Officers.

- Section 10.5.10. Land Use Authorities Provided.
- Section 10.5.20. Fairfield Town Council.
- Section 10.5.30. Fairfield Town Planning Commission.
- Section 10.5.35. Airport Zoning Commission.
- Section 10.5.40. Building Department.
- Section 10.5.50. Fairfield Town Development Review Committee.
- Section 10.5.60. Support From Town Officers and Staff.
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- Section 10.5.100. Fractional Numbers.
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- Section 10.5.120. Determination of Completeness of Land Use Applications.
- Section 10.5.130. Continuing Validity of Land Use Application Approvals.
- Section 10.5.140. Land Use Authority Compliance with Land Use Ordinances/Code.
- Section 10.5.150. Land Use Approvals Required to Comply with Land Use Ordinances/Code.
- Section 10.5.160. Acquiring Property.
- Section 10.5.170. Appeal Authorities and Procedures.

Section 10.5.10. Land Use Authorities Provided.

The Land Use Authorities identified by this Code shall have responsibilities for administering and implementing the Fairfield General Plan and all Fairfield Town Land Use Code, including this ordinance, as allowed by Utah State Code 10-9a LUDMA, and as provided herein.

Section 10.5.20. Fairfield Town Council.

A. Powers and Duties. For purposes of this Title, the Fairfield Town Council (also known as the "Council") shall:

1. Adopt amendments to the General Plan, and all elements of the General Plan;
2. Adopt amendments to Title 10: Land Use Code, including this ordinance;
3. Direct the Commission to prepare the General Plan, any proposed plan element, any amendments, and to submit the proposed plan, element, or amendments to the Town Council;
4. Direct the Commission to prepare all land use ordinances, including this ordinance, zoning maps, official maps, and any amendments, and to submit such land use ordinances, or amendments to the Town Council;
5. May act as an appeals authority;
6. Render or appoint a designee to render a determination when an applicant asserts a taking of property without just compensation or has asserted some other constitutional invalidity;
7. Establish a fee schedule by resolution for all approvals, permits, and licenses required by the Town's Land Use Ordinances; and
8. Take such other action(s) as authorized by Utah State Code 10-9a et al, or required by this code, and not expressly delegated to any other Land Use Authority.

B. **Effective Date of Decisions.** All decisions of the Council, made under the authority of this ordinance, shall take effect on the date of the meeting when the decision is made unless a different date is designated in the rules of the Council, or a different date is designated by the Council at the time the decision is made.

Section 10.5.30. Fairfield Town Planning Commission.

The Fairfield Planning Commission (hereinafter "Commission") was created and established pursuant to Utah State Code 10-9a, or prior enactments of LUDMA.

A. **Terms of Members:**

1. The Commission shall consist of five (5) volunteer members, to be appointed by the Mayor, with the advice and consent of the Town Council;
2. The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of five (5) years and until a successor is appointed; not to exceed thirty (30) days past the five (5) year term;
3. The term of the Commissioners shall be such that the term of one member shall expire each year. In the case of a death, resignation, etc., that the Mayor, with the advice and consent of the Town Council, shall appoint a person to fill the vacancy for the remainder of the unexpired term. Terms of members of the Planning Commission shall begin on or before the first Commission meeting in July of each year. The Town Council may remove any member of the Planning Commission as

decided upon by majority vote. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term;

4. A Commission member may be re-appointed to additional terms by the Mayor with advice and consent of the Town Council; and
5. Commission members shall be residents of Fairfield Town for at least 1 year and shall not be an elected official. If a member of the Planning Commission ceases to be a resident of the Town, the office must be vacated.

B. Organization of the Commission.

1. A Chairperson and Vice-Chairperson shall be elected by a majority of the Commissioners annually in the month of July and at other times as required. A quorum must be present to elect the Chairperson and Vice-Chairperson. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available;
2. Quorum: Three (3) members of the Planning Commission shall constitute a quorum;
3. The Chair and Vice-Chair shall serve terms of one (1) year. No member shall serve as Chair for more than three (3) consecutive terms;
4. The Commission will vote annually for the Chair and Vice-Chair by ballot;
5. In the absence of the Chair, the Vice-Chair shall have all the power of the Chair;
6. The Chairperson shall preside at all Commission meetings and have the powers generally assigned to such office in conducting the meetings;
7. The Chairperson or designee shall update the Town Council at least once every quarter or as often as the Mayor deems necessary;
8. It shall be the Chairperson's duty to see that the transaction of Commission business is in accordance with these by-laws;
9. The Planning Commission, by a majority vote of the Commission, may create special committees and assign one or more members to such committees; and
10. The Mayor of Fairfield shall assign a person to act as the recording secretary to serve the Commission. The secretary or designee shall keep the minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, as approved by a majority vote of the members of the Commission in attendance at a meeting where a Quorum has been established. The secretary or designee shall be compensated as approved by the Town Council. The minutes of all meetings of the Commission shall be filed in

the office of the Town Recorder. All such records shall be available for public review and access in accordance with GRAMA.

C. Selection of Members.

1. Notice Of Vacancy. Notice of all Planning Commission vacancies shall be posted in two (2) public places and sent by email to all residents who provide the Town with their email address. In addition, postcards or other appropriate ways of notification may be used to ensure that all residents of Fairfield Town are duly notified of the vacancy. Said notice shall be advertised for not less than fourteen (14) days and shall include at least the following:
 - a. The purpose of the notice;
 - b. The general purpose, duties, and responsibilities of the Planning Commission;
 - c. Directions for interested applicants to submit a letter of interest to the Town Recorder; and
 - d. The deadline for accepting applications.
2. Town Council may review all applications;
3. Planning Commissioners shall be appointed by the Mayor, with the approval of the Town Council;
4. Planning Commissioners may reapply for Commission vacancies;
5. Vacancies occurring other than through the expiration of terms shall be filled for the remainder of the unexpired term;
6. Failure to attend three consecutive regular meetings, or missing thirty percent (30%) of regular meetings in a calendar year, shall be construed by the Chair as grounds for dismissal from the Commission. The Chair would then recommend removal of the Commissioner to the Town Council; and
7. Members proposing to resign shall give reasonable notice of such intent to the Town Council and Planning Commission, and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

D. Powers and Duties. The Planning Commission shall be an advisory body to the Council on legislative matters pertaining to the Town's General Plan and Land Use Ordinances. The Commission shall:

1. Prepare, or cause to be prepared, the General Plan, any proposed plan element, any amendments to, and to submit the proposed plan, element, or amendments to the Council;
2. Prepare or cause to be prepared all Land Use Code, including this ordinance, Title, zoning maps, official maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council;

3. Review and recommend approval or denial of all applications for a General Plan amendment and Land Use Code amendment to the Council;
4. Review and render a decision of approval, approval with conditions or denial regarding conditional use applications;
5. Review and recommend approval, approval with conditions, or denial of all subdivision applications to the Council, as authorized by the Fairfield Subdivision Ordinance;
6. In the event of the need to determine the boundary of a zone, the Commission shall have the authority and jurisdiction to render a written interpretation of the boundary of a zone;
7. May act as an Appeals Authority, as provided by section 10.5.170 of this Chapter;
8. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Planning Commission, for the consideration of applications and for any other purposes deemed necessary by the Commission, provided that such bylaws, policies, and procedures are approved by the Town Council before taking effect;
9. Advise the Fairfield Town Council on code amendments;
10. Advise the Council on other matters as the Council may direct; and
11. Approve site plans.

10.5.35. Airport Zoning Commission.

A. Commission Established.

1. The Fairfield Town Planning Commission is designated as the "Airport Zoning Commission" as prescribed in Utah code §~72-10-405.
2. In this Title and State law, any references to the "Airport Zoning Commission" shall mean the Fairfield Town Planning Commission.
3. If the Planning Commission is empowered in this title to take actions that are duties of the Airport Zoning Commission as prescribed in Utah law, the Planning Commission shall be presumed to be functioning as the Airport Zoning Commission.
4. **Duties.** The Airport Zoning Commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Town Council or Utah law.

B. Airport Land Use Appeal Board. Established.

1. The Fairfield Town Land Use Appeal Board is designated as the "Airport Board of Adjustment" as prescribed in Utah Code §~72-10-405.
2. In this title and State law, any references to the "Airport Board of Adjustment" shall mean the Fairfield Town Land Use Appeal Board.
3. If the Land Use Appeal Board is empowered in this title to take actions that are duties of the Airport Board of Adjustment as prescribed in Utah law, the Land Use Appeal Board shall be presumed to be functioning as the Airport Board of Adjustment.

4. Duties. The Airpark Appeals Authority shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Town Council or Utah law.

Section 10.5.40. Building Department.

The Fairfield Building Department will carry out the administrative responsibilities of the Town's Land Use Title. The Fairfield Building Department may be referred to as the "Building Department."

A. Powers and Duties. The Building Department shall:

1. After the receipt of a Business License or Land Use Application, the Building Department shall determine if the application is complete. If the Building Department determines the application complete, the application review procedures may be commenced. If the Building Department determines that the application is incomplete, the Building Department shall notify the applicant in writing, identifying the application deficiencies, and advising the applicant that no action will be taken by the Land Use Authority, as applicable, until all application deficiencies have been corrected;
2. Carry out all other functions, duties, tasks, and actions, as identified ;
3. Approve Building Permits; and
4. Forward approved building permits to the proper authority.

Section 10.5.50. Fairfield Town Development Review Committee.

A. Establishment. A Development Review Committee (hereinafter identified as the "DRC") may be established and created by the Mayor, with the advice and consent of the Council.

B. Purpose. The purpose of the DRC is to assure that any proposed use, activity, building or structure is consistent with the General Plan and complies with all requirements of the Town's Land Use Ordinances, including this ordinance, and all other applicable ordinances and requirements.

C. Membership. The DRC shall consist of persons representing Town departments, and other persons, as may be designated by the Mayor and Town Council, responsible for reviewing and coordinating applications for any land use application approval, permit, or license.

D. Powers and Duties. The DRC shall act under the direction of the Mayor and shall have the following duties and responsibilities:

1. Before a Land Use Authority considers any permitted use or conditional use application, the DRC shall review the application to determine compliance of the application with the General Plan and all applicable ordinances;
2. The DRC shall provide a report to the Land Use Authority identifying compliance of any permitted use or conditional use application with the General Plan and all applicable ordinances prior to review and decision by a Land Use Authority;
3. The DRC may provide a report to the building department for any temporary use or permitted use application identifying compliance with the General Plan and all applicable ordinances prior to review and decision by the building department; and
4. The DRC may present findings for consideration by the Land Use Authority in the review and decision of any application for any approval, permit, or license.

E. Conduct of Meetings. The DRC shall establish procedures for the conduct of DRC meetings, the scheduling of meetings, field trips, and any other DRC matters, such procedures being reviewed and approved by the Mayor before taking effect.

F. The DRC shall not act as a Land Use Authority or a decision-making body.

G. Anytime that three (3) members of the Town Council or the Planning Commission sit on the DRC Board, the open public meeting act will be adhered to.

Section 10.5.60. Support from Town Officers and Staff.

The officers and staff of the Town shall provide support and assistance to the Town's Land Use Authorities, as may be required from time to time.

Section 10.5.70. Public Meetings and Public Hearings.

All meetings and hearings of all Land Use Authorities, identified herein, shall comply with the provisions of this ordinance, and all other applicable ordinances for such meetings and hearings, and the requirements of LUDMA and the Utah Code Annotated, as amended, for open and public meetings.

Section 10.5.80. Provision of Administrative Guidelines.

The Council may provide guidelines, standards, reference materials, forms, or other documents to assist the Land Use Authorities and building department in the administration, implementation, and interpretation of this ordinance, and all other Land Use Ordinances.

Section 10.5.90. Computation of Time.

All times, identified herein, shall be computed using calendar days, except that if the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded and time computed to the next regular

business day following the Saturday, Sunday or legal holiday. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

Section 10.5.100. Fractional Numbers.

In determining compliance with the numerical requirements of this code, any computation or measurement resulting in a fractional number, except density calculations, shall be rounded to the nearest whole number. Density calculations shall be rounded down to the nearest whole number.

Section 10.5.110. Procedural Irregularities.

A. Validity of Action. Notwithstanding any provision of this Code which sets forth a procedure for any matter; no decision, action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to an application, notice, decision, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:

1. The procedure is required by State or Federal law; and
2. In an examination of the entire circumstances, including the evidence on record, it is determined that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:
 - a. Had the error not occurred, the decision made pursuant to the procedure would have been different; and
 - b. Because of the error, the complainant suffered an injury for which relief must be given.

B. Presumption of Validity. It shall be presumed that a decision or action taken pursuant to a procedure was done in good faith and it shall not be presumed that an error is prejudicial, or that an injury occurred. The complainant shall have the burden of proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

Section 10.5.120. Determination of Completeness of Land Use Applications.

A Land Use Application is considered submitted and complete on the date the building department determines the application complete and determines that the application complies with the requirements of the applicable Land Use Ordinances and all applicable fees have been paid.

Section 10.5.130. Continuing Validity of Land Use Application Approvals.

A. The validity of an approval of a Land Use Application shall terminate six (6) months from the date of the approval by the Land Use Authority, unless an alternate date is specifically provided by the applicable Land Use Ordinance, or the applicant has proceeded within six (6) months from the date of approval with reasonable diligence to implement the approval.

B. An approval by a Land Use Authority shall be invalid and null and void if a use is conducted, or a building or structure is established in violation of any requirements of all Land Use Ordinances or of the requirements or conditions of approval.

Section 10.5.140. Land Use Authority Compliance with Land Use Ordinances/Code.

Each Land Use Authority of the Town, as identified herein, shall comply with the terms and standards of all applicable Land Use Ordinances, including this ordinance, and shall comply with the mandatory provisions of such Land Use Ordinances/Code.

Section 10.5.150. Land Use Approvals Required to Comply with Land Use Ordinances/Code.

The approval of any Land Use Application shall continue to comply with all requirements, conditions, terms and standards of approval, as required by the Land Use Authority, and shall continue to comply with the requirements of all Land Use Ordinances/Code. Failure to comply shall render the approval void.

Section 10.5.160. Acquiring Property.

A. The Town may acquire property through purchase, gift, voluntary dedication, or eminent domain in conjunction with state and federal requirements. See FF Code 1.5 and Ut. St. Code 78B.6.5.

B. The Town may require the dedication and improvement of a street or other facility if the street or other facility is found necessary by the Town because of a proposed development.

Section 10.5.170. Appeal Authorities and Procedures.

Responsibility of the Appeals Authority. An Appeals Authority is a quasi-judicial body that works within the strict rules of the law as it is written. It is a very narrow area of land use law. The Appeal Authority does not have the power to rewrite or create new law. Even if it believes the law under consideration is silly, unwise, inappropriate, or unclear, the first responsibility is to determine whether the matter before it is consistent with the law. An Appeal Authority must both know the law and possess the courage to follow it. When the Town Council acts as the appeals authority it must and shall apply the law as written in the ordinance/code.

A. Legal Authority. Pursuant to Utah Code Annotated section 10-9a-701, the Town is required to establish one (1) or more appeal authorities to hear and decide requests for variances from the terms of the land use ordinances of the Town, appeals from decisions applying the land use ordinances of the Town, and appeals from a fee charged in accordance with Utah Code Annotated section 10-9a-510. The timely and specific appeal to the Appeal Authority described in this section, and the exhaustion of administrative remedies, shall be conditions precedent to judicial review of any decision. A decision of an Appeal Authority may be appealed to a District Court within 30 days of the entry of the final decision of the Appeal Authority.

B. Creation of Appeal Authorities. The Town establishes the following Appeal Authorities:

1. The Planning Commission shall be the Appeal Authority to hear appeals from decisions of the building department where the building department has final decision making authority regarding

a land use permit, a land use application, or the enforcement of a land use regulation, land use permit, or development agreement. A decision by the Planning Commission as Appeal Authority from decisions of the building department shall be the final decision of the Town on the issue.

2. The Town Council shall be the Appeal Authority (by majority vote of the Town Council) to hear appeals from decisions of the Planning Commission where the Planning Commission has final decision making authority regarding a land use permit, a land use application, the enforcement of a land use regulation, or development agreement, or the imposition of a fee charged in accordance with Utah Code Annotated section 10-9a-510. The Town Council may not hear appeals from decisions of the Planning Commission when the Planning Commission is acting as an Appeal Authority from decisions of the building department. A decision by the Appeal Authority from decisions of the Planning Commission shall be the final decision of the Town on the issue.
3. A Land Use Hearing Officer (the "Hearing Officer") appointed by the Mayor, with the advice and consent of the Town Council, shall be the Appeal Authority from decisions of the Town Council where the Town Council has final decision making authority regarding requests for variances, a land use permit, a land use application, the enforcement of a land use regulation, or development agreement, or the imposition of a fee charged in accordance with Utah Code Annotated section 10-9a-510. The Town may appoint one (1) or more Hearing Officers to ensure availability as required for the efficient disposition of appeals.
 - a. Appointment. The Hearing Officer shall be appointed by the Mayor, with the advice and consent of the Town Council, within 30 days from the date the appeal petition is filed.
 - b. Qualifications. The Hearing Officer shall be or have been a professional in law, land use, or public administration, and shall have the knowledge, training and experience necessary to effectively conduct administrative hearings regarding variances and appeals of land use decisions, including knowledge and familiarity with the requirements of constitutional due process.
 - c. Prohibited Appointments. The Hearing Officer shall not be a member of the Town Council, Planning Commission, Town staff or any other elected or appointed official of the Town.
 - d. Term. The Hearing Officer shall be appointed for a specific appeal by the Town. Each new case may require a new appointment. The Hearing Officer serves at the pleasure of the Town Council and may be dismissed by the majority vote of the Town Council with or without cause.
 - e. The Hearing Officer. The Hearing Officer shall act in a quasi- judicial matter, consistent with the requirements of this article.
 - f. Land Use Authority Appeals. With the advice and consent of the Town Council, the Hearing Officer may be authorized to hear and decide appeals from any final order, requirement, determination or decision of any Land Use Authority of the Town related to the application of this title. If the Town Council appoints a Hearing Officer to be the Appeal Authority for decisions of the building department or Planning Commission, that appointment will suspend provisions of this Title inconsistent with such appointment.

g. Prohibited Appeals. The Hearing Officer may not hear or decide an appeal of any legislative act of the Town Council, including, without limitation, zoning ordinance or map amendments. Except as expressly provided in this title on variances, the Hearing Officer may not waive or modify the terms or requirements of this title.

C. Hearings, Rules and Decisions. Hearings before an Appeal Authority are convened on a case by case basis. Upon the filing of an appeal, the Town Clerk shall forthwith transmit to the Appeal Authority all the papers constituting the record upon which the action appealed from was taken.

1. Adoption Of Rules. The Appeal Authority may adopt rules for the regulation of hearings. Such rules shall be consistent with State law and with the provisions of this Code, and shall be approved by the Town Council.
2. Oaths, Witnesses. The Appeal Authority may administer oaths and compel the attendance of witnesses.
3. Open, Public Meetings. All meetings of an Appeal Authority shall comply with the requirements of the Utah Open and Public Meetings Act, Utah Code Annotated section 52-4-101 et seq.
4. Effective Date Of Decisions. Decisions of an Appeal Authority become effective on the date the Appeal Authority issues a written decision, unless a different time is designated in such written decision.
5. Notice Of Decision. Any decision of an Appeal Authority shall be delivered to all parties to the proceeding, and may be posted as required for public notice.

D. The maximum time allowed to file an appeal shall be as follows:

1. Any person, including, but not limited to, the applicant on any Land Use application, approval, license, or permit; a neighboring or adjoining property owner; and any board or officer of the Town, aggrieved by a decision of a Land Use Authority's decision administering or interpreting the Town's Land Use Ordinances may, within fifteen (15) days of the decision, file with the Recorder written intention to appeal the decision to the applicable Appeal Authority. All briefing and documentation that will be relied upon by the appellant for the appeal shall be submitted to the applicable Appeal Authority within thirty (30) days of when the written notice of intention to appeal is filed or within 30 days after the appointment of a Hearing Officer, whichever is later.
2. Any person who appeared before the Appeal Authority regarding an appeal of a Land Use Authority decision and who is aggrieved by a decision of an Appeal Authority, may file an Appeal Petition for the review of the Appeal Authority's decision with the District Court within thirty (30) days after the Appeal Authority's decision is final, as provided by this section;

E. Requirements for an Appeal Petition:

1. An Appeal Petition of a Land Use Authority's decision shall clearly identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the Town's Land Use Ordinances/Code; and
2. Only those decisions in which a Land Use Authority has applied the requirements of the Town's Land Use Ordinance/Codes to a particular application, person, lot, or parcel may be appealed to an Appeal Authority.

F. Condition Precedent to Judicial Review, Appeal Authority Duties.

As a condition precedent to judicial review, each adversely affected person shall timely and specifically appeal a Land Use Authority's decision to the applicable Appeal Authority in accordance with the requirements of this Chapter. An Appeal Authority shall:

1. Act in a quasi-judicial manner;
2. Serve as the final arbiter of issues involving the interpretation or application of the Town's Land Use Ordinances/Code;
3. Not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority;
4. Require an adversely affected party to present every theory of relief that it can raise in District Court; and
5. Not require an adversely affected party to pursue duplicate or successive appeals before it, or another Appeal Authority as a condition of the adversely affected party's duty to exhaust administrative remedies.

