6.8 ZONING
COMMERCIAL OVERLAY ZONE

Chapter 6.8

COMMERCIAL OVERLAY ZONE

Sections:

6.8.1 Area
6.8.2 What this chapter does
6.8.3 Purpose
6.8.4 Permitted uses
6.8.5 Conditional uses
6.8.6 Prohibited uses
6.8.7 Area requirements
6.8.8 Setback requirements
6.8.9 Building height
6.8.10 Commercial zone development standards
6.8.11 Fencing
6.8.12 Performance standards
6.8.13 Parking
6.8.14 Landscape requirements
6.8.15 Signage

6.8.1 Commercial Overlay Area

Starting at the Southwest boundary of Fairfield Town running parallel with and adjoining to highway 73 the width of 300 feet on each adjacent side starting at property owners boundary line to the end point of Fairfield Towns Northern Fairfield Town Boundary line. When the property or parcel of land has been declared commercial use it can no longer be used as residential.

6.8.2 What This Chapter D

Creates a Commercial Overlay along Highway 73 to allow for commercial uses mixed in with residential use.

6.8.3 Purpose

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

6.8.4 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.

A. Accessory structure, unoccupied

B. Athletic Center including Tennis, Volleyball, Soccer and Basketball

C. ATV, RV sales and Rental

D. Banking-Financial Services

E. Bed and Breakfast

F. Church

G. Cinema, Indoor

H. Civic club

I. Child day care center/preschool

J. Cultural, Civic services

K. Commercial fitness and recreation

L. Commercial laundries

M. Convenience store; Sale of goods

N. General Merchandise Sales and Service

O. Health Care Center

P. Farm Equipment Sales

Q. Home Based Business

R. Laundry and Dry Cleaning Establishments

S. Laundromat

T. Liquor Store

W. Mortuary

X. Nursery

Y. Office buildings including medical, dental, professional offices, corporate offices, corporate campuses and Government

Z. Office/business parks with no industrial or warehouse space

AA. Other businesses retailing goods and services or rendering personal services for a fee, except as otherwise regulated by the Town's ordinances;

BB. Pet Grooming and Pet Store

CC. Printing, lithography and publishing establishments

DD. Public Services

EE. Public rights of way

FF. Public and Private Utility Stations, structures or facilities- except sewer

GG. Public parks or square

HH. Restaurants and banks (with and without drive-through service facilities)

JJ. Radio, television, watch, jewelry and shoe repair establishments

KK. Retail establishments such as restaurants, department stores, furniture outlets, warehouse

LL. Stores, auto parts, lumber, hardware and home improvement retail

Repair services, small appliance

MM. Schools private-Quasi Public

NN. Schools public

OO. Shopping centers that include grocery stores, general retail services in multi-unit buildings;

PP. Skating -Roller board park

QQ. Small Engine Repair

RR. Theater concert Hall

6.8.5 Conditional Uses

The following conditional uses will be considered and may be recommended by the Planning Commission as similar and consistent with the scale, character and impact of the area:

A. Automobile gas/service stations

B. Auto and truck repair, including auto body

C. Bars,taverns and lounge

D. Contract construction services establishment

E. Commercial laundries

F. Recreational Vehicle Park

G. Intermittent commercial use

6.8.6 Prohibited Uses

The following are prohibited uses and other such uses as the Planning Commission determines to be similar or consistent with the prohibited use are also prohibited:

A. Sexually oriented businesses

B. Facilities of any kind disposing of carcasses or any biological waste

C. Facilities that produce an odor

6.8.7 Area Requirements

Lot size requirement for developments in this Commercial Overlay must comply with all uses, lots or parcels in the Commercial Overlay Zone and 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. All developments in this district are required to submit a master site plan that includes maps and descriptions of construction, landscaping, Health Department requirements, and uses. All storm water must be retained on site in accordance with an engineered plan.

6.8.8 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.

Front Setbacks will be determined by 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;
- **D.** Topography or natural features make it impossible or impracticable to place the building within the setback

Sides and rear setbacks

- **A.** Minimum of 20 feet.
- **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:
  - **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
- **C.** Other General Requirements. In addition to the specific setback requirements noted above:
  - **a.** No building shall be closer than 10 feet from any private road or driveway.
  - **b.** Exceptions may be made for any part of the building that may contain an approved drive-up window.

