

PUBLIC NOTICE IS HEREBY GIVEN THAT THE

Planning Commission of Fairfield, Utah

Shall hold a Regular Session on

September 4, 2024 @ 7:00 P.M.

At the Fairfield Town Office
103 East Main Street Fairfield, Utah

Agenda

- 1) Call to Order and Roll Call
- 2) Public Comment Period (2-minute limit per person). Public comment is for any matter not on the Agenda and not the subject of a pending land use application.
- 3) Vote to approve the Regular Session minutes on August 7, 2024.
- 4) Discussion of ADU ordinance, possible approval/denial to move on to the Town Council.
- 5) Discussion of the new subdivision ordinance. Possible approval/ denial of the new subdivision ordinance.
 - a) Possible set Public Hearing date.
- 6) Discuss Old Business and New Business
- 7) Action Items
- 8) Adjournment

Join Zoom Meeting:

<https://us06web.zoom.us/j/84420082790?pwd=U0ZYKzdZMEQ0Zklib3hRZjNnUElOUT09>

Meeting ID: 844 2008 2790

Passcode: 846291

Certificate Of Posting

The above agenda notice was posted on or before the 3rd day of September 2024 at the location of the meeting, Fairfield town office 103 East Main Street Fairfield, UT, and at the Fairfield town website <https://fairfieldtown.org/agendas-minutes/>, and on the Utah State public notice website at <https://www.utah.gov/pmn/index.html>.

In Compliance With The Americans With Disabilities Act, Individuals Needing Special Accommodations (Including Auxiliary Communicative Aids And Services) During This Meeting Should Notify City Offices At 801-766-3509.

Date

Stephanie Shelley Town Recorder/Clerk

~~Title 10. Ordinance # _____ 2024. An Ordinance Amending Title 10.11.00., by Adding Accessory Dwelling Units., to the List of Permitted Uses in Sections 10.11.100., Zone AR-1, 10.11.125., Zone RA-5, 10.11.50., Zone RA-10, and 10.11.175., Zone RA-40 and Also Amending Title 10.7.00 by Adding Section 10.7.255. Accessory Dwelling Units., to the Fairfield Town Code.~~ An Ordinance Amending Title 10.11, Adding Accessory Dwelling Units as Permitted Uses in Certain Zones, and section 10.7.255. Accessory Dwelling Units to Title 10. Chapter 7 of the Code..

Document Control Changes: Created: January 18, 2024.

Whereas, the Fairfield Town Planning Commission, on _____ held a public meeting on Accessory Dwelling Units; and

WHEREAS, the Fairfield Town Council deems it to be in the best interest of Fairfield Town to amend the Fairfield Town Code by amending Title 10.11.00, adding #15 ADU's to the list of permitted uses in zone AR-1, and adding #14, ADUs. to the lists of permitted uses in zones AR-5, AR-10, and AR-40 and amending Title 10.7.00. by adding 10.7.255. Accessory Dwelling Unit.,s as a permitted use.

WHEREAS, the Fairfield Town Council has reviewed the proposed amendments to the Fairfield Town Code;

NOW THEREFORE, be it ordained by the Town Council of Fairfield Town, in the State of Utah, that Title 10. of the Town Code be amended as follows:

Add:

Section 10.11.100.C.15. Accessory Dwelling Units., to Permitted Uses list., in Zone AR-1 - Agricultural Residential Zone.

Add:

Section 10.11.125.C.14. Accessory Dwelling Units. to Permitted Uses list., in Zone AR-5 - Agricultural Residential Zone.

Add:

Section. 10.11.150.C.14. Accessory Dwelling Units., to Permitted Uses list in Zone AR-10 - Agricultural Residential Zone.

Add:

Section. 10.11.175.C.13. Accessory Dwelling Units., to Permitted Uses list in Zone AR-40 - Agricultural Residential Zone.

Add:

Section 10.7.255. Accessory Dwelling Units to Title 10.Chapter 7.- as written below:

Section 10.7.255. Accessory Dwelling Units.