G. Application Required.

1. An appeal of a Land Use Authority's decision shall be made on the Land Use Appeal Application provided by the Town; and
2. If the applicant fails to correct any and all Land Use Application deficiencies within thirty (30) days from the date of written notification by the Town, the application shall be deemed withdrawn and shall be returned to the applicant by the Town staff. Any application fees paid shall also be returned to the applicant.

H. Meetings, Records, and Action of an Appeal Authority.

1. Each Appeal Authority identified in this chapter shall:

- a. Provide each of its members with the same information and access to Town resources as any other member;
- b. Convene only if a quorum of its members is present, which in no event shall be less than three (3) members of the Planning Commission or Town Council; and
- c. Act only upon the vote of a majority of its convened members.

2. After an appeal petition is determined to be complete by the Town, as provided herein, the Town shall coordinate with the Appeal Authority to schedule the hearing of the appeal. The Town shall transmit to the Appeal Authority all materials constituting the full and complete record of the decision of the Land Use Authority;
3. Following a written decision by the Appeal Authority, the Appeal Authority shall provide the applicant with a copy of the written decision; and
4. A record of the decision of the Appeal Authority shall be maintained in the office of the Town Recorder, which shall constitute the official record of the appeal hearing and decision.

I. Due process.

1. The Appeal Authority shall conduct each appeal hearing as provided in this chapter; and
2. Shall respect the due process rights of each of the participants.

J. Burden of Proof. Any person bringing an appeal and alleging an error of a Land Use Authority's decision administering or interpreting the Town's Land Use Ordinances has the burden of proving that the Land Use Authority erred.

K. Standard of Review for Appeal:

1. The Appeal Authority shall hear and review all appeals only "on the Record" as presented to the Land Use Authority, including the review of all factual matters;
2. The Appeal Authority shall only consider the materials presented originally before the Land Use Authority in making the decision that is the subject of the appeal;
3. The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation application of the Land Use Ordinances;
4. Only those decisions in which a Land Use Authority has applied the requirements of the Town's Land Use Ordinances to a particular application, person, lot, or parcel may be appealed to an Appeal Authority;

5. An appeal application shall not be used to waive, modify, or amend any requirement, provision, or term of the Land Use Ordinances;
6. A decision of the Appeal Authority shall take effect on the date when the Appeal Authority issues a written decision, unless a different effective date is given in the written decision;
7. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this chapter and received a final decision from the applicable Appeal Authority, as provided by this section;
8. Any person adversely affected by a final decision of an Appeal Authority made in the exercise of, or in violation of, the provisions of this Chapter may file an Appeal Petition for review of the decision with the District Court within thirty (30) days after the Appeal Authority's decision is final; and
9. An appeal petition in District Court is barred unless it is filed within thirty (30) days after the Appeal Authority's decision is final.

L. Tolling of Time. If any private property owner files a request for mediation or arbitration of a constitutional taking issue with the Utah property rights ombudsman, as provided by §13-43-204 Utah Code Annotated, 1953, as amended, before the time required to file for District Court review of the Appeal Authority's decision has expired, the required time for filing for District Court review shall be tolled until thirty (30) days after mediation concludes; the arbitrator issues a final award; or the property rights ombudsman issues a written statement under §13-43-204(3)(b) Utah Code Annotated, 1953, as amended, declining to arbitrate or to appoint an arbitrator;

1. A tolling under this section operates only as to the specific constitutional taking issue that is the subject of the request for mediation or arbitration filed with the property rights ombudsman by a property owner;
2. A request for mediation or arbitration filed with the property rights ombudsman after the time under this Section to file an appeal petition in the District Court has expired does not affect the time to file in the District Court;
3. District Court – Preparation of the Record. The Appeal Authority shall transmit to the District Court the record of its proceedings, including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings; and
4. If the proceeding was tape recorded, a certified transcript of that tape recording is a true and correct transcript for purposes of this section. The party filing a petition for review in District Court shall pay for the certified transcription of the proceedings.

M. Staying of Decision. The filing of a petition in District Court does not stay the decision of the Land Use Authority, or Appeal Authority, as the case may be. Before filing a petition in District Court under this section, or before making a request for mediation or arbitration of a constitutional taking issue under

§13-43-204 Utah Code Annotated, 1953, as amended, the party may petition the Appeal Authority to stay its decision. Upon receipt of a request to stay its decision, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds that the correctness of its decision is reasonably debatable and a stay would be in the best interest of the Town and its residents and property owners.

Tite 10. Land Use.

**Chapter 7.
Qualifying Regulations and Procedures.**

Section 10.7.10.	Purpose.
Section 10.7.20.	Amendments to Code and Map.
Section 10.7.30.	Minimum Performance Standards.
Section 10.7.40.	Health Department Approval for Water and Sewer.
Section 10.7.50.	One Dwelling Per Lot.
Section 10.7.60.	Occupying a Building.
Section 10.7.70.	Structures and Uses Prohibited In Zones Unless Expressly Permitted.
Section 10.7.80.	Zoning.
Section 10.7.90.	Plot Plan Approval Required.
Section 10.7.100.	Frontage on an Approved Public Street Required.
Section 10.7.110.	Private Roads.
Section 10.7.120.	Motor Vehicle Access.
Section 10.7.130.	Land Uses in an Emergency.
Section 10.7.140.	Structure to Have Access.
Section 10.7.150.	Buildable Area and Survey Requirements.
Section 10.7.160.	Architectural Style.
Section 10.7.170.	Licensing.
Section 10.7.180.	Required Property Maintenance.
Section 10.7.190.	Uses, Buildings and Structures to Comply with Zoning Requirements.
Section 10.7.200.	Moved Buildings.
Section 10.7.210.	Flood Protection.
Section 10.7.220.	Fencing.
Section 10.7.230.	Public Facilities.
Section 10.7.240.	Manufactured Homes and Recreational Vehicles or "RV"s.
Section 10.7.250.	Accessory Buildings and Accessory Structures;General Requirements.
Section 10.7.260.	Nonconforming Uses and Noncomplying Structures.
Section 10.7.270.	Temporary Dwellings and Storage Structures.
Section 10.7.280.	Biosolids Derived from Sewage and Wastewater.
Section 10.7.290.	Animal Rights

Section 10.7.10. Purpose.

The intent of this chapter is to accumulate, under one heading, regulations which apply to two (2) or more zones rather than to repeat them several times. It is not the intent of this section to specify uses allowed within a zone but to set forth supplementary and qualifying conditions which must be complied with in connection with such uses. Each zone may have additional conditions listed. Where two conflicting conditions exist the more restrictive shall apply.

Section 10.7.20. Amendments to Code and Map.

A. This title and/or its provisions, including the official zoning map, may be petitioned for amendment by any citizen of the Town of Fairfield as hereinafter provided, or through action initiated by the Mayor, Town Council or Planning Commission.

B. Intent with Respect to Amendments. It is hereby declared to be public policy that this title shall not be amended except to more fully carry out the intent and purpose of the General Plan of the Town and of this title.

C. Procedure. Any person seeking to enact or amend a land use ordinance/code or the zoning map shall submit to the Planning Commission a Land Use Ordinance Change Application designating the change desired and the reasons therefore and shall pay the required filing fee (see FF fee schedule) to the Town. Upon receipt of the application and the paying of the filing fee, the Planning Commission shall consider the request and shall certify its recommendations to the Town Council with respect to the request within ninety (90) days from receipt of the request. Failure on the part of the Planning Commission to certify its recommendations to the Town Council within ninety (90) days shall be deemed to constitute a recommendation for approval unless a longer period is granted by the Town Council. The fee required shall be nonrefundable. The Planning Commission or Town Council may also initiate amendments to this title or map.

D. Fees. Fees shall be set by the Town Council and will be included on the Town fee schedule.

E. Public Hearing Required Before Amending and Notice. A Land Use Code may be adopted only after a public hearing is held in relation thereto before the Planning Commission at which parties in interest and citizens shall have an opportunity to be heard. Public Hearing shall be noticed in compliance with the Utah Open and Public Meetings Act. (Ut. Code 52-4-101.)

Section 10.7.30. Minimum Performance Standards.

The operation of any use permitted in Fairfield Town is subject to the following standards of performance:

A. The Planning Commission shall review the site plan and building elevations. The Planning Commission shall confirm compliance with architectural design, set backs, landscaping, easements, dedications, etc. to assure compliance with the General Plan and with the Towns generally applicable policies and regulations. see Title 9.1.30 site plan requirements.

B. All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar features to the premises upon which they are located and shall not inhibit the everyday use of adjacent properties. All uses must comply with the Fairfield Nuisance Code. see Title 5.1.00.

C. All uses in non residential zones shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission and Town Council to be customarily and appropriately conducted outside. Such uses include service stations, gas pumps, plant nurseries, outdoor RV or boat storage, home improvement material yards, etc.

D. Any light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding. Any outdoor lighting shall comply with Fairfield Outdoor Lighting Standards. see Title 9.3.00.

E. All storm water must be maintained on site.

F. Fairfield Town places great importance on its agricultural areas and the protection and preservation of agricultural land and agricultural activities within the Town. All uses must comply with the Right to Farm Ordinance. see Title 9.7.00.

G All buildings and structures located in an area not zoned for residential uses shall be prohibited as permanent living quarters or residences unless otherwise provided for by conditional use. see Title 10.17.70.

H. If more than four (4) of the following items described in one through six (1-6) below are parked or stored on a single parcel of land or lot or being used as a business, the landowner shall apply for and be governed by a conditional use permit as outlined in this Title:

1. Heavy-duty vehicles, specially designed for executing construction tasks, most frequently ones involving earthwork operations. They are also known as heavy machines, heavy trucks, construction equipment, engineering equipment, heavy vehicles, or heavy hydraulics;
2. Double axle trailers that are used to haul or transport heavy equipment and are used for storage of equipment or materials used for a commercial business;
3. Storage of any equipment that requires a UDOT Permit number to legally drive or be transported on Utah Roads;
4. Box trucks, containers and box trailers are allowed per individual zoning requirements. Any amount of containers over 4 must be painted to match aesthetics..
5. Containers used as screening for an area must be painted in colors that blend with its surroundings or match the aesthetics of the surrounding area; or
6. Any commercial storage, storage for a business, goods and products, including large stationary equipment, must be stored behind a screened wall. Planning and Zoning or Town Council may require additional screening requirements where deemed necessary.

I. These regulations may be modified by a conditional use permit with the approval of the Town Council and a positive recommendation from the Planning Commission.

Section 10.7.40. Health Department Approval for Water and Sewer.

No residence, campground, resort, commercial establishment, or manned industrial plant shall be used or occupied, nor a permit issued therefore, until a potable water supply facility and sanitary sewage disposal facility have been installed with the approval of the County Health Department as meeting county standards; further, before a building permit shall be issued, plans showing the proposed water

and sewage facilities shall first be approved by said Health Department and proof be shown to the proper Town authority.

Section 10.7.50. One Dwelling Per Lot.

A. Only one building that contains a dwelling shall be located and maintained on a lot provided:

1. Such lot meets all requirements of the Land Use Code, including the requirements of the Zoning in which the lot is located: or
2. Exceptions:
 - a. An approved accessory dwelling unit (ADU);
 - b. As part of a conditional use.

Section 10.7.60. Occupying a Building.

No building shall be occupied unless all fees have been paid and all inspections completed. Residential occupancy of a home requires the issuance of a Certificate of Occupancy by Fairfield Town.

10.7.70. Structures and Uses Prohibited in Zones Unless Expressly Permitted.

Structures and uses of land which are not expressly permitted within a zone are declared to be expressly prohibited by the action of the Fairfield Town Land Use Code or Zoning Map. Any use not expressly permitted can only become permitted through the normal petition of this Land Use Code.

Section 10.7.80. Zoning.

Where a lot of record at the time of passage of this Ordinance/Title, or any amendment thereto, falls into two (2) or more zones, the requirements of the more restrictive zone shall apply.

Section 10.7.90. Plot Plan Approval Required.

A. At the time a building permit is requested for any building or structure, or at the time the use of land is changed a plot plan shall be submitted.

Section 10.7.100. Frontage on an Approved Public Street Required.

For adequate access by emergency vehicles and local occupants, the frontage of each lot used as a site for a dwelling, commercial establishment, manned industrial plant, or other facility occupied by humans, shall abut on an official state road, county road, or approved town street, and from which frontage such facility gains vehicular and pedestrian access entirely across the subject lot.

Section 10.7.110. Private Roads.

See title 6.3.150.

Section 10.7.120. Motor Vehicle Access.

See title 6.3.160.(F).

Section 10.7.130. Land Uses In an Emergency.

Notwithstanding the requirements of a zone to the contrary, whenever the federal, state or county government has declared a disaster area, or a state of emergency or extreme danger, in Fairfield Town

which requires a temporary use permit to deal with the situation the Town Council may order the necessary permit issued.

Section 10.7.140. Structure to Have Access.

All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be located on lots so as to provide safe and convenient access for fire and public protection.

Section 10.7.150. Buildable Area and Survey Requirements.

A. Every lot or parcel created after the effective date hereof shall have a buildable area sufficient to establish a building or structure thereon which meets the minimum standards of the zoning in which the lot or parcel is located. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the Town Attorney.

B. Each lot must have a completed survey before a building permit will be issued.

C. Setbacks will be measured from either the lot line or fence line whichever is the shortest distance.

Section 10.7.160. Architectural Styles.

Architectural styles shall be consistent with surrounding structures and the environment.

Section 10.7.170. Licensing.

All departments, officials and public employees of the Town, which are vested with the duty and authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for a use, building or purpose where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void. Issuance of a permit or license in conflict with the provisions of this Title shall not stop the Town from enforcing the provisions of this Title.

Section 10.7.180. Required Property Maintenance.

All buildings, uses, lots and parcels located within the Town shall be maintained and operated in a manner to enhance community pride and beautification. No junk, rubbish, weeds or other unsightly material or conditions shall be permitted on any lot, right of way or easement, or as part of any building or use.

Section 10.7.190. Uses, Buildings and Structures to Comply with Zoning Requirements.

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure or land, rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this Title and the zoning in which such building, structure, land or use is located.

Section 10.7.200. Moved Buildings.

It is the purpose of this code to prevent the degradation of neighborhoods by prohibiting the moving in of unsightly, or unsafe buildings. As a special exception to the code, the Land Use Authority may authorize a building permit to be issued to move a building onto a lot upon compliance with the following conditions:

A. Pre-inspection. No permit shall be issued, nor approval given, for the moving of any building from one site within the Town to another site within the Town, or from a site outside of the Town to a site within

the Town, without a prior building inspection being made to determine whether or not the building complies with the standards of the building codes adopted by Fairfield. The applicant shall submit, along with his or her application, a report from an independent building inspector who is licensed by the State of Utah to inspect the type of building to be moved, and a report from an independent structural engineer who is licensed by the State of Utah. These reports must state whether the building complies with the current codes, and, if not, a list of those things which need to be done to meet the current standards of the code. Furthermore, the applicant shall obtain site plan approval.

B. Application. The following information shall be filed with the Town Staff at the time the application is made:

1. Location and address of the old and new site;
2. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots; and
3. Plans and specifications for the proposed improvements of the new location, including compliance with Chapter 19 of this Title.
4. Must obtain a Building Permit. see Title 9.1.10., Building.

Section 10.7.210. Flood Protection.

No dwelling or other building used for human habitation shall be constructed within one hundred (100) feet of the banks of a stream, gully, or other flood channel in accordance with FEMA standards. No use or structure (except flood control works or irrigation diversion dams) shall be permitted in any flood channel.

Section 10.7.220. Fencing.

All zones in the town of Fairfield are fence in zones, "NOT" fence out zones. A developer or adjacent landowner (known as the remover) shall not remove a fence for construction or any other reason without a written agreement with the adjoining landowner. The fence that is removed must be re-erected within an agreed upon time frame. It must be re-erected in the exact location with new materials equal or superior in quality. If there is a need for an extended period the remover must pay the adjacent landowner any expenses per day that is inquired due to the unusable land without a fence. If these conditions are not met the Town has the authority to place a stop work order on the project.

Section 10.7.230. Public Facilities. Reserved.

Section 10.7.240. Manufactured Homes and Recreational Vehicles or "RV"s.

A. Prohibitions:

1. It is unlawful to place any recreational vehicle on any lot or parcel of land in Fairfield Town and to use the same for permanent human habitation except:
 - a. when located in a travel-trailer court or

b. when a building permit has been issued and a building is being constructed and is connected;
to an approved water and sewer facilities but not to exceed one (1) year, or as state law permits.

2. It is unlawful to place a mobile home manufactured prior to June 15, 1976 on any lot or parcel of land within the incorporated portion of Fairfield Town; and

3. Manufactured or mobile homes are built with the intended use as a dwelling unit for human habitation. It is unlawful to use manufactured or mobile homes for storage sheds, workshops animal shed/barn, or uses other than dwelling units for human habitation.

B. Exceptions. It is unlawful to place a manufactured home on any lot or parcel of land within the incorporated portion of Fairfield Town except in compliance with the following:

1. All manufactured homes constructed on or after June 15, 1976 shall be identifiable by the manufacturer's data plate attached to the interior of the home bearing the date the unit was manufactured and a Federal Home Construction and Safety Standards Act of 1974. (HUD Code). The label attached to the exterior of the home certifying the home was manufactured to HUD standards, and label and plate must be in-place as stated;

2. When placed on a lot that complies with all the regulations of the zone in which the manufactured home is located, provided;

a. A residential dwelling is a permitted use in the zone and the manufactured home is connected to an approved water supply and domestic wastewater disposal system;

b. The owner of the manufactured home and/or the lot owner has obtained a building permit from Fairfield Town for the installation of the manufactured home;

c. The manufactured home is placed on a permanent foundation in accordance with the plans providing for vertical loads, uplift, and lateral forces and frost protection which are in compliance with the applicable building code;

d. The running gear and hitch shall be removed from those manufactured homes which are entered on the tax rolls of Fairfield Town as real property;

e. With the exception of the manufactured home being in one name and the property owner (as) being in another, the manufactured home shall be entered on the tax rolls of Fairfield Town as real property; and

f. The roof shall be constructed to meet the snow-load requirements for the given area.

Section 10.7.250. Accessory Buildings and Accessory Structures; General Requirements.

A. An “Accessory Structure or Accessory Building”, for the purposes of this section, are interchangeable terms that shall be:

1. Clearly incidental to and found in connection with a principal or main building;
2. Subordinate to and serves a principal or main building;
3. Subordinate in area, extent, or purpose to the principal or main building served;
4. Located on the same lot as the principal or main building served;
5. A structure that contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal or main building; and
6. A structure that does not include conex type shipping containers.

B. General Requirements:

1. Accessory structures and accessory uses may be authorized in association with a primary building or primary use;
2. Accessory structures and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use;
3. No storm water runoff from any accessory structure shall be allowed to run onto adjacent property;
4. Accessory structures shall meet the required standards in the zone in which the accessory structure is located;
5. Accessory structures shall comply with the requirements of the most recently adopted Building Code, as applicable;
6. Requires site plan approval for any occupiable structure over two hundred forty four 200sq. ft.;
7. No shipping container, cargo container, shipping crate, box, trailer or similar movable piece of equipment or object shall be considered an accessory structure;
8. No accessory structure shall be rented, leased or sold separately from the rental, lease or sale of the primary building; and
9. No accessory structure shall be used as a permanent or temporary living quarters.
10. All accessory structures shall have a Zoning Compliance Certificate from Fairfield Town.

C. Limitations on Height, Size and Location of Garages and Other Accessory Buildings in Residential Zones. In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

1. Accessory Building Maximum Height. No Accessory Building shall be higher than two story
2. The appearance of the building shall fit in with its surroundings and shall not look like a commercial style building.

D. Approvals for Accessory Buildings. Unless otherwise exempt by this chapter, all accessory buildings require a building permit. see section 9.1.10.

E. Smaller Accessory Buildings; Exemption From Building Permit Requirements. An accessory building with a maximum height of sixteen (16) feet and a maximum size of less than two hundred (200) square feet, shall be exempt from building permit requirements, provided all setback requirements for the zoning in which the accessory building is located are met. Accessory buildings that do not meet the requirements shall be subject to fines in conjunction with code enforcement.

F. Agricultural Building Requirements. Applicants shall follow Utah State Code and shall also submit a signed affidavit along with an application stating that the structure shall be used for agricultural purposes only. Any change of use may require a building permit.

Section 10.7.260. Nonconforming Uses and Noncomplying Structures.

A. Intent. It is the intent of this code that non-complying structures and nonconforming uses of land existing at the time of passage of the zoning code, but not in conformance therewith, be changed, ultimately, to complying structures and conforming uses and that non-complying structures and nonconforming uses shall not be continued, increased, nor expanded except as permitted herein.