  The intent of this requirement is to provide for building foundation, landscaping and to provide protection to the building.

UDOT REQUIREMENTS

Any building lot adjacent to any State Road must comply with all UDOT requirements..

- **A.** Applicant will contact the Region 3 Permitting office to schedule a pre-application coordination meeting before applying for a permit
- **B.** Additional information can be found online: www.udot.utah.gov, 'Doing Business', UDOT Permits

6.8.9 Building Height

No building in this zone shall be over two stories with a height restriction of 45'.

6.8.10 Commercial Overlay Zone Development Standards

The following development standards shall apply to the Commercial Overlay Zone:

- **A. Architectural Review**. The Planning Commission shall review the site plan and building elevations. The Planning Commission shall confirm compliance with architectural design

standards for buildings and structures to assure compliance with the general plan and with the Towns generally applicable policies and regulations.

B. **Landscaping.** All applicants for commercial building permits? are required to meet the minimum landscape requirements outlined in this ordinance: 6.8.14 and shall be installed prior to the issuance of a certificate of occupancy.

C. **Uses Within Buildings**. All uses in the commercial overlay 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, home improvement material yards, etc. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the planning commission and Town Council deem such storage to be customarily and appropriately conducted outside.

D. **Trash Storage.** No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within an opaque enclosure that is architecturally compatible with the main building. Garbage dumpsters shall be located out of sight and away from major roads.

E. **Screening Requirements.**

A. If more than 4 of the following items as described in (1) - (4) are parked on 1 parcel of land or lot or being used as a business. An opaque wall or fence of acceptable design is required. Such wall or fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the towns signage regulations.

(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 or a home based business.

(3) Storage of any equipment that requires a UDOT Permit number to legally drive or be transported on Utah Roads.

(4) includes containers used to store any kind of equipment used for a business.

1. Containers used as a screened area, storage or parked within Fairfield Town Limits must be painted in earth tone colors and blend with its surroundings or match the aesthetics of the home.
2. Only 4 containers are allowed on property

B. Any Commercial storage, storage for a business, goods and products to be sold including large equipment must be stored behind a screened wall.

C. Planning and Zoning or Town Council may require additional screening requirements where deemed necessary.

6.8.11 Fencing

All zones in the Town of Fairfield are Fence-In Zones, "NOT" Fence-Out with exceptions. If a developer or landowner removes a fence for construction or any other reason, it is the developer or landowners responsibility to make arrangements with the adjoining landowner to contain all animals including large and small livestock. The developer or landowner must re-erect a fence within a 10 day period of the removal, in the exact same place, and with material equal to or superior to the quality of what was removed. Planning Commission may extend this period at their discretion.

6.8.12 PERFORMANCE STANDARDS

The operation of any use permitted in this Commercial Overlay is subject to the following standards of performance.

All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration, or other similar feature to the premises upon which they are located and shall not inhibit the everyday use of adjacent properties.

A. 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.
B. Any outdoor lighting shall comply with Fairfield outdoor lighting standards

6.8.13 PARKING

A. All parking lots including drive approaches shall be hard services with asphalt or concrete. The material should be approved by the city engineer and be capable of handling anticipated size and weight of vehicles including Public Safety vehicles.

B. All storm water must be maintained on site. Parking lots and drive approaches will require to be bordered with a curb and gutter.

C. Parking lot shall be designed to avoid backing onto a public street.

D. Parking spaces will require a minimum dimension of not less than 10 feet wide by 20 feet in length.

E. Parking standards in Section 3.14 and 3.15 also apply to the following on-site parking requirements. Lighting standards are required for lots that require more than 10 spaces and are outlined in this Section.