A. Definitions. See FF Title 12. Definitions.

RESIDENTIAL CHARACTER: The characteristics of a neighborhood that make it residential, i.e., having the feel of being a neighborhood, as opposed to an area that has a commercial,

industrial, or manufacturing feel. These characteristics include, but are not limited to, the intent of the zone, with careful consideration being given to the permitted and conditional uses allowed within the zone; the population density of the surrounding area; safety, with particular weight being given to the safety of children residing nearby; peacefulness that is consistent with a residential area; whether the home occupation is one generally conducted within a residential neighborhood; low traffic density; and any other factor that may impact the quality of life that is customary within the neighborhood.

B. Purpose and Intent. This chapter provides a process to allow affordable housing within the town through accessory dwelling units within single-family detached dwellings or in separate detached structures. The standards in this chapter include reasonable limitations to minimize impact on neighboring properties. The purpose of this chapter is to provide regulations for Accessory Dwelling Units that are incidental and accessory to a single-family dwelling, where permitted in the zone. Accessory Dwelling Units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in Fairfield Town.

C. Accessory Dwelling Unit Standards. Proposed accessory dwelling units must be in compliance with the following criteria to ensure that health and safety considerations are addressed and that the residential characteristics of neighborhoods are preserved. Accessory dwelling units are to be clearly incidental and secondary to the primary residential use of the property. The approval criteria include:

1. Number of Accessory Dwelling Units. A maximum of one accessory dwelling unit allowed on a residential lot, in certain zones whether it is within an owner-occupied single-family dwelling, attached to an owner-occupied single-family dwelling or in a detached accessory structure associated with a single-family dwelling, **or is a Temporary Accessory Dwelling Unit.**

2. Occupancy and Owner Occupation. The owner(s) of the residence shall live in the dwelling in which the ADU was created (either in the primary unit or in the ADU), ~~except for bona fide temporary absence~~ **unless the owner has a bona fide, temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception), or the owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities.**

3. Code Compliance. **Any** accessory dwelling unit shall:

- a. Conform to all applicable standards in the International Fire Code
- b. Conform to International Residential Code,
- c. Be approved by the Fire Marshall;

d. Septic system shall comply with State rule R317-49Utah and be inspected, approved and permitted by the Utah County Health Department.

e..The unit shall also conform to all other applicable standards in the Fairfield Town Code.

f. Shall require a Fairfield Town building permit,

g. Shall require a soil permit (Detached ADUs, and Internal Accessory ADUs),

h. An ADU permit issued by the zoning administrator shall be required for the development and use of any ADU and shall only be issued once all regulations of this section and other sections as applicable to the specific type of ADU are met.

i. The ADU permit shall be subject to the application and review process including the annual renewal requirements and procedures set forth in this chapter.

4. Location and Type of ADUs. Accessory dwelling units may be allowed within or attached to the ~~main~~ primary single-family residential dwelling (basement or addition), over the garage (attached or detached), or in a detached accessory structure (cottage home, casita, guest house), where permitted.

a. INTERNAL ADU - (I-ADU). Means an accessory dwelling unit created within a primary dwelling, within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created and includes the basement and garage, if it is a habitable space and is connected to the primary dwelling by a common wall.

i. An I-ADU shall not change the footprint of the primary dwelling;

ii. The I-ADU shall be incorporated into the residence so that, ~~to the degree reasonably feasible~~, the appearance of the building remains that of a single-family residence;

iii. The I-ADU shall comply with all applicable building, septic, lighting, and fire codes in effect at the time the I-ADU is constructed, created, or subsequently remodeled. The I-ADU shall conform to all ADU standards mentioned in this section. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of an I-ADU.

iv. An I-ADU, located in a basement, ~~may~~ shall have a separate exterior entrance located on either the side, or the rear of the building;

v. An I-ADU is not permitted within a primary dwelling unit serviced by a failing septic system.

vi. Minimum lot size is 1 acre.

vii. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of an I-ADU.

b. **INTERNAL ATTACHED ADU, (IA-ADU)** . Means a new build, garage, or over the garage accessory dwelling that is attached to the primary dwelling by a common wall.

i. **IA-ADUs** attached to the primary dwelling as an addition shall meet all minimum setback standards required for the primary dwelling;

ii. IA- ADUs shall have a separate entrance;

iii. An IA-ADU shall be incorporated into the residence so that, ~~to the degree reasonably feasible,~~ the appearance of the building remains that of a single-family residence;

iv. Shall obtain a building permit and abide by the current Fairfield building and zoning standards;

v. Min. and max size requirements, height requirements different from regular building permit???

