

**Title 10 - Section 15 - FF Subdivision Ordinance # \_\_\_\_\_20.**

**Dated ...20**

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**Document Control Changes:** Created \_\_\_\_\_ 2020. Prior to 2020, Utah County ordinances applied.

**Chapter 15  
Subdivisions**

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**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.” “Land Use code” This Ordinance shall be identified as part of a component of the Fairfield Town Land Use Code, as defined by Title 10 Chapter 9a Utah Code Annotated, 1953, as amended.

B. Purpose and Intent. The purpose and intent of this Subdivision Ordinance 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.

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.

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

D. 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.

E. All subdivisions are required to be platted.

F. Growth Management. Fairfield Town has a Growth Management Policy Title 9.5.00.

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

H. 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”).

**10.15.20. Subdivision.**

For the purpose of this ordinance, there are certain terms and phrases contained within the Subdivision Ordinance which require specific definitions of meaning Said definitions are hereinafter set forth.

A. Subdivision. "Subdivision", for the purposes of this chapter shall mean any land that is divided, subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offering any subdivision for sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. 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.
2. All divisions of land for residential and nonresidential uses, including land used, or to be used, for commercial, agricultural, and industrial purposes.

B. "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.
1. 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

2. 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

#### **10.15.30 Exemptions from Plat Requirements.**

A. Subject to subsection (1), 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 (1) 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 (1)(a) is used for a non agricultural purpose, the Town Council may 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 does not create an approved subdivision allowed by this part unless the Town's land use authority's certificate of written approval required by subsection (1) is attached to the document. The absence of the certificate or written approval required by subsection (1) does not affect the validity of a recorded document.

E. A document which does not meet the requirements of subsection (1) 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.

#### **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.

#### **10.15.50 Fees and Charges.**

A. Fees and charges Shall be set by resolution.

1. The Council, by resolution, may 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.

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

#### **10.15.60 Prohibited Acts.**

Recording an unapproved subdivision is prohibited.

- A. 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.
- B. 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.
- 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, is guilty of a violation of this Ordinance, for each lot or parcel transferred or sold:

#### **10.15.70 Enforcement.**

Enforcement by the Town and Owners of Real Estate.

- A. 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 Ordinance 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 Ordinance are occurring, or are about to occur, may, in addition to other remedies provided by law, 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 Ordinance 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 Ordinance, and the Act, 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

**10.15.80. Licenses and Permits.**

Issuing Licenses and Permits. From the effective date of this Ordinance, 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 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*, or prior enactments, or is a legal lot of record. Any approval issued in conflict with the provisions and requirements of this Ordinance shall be void. An exception may be made for non conforming lots of records.

**10.15.90. Withholding Permits.**

The Town may enforce this Code by withholding building permits.

**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.

**10.15.110. Violation of Chapter.**

A violation of any provision of this Chapter is punishable as a Class C misdemeanor.