B. Continuation. Except as provided below in this section, a noncomplying structure or a nonconforming use of land may be continued to the same extent and character as that which was legally existing and permitted on the effective date of the code provision(s) causing noncompliance or nonconformity if:

1. No increase or expansion is made; and
2. The lot on which the structure or use lies is unchanged, provided, however, that a non-complying structure consisting of an occupied structure shall be allowed to continue in its non-complying status when the boundaries of the parcel on which the occupied structure is located are changed to create a platted subdivision lot, if the noncompliance is not deemed a hazard to public safety.

C. Amending Recorded Non Complying Plats. Recorded, non complying plats can be amended pursuant to the procedure contained in this Fairfield Town Land Use Code.

D. Nonconforming Lot of Record. A nonconforming lot of record which conforms with every provision and requirement of this code for a single-family dwelling or manufactured home, except for the required lot area and/or required lot width along the side abutting a state or town road, may be granted a building permit for a one-family dwelling or manufactured home notwithstanding such deficiency in lot area or width provided that it was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this code /ordinance.

E. Expansion. A non complying structure or nonconforming use of land may be expanded only if:

1. A health or safety official of Utah County, the State of Utah, or the United States of America, acting in his official capacity requires such expansion in order for the use to continue, and if: (Note: Fairfield Town does not have a Health Department)
 - a. The requirement is based upon the health, safety, and/or building codes administered by such official;
 - b. A copy of the written findings by such official, and the order based thereon, are presented to the Zoning Commission as part of the application for a permit; and
 - c. The official states the use cannot continue unless such an expansion is made; or
 - d. Recommendations are made to the Town Council;
2. The Planning Commission approves the expansion after making any of the following findings:
 - a. The specific use and structure to be expanded is a non complying, single-family dwelling;
 - b. The boundaries of the lot on which the single-family dwelling lies are unchanged from those existing when the dwelling became non complying;
 - c. The proposed expansion meets all the requirements of the zone in which it is located for subdivision, health department approval of water supply and sewage, flood protection, parking, and setback, except new construction may be approved within the required front setback distance if it does not intrude beyond the setback of the existing structure;
 - d. The specific use and structure to be expanded is an existing church or other structure for religious worship that is located on a legal nonconforming lot of record; and
 - e. The overall use and structure meet all of the requirements of Fairfield Town and the State of Utah for fire protection, water supply for fire suppression, drinking water, sewage disposal, drainage and flood protection, subdivision plat approval, parking capacity, building setback, and construction code compliance.

F. Repairs. Repairs may be made to a non complying structure, but only when the repair is for the purpose of the maintenance of the existing structure. The repair cannot increase the square footage of the structure, cannot alter the footprint of the structure, and cannot create or relocate any exterior walls of the structure.

G. Replacement of Destroyed Buildings. A non complying structure which is rendered uninhabitable by the destruction of a fire, flood, or other calamity or act of nature may be restored and the preexisting use resumed provided that a building permit for reconstruction is obtained within one year from the date of destruction and construction is diligently executed to completion and re-occupancy. Such restoration shall not increase the floor area of the nonconforming structure.

H. Change In Use. A non complying structure or a nonconforming use of land shall not be changed to another non complying structure or nonconforming use whatsoever; changes shall not be made except in conformity with the current provisions of the Land Use Code. Any non complying structure or nonconforming use which has been changed to a complying structure or conforming use shall not thereafter be changed back to a non complying structure or a nonconforming use.

I. No Rights Gained by Unpermitted Occupancy or Use. No nonconforming status, nor any right to occupy a structure or use of a structure or parcel of land contrary to the provisions of this code, shall be gained through such occupancy or use in the past when such was illegal or accomplished without a permit.

J. Effect of Amendments. The provisions of the Land Use Code pertaining to non complying structures and nonconforming uses of land also apply to structures and land uses which hereafter become noncomplying and nonconforming because of an amendment to the Land Use code.

K. The Lot Lies in the Zone. The lot has existed continuously on the official records of the County Clerk or Recorder as an independent parcel prior to 2005 and every provision and requirement of this Code, except for said area and width requirement is met.

L. Effect of Tax Sales on Non Conforming Uses. When Utah County or Fairfield Town acquires title to any property because of tax sale, the future use of the property shall conform to the existing requirements within the zone.

Section 10.7.270. Temporary Dwellings and Storage Structures. see Title 9.1.80.

Section 10.7.280 Biosolids Derived from Sewage and Wastewater. Reserved.

Section 10.7.290. Animal Rights.

A. Intent. Fairfield Town is an agricultural community that prides itself on a rural farming and ranching atmosphere. Animals are a large part of this atmosphere.

- B. Animals shall be kept, cared for, and maintained in a humane manner that does not pose a significant health risk to the residents or other animals in the Town.
- C. There shall be sufficient area for the animal(s) to move about freely, in accordance with acceptable agricultural practices.
- D. Noxious odors created by animal(s) shall be mitigated so as not to cause a nuisance to neighboring landowners.
- E. Animals shall not infringe upon the rights of neighboring landowners.
- F. Fairfield Town is a fence in, not a fence out community. See Right to Farm Ordinance Title 9, Chapter 7.

Title 10. Land Use.

**Chapter 11.
Zoning.**

Section 10.11.10.	Zones Established.
Section 10.11.20.	Definitions.
Section 10.11.30.	Official Zoning Map.
Section 10.11.40.	Boundaries of Zones.
Section 10.11.50.	Regulations within Zones.
Section 10.11.60.	Rezoning.
Section 10.11.70.	Reserved.
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Section 1011.90.	Reserved.
Section 10.11.100.	AR-1 - Agricultural Residential Zone - 1 Acre.
Section 10.11.110.	Reserved.
Section 10.11.120.	Reserved.
Section 10.11.125.	AR-5 - Agricultural Residential Zone - 5 Acres.
Section 10.11.150.	AR-10 - Agricultural Residential Zone - 10 Acres.
Section 10.11.175.	AR-40 - Agricultural Residential Zone - 40 Acres.
Section 10.11.200.	Light Industrial West Zone.
Section 10.11.210	Light Industrial East Zone.
Section 10.30.225.	Commercial Overlay Zone.
Section 10.11.250.	Heavy Industrial Zone.
Section 10.11.260.	Reserved for Airpark Zone.
Section 10.11.275.	Airpark Overlay Zone.

Section 10.11.10. Zones Established.

A. In order to carry out the purposes of this Title, the Town is hereby divided into zones as follows:

1. AR-1 Residential Agricultural Zone.
2. AR-5 Residential Agricultural Zone.
3. AR-10 Residential Agricultural Zone.
4. AR-40 Agricultural Residential Zone.
5. Light Industrial West Zone.
6. Light Industrial East Zone.
7. Commercial Overlay Zone.
8. Heavy Industrial Zone.
9. Airpark Zone.
10. Airpark Overlay Zone.

Section 10.11.20. Definitions.

Definitions. See Title12.

Section 10.11.30. Official Zoning Map.

A. The location and boundary of each of the zones are shown on the official zoning map of Fairfield Town Utah and said map is hereby declared to be an official record and a part of this title and shall be kept at the Fairfield Town Office.

B. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made on the official zoning map. No amendment or change shall become effective until after the zoning map has been updated.

C. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map which shall be located in the office of the Fairfield Town recorder shall be the final authority in determining current zoning status.

Section 10.11.40. Boundaries of Zones.

A. Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

1. Street or Alley Lines. Where the intended boundaries on the zone map are approximately street or alley lines, said street or alleys shall be construed to be the zone boundaries;
2. Lot Lines. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries, unless otherwise indicated;
3. Unsubdivided Land. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the map; and
4. Uncertainty. Where other uncertainties exist, the Planning Commission shall interpret the map.

Section 10.11.50. Regulations Within Zones.

Within each of the zones, the use, location, height, size of buildings and structures, the use of land, size of lots, yards, courts, and other open spaces, and density of population, are regulated as hereinafter set forth. Any use not specifically permitted in the Zone shall be prohibited.

Section 10.11.60. Rezoning.

Property owners desiring to change the zoning classification for property which they own, whether individually or as a part of a larger development project, shall make an application to the Planning Commission. The requirements and procedures for such rezoning applications are as follows:

A. Application Requirements. Applications to rezone property shall include, but not be limited to, the following:

1. A completed Fairfield Town rezone request application;

2. A concept plan depicting the layout, including, but not limited to, roads, parks, trails, and type of development anticipated within each zoning classification being requested;
3. If deemed necessary by the Planning Commission, an impact analysis, including but not limited to: traffic, economic, and wildlife;
4. The current zoning classification;
5. Legal description of the property(ies) proposed to be rezoned along with a map and area calculation for each area to be affected; and
6. Rezoning application fees, as determined by resolution of the Town Council and listed in the Fairfield Town fee schedule.

B. Procedure. Upon receipt of a complete application, with any other supporting documentation and the application fee, the application shall be scheduled for review by the Planning Commission at the next available meeting(s), following proper notice as outlined in Utah State Code 10-9a-205. Upon receiving a recommendation from the Planning Commission, the application will be scheduled for a public hearing. Following the public hearing, the application will be scheduled for review by the Town Council at the next available meeting(s), following proper notice as outlined in Utah State Code 10-9a-202 . Following approval from the Town Council, the property will be rezoned on the official Town zoning map and the property owner will be required to comply with any and all regulations applicable within the zoning classification to which the property is rezoned.

C. Requirements For Approval. In order to grant an approval for the rezoning of property, the Planning Commission and Town Council must find that:

1. The rezoning conforms to the intent of the Fairfield Town general plan and annexation policy plan;
2. The rezoning will not adversely affect surrounding properties; and
3. The rezoning will not cause property, structures, or uses of the property to unnecessarily become nonconforming according to this Title.

D. Corrective Measures. No rezoning shall be permitted as a corrective measure for a property, use, or structure on a property which is found to be in violation of any provision of this title by the building official, zoning administrator, or other authorized officer.

E. Resubmission. No application for rezoning which receives a denial from the Town Council shall be permitted to resubmit the same application for a period of not less than twelve (12) months from the date of denial unless the applicant(s) can provide documentation of information or facts that were not available at the time of review of the original application.

Section 10.11.70. Reserved.

Section 10.11.80. Reserved.

Section 10.11.90. Reserved.

Section 10.11.100. AR-1. Agricultural Residential Zone - 1 Acre.

A. Purpose. To create a rural agricultural/residential zone which is intended as a permanent residential zone for those areas of the community where it is desirable to maintain low residential densities.

B. Requirements:

- | | |
|-------------------------------------|--|
| 1. Lot Area | 1 acre. |
| 2. Frontage | 125 ft. |
| 3. Setbacks - Residential Buildings | Front - 25 ft., Side - 15 ft., Rear - 40 ft. |
| 4. Height | 35 ft. maximum. |
| 5. Setbacks - Accessory Structures | Street - 25 ft., Side/Rear Yard - 5 ft. |
| 6. Road type | Local. |

C. Permitted Uses. The following land uses shall be permitted uses in the AR-1 Zone. Any use not specifically permitted in this chapter shall be prohibited:

1. Agriculture.
2. Farm Animals.
3. Child Care Center- 8 children or less.
4. Church.
5. Residential-Single Family.
6. Household Pets.
7. Manufactured Home.
8. Modular Home.
9. Outdoor Rec-Park-Play.
10. Public-Rights of Way.
11. Public Utility Stations-except sewer.
12. Schools, Public and Private-Quasi Public.

D. Conditional Uses. The following land uses are a conditional use in the AR-1 Zone. Standards for conditional use can be found in Title 10.17.00., Conditional Use:

1. Accessory Structure.
2. Home Based Business.

Section 10.11.110. Reserved.

Section 10.11.120. Reserved.

Section 10.11.125. AR-5. Agricultural Residential Zone - 5 Acres.

A. Purpose. To create a rural agricultural/residential zone which is intended as a permanent residential zone for those areas of the community where it is desirable to maintain low residential densities.

B. Requirements:

- | | |
|-------------------------------------|--|
| 1. Lot Area | 5 acres. |
| 2. Frontage | 250 ft. |
| 3. Setbacks - Residential Buildings | Front - 25 ft., Side - 15 ft., Rear - 40 ft. |
| 4. Height | 35 ft. maximum. |
| 5. Setbacks - Accessory Structure | Street - 25 ft., Side/Rear - 5 ft. We |
| 6. Road Type | Rural or Local. |

C. Permitted Uses. The following land uses shall be permitted uses in the AR-5 Zone. Any use not specifically permitted in this chapter shall be prohibited:

1. Agriculture.
2. Farm Animals.
3. Child Care Center - 8 children or less.
4. Church.
5. Residential, Single Family.
6. Household Pets.
7. Manufactured Home.
8. Modular Home.
9. Outdoor Rec-Park-Play.
10. Public Rights of Way.
11. Public Utility Stations except sewer.
12. Schools, Public and Private-Quasi Public.

D. Conditional Uses. The following land uses are a conditional use in the AR-5 Zone. Standards for conditional use can be found in Chapter 17 of this Title:

1. Accessory Structure.
2. Home Based Business.

Section 10.11.150. AR-10. Agricultural Residential Zone - 10 Acres.

A. Purpose. To create a rural agricultural residential zone which is intended as a permanent residential zone for those areas of the community where it is desirable to maintain a low residential densities.

B. Requirements:

- | | |
|------------------------------------|--|
| 1. Lot Area | 10 acres. |
| 2. Frontage | 350 ft. |
| 3. Setbacks - Residential Building | Front - 25 ft., Side - 15 ft., Rear - 40 ft. |
| 4. Height | 35 ft. maximum. |
| 5. Setbacks - Accessory Structures | Street - 25 ft., Side/Rear Yard - 3 ft. |
| 6. Road Type | Rural. |

C. Permitted Uses. The following land uses shall be permitted uses in the AR-10 Zone. Any use not specifically permitted in this chapter shall be prohibited:

1. Agriculture.
2. Farm Animals.
3. Child Care Center- 8 children or less.
4. Church.
5. Residential, Single Family.
6. Household Pets.
7. Manufactured Home.
8. Modular Home.
9. Outdoor Rec-Park-Play.
10. Rights of Way.
11. Public Utility Stations except Sewer.
12. Schools, Public and Private-Quasi Public.

D. Conditional Uses. The following land uses are conditional uses in the AR-10 Zone. Standards for conditional use can be found in Chapter 17 of this Title:

1. Accessory Structure.
2. Home Based Business.

Section 10.11.175. AR-40. Agricultural Residential Zone - 40 Acres.

A. Purpose. To create a rural agricultural residential zone which is intended as a permanent residential zone for those areas of the community where it is desirable to maintain a low residential densities.

B. Requirements:

- | | |
|-------------------------------------|--|
| 1. Lot Area | 40 acres. |
| 2. Frontage | 350 ft. |
| 3. Setbacks - Residential Buildings | Front - 25 ft., Side - 15 ft., Rear - 40 ft. |
| 4. Height | 35 ft. maximum. |
| 5. Setbacks - Accessory Structures | Street - 25 ft., Side/Rear Yard - 3 ft. |
| 6. Road Type | Rural. |

C. Permitted Uses. The following land uses shall be permitted uses in AR-40 Zone. Any use not specifically permitted in this chapter shall be prohibited:

1. Agriculture.
2. Farm Animals.
3. Child Care Center - 8 children or less.
4. Church.
5. Residential, Single Family.
6. Household Pets.
7. Manufactured Home.
8. Modular Home.
9. Outdoor Rec-Park-Play.
10. Public Rights of Way.
11. Public Utility Stations except Sewer.
12. Schools, Public and Private-Quasi Public.

D. Conditional Uses. The following land uses are conditional uses in Zone AR-40. Standards for conditional use can be found in Chapter 17 of this Title:

1. Accessory Structure.
2. Home Based Business.

Section 10.11.200. Light Industrial West Zone.

A. Purpose. The purpose is to create a zone which:

1. Allows for a compatible mixture of commercial and light industrial uses. Establishments that are served by streets, power, water, sewage, and other utilities, or facilities; or where such facilities can be readily provided which do not require intensive land coverage; generate large volumes of traffic; or create obnoxious sounds, glare, dust, or odors; and
2. Includes areas which are well adapted to industrial development, but proximity to residential or business zones makes it desirable to limit the manner and extent of industrial operations.

B. Area Requirements. Lots or parcels in the Light Industrial West Zone shall be of sufficient size to assure compliance with the Fairfield Town parking, landscaping, utilities, site plan and other land development regulations that may govern all or a portion of each project.

C. Master Site Plan Required. All developments in this zone are required to submit a master site plan that includes maps and descriptions of construction, landscaping, Health Department requirements, and uses.

D. Storm Water. All storm water must be retained on site in accordance with an engineered plan.

F. Minimum Lot Size/Water Requirement. A ten (10) acre minimum lot size is required for any lot not connected to an approved municipal culinary water system.

G. Frontage Requirement. For adequate access by emergency vehicles and local occupants the frontage of each lot shall be a minimum of one hundred sixty-five (165) ft. and shall abut an official state, county or town road which has been paved under the direction of the unit government's having jurisdiction and from which frontage gains vehicle and pedestrian access exclusively, and entirely across the subject lot.

H. Setback Requirements. The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this Light Industrial West Zone, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance or safety issue as determined by the Town Council:

1. Front Setbacks:

- a. Front setbacks will be determined by the size of the building, landscape, and parking requirements.

2. Sides and Rear Setbacks:

- a. Minimum of twenty (20) feet from the parcel property line.
- b. Additional lot setbacks will be determined by fire and building code.

3. Setback Variances. The Town Council, in consideration of a prior recommendation by the Planning Commission, may increase or decrease the setbacks if, in its judgment, the need for change meets at least two (2) or more of the following criteria:

- a. Does not interfere with the use, enjoyment, and character of adjacent properties;
- b. The success of the business necessitates a specific setback, proven by data or research;
- c. Additional setback is not solely to provide space for parking between the building and the street; and
- d. Topography or natural features make it impossible or impracticable to place the building within the setback.

4. Setbacks for Accessory Structure:

- a. Minimum of six (6) feet from the parcel property line;
- b. Additional setbacks will be determined by fire and building code;
- c. Accessory structure square footage shall not exceed that of the primary building; and
- d. Accessory structures may require a building permit.

I. Building Height. No building or structure in this zone shall be over two (2) stories with a thirty five (35) ft. maximum height.

J. Landscaping and Nuisance Ordinance/Code Compliance. The yards around buildings shall be kept in compliance with the Town Landscaping and Nuisance Ordinance/Code.

K. Zone Development Standards. The following development standards shall apply to the Light Industrial West Zone:

1. General Review. The Planning Commission shall review the site plan and building elevations;
2. Architectural Design. The Planning Commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the town's generally applicable policies and regulations;
3. Screening Requirements. See 10.17.70.13
4. Waste Storage. No solid waste, wrecked or abandoned vehicles, or wrecked or abandoned equipment shall be stored in an open area. All wrecked or abandoned vehicles or wrecked or abandoned equipment shall be kept fully screened on all sides. Garbage dumpsters shall be located out of sight and away from roads.

L. Permitted Uses. The following land uses shall be permitted uses in the Light Industrial West Zone. Any use not specifically permitted in this chapter shall be prohibited:

1. Accessory Structure, unoccupied.
2. Agriculture Industry.
3. Agriculture.
4. Autos, Trucks, RV Sales & Rental.
5. Automotive Body/Paint Repair Establishment.
6. Automotive Repair Establishment.
7. Auto Self-Serve Station.
8. Auto Service Station.
9. Convenience Store.
10. Farm Animals.
11. Farm Equipment Sales.
12. Fireworks Sales/Stands.
13. Gas Station.
14. Nursery.
15. Pawn Shops.
16. Public Services.
17. Public Utility Stations w/ Sewer.
18. Repair Services, Small Appliance.
19. School - Private - Quasi Public.
20. Small Engine Repair.
21. Stable.
22. Telecommunications Facility less than Thirty Five (35) Feet in Height.
23. Warehouse Storage Units, Commercial Only.
24. Welding Machine Shop.

M. Conditional Use. The following land uses are Conditional Use in the Light Industrial West Zone. Standards for Conditional Use can be found in Chapter 17 of this Title:

1. Caretaker Dwellings (Non-Farm Uses).
2. Self-Storage and RV, Boat, Vehicle Storage.
3. Special Event Use.
4. Temporary and Special Event Permits.
5. Bounce Houses.
6. Industrial Outdoor Storage.

N. Junk yards are prohibited.

Section 10.11.210. Light Industrial East Zone.

A. Purpose. The purpose of the Light Industrial East Zone is to create a zone which:

1. Allows for a compatible mixture of commercial and light industrial uses. Establishments that are served by streets, power, water, sewage, and other utilities, or facilities; or where such facilities can be readily provided which do not require intensive land coverage; generate large volumes of traffic; or create obnoxious sounds, glare, dust, or odors; and
2. Includes areas which are well adapted to industrial development, but proximity to residential or business zones makes it desirable to limit the manner and extent of industrial operations.