vi. Windows on a facade located within 15 ft. of an adjacent property containing a single-family dwelling shall be fixed (non-operable) and translucent or shall be installed as a skylight;

vii. Balconies on the second story of an IA-ADU are prohibited.

viii. Minimum lot size 1 acre.

ix. IA-ADU shall not be closer than 12 ft. to a dwelling on an adjacent lot or property.

x. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of an IA-ADU.

c. **DETACHED ADU, (D-ADU).** Means a separate structure from the primary dwelling contained on the same lot or parcel as the primary dwelling.

D-ADUs shall not be permitted for any property containing an I-ADU, an IA-ADU. As a condition of approval for an application for a new D-ADU, the owner of record shall agree to waive any right to create an I-ADU, or an IA-ADU on the same property unless the D-ADU is first removed from the property. This condition shall be included in the recorded notice and permit.

i. **Maximum Height.** Maximum height of the total of the accessory dwelling units together with the structure below is thirty five (35) feet. Stand alone units may not exceed two (2) stories and thirty five (35) feet in height;

ii. **Size.** ~~The living space of a detached accessory dwelling unit must be a minimum of three hundred (300) square feet. A detached ADU shall not be larger than seventy five percent (75%) of the total footprint of the primary dwelling. Detached accessory dwelling units must be permanently connected to utilities, attached to a site-built permanent foundation which complies with building code, and must comply with all~~

~~other applicable standards of this chapter. A building permit and inspections are required for construction of the foundation and installation of the structure and connection to utilities;~~

ii. Living Space. min. 300 sq. ft.; max. 50% of primary dwelling or 800 sq. ft. max.;

iii. Must be permanently connected to primary dwelling power and water source and septic system;

iv. A detached ADU shall be a permanent structure. Shipping containers, trailers, mobile homes, and other portable structures, especially with wheels, shall not be permitted as a detached ADU.

v. Requires building permit and inspections for construction and utilities. Also requires septic system approval (Utah County Health permit);

vi. Minimum setbacks for rear and side property lines- 8 Ft.;

vii. Detached dwellings shall be located in the rear of the primary dwelling. Minimum setback from primary residence - 6 ft.;

viii. No basements are allowed in detached ADUs.

ix. No portion of the detached ADU shall be further away than 150 ft. from the public street.

x. Detached dwellings shall not be built within a recorded easement.

xi. Detached dwellings shall not be sold separately or subdivided from the principal dwelling unit or lot.

xii. Shall comply with all building construction and fire codes in effect at the time the ADU-D is constructed, created or subsequently remodeled, including obtaining the required building and other permits.

xiii. D-ADUs shall follow the same regulations for lot coverage as the underlying zone.

xiv. Maximum distance from a fire hydrant to the front entrance of the detached ADU shall not be greater than 500 ft.as the "hose lies".

xx. Street Frontage. The lot must have a minimum street frontage of seventy (70) feet to receive approval for a detached accessory dwelling unit. A smaller frontage lot may be approved if, at the discretion of the approval authority, the lot configuration is unique and/or the primary dwelling unit is unique in size or location on the lot, and the impacts to neighbors and the street are substantially similar to those on a seventy (70) foot wide lot;

xxi. Exterior Appearance.The architectural style, building materials, and colors of

detached ADUs shall be compatible and consistent with the architectural style, materials, and color of the primary dwelling unit. If the ADU is above a detached garage, the architectural style, building materials, and colors of the ADU must match those of the garage;

xxii. Windows on a facade located within 15 ft. of an adjacent property containing a single-family dwelling shall be fixed (non-operable) and translucent or shall be installed as a skylight;

xxiii. Balconies on the second story of an A-IADU are prohibited;

xxix. Exterior stairways and landing shall not encroach into setback;

xxx. Shall be located within the rear yard area of the lot or parcel and are prohibited in the front yard area;

xxxi. Applicant shall have a fee simple title to the property;

xxxii. Entrances to detached ADUs shall be on the side or rear of dwelling and shall be at least 10 ft. from property line

xxxiii. Minimum lot size is 1 acre.

xxxiv. D-ADU shall not be closer than 15 ft. to a dwelling on an adjacent lot or property.

xxxv. No detached dwelling shall cover more than 30% of rear yard.

xxxvi. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of a D-ADU.