**10.15.120 Types of Subdivisions.**

**A. Subdivision Descriptions.**

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

1. Undeveloped Subdivision.
2. Mortgage/Farm Preservation Subdivision.
3. Developed Subdivision.

**B. Flag Lots.**

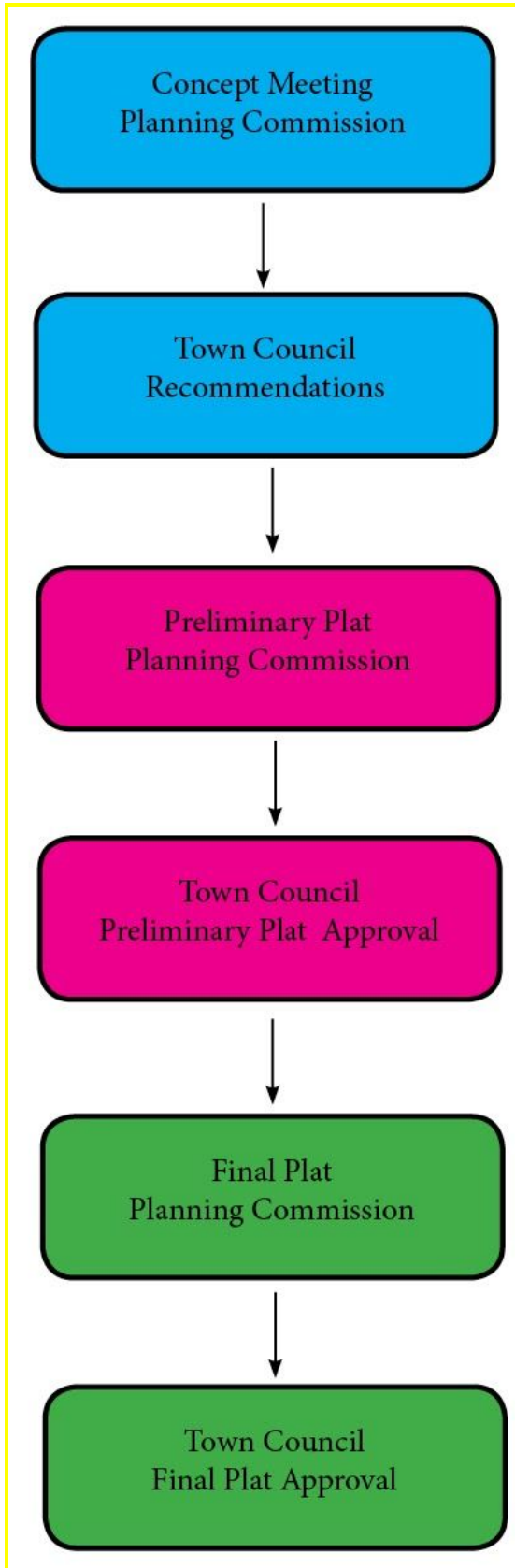
Flag Lots are not allowed in Fairfield Town. All lots require frontage.

**10.15.130 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]**





**10.15.140 Concept Meeting. (Recommended)****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](http://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. After the application has been made, the building department will add the application to the next planning and zoning agenda and notify the applicant of the date and time.
5. The building department will notify all departments seven (7) days prior to said meeting.
6. If needed, a separate meeting with all department heads may be required.
7. After the concept meeting the Planning Commission shall present the plan to the Town Council for their input.
8. The applicant shall file with Fairfield Town, **an application for approval** of a preliminary plat if they elect to proceed.

**C. 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.

**10.15.150 Preliminary Plat.****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.

1. Submit **Application** to Fairfield Town. ([www.fairfieldtown.org](http://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. All **fees must 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 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. After approval, 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.
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.
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:

1. The general submittal requirement Package shall contain a submittal of the development application in a form which complies with the following:
2. 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.
3. A copy of the Record of Survey for the original parcel filed with the Utah County Surveyor's office.
4. Tax clearance for land must be proven
5. Title insurance on all dedications.
6. 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 show the following:
  - a. Project name and address; North point, scale, date. 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 and roadways are to be considered as individual parcels and treated as such;
  - 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. Location of entire development in relation to surrounding neighborhoods and developments (include names of adjacent subdivisions and developments, adjacent property owners' names. Existing and proposed lot lines, easements, walkways, roads and rights-of-way (public and private), including widths, names, and numbers, on subject and surrounding areas; proposed dedications of public use areas;
- j. Existing waterways, ditches, canals, significant vegetation and natural features of the land such as drainage channels or open waterways;
- k. Sensitive lands, including slopes over twenty five (25) percent, flood hazard areas, high water table areas, shallow groundwater areas, stream or drainage corridor set-back areas, springs, seeps or surface water areas, detention basin areas, established road and utility corridors, ridge line areas and geologic hazards;
- l. Existing infrastructure including all fire hydrants, water and all utilities, including but not limited to electricity, natural gas, telephone, cable television;
- m. Proposed layout of all public roads;
- n. Location and elevation drawings of existing and proposed buildings, signs, dumpster, propane tank(s) and utility enclosures, fences and other structures;
- o. Grading plans, including all proposed changes in grade;
- p. 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;
- q. Any additional information which the Planning Commission may reasonably require in a specific instance;
- r. Any additional information which may be required by the type of subdivision; and
- s. 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.

#### **10.15.160 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 preliminary plan along with any other documents at least fourteen (14) days prior to the Planning Commission regular meeting; (PDF ONLY).
3. All **fees must 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.

Information Required. 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**.