B. Area Requirements. Lots or parcels in the Light Industrial East Zone shall be of sufficient size to assure compliance with the Fairfield Town parking, landscaping, utilities, site plan and other land development regulations that may govern all or a portion of each project.

C. Master Site Plan Required. All developments in this zone are required to submit a master site plan that includes maps and descriptions of construction, landscaping, Health Department requirements, and uses.

D. Storm Water. All storm water must be retained on site in accordance with an engineered plan.

E. Minimum Lot Size/Municipal Water Requirement. A ten (10) acre minimum lot size is required for any lot not connected to an approved municipal culinary water system.

F. Frontage Requirement. For adequate access by emergency vehicles and local occupants the frontage of each lot shall be a minimum of one hundred sixty-five (165) ft. and shall abut an official State, County or Town road which has been paved under the direction of the unit government's having jurisdiction and from which frontage gains vehicle and pedestrian access exclusively, and entirely across the subject lot.

G. Setback Requirements. The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this Light Industrial West Zone, including accessory buildings, are required to maintain a minimum

distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance or safety issue as determined by the Town Council:

1. Front Setbacks:

- a. Front setbacks will be determined by the size of the building, landscape, and parking requirements.

2. Sides and Rear Setbacks:

- a. Minimum of twenty (20) feet from the parcel property line; and
- b. Additional lot setbacks will be determined by fire and building code.

3. Setback Variances. The Town Council, in consideration of a prior recommendation by the Planning Commission, may increase or decrease the setbacks if, in its judgment, the need for change meets at least two (2) or more of the following criteria:

- a. Does not interfere with the use, enjoyment, and character of adjacent properties;
- b. The success of the business necessitates a specific setback, proven by data or research;
- c. Additional setback is not solely to provide space for parking between the building and the street;
- d. Topography or natural features make it impossible or impracticable to place the building within the setback.

4. Setbacks for Accessory Structure:

- a. Minimum of six (6) feet from the parcel property line;
- b. Additional setbacks will be determined by fire and building code
- c. Accessory structure square footage shall not exceed that of the primary building; and
- d. Accessory structures may require a building permit.

H. Building Height. No building or structure in this zone shall be over two (2) stories with a thirty five (35) ft. maximum height.

I. Nuisance Ordinance/Code Compliance. The yards around buildings shall be kept in compliance with the Town Nuisance Ordinance/Code.

J. Zone Development Standards. The following development standards shall apply to the Light Industrial East Zone:

- 1. Review. The Planning Commission shall review the site plan and building elevations;

2. Architectural Review. The Planning Commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the town's generally applicable policies and regulations;
3. Screening Requirements. See 10.17.70.13.
4. Waste Storage. No solid waste, wrecked or abandoned vehicles, or wrecked or abandoned equipment shall be stored in an open area. All wrecked or abandoned vehicles or wrecked or abandoned equipment shall be kept fully screened on all sides. Garbage dumpsters shall be located out of sight and away from roads; and
5. Trash Storage. No trash, wrecked or abandoned vehicles or wrecked equipment shall be stored in an open area. All such materials shall be kept within a fully enclosed building. Garbage dumpsters shall be located out of sight and away from roads.

K. Permitted Uses. The following land uses shall be permitted uses in the Light Industrial West Zone. Any use not specifically permitted in this chapter shall be prohibited:

1. Accessory Structure, unoccupied.
2. Agriculture Industry.
3. Agriculture.
4. Autos, Trucks, RV Sales & Rental.
5. Automotive Body/Paint Repair Establishment.
6. Automotive Repair Establishment.
7. Auto Self-Serve Station.
8. Auto Service Station.
9. Convenience Store.
10. Farm Animals.
11. Farm Equipment Sales.
12. Fireworks Sales/Stands.
13. Gas Station.
14. Nursery.
15. Pawn Shops.
16. Public Services.
17. Public Utility Stations w/Sewer.
18. Repair Services, Small Appliance.
19. School - Private - Quasi Public.
20. Small Engine Repair.
21. Stable.
22. Telecommunications Facility less than Thirty Five (35) Feet in Height.
23. Warehouse Storage Units, Commercial Only.
24. Welding Machine Shop.

L. Conditional Use. The following land uses are Conditional Use in the Light Industrial West Zone. Standards for Conditional Use can be found in Chapter 17 of this Title:

1. Adult Oriented Businesses.

2. Caretaker Dwellings (Non-Farm Uses).
3. Self-Storage and RV, Boat, Vehicle Storage.
4. Special Event Use.
5. Temporary and Special Events Permits.
6. Other Requirements-Bounce Houses.
7. Industrial Outdoor Storage.

M. Junkyards are prohibited.

Section 10.11.225. Commercial Overlay Zone.

A. Purpose. The purpose of the Commercial Overlay Zone is to provide for commercial businesses, professional offices, and shopping centers that will serve neighborhood, community and regional shopping demands, while also providing other commercial opportunities which are reasonably separated or buffered from residential development but allow residential development within the Commercial Overlay Zone.

B. Prohibited Uses. Any use not specifically permitted in this chapter shall be prohibited.

C. Commercial Overlay Area. Starting at the southwest boundary of Fairfield Town running parallel with and adjoining to Highway 73, the width of three hundred (300) feet on each adjacent side, starting at property owners boundary line to the end point of Fairfield Towns' northern boundary line. If a parcel of land has been declared commercial it can no longer be used as residential.

E. Area Requirements. Lots or parcels in the Commercial Overlay Zone shall be of sufficient size to assure compliance with the Fairfield Town parking, landscaping, utilities, site plan and other land development regulations that may govern all or a portion of each project.

F. Master Site Plan Required. All developments in this zone are required to submit a master site plan that includes maps and descriptions of construction, landscaping, Health Department requirements, and uses.

G. Storm Water. All storm water must be retained on site in accordance with an engineered plan.

H. Garbage. The yards around buildings shall be kept in compliance with the Town Nuisance Ordinance.

I. Minimum Lot Size/Water Requirement. A ten (10) acre minimum lot size is required for any lot not connected to an approved municipal culinary water system.

J. Frontage Requirement. For adequate access by emergency vehicles and local occupants the frontage of each lot shall be a minimum of one hundred and sixty five (165) ft. and shall abut an official State, County or Fairfield Town road which has been paved under the direction of the unit government having jurisdiction and from which frontage gains vehicle and pedestrian access exclusively and entirely across the subject lot.

K. Setback Requirements.

The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this Commercial Overlay Zone, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance as determined by the Town Council:

1. Front Setbacks. Front setbacks will be determined by the size of building, landscape and parking requirements. The Town Council, in consideration of a prior recommendation by the Planning Commission, may increase or decrease this if, in its judgment, the changes comply with the following:
 - a. Does not interfere with the use, enjoyment, and character of adjacent properties;
 - b. The success of the business necessitates a specific setback, proven by data or research;
 - c. Additional setback is not solely to provide space for parking between the building and the street; and
 - d. Topography or natural features make it impossible or impracticable to place the building within the setback.

2. Sides and Rear Setbacks:
 - a. Minimum of ten (10) feet; and
 - b. The Town Council, in consideration of a prior recommendation by the Planning Commission, may increase or decrease this if, in its judgment, the changes comply with the following:
 - i. Does not interfere with the use, enjoyment, and character of adjacent properties;
 - ii. The success of the business necessitates a specific setback, proven by data or research;
 - iii. Additional setback is not solely to provide space for parking between the building and the street; and
 - iv. Topography or natural features make it impossible or impracticable to place the building within the setback.

3. Other General Setback Requirements. In addition to the specific setback requirements noted above:
 - a. No building shall be closer than ten (10) feet to any neighboring private road or driveway; and

- b. Exceptions may be made for any part of the building that may contain an approved drive-up window;

4. Setbacks for Accessory Building:

- a. Minimum of six (6) feet from the parcel property line; and
- b. Additional setbacks will be determined by fire and building code.

L. UDOT Requirements. Any building lot adjacent to any State road must comply with all UDOT requirements. Applicants will contact the Region 3 permitting office to schedule a pre-application coordination meeting before applying for a permit. Additional information can be found online at www.udot.utah.gov, 'Doing Business', UDOT Permits.

M. Building Height. No building in this zone shall be over two stories with a maximum height restriction of forty five (45) feet.

N.. Permitted Uses. The following land uses shall be permitted uses in the Commercial Overlay Zone. Any use not specifically permitted in this chapter shall be prohibited:

- 1. Accessory Structure; unoccupied.
- 2. Car Wash Facilities.
- 3. Auto Fueling Convenience Store.
- 4. Convenience Store; Sale of Goods.
- 5. Farm Equipment Sales.
- 6. Nursery.
- 7. Warehouse Space With Offices.

O. Conditional Uses.

- 1. Home Based Business.

10.11.250. Heavy Industrial Zone.

A. Any use not specifically permitted in this chapter shall be prohibited.

B. Permitted Uses. None.

C. Conditional Uses.

- 1. One Sanitary Landfill shall be allowed in the Heavy Industrial Zone subject to conditions set by the Town upon consideration of an application by owners and operators.

- a. The Town Council shall be considered the land use authority and shall approve all uses and permits.

Section 10.11.260. Airpark Zone.

- A. Any use not specifically permitted in this chapter shall be prohibited.

B. Purpose. Allow for a compatible mixture of aviation-related recreational activities with aviation-related commercial and light industrial uses and areas for residential that will enhance and encourage tourism and recreational opportunities as well as to provide business services, public safety platforms for Life Flight, firefighting, wildlife protections and employment opportunities to Town residents.

- C. Permitted Uses.

1. Aircraft Construction, Manufacturing, Service, and Sales.
2. Aircraft Parking.
3. Aircraft Repair and Paint.
4. Accessory Structure, unoccupied.
5. Condominium (non-residential) Facilities: i.e., Billeting Quarters.

“Condominium (non-residential) Facilities”, for purposes of this section, shall be defined as “Separate spaces within a condominium project owned by separate entities for the purposes of conducting business or providing apartment space for short-term stays for persons while temporarily working or attending school in the vicinity”.

6. Engine Repair.
7. Fueling Facilities for Aircraft.
8. Fuel Tanks.
9. Gated Areas.
10. Hangars for Aircraft.
11. Helipads.
12. Landing Strip.
13. Office/Business Parks.
14. Single Family Residential Hangar Home Dwellings.
15. Restaurants, Cafes, Diners.
16. Security Gates.
17. Storage Containers.
18. Tavern, Bar.
19. Taxiways and Taxi Lanes.

- D. Conditional Uses. . (see Title 10, Standards for Conditional Use)

1. Master Planned Development.
2. Special Events.
3. HOA or Through the Fence Agreement.
3. Self-Storage.
4. Caretaker Dwelling.

- a. In addition to the Standards found in Title 10, Standards for Conditional Use, the aggregate square footage of separate hangar storage buildings owned and rented out by the company will count

toward the minimum square footage needed for the approval of a caretaker dwelling. Only One (1) caretaker dwelling for the airport.

5. Crew Rest Facilities - as pertaining to this chapter, Crew Rest Facilities (CRF) shall be defined as non-residential construction located inside an aircraft hangar as an accessory to the storage of aircraft for the rest, recuperation, and enjoyment of hangar occupants.

Crew Rest Facilities are allowed with the following conditions:

- a. To provide for sanitation, crew rest, and to prevent the parking of recreational vehicles around hangars, a CRF may include:
 - i. Kitchen facility;
 - ii. No more than one separate room to be utilized as a sleep or office;
 - iii. A restroom or wash facility; and
 - iv. Shall not include more than a total aggregate of three hundred (300) square feet.
- b. Approval from the Fairfield Fire Authority;
- c. Approval from the Utah County Health Department;
- d. Shall be constructed and reside entirely within an Aircraft Storage Hangar;
- e. No person shall be permitted to stay longer than 72 hours or three (3) consecutive nights;
- f. Crew rest lofts shall not be offered for rent, subleased, or utilized as an Airbnb.

6. Schools, Public and Private.

E. Runway(s). There shall be one primary improved landing surface not to exceed FAA safety standards for design pertinent to the accepted critical aircraft and shall be designed and limited to a **small airport** as defined and detailed in the FAA Advisory Circular AC 150/5300-13B.

1. Design. The runway, taxiways, apron, and all other aircraft movement areas shall be designed as detailed in the FAA Advisory Circular AC 150/5300-13B https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5300-13B-Airport-Design.pdf, including any subsequent changes or updates to such circular. The runway, and all other aircraft movement areas, taxiways, and apron shall be designed as per Federal Aviation Administration design guidelines for small aircraft:
 - a. AC 150/5300-13B, Appendix G. Runway Design Standards Tables, Table G-1, Runway Design Standards Matrix, A/B-I Small Aircraft.
 - b. AC 150/5300-13B, Appendix A. Aircraft Characteristics
2. Pavement Design. The runway weight bearing capacity shall not exceed the standards of a Utility Runway with a single wheel bearing capacity not to exceed 11,999 lbs as per FAA AC

150/5320-6G, Airport Pavement Design and Evaluation.

3. Hours of Operation. The airport shall be open for daytime operations only.
4. Airpark shall be open for VFR, Visual Flight Rules, only.
5. Operations. Airpark shall restrict operations to fewer than 10,000 operations per year.

F. Traffic Pattern. Appropriate airpark traffic patterns and altitudes to avoid overflight of hazards, obstructions, or densely populated areas shall be published for airpark residents and transient aircraft through proper FAA publications.

G. Aircraft.. All aircraft operators shall check applicable published NOTAMS and chart supplements prior to landing at the airpark. Safety considerations must be taken for pavement strength, aircraft weight, runway length, and safe stopping distance and takeoff roll.

H. Development. All developments in this zone shall be required to submit a master site plan that includes maps and descriptions of construction, landscaping, Health Department requirements, and uses. All stormwater must be retained on-site in accordance with an engineered plan. Yards around buildings shall be kept in compliance with the Fairfield Town Nuisance Ordinance.

1. Each lot developed for residential use shall include a hangar suitable for the storage of an airworthy aircraft.
2. Each lot developed for residential use shall be limited to one (1) aircraft hangar.

I. Landscaping. The landscaping requirements shall be determined by the Master Plan Development and shall not have fewer area requirements than that found in 10.19.00. In cases where aircraft requirements or FAA design standards would conflict with certain landscaping elements, the Planning Commission may approve requirements different than those listed in Title 10.19.00 if, in its opinion, such alternate requirements provide for a safer and more efficient use of the property.

J. Area Requirements. In order to encourage and preserve the rural characteristics of Fairfield, development in the AP Zone allows for clustering of residential lots with dedicated expanses of open space. The development requirements shall be based upon a percentage of the area included in a Master Planned Development.

1. Each residential lot shall be of sufficient size to assure compliance with Fairfield Town parking, landscaping, utilities, Utah County Health Department requirements, sanitation, building codes, and other land development regulations that may govern all or a portion of each project.
2. Residential lots shall not encompass an area greater than twenty-two (22) percent of the land located within the Master Planned Development. For example, if the master plan were 150 acres, then the maximum residential units would be 37. $150 \times 25\% = 37.5$
3. Open space shall include a minimum of thirty (30) percent of the land located within the

Master Planned Development.

- a. Open space areas shall be located on separate tract(s) and shall be developed for passive or active recreational uses or set aside for farming, ranching, or open space in general.
 - b. Public Access. Where feasible, open space parcels shall be designed to be utilized by and made available for public uses.
 - c. Parking areas, private driveways, and yards within individual lots shall not be included as open spaces.
4. Lot sizes other than for residential use shall be determined by the size of the building and shall be of sufficient size to assure compliance with Fairfield Town parking, landscaping, utilities, sanitation, building codes, fire codes, and other land development regulations that may govern all or a portion of each project.

K. Frontage.

1. The frontage of each lot in this zone shall be determined as set by the Master Plan Development. Each lot shall have adequate access by emergency vehicles.
2. Access to the interior of the Airpark. All dwellings, hangars, commercial establishments, or other facilities occupied by humans shall gain access from an official state, county, or town road which has been paved under the direction of the unit of government having jurisdiction.

L. Setback Requirements. All buildings in the Airpark Zone are required to maintain a minimum distance from property lines as set in the Master Planned Development.

1. Setbacks in Master Plan will be determined by fire and building code and will meet minimum standards.

M. Building Height. All Buildings in the Airpark Zone are required to maintain a maximum building height as set in the Master Planned Development Plan

N. Noise Abatement. Noise Abatements procedures shall be as follows:

1. Except when necessary for takeoff or landing, no person may operate an aircraft below one thousand (1,000) feet above the highest obstacle within a two thousand (2,000) foot horizontal distance of the aircraft over any congested area;
2. Planes constantly circling over a Fairfield residential dwelling for a period of five (5) minutes will be considered a nuisance, and the FAA will be notified;
3. Preferred runway will be noticed as Runway 17:

a. When winds are calm, aircraft landing and departing will be instructed to do so to the South; and

4. Aircraft departing to the North will be instructed to make their crosswind turn as soon as practical and will avoid overflight of Fairfield Town's established residential area to the North of the Airpark.

O. Water Requirements.

1. All residential development within the Airpark Zone shall receive culinary water service from a town-approved water system.
2. Required Water Rights, Water Sources, and Waterworks. The water rights, water sources, and waterworks shall be designed and detailed in the Master Plan Development and shall be sufficient to satisfy the existing and future uses and occupants of all Airpark Zone Properties and shall abide by Fairfield Town's water ordinances found in Title 6.1.00 Public Utilities.

Section 10.11.275. Airpark Overlay Zone.

- A. Purpose and Intent. The Airpark Overlay Zone (APO) is created to promote the public health and safety in the vicinity of the Airpark Zone and the Town of Fairfield by minimizing exposure to crash hazards and high noise levels generated by Airpark operations, by encouraging future development which is compatible with the continued operation of the Airpark and to protect operating aircraft and thereby town residents from the hazards of obstructions in the flight path and runway approach zones.
- B. Compliance. The use of land and buildings must be in compliance with the base zoning area in addition to the regulations set forth in the APO. Note: The provisions of the APO, setback standards, or other provisions of the Code may result in a lesser height than those listed in the base zoning area.
- C. Vicinity. The APO area is a horizontal plane, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet from the center of each end of the primary surface of the northern and the southern ends of the existing paved runway and connecting the adjacent arcs by lines tangent to those arcs. (Map 1)
- D. Traffic Pattern Procedures and Altitudes. While adhering to Federal Aviation Regulations as pertaining to traffic patterns and to safety, aircraft will approach the airpark from the East with a traffic pattern altitude of eight hundred (800) feet above the existing Airpark elevation. Aircraft will avoid overflight, whenever feasible, of the residential areas of the Town of Fairfield and of the firework storage facility to the West. (Map 2)
- E. Protection of Airspace. In an effort to protect persons and property located within the APO, no use may be made of land or water within the APO in such a manner as to create electrical interference with navigational signals or radio communication between the Airpark and aircraft, making it difficult for pilots to use the Airpark, impair visibility in the vicinity of the Airpark, create bird strike hazards, or otherwise materially endanger or interfere with the landing, take off, or maneuvering of aircraft intending to use the Airpark; such as buildings with reflective glass or any type of reflective/glare producing exterior, high intensity recreation type lights, smoke, antennas, microwave towers, or high tension transmission lines.

- F. No objects including, structures, outcroppings, poles, towers or buildings shall be permitted to penetrate the airspace within the APO as described below: (Map 3)
1. Runway Protection Zone – A trapezoidal area beginning at a setback of fifteen (15) feet from West Desert Airpark’s property line and centered longitudinally and extending from the runways’ centerlines outward one thousand (1,000) feet at a slope of three (3) feet horizontally for each foot vertically (3:1) with a beginning width of fifty (50) feet from the centerline of each runway out to five hundred (500) feet wide on each side. The existing mounds Runway Protection Zone should maintain or decrease current altitudes with no future increase in elevation. The landfill’s current buildup at the southern end of the runway currently restricts approximately three hundred (300) feet of runway to be usable only for departing traffic (displaced threshold);
 2. Transitional Surface – A surface extending outward and upward at right angles to the runway;
 3. Transitional Surface – A surface extending outward and upward at right angles to the runway surface centerline at a slope of (3:1) from the sides of the runway beginning on each side and elevation of the runway surface then extending upward to a height of one hundred fifty (150) feet above the airport elevation; and
 4. Horizontal Surface – A horizontal plane one hundred fifty (150) feet above the established Airpark elevation, the perimeter of which, in plan, coincides with the perimeter of the APO.

ZONE STANDARDS – AIRPARK OVERLAY ZONE

Map 3 - Airpark Overlay Zone

- ★ Runway Protection Zone
- ★ Transitional Surface
- ★ Displaced Threshold



04/04/2018





Title 10. Land Use.

Title 10. Chapter 15.

Subdivisions.