5. Utilities. ~~Accessory dwelling units may not have separate water utility meters.~~ All ADU utilities (water, gas, sewer/septic system (requires approval from the Utah County Health Department), and electricity, shall connect to the same utility lines as the primary dwelling and all utilities shall be in the property owner's name and the property owner shall be responsible for payment of all utilities. Garbage cans for ADUs shall be the responsibility of the property owner.

6. Parking. A minimum of two additional dedicated off street parking spaces on the property for the ADU shall be included. Driveway (tandem) parking in front of a garage does not qualify. All parking shall be on improved surfaces. Occupants may not park on the street;

Parking stalls shall be a minimum of 9 ft.x 20 ft.

State code 9a-530-4(c) require a primary dwelling:

(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection

(4)(c)(i); and (ii) to replace any parking spaces contained within a garage or carport if an internal

accessory dwelling unit is created within the garage or carport and is a habitable space;

7. Address. The principal dwelling and the accessory dwelling unit shall have the same address number but shall refer to the accessory dwelling unit as unit "B." The address must be located in a visible location on the street frontage side of the home.

8. Temporary Accessory Dwellings. One of the following; motor home, fifth-wheel, travel trailer, camper, or tiny home on wheels may be used as a temporary accessory dwelling unit under the following conditions:

a. Shall not be rented, leased etc.;

b. Shall be connected to an RV clean out on the primary dwelling's septic tank or have a portable RV waste holding tank. Also require approval and permit from Utah County Health Department;

c. Shall be utilized only as a temporary dwelling for a maximum of 2 years;

d. Mobile homes or shipping containers will not be allowed as a Temporary ADU;

e. Shall only be occupied by the lot owner's family members;

f. Shall be currently registered and licensed with the Department of Motor Vehicles;

~~g. Shall obtain an annual permit from the Fairfield Town Building Department. The annual permit shall expire the first day of August each year;~~

h. Shall be subject to fire, building and health inspections at any time to assure compliance and safety; and

i. Utilities. Separate utility meters are prohibited, and all utilities shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.

j. Rear and side setbacks?

k. Temporary ADUs shall not be permitted for any property containing an I-ADU, an IA-ADU or a D-ADU.. As a condition of approval for an application for a new Temporary ADU, the owner of record shall agree to waive any right to create an I-ADU, or an IA-ADU, or a D-ADU on the same property unless the Temporary ADU is first removed from the property. This condition shall be included in the recorded notice and ADU permit.

l. Minimum lot size is 1 acre.

m. The owner of record shall be responsible to ensure that all required building permits and other permits are obtained for the creation of a Temporary ADU.

~~9. Accessory dwelling units may not be rented for a period of less than 30 consecutive days. An ADU shall not be rented or leased for a time period of less than thirty (30) consecutive days. Only one rental agreement or lease shall be in effect at any one time.~~

~~10. No light from an ADU shall trespass on adjoining properties. Exterior lighting shall provide illumination directed downward. Light source shall not be visible from adjacent properties.~~

~~11. An accessory dwelling unit shall not be sold separately or subdivided from the principal dwelling unit or lot.~~

~~12. No vehicles shall be parked on the front lawn or other landscaped areas.~~

~~13. All ADUs, shall require a Fairfield Town building permit, soil permit (Detached ADUs only), Utah County Health Department septic system approval permit, and any other permits deemed necessary by the town. An ADU permit issued by the zoning administrator shall be required for the development and use of any ADU and shall only be issued once all regulations of this section and other section as applicable to the specific type of ADU are met. The ADU permit shall be subject to the application and review process including the annual renewal requirements and procedures set forth in this chapter.~~

D. Accessory Dwelling Unit Permit.

~~Based on the **Development Code**, You do not need a separate permit if you have family living with you (i.e. your mother in law). The town only require a permit if you are creating a separate dwelling area (*within the primary residence*) to rent to people who are not family. An *Internal* accessory dwelling unit requires some sort of kitchen area as well as bathroom and bedroom.~~

~~Fairfield Town also has some separate requirements if it is a detached building such as an apartment over a garage. Those require a permit whether they are rented to family or unrelated people.~~