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. If the final plat **application** 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.
7. Signature blocks prepared for the dated signatures of the Mayor, Town Recorder, Planning Commission Chair and Town Engineer/Surveyor and / or Town attorney.
8. Final design and construction drawings for all proposed or required public improvements, including the profiles and cross sections of all existing and proposed streets.
9. Any additional information which is required by the type of subdivision shall be included .
10. Any other information Required by the planning commission, building department, fire department, or town council.
11. 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 sign 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).
12. 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. The final plat shall be prepared in permanent ink, and all streets shall be numbered using the town address grid. All required certificates shall appear on a single sheet

(along with the index and vicinity map). The final plat shall be drawn on reproducible Mylar. A minimum of one (1), twenty four inch by thirty six inch (24" x 36") size Mylar, two (2) eleven inch by seventeen inch (11" x 17") 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. The final plat shall contain the same information as required by **Title 10.15.150 preliminary plat requirements**, 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.

D. Title Block Required.

1. A title block, placed in the lower right hand corner of the Plat showing:
  - a. Proposed name or designation of the subdivision that is distinct from any other plat already recorded in the Office of the Utah County Recorder.
  - b. 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.
  - c. Date of preparation of the Preliminary Plat, and all revision dates, as applicable.

E. Signature Block Required.

1. A signature block, placed on the Plat showing:
  - a. Surveyor's certificate;
  - b. Owner's dedication;
  - c. Acknowledgments by owner to include corporate, partnership, limited liability company or trust acknowledgment, as applicable;
  - d. Agreements, as applicable;
  - e. County recorder's number;
  - f. Mayor's approval and acceptance;
  - g. Planning chairperson's approval and acceptance;
  - h. Town recorder;
  - i. Town engineer/surveyor; and

j. Town attorney when needed.

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

G. Approval Authority.

1. The Town Council is identified and authorized as the approval authority for final plat application ensuring compliance with all applicable requirements of this Chapter. The Mayor may approve the final Plat or deny the final plat.
2. The town attorney will review all legally binding documents including but not limited to deed restrictions, developer agreements and or any other binding documents.

#### **10.15.170 Roads and Transportation Patterns and Connectivity Standard.**

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 Standard.

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 will update the Road Master Plan as plats are approved.

E. Roads, Access and Transportation.

1. All subdivision designs shall conform to the following requirements:



- a. 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.
  - b. All lots in a subdivision shall have frontage on a public road.
  - c. All lots or tracts shall have access to a public road.
  - d. All public rights-of-way and streets shall align and unite with all existing roads or right of ways.
2. The circulation pattern for the subdivision shall be designed to take advantage of the topography of the site, should function in a logical manner, and should 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 .
3. Private streets and roadways see title 6.3.150.H
4. 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.
5. Access between the subdivision and state highways shall conform to the State Highway Access Code.
6. Cul-De-Sacs are not allowed in zones greater than 1 acre except as temporary emergency turnarounds.
7. Partial roads, under certain conditions, may be approved by the Fairfield Town Council.
8. All roads must conform to Fairfield Roads Standards. See Fairfield Road Ordinance and Design Standards.
9. Non paved roads will need the fire marshals approval and sign off.

**10.15.180 Recordation Of Plats.**

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

B. 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 towns 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.

#### **10.15.10 Unimproved Subdivision.**

As used in this section. "Unimproved Lot Development" means an undeveloped lot that has no or little improvements.

A. Unimproved Subdivision Requirements:

1. An Unimproved Lot Development must follow the Fairfield subdivision process as described in this chapter;
2. Each of the lots within the subdivision must be located entirely within the same zone;
3. Lots smaller than the acreage required in the underlying zone cannot be processed.;
4. Fairfield Town Council may consider roads as part of the lot size in zones greater than one (1) acre based on the Planning Commissions recommendations;

5. Water Requirements:

- a. Comply with Fairfield Water code. Note: Private water systems and the use of private wells to provide municipal water service are **not allowed** except at the discretion of the Town Council.; See the Fairfield Water code; and
- b. Subdivisions within a one (1) acre zone will need to bring the Fairfield water line to within 950 feet of the furthest lot.

6. 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;
7. All lots must meet the frontage requirement for the zone they are located in;
8. All roads and road dedications must meet the road standards required for the Zone or traffic volume.; and
9. If the Unimproved Lot Development 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 or any other code or ordinance that is applicable to the development before any building permit is granted.