F. The Planning Commission and or Town Council shall have authority to alter these standards as circumstances dictate.

Table 6.8.6 Parking

USES	PARKING REQUIREMENT
ATV, RV Sales & Rental	3 spaces per 1,000 square feet
Automotive Repair Establishment	3 spaces per service bay as a minimum and a final determination will be made by the Planning Commission and Town Council

Banking – Financial Services	2 spaces per 1,000 square feet
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Dwelling, Single Family	2.5 spaces per Dwelling Unit (min. 167 sf. per space)
Health Care Center	5 spaces per 1,000 square feet
Hospital	1.80 parking spaces per hospital bed
Nursery	2 spaces per 1,000 square feet
Office, Business, Gov.	3 spaces per 1,000 square feet
Office, Professional	2 spaces per 1,000 square feet
Laundry, Dry Cleaning	3 spaces per 1,000 square feet
Master Planned Development	As determined by Planning Commission, based on the proposed uses and the potential for shared parking.
Mortuary	1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business.
Restaurant, Fast Food	6 spaces per 1,000 square feet gross floor area
Restaurant – Café	6 spaces per 1,000 square feet gross floor area
Retail Sales Establishment	3 spaces per 1,000 square feet
Schools, Private – Quasi Public	1 parking space for each 3 faculty members and other full-time employees plus 1 parking space for each 10 students if students enrolled are of driving age.
School, Public	1 parking space for each 3 faculty members and other full-time employees plus 1 parking space for each 10 students if students enrolled are of driving age.

Shopping Center – Community	2 spaces per 1,000 square feet gross floor area
Theatre, Concert Hall	1 space per 4 seats
Public and Quasi – Public Institution, Church; Public Utility; Municipal Facility	The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf.
Warehouse Storage Units – commercial only	2 spaces per 1,000 square feet of gross floor area for the first 10,000 square feet plus ½ spaces per 2,000 square feet for the remaining space.

6.8.14 Landscape Requirements

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 Town Planner or designee 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:

A. The location and dimension of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.

B. 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.

C. Existing and proposed grading of the site indicating contours at two-foot intervals for grades that are five percent or greater. For areas where grades are less than five percent, contours may be shown at one-foot intervals.

D. Plans showing the irrigation system shall also be included in the landscaping plan submittal.

E. Existing and proposed fences and identification of the fencing materials.

F. A summary of the total percentage of landscaped areas, domestic turf grasses, deciduous and evergreen species, and xeriscaping, along with the estimated cost of all the improvements.

17.60.070 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 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.

17.60.080 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:

A. **Trees.** Deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Evergreen trees shall have a minimum size of six feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this requirement.
B. **Ornamental Trees**. All ornamental trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line.
C. **Shrubs.** All shrubs shall be a minimum of one-gallon containerized stock planted that will attain a height of at least two feet.
D. **Turf.** No landscaping shall be composed of more than 30 percent in turf.
E. **Drought-Tolerant Plants.** Fifty percent of all tree and shrub species shall be required to be drought-tolerant.
F. **Weed Barrier.** Planting beds are required to have a weed barrier with mulched wood chips, rocks, or other similar treatment.
G. **Parking Areas**. Parking areas for vehicles, trailers and all heavy equipment behind fenced screens and the area in front of screen shall be weed free with a minimal depth of ¾ inch gravel to the depth of 3" or any like material upon approval.

17.60.090 Design Applications.

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

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

17.60.100 Required Landscaping.

A. An area equal to 15% of the total size of the parking lot must be landscaped;
B. A minimum of 20 feet or equivalent of side setbacks must be landscaped.

C. One (1) tree for every five (5) parking spaces; and

D. One (1) tree every twenty (20) linear feet of street (including street side and drive approach) frontage.

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

F. 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:

   a. At least 50 percent of the required landscape area shall be live vegetation.
   b. Live vegetation shall be distributed throughout the landscape area, and shall not be segregated.
   c. Decorative rock material shall be a minimum of one-inch aggregate, and shall be at least three 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 curb, when placed along a public right-of-way.
   d. All water-wise landscaped areas shall be improved with a drip irrigation system.
   e. Any individual, corporation, or other entity that uses water-wise landscaping in an area within a public right-of-way shall be responsible for any damage caused by rocks or other materials that migrate onto a sidewalk, trail, street, storm drain, or other public facility, regardless of how such migration occurs.

6.8.15 SIGNS 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 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'	

(Note) Commercial Overlay Zone was passed and approved September 13, 2018.

Brad Gurney, Mayor

9-13-18
Date

Natalie Mckinney, Recorder

9-13-18
Date

FAIRFIELD

Mayor/Rec

SEA