~~1. Applications. Applicants for an accessory dwelling unit shall submit a complete application and the supporting materials listed in this section to the Fairfield Town Building Department:~~

~~a. Owner Signature. The owner shall sign the application, agreeing to occupy the dwelling (either the primary unit or the ADU), except for bona fide temporary absences, and agreeing to comply with the standards in this chapter;~~

~~b. Site Plan. A site plan shall be provided that shows property lines, dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings to property lines, the location of required off-street parking, and utility meters;~~

~~c. Floor Plan. A detailed floor plan, to scale, showing the floor in which the accessory dwelling unit will be located, including labels on rooms indicating uses or proposed~~

uses, shall be provided;

d. Evidence of Building Permit. Evidence shall be provided that a building permit was obtained for the building and/or area containing the accessory dwelling unit; and

e. Fee. The processing fee required by the current consolidated fee schedule approved by the Town Council shall be paid in full. ~~including impact fees~~

f. Applicant shall have a fee simple to the property.

g. Applicant shall notify, in writing, all neighbors within XXX ft. that he is applying for an ADU permit.

2. Planning Director or Designee Approval. The Building Department shall approve an accessory dwelling unit application if it is in complete compliance with all the approval criteria standards identified in this chapter. As part of the review, inspections may be required by the building and/or fire departments;

3. Exceptions to Standards. Accessory dwelling unit applications that deviate from the approval criteria may be considered by the planning commission in a public meeting. After conducting a public hearing and reviewing the application, the planning commission may approve, approve with conditions, or deny the application. Applicants requesting exceptions are not guaranteed approval and must provide evidence that the exceptions will not create negative impacts on neighboring properties. Conditions must be connected to the exceptions being requested, and may include increased setbacks, limitations on windows and doors adjacent to abutting property lines, privacy fencing, and additional parking; and

4. Transfer of Ownership. Upon sale of the home or transfer of ownership, accessory dwelling unit permits shall remain valid so long as the accessory dwelling unit is in compliance with the town's ordinances and conditions of approval.

A. Transfer of Ownership. ADU permits may be transferred to a new owner of the property.

a. An application for transfer of an ADU permit shall consist of a signed and notarized affidavit from the new owner on a form approved by the city attorney attesting to the following:

(1) The applicant is the current owner of record;

(2) The applicant occupies the primary dwelling on the property as their primary residence;

(3) The ADU remains in compliance with applicable ordinances and all conditions under which it was approved;

(4) That continued use of the ADU will comply with all applicable ordinances and the conditions of the initial ADU permit.

b. Before transfer of an ADU permit to a new owner may occur, an inspection of the property by the city for verification of continued compliance with applicable ordinances and conditions of the initial ADU permit shall be required.

c. When an ADU permit is transferred to a new owner the zoning administrator shall issue a new ADU permit in the name of the new

owner inclusive of all conditions of the initial ADU permit.

6. A record of all ADU permits shall be maintained in the office of the zoning administrator.

F. Annual Renewal Requirements and Procedures.

4. An annual renewal of each ADU permit issued under the applicable provisions of section 10.7.255 shall be required.

a. The application for the annual renewal shall consist of a signed and notarized affidavit from the owner of record on a form approved by the city attorney attesting to the following:

(1) The applicant is the current owner of record;

(2) The applicant continues to occupy the primary dwelling on the property as their primary residence;

(3) The ADU remains in compliance with applicable ordinances and all conditions under which it was approved;

(4) That continued use of the ADU will comply with all applicable ordinances and the conditions of the initial ADU permit.

b. When an ADU permit is renewed the zoning administrator shall issue a certificate of renewal inclusive of the next annual date on which the certificate and ADU permit shall expire if not renewed.

F. Noncompliance. Owners of the single-family dwelling where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the town's ordinances and conditions of approval. Property owners who fail to maintain or violate the town's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the accessory dwelling unit permit revoked by the Fairfield Town Building Department and may be subject to fines.

G Enforcement. Any violation of this Section regulating Accessory Dwelling Units shall be subject to the same enforcement requirements, including the civil and criminal penalties,

provided for in the Town's zoning or land use regulations.