#### **10.15.190 Mortgage/Farm Preservation Lot Development and Regulations.**

##### **A. As used in this section:**

1. Mortgage/Farm Preservation Lot Subdivision. “ Mortgage/Farm Preservation Lot Subdivision” means a subdivision that allows one (1) parcel to be split off of a larger piece of acreage for the purpose of getting a mortgage;
2. Primary Lot. “Primary Lot” means the lot on which the residence will be built;
3. Mortgage Lot Subdivisions cannot contain more than a total of two (2) lots;
4. Must be in a zone greater than 5 acres;
5. The lots must be 5 acres or larger;
6. The primary lot must meet all roads standards required for that particular zone;
7. The mortgage lot must meet frontage standards for the 5 acre zone.;
8. A deed restriction must be recorded on each of the two (2) parcels requiring both parcels to remain in the same name and that the secondary lot has an unimproved lot in its title; and
9. The plat must show “SUBDIVISION FOR THE PURPOSE OF MORTGAGE”.

#### **10.15.200 Improved Subdivision.**

A. As used in this section, “Improved Subdivision” means subdivided lots that meet all zoning and building permit requirements..

1. Improved Lot Developments must follow the Fairfield subdivision process as described in this chapter
2. All roads and road dedications must meet the road standards required for the zone or traffic volume.
3. Water Requirements:
  - a. Comply with Fairfield Water requirements;
  - b. Private water systems and the use of private wells to provide municipal water service are not allowed except at the discretion of the Town Council; See the Fairfield Water code;
  - c. Proof of Fairfield acceptable culinary water transfer or well permit for each lot.
4. Developments to be in the same zone. Each of the lots within the subdivision must be located entirely within the same zone;
5. The Fairfield Town Council may consider roads as part of the lot size in zones greater than one (1) acres based on the Planning Commissions' recommendations;
6. All of the lots must meet the frontage requirement for the zone they are located in;
7. Fairfield Town has a Growth Management Ordinance; see [Title 9.5.00](#).
8. The Town Council may require some method to ensure that the developer will provide all the required improvements after the plat has been approved. Three (3) methods of ensuring the project are:
  - a. Developer posting a performance bond of 125% to be determined by the town engineer;
  - b. 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.
  - c. Depositing funds in an escrow account to ensure completion of;
    1. Utah County septic approval.
    2. Heavy metals and arsenic report.

B. Additional requirements to plat. All the plat requirements to get a Fairfield town building permit including but not limited to:

1. Existing and proposed infrastructure including fire hydrants, water lines, utilities; and
2. Any other Information The planning commission, building heads, or town council may require.