Section 10.15.10.	General Provisions.
Section 10.15.20.	Subdivision.
Section 10.15.30.	Exemptions from Plat Requirements.
Section 10.15.40.	Private Property Disputes.
Section 10.15.50.	Fees and Charges.
Section 10.15.60.	Prohibited Acts.
Section 10.15.70.	Enforcement.
Section 10.15.80.	Issuing Licenses and Permits.
Section 10.15.90.	Withholding Permits.
Section 10.15.100.	Town Approval for Building.
Section 10.15.110.	Penalties.
Section 10.15.120.	Types of Subdivisions.
Section 10.15.130.	Flag Lots.
Section 10.15.140.	Subdivision Process.
Section 10.15.150.	Concept Meeting.
Section 10.15.160.	Preliminary Subdivision Plat Requirements.
Section 10.15.170.	Final Plat.
Section 10.15.180.	Roads and Transportation Patterns and Connectivity Standards.
Section 10.15.190.	Recordation Of Plats.
Section 10.15.200.	Undeveloped Subdivisions.
Section 10.15.210.	Mortgage Lot Subdivisions and Regulations.
Section 10.15.220.	Developed Subdivisions.
Section 10.15.230.	Lot Line Adjustment.
Section 10.15.240.	When an Applicant is Entitled to Approval of an Application.
Section 10.15.250.	Town Imposed Requirements and Exactions on Application Approval.
Section 10.15.260.	Appeal to Town Council.
Section 10.15.270.	Severability.

Section 10.15.10. General Provisions.

A. Short Title. This Chapter shall be known and may be cited as the Fairfield Town Subdivision Code and may be identified within this document and other documents as “the Ordinance,” “Subdivision Ordinance”, “the Code” or “Subdivision Code”, or “Land Use Ordinance”. This Chapter shall be identified as part of a component of the Fairfield Town Land Use Code, as defined by Title 10 Chapter (9a) of the Utah Code Annotated, 1953, as amended.

B. Purpose and Intent. The purpose and intent of this Subdivision Code is to provide for the health, safety, and welfare of the public, and to provide adequate and effective transportation and public utility systems. The Town further desires to provide for the proper design and construction of the transportation system as indicated by the Roads Master Plan. This Subdivision Code sets forth

the procedures for the subdivision and resubdivision of land to review for the use of proper legal descriptions, surveying, and monumenting of subdivided land.

C. This Subdivision Code shall be used by the subdivider to divide land within the Town, by the staff as criteria for the review of subdivision plats, and by the Town Council and the Planning Commission in judging the merits of plats submitted for approval. Not all criteria apply to all plats and this Subdivision Code may be amended from time to time. However, once a plat has been formally accepted for review it shall be judged against the Subdivision Code existing at the time of the application acceptance date.

D. All plats and plans submitted shall be in a form which satisfies this Subdivision Code and all other applicable ordinances, regulations, codes and rules.

E. In the event any requirement of this Subdivision Code conflicts with any other requirement, ordinance, regulation, restriction or limitation, the more restrictive requirement shall apply.

F. All subdivisions are required to be platted.

G. Growth Management. Fairfield Town has a Growth Management Policy. see Title 9.5.00.

H. Enactment. The Fairfield Town Council (hereinafter "Council") adopts this Code pursuant to all authorities and provisions of Utah and Federal statutory laws, and common law as applicable. This Code constitutes a part of the Fairfield Town's Land Use Code.

I. Applicability and Authority. Upon its adoption by the Fairfield Town Council this Code shall govern and apply to the subdivision and platting of all lands lying within the municipal boundaries of Fairfield Town, Utah (hereinafter "the Town").

Section 10.15.20. Subdivision.

A. For the purpose of this Chapter, "Subdivision" includes the following:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
2. All divisions of land for residential and nonresidential uses, including land used, or to be used, for commercial, agricultural, and industrial purposes.

B. For the purpose of this code, subdivision does NOT include the following:

1. A bonafide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use code;
2. A recorded agreement between the owners of adjoining unsubdivided property adjusting their mutual boundary if:

- a. No new lot is created; and
 - b. The adjustment does not violate applicable Land Use Code; or
 - c. A recorded document, executed by the owner of record:
 - i. Revising the legal description of more than one (1) contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 - ii. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable Land Use Ordinances.
3. A recorded agreement between the owners of adjoining subdivided properties adjusting their mutual boundary if:
- a. No new building lot or housing unit will result from the adjustment; and
 - b. The adjustment will not violate any applicable Land Use Code.
4. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision” as to the unsubdivided parcel of property or subject the unsubdivided parcel to this chapter.

Section 10.15.30. Exemptions from Plat Requirements.

A. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements if the lot or parcel:

- 1. Qualifies as land in agricultural use;
- 2. Meets the minimum size requirement of applicable land use ordinances; and
- 3. Is not used and will not be used for any non agricultural purpose.

B. The boundaries of each lot or parcel exempted under subsection (A) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat, shall be recorded with the county recorder.

C. If a lot or parcel exempted under subsection (A)(1) is used for a non agricultural purpose, the Town Council shall require the lot or parcel to comply with the requirements of the subdivision code.

D. Documents recorded in the county recorder's office that divide property by a “metes and bounds” description do not create an approved subdivision allowed by this part unless the Town’s land use authority's certificate of written approval required by subsection (A) is attached to the document. The absence of the certificate or written approval required by subsection (A) does not affect the validity of a recorded document.

E. A document which does not meet the requirements of subsection (A) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with section 57-3-106, Utah Code annotated, 1953 as amended.

Section 10.15.40. Private Property Disputes.

Jurisdiction of Private Property Disputes. Fairfield Town does not have jurisdiction to resolve private property issues. Fairfield Town does not negotiate agreements between non-town utility providers or developers.

Section 10.15.50. Fees and Charges.

A. Fees and Charges shall be set by Resolution. The Council, by resolution, shall establish all necessary fees and charges payable for subdivision application processing, application reviews, inspection services, and any additional services provided by the Town or required of this chapter. Such fees and charges may be amended from time to time, as considered necessary by the Council. see Fairfield Fee Schedule.

B. No application or plat shall be put on any agenda until all required fees are paid in full.

Section 10.15.60. Prohibited Acts.

A. Recording any unapproved subdivision is prohibited.

B. No single parcel can be divided into two or more smaller parcels without complying with this chapter. Any violation of these requirements constitutes a criminal offense punishable as a misdemeanor.

C. The County Recorder is required by law to record all properly prepared documents. Recording of a subdivision of property not in compliance with this chapter will result in a recording of non-compliance against the property.

D. Any parcel created as the result of an improper division or subdivision of property will be prohibited from any further development, sale, exchange or offer to sell or exchange.

E. An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a final plat of the subdivision has been approved and recorded in the Office of the Utah County Recorder, as required and provided by this Ordinance/Code, is guilty of a violation of this Ordinance/Code, for each lot or parcel transferred or sold.

Section 10.15.70. Enforcement.

A. Enforcement by the Town and Owners of Real Estate. The Town may take all actions allowed under the law to ensure compliance and enforcement of this chapter. Failure of the Town to enforce any provision or seek remedies to any violation of this code shall not legalize any such violation.

B. The Town, or any adversely affected owner of real estate within the Town in which violations of this code are occurring, or are about to occur, may, in addition to other remedies provided by law, may institute:

1. Injunctions, Mandamus, Abatement, or any other appropriate actions; or

2. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

C. As provided by the Utah State Code, the Town need only establish a violation of this Code to obtain an injunction.

D. The Town may bring an action against a property owner to require that the property conform and comply with the provisions of this chapter.

E. An action brought by the Town against a property owner, and authorized by this chapter, may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation of this chapter.

Section 10.15.80. Issuing of Licenses and Permits.

From the effective date of this Ordinance/Code, no license or permit, including the issuance of any building permit for the construction, alteration, or modification of any building or structure, shall be issued by the Town unless such permit or license complies with the requirements and provisions of this Code/Ordinance, including a determination that the lot or parcel, proposed for the license or permit, *is a legal lot created pursuant to the provisions of this Ordinance/Code*, or prior enactments, or is a legal lot of record. Any approval issued in conflict with the provisions and requirements of this Code shall be void. An exception may be made for non conforming lots of records.

Section 10.15.90. Withholding Permits.

The Town may enforce this Ordinance/Code by withholding building permits.

Section 10.15.100. Town Approval for Building.

The approval of a subdivision does not constitute a building permit. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the Town without an approved building permit, unless such building is exempt, as provided by the building codes of the Town.

Section 10.15.120. Types of Subdivisions.

A. The following are types of subdivisions that are considered by this chapter:

1. Undeveloped Subdivision;

2. Mortgage/Farm Preservation Subdivision; and

3. Developed Subdivision.

Section 10.15.130. Flag Lots.

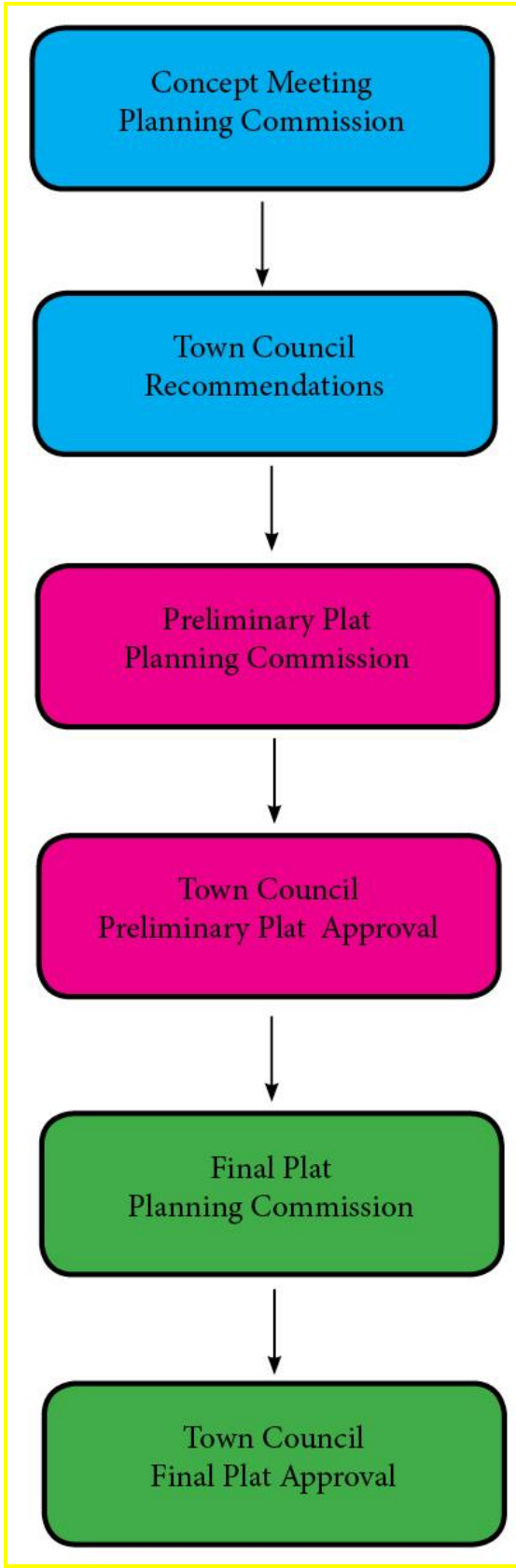
Flags lots are not allowed in Fairfield Town.

Section 10.15.140. Subdivision Process.

Minimum Submittal Requirements. The submittal requirements are not inclusive. Additional requirements can be found under each type of development.

A. Subdivision Application Procedures.

[See following page]



Section 10.15.150. Concept Meeting.

Fairfield Town recommends any person wishing to subdivide in the Town of Fairfield to schedule a concept meeting with the Planning Commission prior to preparing engineered plats, charts or plans.

A. Purpose. The purpose of the concept meeting is to provide a conceptual layout of proposed lots, including minimum development requirements in the proposed zoning district, including lot frontage, lot width and yard requirements. Each person who proposes to subdivide land which is located in whole or in part in the Town shall confer with the Planning Commission. This should be done before preparing any plats, charts or plans in order to become familiar with the Towns subdivision requirements. This meeting will confirm that the proposal meets the existing master plan for the zone in which the proposed subdivision lies and will allow for discussion of the proposed plan of development.

B. Concept Plan Procedure:

1. Submit application to Fairfield Town (www.fairfieldtown.org);
2. Upload concept plan;
3. Submittal must be submitted at least fourteen (14) days prior to the Planning Commission regular meeting;
4. Submittal Requirements for Concept Plan. A concept plan drawn on a sheet of paper no less than 8 ½" x 11" showing current roads, water lines, lots, lot sizes, road frontage, road dedication, utilities, fire hydrants, existing buildings and fences, ditches, and any other objects or rights of way that may be on the property;
5. After the application has been made, the building department will add the application to the next available planning and zoning agenda and notify the applicant of the date and time;
6. The Town staff will notify all departments seven (7) days prior to said meeting;
7. If needed, a separate meeting with all department heads may be required;
8. After the concept meeting the Planning Commission shall present the plan to the Town Council for their input; and
9. The applicant shall file with Fairfield Town, an application for approval of a preliminary plat if they elect to proceed.

Section 10.15.160. Preliminary Subdivision Plat Requirements.

A. Purpose. The purpose of the preliminary plat is to allow for review of the proposed subdivision to determine whether it will meet the design standards contained in this Subdivision Code, to determine the issues to be addressed, and to give interested parties an opportunity to examine and comment on the proposed subdivision. ■ Steps to complete the application process are as follows:

1. Submit application to Fairfield Town (www.fairfieldtown.org);
2. Upload preliminary plan along with any other documents at least fourteen (14) days prior to the Planning Commission regular meeting. (PDF ONLY);
3. Pay all preliminary development plan application fees in full prior to application being assigned to the building department;
4. The building department will notify all departments seven (7) days prior to the regular Planning Commission meeting;
5. If needed, a separate meeting with all department heads may be required;
6. After review by the Planning Commission and Fairfield Town department heads, the Planning Commission will approve or deny application;
7. The Planning Commission will present the application to the Town Council for approval;
8. Fairfield Town Council will approve, approve with changes, make recommendations or deny the application;
9. Once Fairfield Town Council approves the preliminary plat, a final plat application may be submitted;
10. Time Limitation for final plat approval. Approval of the preliminary plat by the Town Council shall be valid for a maximum period of twelve (12) months; and
11. For all proposed subdivisions, the approval of a Preliminary Subdivision Application by the Council shall not constitute final approval of the subdivision by the Town.

B. The Submittal Requirements Are Not Inclusive. Additional information can be found under each type of development.

C. General Submittal Requirement Package For Preliminary Plat. The general submittal requirement package shall contain a submittal of the development application in a form which complies with the following:

1. The preliminary development plan application provided by the Town, shall be completed, signed and uploaded to the Town by the property owner(s) as identified on the property assessment rolls of Utah County, or authorized agent of the owners. The preliminary development plan application fee, as established by a resolution of the Council, shall be paid by the applicant;
2. A copy of the Record of Survey for the original parcel filed with the Utah County Surveyor's office;

3. Tax clearance for land must be proven;
4. Preliminary Plat. A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary plat shall be drawn to a scale not smaller than one inch equals one hundred feet (1" = 100'), and shall include the following:
 - a. Project name and address; North point, scale, date and type of subdivision;
 - b. A copy of the coordinate sheet which shall show the following:
 - i. The courses and distance of the proposed development/subdivision boundary and the error of closure; and
 - ii. The area of the lot in square feet and acres, and the error of closure for each lot with the plat;
 - c. All open spaces shall be created and designated in a manner to ensure they will perpetually remain as open spaces. Roads shall be dedicated to and controlled by the Town unless and until vacated;
 - d. Names, addresses, and telephone numbers of developer, engineer, and current and prospective owners;
 - e. Numbers of all lots;
 - f. Nearest section corner tie, township(s) and range(s);
 - g. Acreage, property dimensions, project perimeter, legal description;
 - h. All proposed phases of the development, numbered and defined, with approximate timetable for development;
 - i. Existing infrastructure including all fire hydrants, sewer, water and all other utilities, including but not limited to electricity, natural gas, telephone, telecommunication;
 - j. Proposed layout of all public roads, their proposed addresses, and grades shall abide by the Fairfield Town Road Ordinance and Master Transportation Plan;
 - k. Location and elevation drawings of existing and proposed buildings, signs, dumpster(s) propane tank(s) and utility enclosures, fences and other structures;
 - l. Grading plans, including all proposed changes in grade;
 - m. All remnants of lots below minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels;

- n. Any additional information which the Planning Commission may reasonably require in a specific instance;
- o. Any additional information which may be required by the type of subdivision; and
- p. Existing fences in relation to actual property lines.

D. The Town Council may, at their discretion, elect to give authority for final plat approval to the Planning Commission if:

- 1. The subdivision is simplistic in nature;
- 2. Road dedications are along existing streets; and
- 3. No other requirements were made by the Town Council for approval of the preliminary plat.

Section 10.15.170. Final Plat.

A. Purpose. The purpose of the final plat is to review the proposed subdivision for proper engineering and subdivision design, to ensure real estate interests are properly represented, to provide for dedication of lands required for public use and for the construction of public improvements, and for conformance with the preliminary plat.

B. Final Plat Procedure:

- 1. Submit Application to Fairfield town.(www.fairfieldtown.org);
- 2. Upload final plat along with any other documentation at least fourteen (14) days prior to the Planning Commissions' regular meeting. (PDF ONLY);
- 3. All final development application fees shall be paid in full prior to application being assigned to the building department;
- 4. The building department will notify all departments seven (7) days prior to said meeting;
- 5. If needed, a separate meeting with all department heads may be required;
- 6. After review by the Planning Commission and Fairfield Town department heads, the Planning Commission will present the final plat to the Town Council for approval; and
- 7. The Fairfield Town Council will approve, approve with changes, make recommendations or deny the final plat.

C. Submittal Requirements for Final Plat. Final development plans are reviewed by the Planning Commission and the Town Council in conjunction with the review of the final plat associated with the subdivision. All final development plan applications, filed with the city, are required to provide the following application information:

1. A final plat application, provided by the Town, completed and signed by the owners as identified on the property assessment rolls of Utah County, or authorized agent of the owner(s), of the land to be developed. The final development plan application shall be accompanied by the final development application fee, as established by a resolution of the Council;
2. Endorsement on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes and easements imposed on the property;
3. The location of all monuments erected, corners and other points established in the field. The material of which the monuments, corners or other points are made shall be noted. Bearings shall be shown to the nearest second, lengths to the nearest hundredth of a foot and areas to the nearest hundredth of an acre;
4. The owner's certificate of dedication, including the dedication of any public ways or spaces. This certificate shall be signed, dated and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the county recorder may enter the book and page number of their recording;
5. A legal description of the subdivision boundaries;
6. Title insurance on all dedications;
7. If the final plat is filed with the Town more than ninety (90) days from the date the preliminary application is approved by the Town Council, a title report, no older than thirty (30) days, shall be provided as part of the final development application;
8. Signature blocks prepared for the dated signatures of the Mayor, Town Recorder, Planning Commission Chair and Town Engineer/Surveyor and / or Town attorney;
9. Final design and construction drawings for all proposed or required public improvements, including the profiles and cross sections of all existing and proposed streets;
10. Any additional information which is required by the type of subdivision shall be included;
11. Any other information required by the Planning Commission, Town Engineer, Building Department, Fire Department, or Town Council;
12. An original copy of any proposed deed restrictions in final form and signed by all of the owners of any interest in the subdivision who signs the final subdivision map. This copy shall be

acknowledged by a Notary Public and shall be recorded in the office of the County Recorder along with the final plat. (Note for Planning Commission consideration: The Town Attorney requires a copy of the CCRs and reviews them to ensure that they meet legal requirements);

13. Final Plat. After Town Council approval, a final plat shall be prepared by a licensed land surveyor, conforming to current surveying practices and in a form acceptable to the Utah County Recorder for recordation and shall include the following:
 - a. The final plat shall be prepared in permanent ink;
 - b. All streets shall be numbered using the Town address grid;
 - c. All required certificates shall appear on a single sheet (along with the index and vicinity map);
 - d. The final plat shall be drawn on reproducible Mylar;
 - e. A minimum of one (1), twenty-four inch by thirty-six (24 x 36) inch size Mylar, two (2) eleven by seventeen (11 x 17) inch size paper copies, and a digital copy in a PDF format shall be presented to the Town, as a requirement of the final plat application;
 - f. The final plat shall contain the same information as required by Title 10.15.150. and shall include any revisions or additions, as required by the Planning Commission, building heads, and/or Town Council, as part of the preliminary plat approval;
 - g. Title Block Required. A title block is required. It shall be placed in the lower right hand corner of the Plat showing:
 - i. Proposed name or designation of the subdivision that is distinct from any other plat already recorded in the Office of the Utah County Recorder;
 - ii. Name and address of the owner of record and the name, address and license number of the licensed surveyor or engineer responsible for preparing the Preliminary Plat; and
 - iii. Date of preparation of the Preliminary Plat, and all revision dates, as applicable.
 - h. Signature Block Required showing:
 - i. Surveyor's certificate;
 - ii. Owner's property dedication;
 - iii. Acknowledgments by owner to include corporate, partnership, limited liability company or trust acknowledgment, as applicable;

- iv. Agreements, as applicable;
- v. County recorder's number;
- vi. Mayor's approval and acceptance;
- vii. Planning chairperson's approval and acceptance;
- viii. Town recorder;
- ix. Town engineer/surveyor; and
- x. Town attorney when requested by Town Council.