H. Application to Successors and Assigns. The terms of any ADU pursuant to this Code shall run with the land and be binding on any successor or assignee of an applicant, owner or operator and any party that purchases and/or operates a project.

i. Savings Clause. If any part of this ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

I Penalties. Any person or entity who violates any of the provisions of these chapters or who fails to comply therewith, or who violates or fails to comply with any order or directive made thereunder, shall severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor, subject to penalty as provided in section 10.1.25 of this code. Furthermore, the imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons or entities shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

J. VIOLATIONS.

Violations of this chapter shall be enforced consistent with this title and state code and may include fines and liens.

A. Notice of Violation:

1. Whenever an owner of record has violated any of the provisions of this chapter the town shall provide a written notice of violation. The notice of violation shall:

a. Describe the violation;

b. Provide the owner of record an opportunity to cure or correct the violation that is:

i. Not less than fourteen (14) days after the notice of violation is issued, for violations of all applicable standards Section 10.7.255.(C)(9).

ii. Not less than thirty (30) days after the notice of violation is issued for any other violation;

c. Include a statement that if the owner of record fails to cure the violation within the given time period that they may be subject to daily fines, liens, the revocation of permits or approvals, criminal prosecution, and other enforcement actions permitted by applicable law;

d. Provide notification to the owner of record that they may file a written objection to the violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property;

e. Indicate the department name and address where the owner of record may file the written objection;

f. Be mailed to the owner of record, or to any other individual designated to receive notice in the owner's license or permit records, and a copy shall be posted on the property.

2. If an owner of record files a written objection to the written notice of violation in accordance with Utah Code 10-9a-530(5) as amended, the zoning administrator shall provide notice, hold a hearing, and conduct a review to determine whether the violation described in the written notice of violation has occurred. If the zoning administrator determines that the violation in the notice of violation has occurred, the town may impose any remedies permitted by applicable law.

3. If an owner of record does not file a written objection to the notice of violation and does not cure the violation within the time period provided in the notice, the town may impose any of the remedies listed in this section or others as permitted by applicable law.

4. If an owner of record cures a violation within the time period prescribed in the notice of violation, or if the zoning administrator finds that the violation listed in the notice of violation has not occurred, the town may not impose sanctions.

B. Liens:

1. Notice of lien:

a. A written notice of lien issued under this section shall:

i. Comply with the requirements of Utah Code 38-12-102 as amended;

ii. State that the property is subject to a lien;

iii. Specify the lien amount for each day of violation after the day on which the opportunity to cure the violation expired; and

iv. Be mailed to the owner of record, or to any other individual designated to receive notice in the owner's license or permit records, and a copy of the notice shall be posted on the property.

b. Each notice of lien shall be recorded with the respective county recorder.

C. Revocation:

1. An ADU permit may be revoked if the zoning administrator determines:

- a. Actions taken under the permit do not conform to the approved plans, specifications, or conditions of the permit;
 - b. The permit was procured by false representation;
 - c. The permit was issued by mistake; or
 - d. That other applicable provisions of this title are being violated.
2. The town shall serve written notice of revocation by mailing the notice by certified mail to the owner of record as listed on the ADU permit, or by posting the notice in a prominent location on the site.
3. After the written notice of revocation is served no further construction for an ADU may continue until a new permit is issued, or the permit is reinstated by the zoning administrator.
- a. If the permit was issued by mistake, the town shall notify the owner of record of the mistake and the actions or changes that must be made to bring the ADU into compliance with applicable requirements and ordinances.
 - b. For properties where a permit has been revoked for any reason other than a mistake, a new or reinstated ADU permit may not be issued except in conformance with applicable ordinances, resolutions, regulations, and requirements.
4. If an ADU permit is revoked due to failure to comply with the approved plans, specifications, or conditions of the permit or when other applicable provisions of this title are being violated, a written notice of violation shall be provided with the notice of revocation.
5. Properties for which an ADU permit has been revoked may be subject to the recordation of a notice of non-compliance against the property and shall be prohibited from renting, leasing, hiring or loaning the accessory dwelling unit.
- D. Other remedies: The town shall have such other remedies as are and may be from time to time provided by Utah law or town ordinance for the violation of any provision of this title.
- E. All remedies pertaining to violations of this chapter are cumulative.

Effective Date: This Ordinance shall become effective immediately upon passage and adoption.