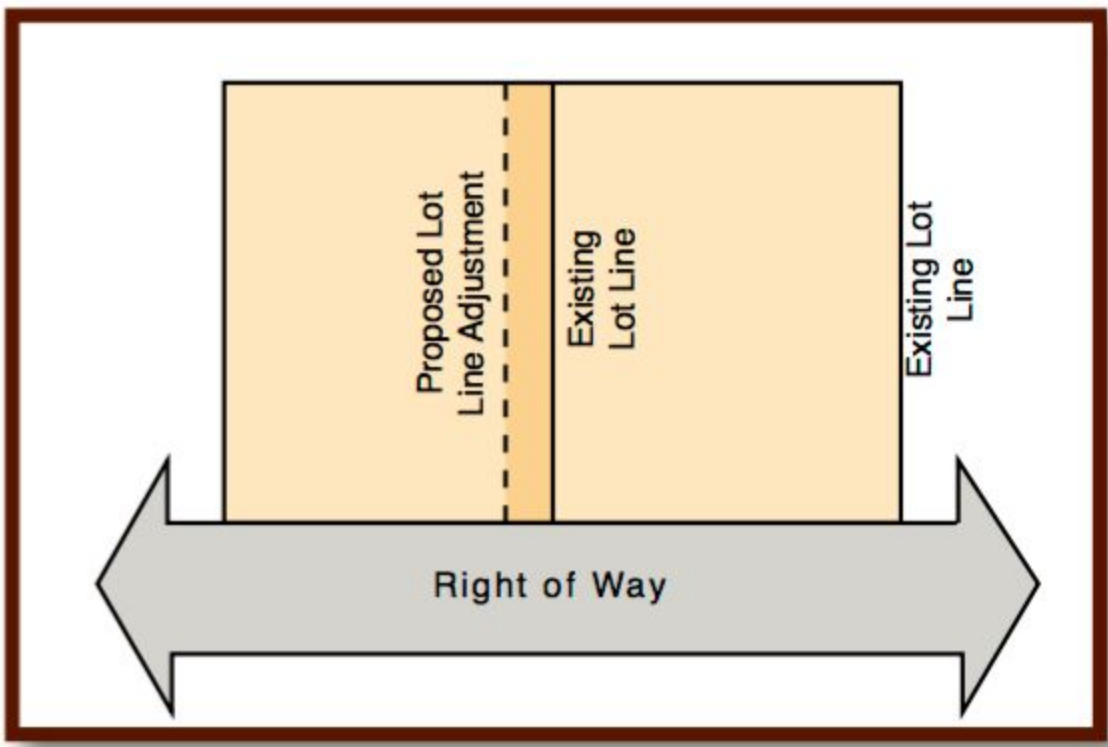
**10.15.210 Lot Line Adjustment.**

**A. Purpose.**

The purpose of a lot line adjustment plat is to provide for an administrative procedure by which one or more lot 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. Definitions.**

LOT LINE ADJUSTMENT - "Lot Line Adjustment" means a plat by which one or more lot(s) or tract lines are moved or removed.



**C. Conditions Required for Lot Line Adjustment.**

In order to complete the lot line adjustment process, all of the following conditions must be met:

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. Approval Authority. The Fairfield Planning Commission has the authority to approve or deny a lot line adjustment.

**10.15.220 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 ordinance and before the application is submitted.
2. The Town shall process an application without regard to proceedings initiated to amend the Town's Land Use Code if:
  - a. One hundred and eighty (180) calendar days have passed since the proceedings were initiated; and
  - b. The proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

3. The Final Plat, as required herein, 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.
4. The Town shall be bound by the terms and standards of this Chapter, and the Town other Land Use Codes and Ordinances, as applicable, and shall comply with all mandatory requirements and provisions of such Code or Ordinance.
5. The Town shall process and render a decision on each application required by this Chapter within sixty five (65) days.

**10.15.230 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.

**10.15.240 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.

**10.15.260 SEVERABILITY**

This ordinance 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.

Note:

Future Considerations.

As zoning changes and lots become smaller a few things should be taken into consideration:

1. Stormwater retention.
2. Sewer.
3. Planned Performance Development. A Development that is encouraged to use imaginative, efficient utilization of land as well as consolidation of open spaces and clustering of the dwelling units. Density in the Planned Performance Development is determined by additional amenities and open space.

**10.8.32.2. Effective Date.**

This ordinance will take effect upon its passage by majority vote of the Fairfield Town Council and posting in three public places.

Approve and passed this \_\_\_\_\_ Day of \_\_\_\_\_, 2020.

Fairfield Town

\_\_\_\_\_  
Brad Gurney, Mayor

Councilman RL Panek

Voted \_\_\_\_\_ Int. \_\_\_\_\_

Councilman Tyler Thomas

Voted \_\_\_\_\_ Int. \_\_\_\_\_

Councilwoman Hollie McKinney

Voted \_\_\_\_\_ Int. \_\_\_\_\_

Councilman Jayson Densley

Voted \_\_\_\_\_ Int. \_\_\_\_\_

Attested by: \_\_\_\_\_  
Stephanie Shelley, Town Recorder

(SEAL)



FAIRFIELD TOWN

STATE OF UTAH     )  
                                  ) ss.  
COUNTY OF UTAH    )

I, Stephanie Shelley, 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 \_\_\_\_\_ 2020.

FF SUBDIVISION ORDINANCE for the Town of FAIRFIELD.

IN WITNESS WHEREOF, have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this \_\_\_\_day of \_\_\_\_\_2020

\_\_\_\_\_  
Stephanie Shelley  
Fairfield Town Recorder

(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 \_\_\_\_\_ 2020 and herein referred to as “FF SUBDIVISION ORDINANCE” for Fairfield Town.

**SUMMARY.**

The above named ordinance was enacted to update, define and describe the requirements, limitations and restrictions for subdivisions in the Town of Fairfield.

The three places are as follows:

1.     Town Hall
2.     Old School
3.     Utah State Public Notice Website

\_\_\_\_\_  
 Stephanie Shelley  
 Fairfield Town Recorder

(SEAL)

Date of Posting \_\_\_ day of \_\_\_\_\_ 2020