D. Clear Title. All dedications to Fairfield must be clear of all liens and encumbrances.

E. Approval Authority. The Town Council is identified and authorized as the approval authority for the final plat application ensuring compliance with all applicable requirements of this Chapter. The Mayor may approve the Final Plat or deny the final plat, accompanied by findings of Title 10.15.230.

F. Legal Review. The Town attorney will review all legally binding documents including but not limited to deed restrictions, developer agreements, and/or any other binding documents.

G. Methods Approved By The Town Council To Ensure All Improvements Are Made. To ensure that all improvements to the subdivision are made, the Town shall ask for one of the following:

1. Bond;
2. Guaranteed Letter of Credit; or
3. Other means approved by the Town Council.

Section 10.15.180. Roads and Transportation Patterns and Connectivity Standards.

A. Purpose. This section is intended to ensure that the local road system is well designed with regard to safety, efficiency, and convenience for pedestrians, bicycles, automobiles, and other transportation modes.

B. General Standards. The road and transportation system of any proposed development shall be designed to serve all modes of transportation that will use the system (including, but not limited to cars, trucks, buses, bicycles, pedestrians, and emergency vehicles). The system shall provide more than one direct connection to and between local destinations such as parks, schools, and shopping. Roads must provide connections within the subdivision and to adjoining properties to blend developments together and to disperse traffic.

C. Distribution of Local Traffic Network. All subdivision plats shall include a local road system that will allow access to and from the proposed subdivision, as well as access to all existing and future adjacent development, preferably from at least two roads.

D. Utilization and Provision of Local Road Connections to and from Adjacent Developments and Vacant Parcels. All plats shall incorporate and continue all roads stubbed to the boundary of the property by previously approved plats or existing development or as determined by the Planning Commission or Town Engineer. All plats shall provide for future public road connections to adjacent vacant parcels. The Planning Commission shall update the Road Master Plan as plats are approved.

E. Roads, Access and Transportation. All subdivision designs shall conform to the following requirements:

1. The subdivision design shall conform to the Fairfield Road Master Plan or any portion thereof and to any future road rights-of-way designated by the Town Engineer;
2. All lots in a subdivision shall have frontage on a public road;
3. All lots or tracts shall have access to a public road; and
4. All public rights-of-way and streets shall align and unite with all existing roads or right of ways.

F. The circulation pattern for the subdivision shall be designed to take advantage of the topography of the site, shall function in a logical manner, and shall be designed to accommodate the circulation demands of the proposed development based on the proposed land uses and external demands to be placed on the land. The circulation system should also take into account, when appropriate, various modes of transportation (e.g. pedestrian, bicycles, buses, etc.) Access must be adequate for service and emergency vehicles as determined by the Fire Marshal.

G. Private Streets and Roadways. see Title 6.3.150. (H).

H. Pedestrian, bicycle, and equestrian trail rights-of-way, and open space access rights-of-way, or appropriate easements, shall be dedicated when they are required. Additional rights-of-way or easements may be required when the Planning Commission or Town Council determines the paths are necessary for access to parks, schools, shopping areas, or other public facilities.

I. Access. Access between the subdivision and Utah State Highways shall conform to the Utah State Highway Access Code.

J. Cul-De-Sacs. see Title 6.3.160. (E).

K. Partial Roads. Partial roads, under certain conditions, may be approved by the Fairfield Town Council.

L. Road Standards. All roads must conform to Fairfield Roads Standards. see Title 6.3.160.

M. Non Paved Roads. Non paved roads shall require the fire marshal's approval and signature.

Section 10.15.190. Recordation Of Plats.

A. Plat Signing. The Mayor, Town Recorder, Planning Commission Chairperson, Town Engineer/Surveyor and/or Town Attorney shall sign the reproducible mylar original of the final subdivision plat.

B. Filing and Recordation. It shall be the responsibility of the Town of Fairfield to file the final plat with the county recorder's office. Simultaneously, with the filing of the final plat, the Mayor or designee shall record the development agreement, the declarations of covenants, conditions and restrictions, articles of incorporation for any homeowners' association and the evidence of dedication, together with such legal documents as shall be required by the Town's attorney to be recorded.

C. Recordation Fees. The payment of all fees associated with recording will be the responsibility of the applicant.

D. Vacation or Change of Plats. A petition to vacate, alter or amend an entire plat, a portion of a plat, or a street or lot contained in a plat, must re-submit the plat and follow the Fairfield subdivision process as described in this chapter.

Section 10.15.200. Undeveloped Subdivisions.

Undeveloped/Unimproved Subdivisions must follow the Fairfield subdivision process as described in this chapter.

A.. Each of the lots within the subdivision must be located entirely within the same zone.

B. Fairfield Town Council may consider roads as part of the lot size in zones greater than one (1) acre based on recommendations by the Planning Commission.

C. Water Requirements:

1. Comply with Fairfield Water Code. Private water systems and the use of private wells to provide municipal water services are **not allowed** except at the discretion of the Town Council. see Fairfield Water Code, see Title 6; and

2. Subdivisions within an AR-1 zone will need to bring the Fairfield water line to within nine hundred fifty feet (950) of the furthest lot.

D. Building lots in the approved subdivision may be sold after the final plat has been recorded. The lots, however, shall have recorded restrictions placed upon them stating that building permits will not be issued for any lot until improvements, as specified in Title 9.1.30. are complete.

E. All lots must meet the frontage requirement for the zone they are located in.

F. All roads and road dedications must meet the road standards required for the zone or traffic volume.

G. If the undeveloped/unimproved lot is to be developed, each lot must meet current zoning standards. Development must meet the requirements of all Fairfield Code/Ordinances regarding lighting, landscaping, signs, water, roads, environmental regulations and any other code that is applicable to the development before any building permit is granted.

Section 10.15.210. Mortgage Lot Subdivision and Regulations.

A. Mortgage Lot Subdivision must follow the Fairfield subdivision process as described in this chapter.

B. Mortgage Lot Subdivisions cannot contain more than a total of two (2) lots.

C. A Mortgage Lot Subdivision may be created in a zone that allows for construction of a residence on a parcel that is five acres or larger.

D. The combined lots must be 5 acres or larger.

E. The primary or mortgage lot must meet all road standards required for that particular zone.

F. The primary or mortgage lot must meet roads, setbacks, and frontage standards for the 5 acre zone.

G. A deed restriction must be placed and recorded on each of the two (2) resulting parcels requiring that both parcels remain in the same name, including after a transfer, and that the unencumbered lot shall remain unimproved.

H. The plat for the Mortgage Lot Subdivision must show "SUBDIVISION FOR THE PURPOSE OF MORTGAGE".

Section 10.15.220. Developed Subdivisions.

A. Developed/improved lot developments must follow the Fairfield subdivision process as described in this chapter.

B. All roads and road dedications must meet the road standards required for the zone or traffic volume.

C. Water Requirements:

1. Comply with Fairfield Water Code; Title 6 Chapter 1.

D. The Fairfield Town Council may consider roads as part of the lot size based on a Master Plan that fits within the Town's General Plan with the Planning Commissions' recommendation.

E. All of the lots must meet the frontage requirement for the zone they are located in.

F. Must comply with Fairfield Town Growth Management Ordinance. see Title 9.5.00.

G. The Town Council may require some method to ensure that the developer will provide all the required improvements after the plat has been approved. Following are three (3) methods of ensuring that the required improvements are completed:

1. Developer posting a performance bond of one hundred twenty-five percent (125%) to be determined by the town engineer;
2. A covenant and agreement contract entered into by the subdivider and the Town placing a lien on the property to guarantee the installation of the required improvements; and
3. Depositing funds in an escrow account to ensure completion.

H. Utah County septic approval.

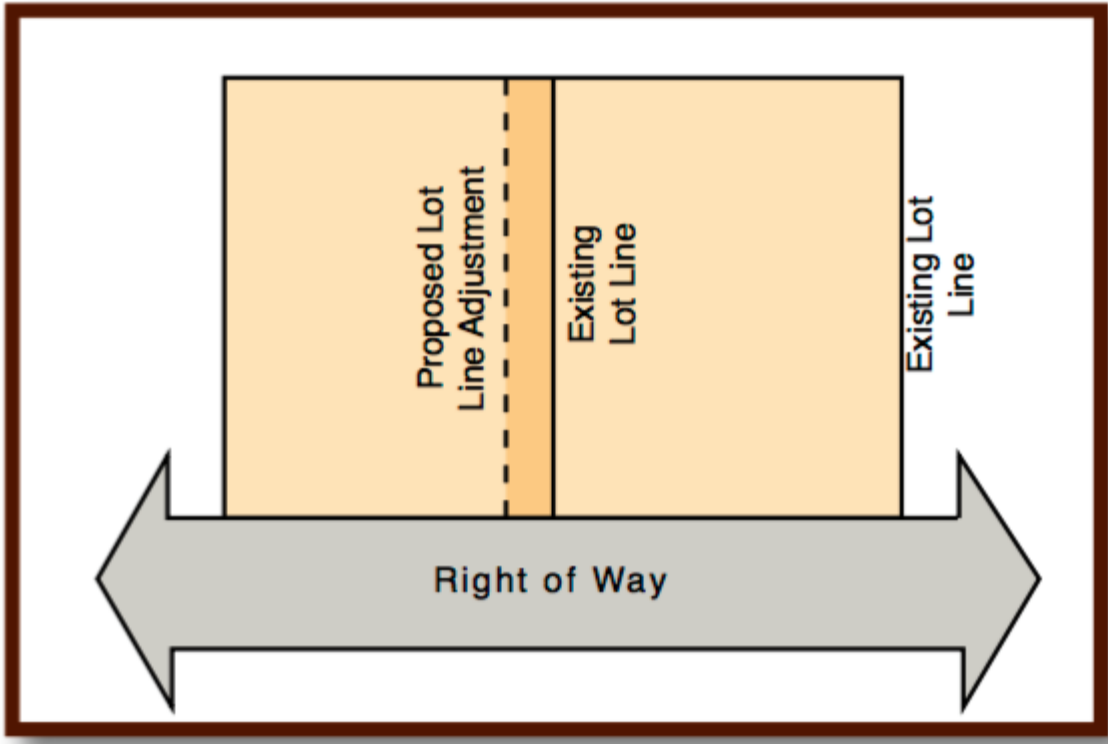
I. Soil Testing Report - See Title 5.

J. Additional requirements to plat. Plat requirements for a Fairfield Town building permit include but are not limited to:

1. Existing and proposed infrastructure including fire hydrants, water lines, utilities; and
2. Any other information the Planning Commission, or Town Council may require.

Section 10.15.230. Lot Line Adjustment.

A. Purpose. The purpose of a lot line adjustment plat is to provide for an administrative procedure by which one or more lots or tract lines may be moved or removed. It is not intended for adjusting large numbers of lot lines. The Planning Commission shall have the discretion to determine whether a lot line adjustment is the proper process, subject to the criteria and standards of this chapter.



B. Conditions Required for Lot Line Adjustment. In order to complete the lot line adjustment process, all of the following conditions must be met and meet all applicable requirements outlined in [Utah State Code 10-9a-523](#):

1. All real property involved must be a part of an existing, recorded survey;
2. No additional block, lot, or tract may be created by the adjustment;
3. The areas and/or frontages of the blocks, lots, or tracts involved in the lot line adjustment shall not be reduced to less than the minimum required by the Fairfield Town Zoning Code;
4. The lot line adjustment must not conflict with any other ordinances, regulations, codes, rules or laws;
5. The lot line adjustment plat must be prepared and signed by a Professional Land Surveyor licensed to practice in the State of Utah; and
6. The Fairfield Planning Commission has the authority to approve or deny a lot line adjustment in a subdivision as allowed in Utah State Code [10-9a-523](#).

Section 10.15.240. When an Applicant is Entitled to Approval of an Application.

A. Exceptions. The Town may not impose unexpressed requirements:

1. The Town is required to comply with the requirements of this chapter. An applicant is entitled to the approval of an application, required by this chapter, if such application conforms to the requirements of this chapter and the Town's other land use ordinances, codes, land use maps, and zoning codes as applicable, and in effect at the time when the Town of Fairfield determines the application to be complete and all fees have been paid, unless:
 - a. The Land Use Authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. The Town has formally initiated proceedings to amend its Land Use Code in a manner that would prohibit approval of the application as submitted and in the manner provided by local code and before the application is submitted; and
 - c. The Town shall process an application without regard to proceedings initiated to amend the Town's Land Use Code if:
 - i. One hundred and eighty (180) calendar days have passed since the proceedings were initiated; and
 - ii. The proceedings have not resulted in an enactment that prohibits approval of the application as submitted.
2. The Final Plat, as required, conforms fully to the requirements of this Ordinance, and the Town's other Land Use Code, including the Zoning Code, and has been approved by the Planning Commission and Town Council.
3. The Town shall be bound by the terms and standards of this chapter, and other land use codes and ordinances, as applicable, and shall comply with all mandatory requirements and provisions of such code or ordinance.
4. The Town shall process and render a decision on each application required by this chapter within sixty five (65) days.

10.15.250. Town Imposed Requirements and Exactions on Application Approval.

A. Requirements. The Town shall not impose any requirement(s) or exaction(s) on any approval required by this chapter unless:

1. An essential link exists between a legitimate governmental interest and each requirement or exaction; and
2. Each requirement or exaction is roughly proportional, both in nature and in extent, to the impact of the proposed subdivision.

Section 10.15.260. Appeal to Town Council.

A. Notice Of Appeal. The applicant for a subdivision approval may appeal the disapproval of any concept plan, preliminary or final subdivision plat by the Planning Commission by filing a notice of appeal with the Town Council, with a copy to the Planning Commission, no later than ten (10) days after the date when the Planning Commission disapproved the concept plan, preliminary or final subdivision plat. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal.

B. Hearing. The appeal shall be considered at the next regularly scheduled public meeting of the Town Council, subject to statutory noticing requirements, at which time the Town Council may affirm, affirm with conditions, or reverse the decision of the Planning Commission. The Town Council may reverse the decision of the Planning Commission if three (3) members of the Town Council vote in favor of such reversal.

C. On appeal. The applicant shall be allowed to make a presentation to the Town Council under such terms, conditions and procedures as established by the Town Council. The Town Council shall render a decision affirming, affirming with conditions, or reversing the Planning Commission decision. If the Town Council reverses the Planning Commission decision, the applicant may proceed to submit a preliminary or final plat as appropriate under the conditions for approval agreed to by the Town Council.

D. Further Appeal. The applicant for subdivision approval may not appeal the disapproval of any final subdivision plat by the Town Council, except as provided by state law.

Section 10.15.270. Severability.

This code and the various parts, sections, and clauses are hereby declared to be severable, except the provisions relating to large scale developments; otherwise, if any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or, invalid, it is hereby declared that the remainder of the code shall not be affected thereby; the Town Council hereby declares that it would have passed this code and each part, section, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

Chapter 17. Conditional Uses.

Section 10.17.10.	Purpose.
Section 10.17.20.	Definitions.
Section 10.17.30.	Land Use Authority.
Section 10.17.40.	Zoning.
Section 10.17.50.	Application For a Conditional Use.
Section 10.17.60.	Conditions for Approval.
Section 10.17.70.	Standards of Review.
Section 10.17.80.	Revocation or Modification of a Conditional Use Approval.
Section 10.17.90.	Additions and Amendments.
Section 10.17.100.	List of Uses Which Require Additional Conditions for Uses.

Section 10.17.10. Purpose.

The purpose of this chapter is to establish standards for certain land uses listed in each zone as conditional uses.

Section 10.17.20. Definitions.

See Chapter 12, Definitions.

Section 10.17.30. Land Use Authority.

A Land Use Authority shall approve a conditional use permit if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards and criteria. Unless stated otherwise in Fairfield Town Code the Planning Commission is hereby authorized as the Land Use Authority to review and render a decision for all conditional use applications, in accordance with the requirements of this chapter.

Section 10.17.40. Zoning.

Each zone will govern what conditional use will be allowed in that zone. Each zone may have additional conditions listed to fully mitigate adverse impacts.

Section 10.17.50. Application For a Conditional Use.

A. All requests for a conditional use, as identified in this chapter shall be made on an application form provided by the Town. A property owner may present a conditional use application for review and decision or an agent of the property owner, or a lessee of the property, may present a conditional use application for review and decision, provided such application is accompanied by a property owner affidavit of authorization. All applications shall be considered by the Planning and Zoning Commission.

B. Application Process for Conditional Use:

1. Fill out business license application;

2. Applicant shall supply the Town with addresses and envelopes for all landowners that are located within 300 ft. of the proposed business (to be turned in with application);
3. Pay all appropriate fees;
4. Building Department shall review the application for approval;
5. Planning Commission shall review the application for approval and hold a public hearing;
6. Approval authority approves the CUP;
7. Mayor signs the building permit, if approved (No license is valid without the Mayor's signature);
8. Licensing Official issues approved business license to applicant;
9. Licensing Official mails said permit to applicant; and
10. Fire inspection may be required.

C. The presentation/application to the Planning Commission shall include the following when appropriate. Those requirements not applicable may be removed by the chair of the Planning Commission:

1. Size, configuration, and location of the site, and proposed site plan layout;
2. Proposed site ingress and egress to existing and proposed roads and streets;
3. The provision of public facilities and amenities, including roads and streets, culinary water, sanitary sewer, storm drainage, public safety and fire protection, and other utilities;
4. The location and amount of off street parking and loading areas;
5. Site circulation pattern for vehicular and pedestrian traffic;
6. Building size and location;
7. The location and design of all site features, including proposed signage, lighting, and refuse collection;
8. The provision of usable open space, public features, and recreational amenities;
9. Fencing, screening and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts;

10. Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gasses, noxious matter, heat, glare, electromagnetic disturbances, and radiation;
11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, around water, wildlife habitat, historic and archeological site, and other natural site features;
12. The regulation of operating hours for activities affecting normal schedules and functions;
13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the conditional use continues to operate in compliance with all conditions and requirements of approval; and
14. Such other conditions determined reasonable and necessary by the Commission to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Ordinance.

D. Requirements. Applicants for a conditional use are required to comply with all requirements of this chapter and this code, and including the requirements for a building permit, as applicable, and all other applicable requirements.

Section 10.17.60. Conditions for Approval.

A. The Planning Commission, in reviewing a conditional use application, may impose such requirements and conditions with respect to:

1. Location;
2. Proof of land ownership;
3. A site plan;
4. A vicinity plan;
5. A written narrative including but not limited to:
 - a. Type of use proposed;
 - b. Days and times of operation;
 - c. Square footage of the building(s) proposed;
 - d. Square footage used by the conditional use;

- e. Expected hardship on surrounding uses;
 - f. Number of users or employees; and
 - g. Other information the Land Use Authority deems necessary to fulfill the purpose of this title may be requested prior to approval: and
6. The applicant shall also pay the appropriate fee outlined in the fee schedule before the the Planning Commission or Town Council may review the application.

Section 10.17.70. Standards of Review.

A. Decisions of approval, approval with conditions, or denial of the conditional use permit application is based on the following criteria:

1. The General Plan and Permitted Zoning Conditions:
 - a. The CUP shall fit Fairfield Town’s future vision contained in its General Plan; and
 - b. The CUP shall follow the zoning conditions for its location.
2. The safety of people and property;
3. Size and location of the use;
4. Structures associated with the use are compatible with surrounding structures in terms of use, scale, mass, and circulation;
5. Prevent or minimize flood water damage where necessary;
6. Relocation, covering, or fencing of irrigation ditches, and drainage channels;
7. Location, dimensions of truck loading and unloading facilities;
8. Conditions hazardous to the public health or safety;
9. Traffic considerations including:
 - a. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 - b. The location and design of off street parking as well as compliance with off-street parking standards;
 - c. Provision of parking facilities, including vehicular ingress and egress, loading and

unloading areas and the surfacing of parking areas and driveways to specified standards; and

- d. Internal traffic circulation.

10. Health and Sanitation:

- a. The use is not detrimental to the public health, safety, and welfare;
- b. Emergency vehicle access; and
- c. Screening of trash pick-up or waste storage areas.

11. Environmental Concerns:

- a. The regulation of operating hours for activities affecting normal schedules and functions;
- b. Utility capacity;
- c. Usable and permanent open space considerations;.
- d. Signage;
- e. Exterior lighting that complies with the lighting standards of the zone;
- f. Noise, vibration, pollution, odors, steam, or other factors that might affect people and property offsite;
- g. Potential discharge into the air, ground water, surface and subsurface water, or soil; and
- h. All buildings or other structures are designed to add to the quality of the area.