Passed and Adopted this _____ day of _____, 20____.

FAIRFIELD TOWN

Hollie McKinney

RL Panek
Tyler Thomas

yes_____no_____
yes_____no_____

Michael Weber yes _____ no _____
Richard Cameron yes _____ no _____

ATTEST: _____
Stephanie Shelley, Town Recorder/Clerk

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the _____ day of _____, 20____.

Ordinance # _____ Title 10.00. An Ordinance Amending Title 10.11., by Adding Accessory Dwelling Units., to the List of Permitted Uses in Sections 10.11.100., Zone AR-1, 10.11.125., Zone RA-5, 10.11.50., Zone RA-10, and 10.11.175., Zone RA-40., and Also Amending Title 10.7.00 by Adding Section 10.7.255. Accessory Dwelling Units., to the Fairfield Town Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this _____ day of _____, 20____.

_____,
Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
)
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the _____ day of _____, 20____, and herein referred to as:

SUMMARY.

An Ordinance amending the Fairfield Town Code by amending Title 10.11.00, by adding, #14. ADUs, to the lists of permitted uses in zones AR-1-, AR-5, AR-10, and AR-40 respectively and amending Title 10.7.00. by adding 10.7.255. Accessory Dwelling Units as a permitted use.

The three places are as follows:

1. Fairfield Town Hall
2. Fairfield Town Website
3. Utah State Public Notice Website

Stephanie Shelley
Fairfield Town Recorder/Clerk

Date of Posting _____ day of _____, 20____

ADU Revision 01182024vc

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.

10.15.110. Penalties.

Section 10.15.120. Types of Subdivisions.

Section 10.15.130. Flag Lots.

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Section 10.15.220. Lot Line Adjustment.

Section 10.15.230. When an Applicant is Entitled to Approval of an Application.

Section 10.15.240. Town Imposed Requirements and Exactions on Application Approval.

Section 10.15.250. Appeal to Town Council.

Section 10.15.260. 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 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 **complete subdivision application** 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.

For the purpose of this Chapter, “Subdivision” shall have the meaning as set forth in Utah Code Ann. §10-5a-103(68), or its successor section.

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. 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.

D. 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, 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 or other related land use approvals.

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.

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graph TD; A[Preliminary Plat Planning Commission] --> B[Final Plat Town Clerk];
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Preliminary Plat
Planning
Commission

Final Plat
Town Clerk

Section 10.15.150. **Pre-Application** Meeting.

Fairfield Town recommends any person wishing to subdivide in the Town of Fairfield to schedule a **pre-application** meeting with the **Town** prior to **submitting an application**.

A. Purpose. The purpose of the **pre-application** 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. 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.

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. Time Limitation for final plat approval. Approval of the preliminary plat by the Planning Commission shall be valid for a maximum period of twelve (12) months; and

8. For all proposed subdivisions, the approval of a Preliminary Subdivision Application shall not constitute final approval of the subdivision by the Town.

B. 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 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; and
- n. Existing fences in relation to actual property lines.

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 all other required documentation;
- 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 Town departments of receipt of the application;
- 5. If needed, a separate meeting with all department heads may be required;
- 6. After internal review by the Fairfield Town staff, the final plat will be presented to the Town Clerk for approval; and

C. Submittal Requirements for Final Plat. Final construction drawings are reviewed by the Town staff and consultants in conjunction with the review of the final plat associated with the subdivision. All final plat applications and construction drawings, 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 **plat** application shall be accompanied by the final **plat** 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 **dedications**, 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 **plat** application;
8. Signature blocks prepared for the dated signatures of the Mayor, Town Recorder, Planning Commission Chair and Town Engineer/Surveyor and 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 **or** Fire Department;
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.;
13. Final Plat. After 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 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.
- 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 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. Escrow Deposit Account;
2. Cash Deposit; or
3. Guaranteed Letter of Credit.

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 Town. All plats shall provide for future public road connections to adjacent vacant parcels.