12. Fencing, Screening, Landscaping:

- a. Fencing, screening, and landscaping may be required to preserve the quiet, aesthetic and peaceful enjoyment of surrounding properties and to promote an aesthetically pleasing area to attract tourism, promote the prosperity and general welfare of the Town:
 - i. Shall be of acceptable design that blend into the natural surrounding areas;
 - ii. Shall follow the Landscaping Ordinance 10.19.00;

- iii. May require screening to effectively block all views from adjoining roads and properties of any passive storage of materials or equipment. Including but not limited to vehicles, equipment, junk, waste storage, or other personal property; and
 - iv. Fencing may be required to be ninety five (95)% opaque and made of long lasting material. Cloth or temporary materials are NOT PERMITTED.
- b. Walls shall be made from a solid surface. Walls and fences shall be of acceptable design with architectural detail to conform to or enhance the surrounding area;
 - c. Removal of structures, debris, or plant materials incompatible with characteristics of the underlying zone may be required and property shall be maintained and kept weed free;

13. Provision of a reasonable guarantee, bond or other surety, as determined by the Planning Commission, that the proposed conditional use will be maintained and operated in compliance with all conditions and requirements;

14. Identifying a time for regular review and monitoring as determined necessary by the Planning Commission to ensure the use continues to operate in compliance with all conditions and requirements of approval, no greater than five (5) years; and

15. Any other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The Planning Commission may require guarantees or other evidence that such conditions will be met and complied with.

16. Preserve the quiet, aesthetic and peaceful enjoyment of surrounding properties.

Section 10.17.80. Revocation or Modification of a Conditional Use Approval.

A. Revocation or Modification Process. A conditional use approved in accordance with the provisions of this chapter may be revoked by the approval authority if any of the conditions of approval are not met, or if the permit is used to violate any law, code or ordinance.

B. Conditional uses shall be re-evaluated and renewed at a minimum time interval of not less than once every five (5) years or at shorter intervals as the approval authority deems necessary.

C. Conditional use requirements may change as a result of growth or unforeseen circumstances.

D. The Town staff shall notify the approved conditional use holder by certified mail of any violation, or if a violation exists in any conditions of approval. If no attempt to correct the violation is made within ten (10) days after notification, the conditional use approval may be revoked by the Approval Authority, if the Approval Authority finds that one or more of the following circumstances exists:

- 1. The conditional use approval was obtained in a fraudulent manner;

2. The use for which the approval was granted has now ceased for at least six (6) consecutive calendar months;
3. One (1) or more of the conditions of approval have not been met; or
4. Additionally, the Planning Commission, following a public hearing, may modify the conditions under which the use approval was originally approved if the Planning Commission finds that the use or related development constitutes or is creating a nuisance.

E. Expiration Of Conditional Use Approval. A Conditional Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within one hundred eighty (180) days from date of approval, the approval shall be void and a new Conditional Use Application required.

F. Appeal a Decision of the Commission. Any person aggrieved by a decision of the Planning Commission regarding a conditional use may appeal the decision to the Fairfield Town Council.

Section 10.17.90. Additions and Amendments.

A. Exception Standards. Though standards have been set for certain uses in the chapter, the Planning Commission may add additional conditions providing Title 10.17.60 is followed.

Section 10.17.100. List of Uses Which Require Additional Conditions for Uses.

A. This list **does not permit** uses in any zone. The list is to set standards for conditional uses only. Any conditional use not specifically listed in this chapter shall be prohibited in all zones.

1. Adult Oriented Businesses;
2. Bounce Houses;
3. Caretaker Dwelling (non farm uses);
4. Child Care Facility/Center;
5. Self- Storage and RV, Boat, Vehicle storage;
6. Home Based Business;
7. Special Event Uses;
8. Industrial Outdoor Storage.

B. Adult Oriented Businesses. Subject to the provisions of Title 3 Chapter 3 of this Code.

C. Bounce Houses. Bounce houses or similar inflatables require special insurance. The following insurance requirements must be met to obtain a Special Event Permit:

1. A \$3,000,000 (\$1,000,000 per occurrence/ \$3,000,000 aggregate) Commercial General Liability Insurance Policy naming Fairfield Town as an additional insured within that insurance policy;
2. Damage to Rented Premises must be insured for at least \$500,000;
3. Medical Expenses must be insured for at least \$5,000;
4. Personal Injury must be insured for at least \$500,000;
5. Products must be insured for at least \$500,000; and
6. If you would like to use a bounce-house or similar blow-up toy as a part of the Special Event, the bounce house vendor must also meet the following special insurance requirements:
 - a. Obtain a General Liability Insurance policy of \$3,000,000 (\$1,000,000 per occurrence/ \$3,000,000 aggregate) where Fairfield Town is named as an additional insured;
 - b. Obtain an insurance policy that has an athletic participation exclusion OR is one that will pay for bodily injury and property damage based not on the participants but on territory, policy period, and unintentional injury;
 - c. Some exceptions or adjustments may be made to the insurance requirements. These exceptions will be decided on a case by case basis;
 - d. Pay additional fees that may be required for any damages on or to Town property due to bounce houses;
 - e. Obtain a Special Event Permit. Bounce houses on Town property require a permit and insurance regardless of the amount of people in attendance;
 - f. Special events may also require a Temporary Mass Gathering Permit obtained through the Utah County Health Department. A Temporary Mass Gathering Permit is required for any event that:
 - i. Will have five hundred (500) or more attendees at one location (public or private) for five (5) or more hours; and
 - ii. Is located at a facility that was not constructed for heavy use.

D. Caretaker Dwellings (Non-Farm Uses). The Town Council may approve a caretaker dwelling within zones providing the caretaker dwelling meets the following standards:

1. The principal use served by the caretaker dwelling shall be a use allowed in the zone;
2. The dwelling shall be incidental to the principal use;
3. The dwelling shall be within the same structure as the principal use;

- a. Exemption: Town Council may, with a recommendation from Planning Commission, determine that the dwelling is better suited for reasons of security, as a separate building. All other conditions in this ordinance shall apply.

4. The dwelling shall be a single family dwelling;
5. The dwelling shall be designed as a part of and in harmony with the architecture of the main building;
6. The dwelling shall be a minimum of five hundred (500) square feet. The combined minimum size of the principal use building and the caretaker dwelling will not be less than five thousand (5,000) square feet. The caretaker dwelling will not be greater than ten percent (10%) of the combined area of the principal use building and the caretaker dwelling. No caretaker dwelling shall be greater than two thousand five hundred (2,500) square feet;
7. There shall be two additional parking spaces dedicated for the caretaker's use;
8. At least one of the occupants of the dwelling shall be a full time employee of the business, operation or institution that qualifies for a caretaker dwelling;
9. There are no health or safety issues, such as excess traffic, semi trucks, toxic fumes or fire risk;
10. No caretaker's dwelling shall be rented, leased, or otherwise hired out;
11. Caretaker dwellings shall have a separate ingress and egress from the principal use building;
12. The caretaker dwelling shall have a sprinkler fire suppression system; and
13. The aggregate square footage of all storage units will count toward the minimum square footage needed for the approval of a caretaker dwelling.

E. Child Care Facility/Center. Each application for a child care facility, center, or home occupation must include and comply with the following criteria:

1. Proof of application for state child care license;
2. Compliance with state, federal, and local law;
3. A design that does not include a front yard playground;
4. A parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center);
5. Childcare providers as a home occupation may not exceed zone standards; and
6. Childcare providers as a home occupation may not provide services for more than 2 (two) infants under the age of two (2) at any given time.

F. Home Based Business. Subject to the provisions of Title 3.5.00 of this code.

G. Self-Storage and RV, Boat, Vehicle Storage. All self-service storage facilities (mini-warehouses) and recreational vehicle storage facilities shall be designed, constructed, operated and occupied in accordance with the following:

1. All goods and wares shall be stored within an enclosed building, except that boats, travel trailers, motor homes and automobiles in running order, may be stored in screened exterior areas which shall have shown on the site plan and approved for that purpose;
2. No individual units shall be larger than twelve by fifty (12x 50) feet;
3. Any storage of partially dismantled, wrecked or inoperable vehicles, trailers, campers, motor homes or junk is prohibited;
4. Any repair, construction, reconstruction or manufacturing is prohibited;
5. Any storage of hazardous materials including but not limited to gasoline, paint, paint remover and similar flammable or hazardous materials is prohibited;
6. Self-storage facilities fronting public roadways, residential properties, or public properties shall include screening that shall screen any storage areas on the site. Such screening shall be in compliance with the Town's Landscaping Ordinances. Screening shall be maintained in good condition with no advertising thereon, except as permitted by the Town's signage regulations. include a barrier extending the full length of the property line.

The screening may consist of either the solid facade of the storage structure or a fence, wall, landscaping or similar structure. If the barrier is to be provided by a fence or wall, the barrier shall be not less than six (6) feet in height and shall be constructed of opaque material that will prevent the passage of light and debris. Where the barrier is to be provided by the building facade, said facades shall be in accordance with the setback requirements applicable to the zone in which it is located;

7. Access to the compound area shall be sufficient for traffic, emergency and fire vehicles;
8. Travelways will be approved by the Fairfield Fire Chief;
9. Travelways having a minimum of twenty five (25) feet in width when providing access to units on both sides of the travelway or twenty (20) feet when providing access to units on one side only. The circulation system shall provide for access throughout the facility by continuous forward motion;
10. No facility shall be approved without adequate fire protection;
11. No individual units shall be supplied with water or sewer facilities;
12. The design and improvement of the facility shall make adequate provision for storm water and snow removal;

13. The aggregate square footage of all storage units will count toward the minimum square footage needed for the approval of a caretaker dwelling;

H. Temporary and Special Event Use. The following regulations govern the operation of seasonal uses as well as one time events:

1. A special event is defined as an activity or series of activities, specific to an identifiable time and place, produced in conjunction with community organizations often held on public property, and which may occur on a one-time or recurring basis. Such events may include but are not limited to street closures, block parties, fundraisers, street parties, runs, rides, races, walks, and other community events. They may occur on streets and/or sidewalks, parks, and other Town owned property. They may also include mass gatherings as defined in Town ordinances. For the purposes of this ordinance, special events shall not include privately sponsored events which rent space inside Town facilities. The following are special events that are subject to the following specific regulations and time limits, in addition to any regulations of this zone;
2. Special event permits are required of any private function, such as, but not limited to, a fundraiser, party, race, oversized group more than one hundred persons picnics, etc. that utilizes Town property such as roads, sidewalks, parks, etc., in a way that may interfere with the public's typical use of this property, and/or requires the dedication of additional Town staff or services;
3. All Special Event Applications must be submitted to Fairfield Town. All applications are subject to review and additional documentation may be required including but not limited to proof of applicable insurance coverage pertaining to the event being held. All applications must be submitted a minimum of thirty (30) days prior to said event for approval. A penalty or fine shall be assessed for not obtaining a Special Event Permit when one is required. (see Fairfield Fee schedule). A copy of the event permit must be onsite during the event;
4. Once your application has been approved, the following fees must be paid to obtain a Special Event Permit:
 - a. A Special Event Review Fee;
 - b. Additional charges for police, fire, or parks personnel as needed for the event (see Fairfield fee schedule for a breakdown); and
 - c. A refundable deposit will be refunded after the event concludes if no damage has taken place.

J. Industrial Outdoor Storage. The intent and purpose of this section is to protect the community, enhance and support tourism, protect neighboring properties from litter, vermin, a loss of property value or other ill effects of unsightly or uncontained storage, junk or salvage items. The following restrictions shall apply

1. Such use shall be located in a zone in which the use is a conditionally permitted use;
2. All industrial supplies, and building materials; all licensed, registered and fully operational automobiles; parts and other items, shall be kept in an orderly, maintained and aesthetically pleasing way;

3. Any parts or materials which are light enough to blow in the wind shall be kept in an enclosed building;
4. Waste, garbage, junk, and debris piles shall not be kept on site;
5. Reference 10.17.70 (11) for fencing, screening and landscaping requirements; and
6. All areas intended for industrial outdoor storage shall be designated as such on the site plan.

Title 10. Land Use.

**Chapter 19.
Landscape Requirements.**

- Section 10.19.10. Purpose.
- Section 10.19.20. Landscaping Plan.
- Section 10.19.30. Landscape Requirements Residential.
- Section 10.19.40. Landscape Requirements Non Residential.

Section 10.19.10. Purpose.

The purpose of this chapter is to provide standards and requirements for the installation of landscaping and screening walls for all new and expanded development within the Town in order to promote the general welfare of the community; to effectuate attractive and logical development; to aid in the enhancement of property values; to create an attractive appearance along Town streets; to compliment the visual effect of buildings; to provide appropriate buffers between incompatible land uses and protection from intense activities; and to aid in conserving water by encouraging the use of varieties of plants, trees and shrubs indigenous to arid regions which are characterized by low water consumption.

The standards and regulations of this chapter shall be held to be the minimum requirements necessary for the promotion of the foregoing objectives of this chapter.

10.19.20. Landscaping Plan.

A. All applicants for commercial purposes are required to submit a landscaping plan. Landscape plans should achieve the following purposes:

1. Preserve and complement the desert character of the natural landscape, mitigate building and parking lot impact, add aesthetic charm, interest and character, and conserve water;
2. Provide visual interest and variety;
3. Provide necessary screening elements;
4. Add year round site beautification;
5. Blend with the natural landscape;
6. Highlight building design features; and
7. Conserve water.

Section 10.19.30. Landscape Requirements, Residential.

All yards visible to the public must have an area the same size as the square footage of the home that is improved, groomed, and maintained. Examples of this include xeriscaping, driveways, sidewalks, vegetation, and trees which are strongly encouraged.

Section 10.19.40. Landscape Requirements, Non-Residential.

A. All applicants for commercial uses are required by this title to make landscaping improvements and shall submit a landscaping plan prepared by a licensed landscape architect to meet the minimum landscape requirements outlined in this chapter. The Fairfield Building Department will review the submitted landscaping plan for compliance with this chapter and forward the plan to the Planning Commission and Town Council for review and action concurrent with development applications, which require landscaping plans to be submitted. The landscaping plan shall include, at a minimum, the following information:

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting;
2. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at the time of planting and at maturation. All existing vegetation that is to be removed or remain on the site should be clearly identified;

3. Existing and proposed grading of the site indicating contours at two (2) foot intervals for grades that are five(5) percent or greater. For areas where grades are less than five (5) percent, contours may be shown at one-foot intervals;
4. Irrigation system plan;
5. Existing and proposed fences and identification of the fencing materials; and
6. A summary of the total percentage of landscaped areas, domestic turf grasses, deciduous and evergreen species, and xeriscaping.

B. Completion of Landscape Improvements. All required landscaping improvements shall be completed in accordance with the approved site plan, landscaping planting plan, and irrigation plan and occur prior to the issuance of a certificate of occupancy for the associated structure/building. Exceptions may be permitted and certificates of occupancy issued where weather conditions prohibit the completion of approved and required landscaping improvements. In such cases an extension period of not longer than six months is permitted and a bond for no less than one hundred ten (110) percent of the total estimated value of the landscaping shall be held until the project is in full compliance with this chapter and any approved site or landscaping plans.

C. Planting Standards. The planting standards are the minimum size of landscaping that the Town will accept towards meeting the landscaping required in this chapter. All planting must conform with the Fairfield Soil Ordinance. The Planning Commission and Town Council shall use the planting standards in evaluation of any landscaping plan. The following are planting standards for required landscaping that shall be followed for all new development:

1. Trees. Deciduous trees shall, when planted, have a minimum trunk size of one and one-half (1 ½) inches in caliper measured eight (8) inches above the soil line. Evergreen trees shall have a minimum size of six (6) feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this requirement;
2. Ornamental Trees. All ornamental trees shall have a minimum trunk size, when planted, of one and one-half (1 ½) inches in caliper measured eight (8) inches above the soil line;
3. Shrubs. All shrubs shall be a minimum of one (1) gallon containerized stock, when planted, that will attain a height of at least two (2) feet;
4. Turf. No landscaping shall be composed of more than thirty (30) percent turf;
5. Drought-Tolerant Plants. A minimum of fifty (50) percent of all tree and shrub species shall be required to be drought tolerant;
6. Weed Barrier. Planting beds are required to have a weed barrier with mulched wood chips, rocks, or other similar treatment;
7. Parking Areas. Parking areas for vehicles, trailers and all heavy equipment shall be weed free:

8. All areas in front of screening, along frontage and public roads shall be weed free with an aggregate size of three quarters ($\frac{3}{4}$) inch gravel to the depth of three (3) inches or any like material and must be laid on a minimum of two (2) inches of road base.

D. Design Applications. The Planning Commission and Town Council shall use the following design applications in evaluation of any landscaping plan:

1. Selection of Plants. Plants shall be selected for texture, form, color, pattern of growth and adaptability to local conditions. Native plants shall be preferred;
2. Water Conservation. All planter beds shall be irrigated through the use of drip lines instead of spray heads to minimize water loss through evaporation; and
3. Berming. Landscaped berming is required as a headlight screen or buffer surrounding parking areas between different land uses; particularly between nonresidential and residential uses or single-family and multifamily uses.

E. Required Landscaping:

1. An area equal to fifteen (15) percent of the total size of the parking lot must be landscaped;
2. A minimum of the equivalent of ten (10) feet surrounding the footprint of the building must be landscaped;
3. Each side of a building visible to the public or neighboring residential property shall be landscaped;
4. One (1) tree for every ten (10) parking spaces;
5. A minimum of one (1) tree shall be placed for every one thousand (1,000) sq. ft. of required landscaped area; and
6. Storm water retention areas shall be landscaped.

F. The Town Council shall have authority to waive these standards as circumstances dictate.

G. Water Wise Landscaping Standards. The following are the minimum standards for water wise landscaping for any park strip, median, or landscaped area located within a public right-of-way, a commercial, or industrial development:

1. At least twenty (20) percent of the required landscape area shall be live vegetation;
2. Live vegetation shall be distributed throughout the landscape area, and shall not be segregated;
3. Decorative rock material shall be a minimum of one (1) inch aggregate, and shall be at least three (3) inches deep and be placed completely on top of a weed fabric barrier that allows the

permeation of water. Rock materials shall not exceed the height of the sidewalk/trail or the top back of the curb, when placed along a public right-of-way;

4. All water wise landscaped areas shall be improved with a drip irrigation system if applicable; and
5. Any individual, corporation, or other entity shall be responsible for any damage caused by landscaping in public rights of way including rocks or other materials that migrate onto a sidewalk, trail, street, storm drain, or other public facility, regardless of how such migration occurs.

Title 10. Land Use.

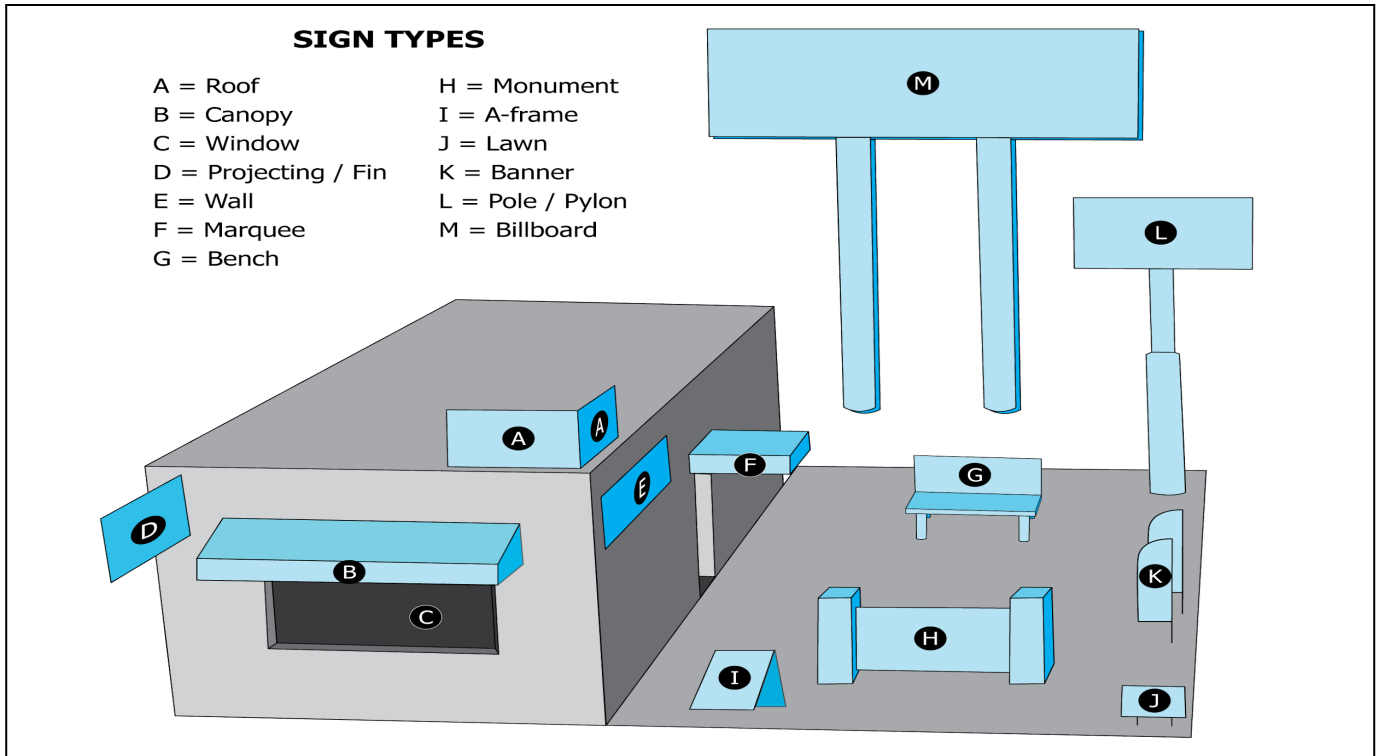
**Chapter 21.
Signs.**

- Section 10.21.10. Permitted in All Zones.**
- Section 10.21.20. Residential Zones.**
- Section 10.21.30. Non-Residential Zones.**

Section 10.21.10. Permitted in All Zones.

A. In addition to other signs which may be permitted, the following signs shall be permitted in any zone:

1. Temporary real estate signs that advertise the sale or rental of the property on which such signs are located, provided no sign is larger than thirty-two (32) square feet in area nor closer than six hundred sixty (660) feet to another such sign on the lot;
2. Traffic, street name, and information signs placed by a governmental agency; and
3. Political campaign signs.



Section 10.21.20. Residential Zones.

No advertising signs of any kind shall be allowed in any residential zone, except signs pertaining to the sale or lease of residential property and except for name plates or signs indicating the existence of an office or a professional person and a home occupation.

Exception: Temporary signs (not posted longer than 72 hours).

Section 10.21.30. Non-Residential Zones.

A. If a sign type is not specifically designated below, then it is prohibited. All illuminated signs must comply with the Fairfield Outdoor Lighting Standards. Sign plan and design must be included in the master site plan.

Table 6.8.8: Signs

Sign Type	Allowed	Conditional Use	Max. Area	Max. Height	General Restrictions
Banner Sign	✓		3' x 6'	3'	
Construction	✓		4' x 8'	4'	

Flat or Wall Sign	✓		39 sf.	7'	One sign per business location
Monument Sign	✓		39 sf.	6'	One sign per 500' of frontage.
Name Plate	✓		2' x 3'	2'	
Real Estate	✓		3' x 6'	3'	

B. The Planning Commission may approve signs larger than thirty nine (39) square feet if they meet the following criteria:

1. Must be for directional use;
2. Must include at least four (4) destinations;
3. Must fit into the overall aesthetics of Town's Master Plan;
4. Application process for sign must be complete;
5. Must not interfere with a clear view triangle as pertaining to traffic; and
6. Other conditions that may apply.

Title 10. Land Use.

**Chapter 23.
Parking.**

- Section 10.23.10. Parking Requirements.**
- Section 10.23.20. Parking Requirements, Non-Residential.**
- Section 10.23.30. Off-Street Parking.**
- Section 10.23.40. Off-Street Loading Requirements.**
- Section 10.23.50. Number of Spaces Required.**

Section 10.23.10. Parking Requirements.

A. Parking Requirements for Residential Uses.

1. Off-street Parking Requirements. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement, and/or lease for and during the life of the respective uses;
2. Parking within the front yard of a single residence use shall be on or contiguous to a legal driveway.
3. Grade/Slope for residential driveways shall not exceed eight (8) percent (8%). Anything higher shall require approval from the Town Engineer.

Residential Uses. Parking Spaces Required:

Dwelling Types	
Single-family	4.0 Spaces/Unit
Two-family	8.0 Spaces/Unit
Three-family	12.0 Spaces/Unit
Multi-family**	
Efficiency/Studio	3 Spaces/Unit
1 Bedroom	3 Spaces/Unit
2 Bedrooms	4 Spaces/Unit
3 Bedrooms	6 Spaces/Unit
**In addition to the required spaces, 0.5 guest stalls per bedroom shall be included.	

Section 10.23.20. Parking Requirements Non-Residential.

A. Plan required: Applications for a building permit for new construction, additions, alterations, or changes in use shall include a site plan at an appropriate scale that clearly shows proposed site improvements relating to parking as required by this section. All plans shall show the location, arrangement and dimensions of off-street parking area(s), parking spaces, parking lanes, aisles/driveways, points of ingress and egress, walls, landscaping and barriers. Sidewalks, pedestrian ways, bicycle facilities and their access shall also be shown. The access or driveway locations, width and

spacing as well as sight lines and distances, the arrangement of spaces, stall dimensions, surfacing, striping and lighting shall be in compliance with adopted Town standards.

B. All parking lots located within three hundred (300) feet of an improved Fairfield Town road shall be hard surfaced with asphalt or concrete. The material shall be approved by an engineer licensed by the State of Utah and be capable of handling anticipated size and weight of vehicles including Public Safety vehicles.

C. All parking lots located more than three hundred (300) feet from an improved Fairfield Town road must be improved to the same standards as the rural road.

D. Town Council, with the recommendation of the Planning Commission, may make variances to these standards based on the following circumstances:

1. Public Safety;
2. Traffic;
3. Consistency of surrounding use; and
4. Proposed use.

E. All storm water must be maintained on site. Parking lots and drive approaches may be required to be bordered with a curb and gutter.

F. Parking lots shall be designed to avoid backing onto a public street.

G. Except for approved on street parking, access to any parking space within a parking area shall be from a drive aisle and not directly from a public street.

H. Parking areas with more than one (1) aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area

I. Depending on circumstances, directional signs may be required to differentiate between entrance and exit access points to the street.

J. Parking lots shall be designed in groupings no larger than two hundred (200) spaces. Larger lots shall be divided by buildings, plazas, or significant landscaped areas oriented for pedestrian use.

K. Within Structures. The off street parking requirements may be furnished by providing spaces designed within the principle building or a parking structure. However, no building permit shall be used to convert said parking structures into a dwelling unit, living area, or other activity until other adequate provisions are made to comply with the required off street parking provisions of this section.

L. Circulation Between Bays. Parking areas shall be designed so that circulation between parking bays occurs within the designated parking lot and does not depend upon a public street or alley. Parking area designs which require backing into a public street are prohibited except one (1), two (2) or three (3) family dwellings.

M. Parking lot design shall consider development on adjacent sites. The Town may require cross access connections/easements to improve traffic circulation and to enhance public safety.

N. Striping. Except for one (1), two (2) and three (3) family dwellings, all parking stalls shall be marked with painted lines not less than four (4) inches wide.

O. Lighting. Parking lots used during hours of darkness shall be illuminated. Any lighting used to illuminate an off street parking area shall be so arranged as to reflect the light down and/or away from adjoining property, abutting residential uses and public right-of-ways and shall be a maximum of twenty five (25) feet in height above the surface of the parking lot for non-residential uses and sixteen (16) feet for residential uses and meet all other regulations of outdoor lightning for Fairfield Town.

P. Protruding Vehicles. All on site parking stalls shall be designed and constructed so that parked vehicles shall not protrude over a property line.

Section 10.23.30. Off-street Parking.

A. Off street parking spaces shall be provided according to the following provisions and standards:

1. Floor Area. The term “floor area” for the purpose of calculating the number of required parking spaces shall be the “Gross Floor Area” of the structures plus defined exterior use areas except as may be provided or modified herein;
2. Change of Use or Occupancy of Buildings. Off street parking and loading spaces as required herein shall be provided at the time of any new uses of land or construction of a new building. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking shall not be permitted until such additional parking spaces as required by this section are provided;
3. Accessible parking for non-residential developments shall be provided in conformance with the Americans with Disabilities Act (ADA), Utah Americans with Disabilities Act (Utah ADA) and International Building Code (IBC) as amended;
4. Accessible parking for multiple family residential developments shall be provided in conformance with the Americans with Disabilities Act (ADA), Federal Fair Housing Act (FFHA) and International Building Code (IBC) as amended; and
5. Parking Stall Dimensions. The following shall be the minimum parking stall size:

Type	Width	Length*
Standard	10 Feet	20 Feet

Parallel	9 Feet	25 Feet
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B. Parking Aisle Dimensions. The following shall be the minimum parking aisle width:

Parking Angle	One-Way Aisle	Two-Way Aisle
90 degree	24 Feet	24 Feet
60 degree	18 Feet	22 Feet
45 degree	18 Feet	20 Feet
30 degree	18 Feet	20 Feet

C. All parking shall be provided on site. No parking shall be permitted within any required setback or landscaped area. Each facility shall provide one parking space for each on site employee with an additional amount of parking for drivers and visitors as approved by the Planning Commission and Town Council.

1. Minimum parking spaces required shall be two (2) per one thousand (1000) sq. feet of gross building floor area. Fairfield Planning Commission may require more parking spaces depending on building use:

NON-RESIDENTIAL SPACES		
USE	DESCRIPTIONS	PARKING RATIO
ADMINISTRATIVE & FINANCIAL		
Professional Offices	Facilities for general office work providing professional, business administrative, informational services, or facilities that house governmental agencies and similar uses.	One (1) space per two hundred (200) sq. ft. of floor area.
Financial Services	Institutions providing financial advice and services in a bank, or similar financial institutions, to include	One (1) space per one hundred fifty (150) sq. ft. of floor area.

	accessory office building, automatic teller machine and similar uses.	
	Financial institutions with drive-through facilities.	In addition to the above, a sixty (60) linear feet of stacking space per lane exclusive of drive aisles and parking spaces.
Unspecified Office Use		One (1) space per two hundred (200) sq. ft. of floor area.
AUTOMOBILE RELATED		
Auto Services	Facilities providing general vehicle service or repair, and similar services.	Three (3) spaces per service bay, plus one (1) space per three hundred (300) sq. ft. of gross floor area excluding service bay(s).
	Facilities providing fast or express service bays or lanes.	In addition to the above, a queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.
Automobile Rentals or Dealerships	Facilities for sale or rental of new or used auto, boat, RV, truck, trailer, camper, motorhome or Motorcycle. (Outdoor vehicle display spaces are not required to meet dimensional requirements of this Chapter).	One (1) space per one thousand (1000) sq. ft. of gross floor area, plus one (1) space per six thousand (6000) sq. ft. outdoor vehicle display area.
Automobile Towing & Impound Facilities	Facilities for towing, dismantling, recycling, impound and storage of junk vehicles, to include sanitary landfills and similar uses.	Four (4) spaces or one (1) space per one thousand (1000) sq. ft. of floor area whichever is greater.
Car Washes	Facilities for the cleaning of vehicles.	One (1) space per three hundred (300) sq. ft. of office floor area, plus a queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.
	Self service facilities for the cleaning of vehicles.	A minimum of four (4) spaces and the requirements above.
EATING & DRINKING ESTABLISHMENTS		

Restaurants	Eating establishments and similar services	One (1) space per one hundred (100) sq. ft. of floor area including outdoor seating.
Taverns, Bars, Pubs & Lounges	Establishments licensed to sell alcoholic beverages to be consumed on the premises, often with limited food service.	One (1) space per fifty (50) sq. ft. of serving area, plus one (1) space per two hundred (200) sq. ft. for preparation area.
ENTERTAINMENT & RECREATION		
Adult Uses	Establishments for adult entertainment that emphasize adult oriented uses and services in an adult motion picture theater, arcade, adult cabaret, adult motel, nude studio and similar facilities	One (1) space per fifty (50) sq. ft. of floor area.
	Adult specialty shops for purchase of adult books, video, and similar products	One (1) space per three hundred (300) sq. ft. of floor area
Indoor Public Assembly	Facilities providing a variety of indoor public assemblies in a convention or reception center, meeting hall, social or private club, music hall, theater and similar places, excluding taverns, bars, pubs, lounges and adult uses.	One (1) space per two hundred (200) sq. ft. of floor area, or one (1) space per four (4) fixed seats of design capacity whichever is greater.
Indoor Recreation	Facilities providing a variety of indoor health and sports activities in a sporting complex, stadium, skating rinks, pool hall, dance hall, tennis and racquet clubs, game room, video arcade, bingo hall, community center, fitness center and similar indoor facilities.	One (1) space per fifty (50) sq. ft. of floor area.
	Bowling Alleys	Two (2) spaces per lane, plus two (2) spaces per billiard table, plus one (1) space per each five visitor gallery seats

Outdoor Amusement & Recreations	Facilities providing a variety of outdoor amusement, entertainment, and similar activities in an amusement park, fairground, zoo, auditorium and similar places, to include special outdoor events such as carnivals or outdoor concerts. Outdoor recreations include a variety of outdoor health and sport activities in a racetrack, stables, rodeo ground, outdoor shooting range, swimming and tennis clubs, miniature golf and similar places.	One (1) space per one thousand (1000) sq. ft. of activity area
	Golf course and driving range	One (1) space per two hundred (200) sq. ft. of main building floor area, plus one (1) space per every two (2) practice tees in driving range, plus four (4) spaces per each green in the playing area.

GENERAL INDUSTRIAL & MANUFACTURING

Light Industrial and Manufacturing	Facilities providing manufacturing and assembly services.	One (1) space per seven hundred and fifty (750) sq. ft. of warehouse area plus one (1) space per three hundred (300) sq. ft. office or retail floor area.
Outdoor storage	Facilities providing exterior storage of construction equipment and materials, recyclable material, and similar uses.	A minimum of four (4) spaces and one (1) space per five thousand (5000) sq. ft. of designated outdoor area or one (1) space per three hundred (300) sq. ft. office floor area whichever is greater.
Unspecified Industrial Use (Shell Building)		One (1) space per seven hundred and fifty (750) sq. ft. of warehouse area plus one (1) space per three hundred (300) sq. ft. office or retail floor area.
Warehousing	Facilities providing warehousing of material and goods and similar uses.	One (1) space per one thousand (1000) sq. ft. of warehouse area, plus one (1) space per three hundred (300) sq. ft. office floor area.
	Mini-storage facilities and similar uses.	One (1) space per fifty (50) units.

Wholesale, distribution	Facilities providing wholesale or distribution of trucks, trailers, boats, new and used cars, bulk fuel, machines, appliances, equipment, building material, lumber, plant nurseries, produce and similar merchandise in indoor or outdoor storage areas to include machine shops, lumberyards, import/export shops, moving, rental, or storage companies, market sales yards, and similar facilities.	One (1) space per five hundred (500) sq. ft. of sales or display area, plus one (1) space per one thousand (1000) sq. ft. of indoor storage area, plus one (1) space per two hundred (200) sq. ft. of retail or office floor area.
GENERAL RETAIL		
Retail	Establishments providing general retail sales and services in a single store on a single lot, not part of a shopping center.	One (1) space per three hundred (300) sq. ft. of floor area.
	Establishments providing general retail sales and services in shopping centers (a commercial establishment planned, developed, owned or managed as a unit).	One (1) space per two hundred-fifty (250) sq. ft. of floor area. Note: for any center with more than fifteen percent (15%) of floor area in public assembly uses, including theaters, restaurants, schools, health spas, bars or cocktail lounges, there shall be required, in addition to these standards, ten (10) spaces per one thousand (1000) sq. ft. of public area within these uses.
	Establishments providing drive-through services including liquor stores, laundries and dry cleaners, pharmacies and similar services.	In addition to the above, one hundred (100) linear feet of stacking space exclusive of drive aisles and parking spaces.
Unspecified Retail Use (Shell Building)		One (1) space per two hundred fifty (250) sq. ft. of floor area.
INSTITUTIONAL		
Child care	Facilities providing daily care of children in a nursery, daycare or pre-school center.	One (1) space per four hundred (400) sq. ft. of floor area.

Public, social and cultural services	Facilities providing public, social, non-profit, or institutional services in a library, museum, art gallery, post office, treatment, detention, or release center, halfway house, employment agency, shelter, and similar civic/public, cultural, and social institution (excluding group home)	One (1) space per two hundred (200) sq. ft. of floor area.
Religious Assembly	Facilities providing religious worship or study in a church, temple, synagogues and similar places	One (1) space per four (4) seats in the main assembly area based on design capacity.
School	Public, charter or private educational institutions for Elementary and Junior High	One (1) space per three (3) fixed seats of the auditorium based on design capacity plus a minimum of ten (10) spaces for visitors parking.
	Senior High	Two (2) spaces per classroom, plus one (1) space per employee, plus one (1) space per three (3) fixed seats of the auditorium based on design capacity plus a minimum of ten (10) spaces for visitors parking.
Secondary Education	Public or private facilities providing education in a college, university, trade or vocational school, and similar institutions	Five (5) spaces per classroom, plus one (1) space per three (3) fixed seats of the auditorium based on design capacity plus a minimum of ten (10) spaces for visitors parking.
Senior care	Facilities providing long-term care for seniors in a nursing or convalescent home, hospices or similar care facility (excluding group home)	One (1) space per three (3) beds.
Utility	Structures, equipment, or facilities providing for public/private utility & services, including radio, television, communication transmission, tower and similar structures	One (1) space per use.
LODGING		

Hotels or Motels	Places for lodging with ancillary facilities to include sleeping rooms, restaurants, lounges, resorts, meeting rooms and similar uses	One (1) space per room, plus one (1) space per one hundred (100) sq. ft. of restaurant and bar serving area, plus one (1) space per one hundred (100) sq. ft. of outdoor seating serving area, plus ten (10) minimum spaces for visitors parking, plus one (1) space per two hundred (200) sq. ft. of meeting room floor area.
Lodging Accommodations	Establishments providing accommodation in a bed and breakfast, lodge, to include fraternity, sorority, and similar facilities	One (1) space per room.
Recreational Resorts	Facilities providing overnight stops in Recreational Vehicle Park, travel trailer park, overnight camp ground and similar places	One (1) space per two hundred (200) sq. ft. of gross activity area, or one (1) space per RV or trailer whichever is greater.
MEDICAL		
Medical Offices and Clinics	Facilities providing medical, dental, optical care or preventative medicine and clinical research studies in a clinic or laboratory, including accessory offices	One (1) space per two hundred (200) sq. ft. of floor area.
Hospitals	Facilities providing medical or surgical care, emergency medical and similar services	A minimum thirty (30) spaces for emergency services or two (2) spaces per bed, plus one (1) space per employee whichever is greater.
Veterinarian Hospitals or Clinics	Establishments for medical, surgical, and emergency care of animal, to include veterinary office and clinics without animal boarding	One (1) space per one hundred fifty (150) sq. ft. of floor area.
PERSONAL SERVICES		
General Professional Services	Establishments providing general professional services such as cabinet and carpentry making, custom dressmaking and alteration, watch and clock repair, dry cleaning & laundry, pet care, messenger delivery, photographic developing & printing,	One (1) space per two hundred (200) sq. ft. of floor area.

	blueprint production, travel information & similar professional services	
Personal Improvement	Establishments providing personal services such as tanning, massage therapy, manicure, hair and beauty treatment, tattoo and body piercing, palm reading, fortune tellers, and similar services	One (1) space per one hundred fifty (150) sq. ft. of floor area.
OTHER		
Funeral Services	Facilities providing burial preparation and/or funeral services in a cemetery, crematorium, mausoleum, funeral home and chapel, mortuaries and similar facilities	One (1) space per third (1/3) of the maximum occupancy

Fairfield planning and zoning may require more parking spaces depending on building use:

Section 10.23.40. Off-Street Loading Requirements.

A. General Provisions.

1. Unless otherwise specified in this code, loading spaces or berths shall be at least forty five (45) feet in length and all loading berths shall be at least twelve (12) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space and required parking space;
2. Loading berths of thirty (30) feet by ten (10) feet for office use, motels and hotels, restaurants, day care centers, long term care facilities, and other similar facilities may be provided for all or part of the required loading berths if approved through the site plan approval process;
3. Such space may occupy all or any part of any required yard space, except front and corner side yards, and shall not be located closer than fifty (50) feet to any residential zoning unless screened by a masonry wall not less than ten (10) feet in height. Loading spaces located in side yards shall not be visible from a public street;
4. Sufficient room for turning and maneuvering vehicles shall be provided on the site so that vehicles shall cross a property line only by driving forward.
5. Each loading berth shall be accessible from a street, alley or from an aisle or drive connecting with a street or alley, without traversing a residential zone.
6. The loading area, aisles, and access drives shall be paved so as to provide a durable dust proof surface and shall be graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.

7. Bumper rails shall be provided at locations where needed for safety or to protect property.
8. If the loading area is illuminated, lighting shall be deflected down and/or away from abutting residential sites so as to not cause any annoying glare.
9. No regular repair work or servicing of vehicles shall be conducted in a loading area.
10. Off street loading facilities shall be located on the same site with the use for which the berths are required.
11. If more than one (1) use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this section for each use. If more than one (1) use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.
12. Off street loading facilities for a single use shall not be considered as providing required off-street facilities for any other use.
13. At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading berth requirements. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement.
14. Space allocated to any off street loading berth shall not be used to satisfy the space requirements for any off street parking facility.

Section 10.23.50. Number of Spaces Required.

Unless otherwise provided in this code every office, hotel, restaurant, department store, freight terminal or railroad yard, hospital, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishments, and all other structures devoted to similar mercantile or industrial pursuits, which has an aggregate gross floor area of five thousand (5,000) square feet or more shall provide off street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use	Required No. of Berths
5,000 sq. ft. up to and including 40,000 sq. ft.	1

40,001 sq. ft. up to and including 100,000 sq. ft.	2
100,001 sq. ft. up to and including 160,000 sq. ft.	3
160,001 sq. ft. up to and including 240,000 sq. ft.	4
For each additional 100,000 sq. ft.	1 additional