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

1. The subdivision design should conform to the Fairfield Road Master Plan;
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 Town determines the paths are necessary for access to parks, schools, shopping areas, or other public facilities **and Are proportional to the impact of the subdivision.**
- 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 Town.
- 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 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 **any required** agreements, **any** 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. **The Town** may consider roads as part of the lot size in zones greater than one (1) acre based on recommendations by the Planning Commission **when:**

1. **The subdivision is for agricultural purposes; and**
2. **The subdividers sign an agreement with the Town agreeing t hat upon further subdivision of the property for residential lots, the dedicated roads will not be included in lot sizes.**

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. 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. All of the lots **shall** meet the frontage requirement for the zone they are located in.

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

F. 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 **providing a letter of credit, acceptable in form to the Town, providing immediately available funds in the amount of** of one hundred percent (100%) **of the estimated cost of the public improvements to be installed plus an additional ten percent (10%) of the amount of the bond to cover administrative costs incurred by the Town;**

2. **Deposit of a cash escrow with the Town, in the amount referenced in subsection 1, above, to secure the installation of the public improvements; or**

3. Depositing funds in an escrow account to ensure completion.

H. Utah County septic approval.

I. Soil Testing Report - See Title 5.

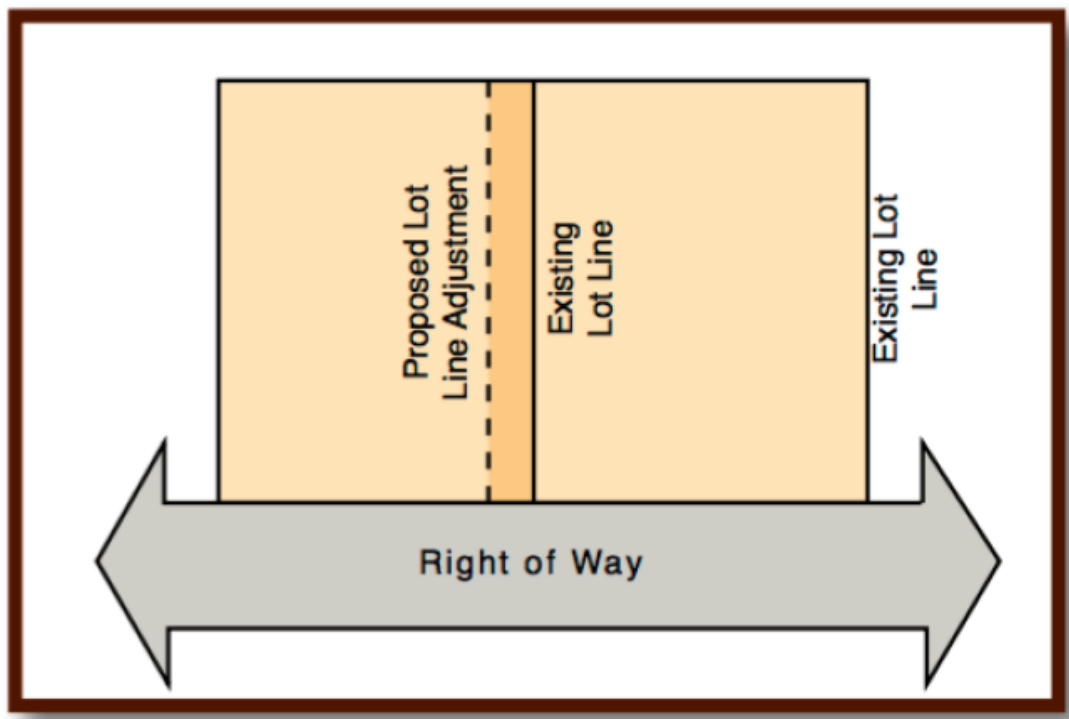
J. Additional requirements to plat. Plat requirements for a Fairfield Town building permit include but are not limited to:

1. Existing and proposed infrastructure including fire hydrants, water lines, utilities; and

2. Any other information the **Town** may require.

Section 10.15.220. 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 10.15.230. 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 **Town Clerk**.

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.

10.15.240. 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 10.15.250. Appeal to Town Council.

A. Notice Of Appeal. The applicant for a subdivision approval may appeal the disapproval of any preliminary or final subdivision plat by the **Town** by filing a notice of appeal with the

Town Clerk no later than ten (10) days after the date when the application was disapproved. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal.

B. Hearing. The appeal shall be Referred to an independent hearing officer. The Hearing Officer may affirm, reverse or modify the decision of the Town.

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

Section 10.15.260. 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.