

Title 10 Chapter 35 - Light Industrial East Zone - 1 Ordinance #12082020-4

Dated 22 November 2022

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Section 10.35.10. Purpose.

The purpose of this chapter is to create a zone which allows for a compatible mixture of commercial and light industrial uses. This zone shall include establishments that are served by streets, power, water, sewage, and other utilities or facilities where such facilities can be readily provided and includes areas which are well adapted to industrial development.

Section 10.35.20. Definitions.

In the construction of this chapter and all ordinances which amend any portion thereof, the following words and terms shall have the meaning herein ascribed to them, unless such definition is inconsistent with the manifest intent or contrary to the context of the ordinance.

Front. "Front" means the same side as the road used for frontage and primary access no matter what direction the building is facing.

Lot. "Lot" means the area required for use as set forth by the square footage requirements for the size of the building.

Parcel. "Parcel" means the entire legal description of the property.

Rear Lot Line. "Rear Lot Line" means a lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

Side Lot Line. "Side Lot Line" means a lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line.

Side Street Lot Line. "Side Street Lot Line" means a lot line that is both a side lot line and a street lot line.

Street Lot Line. "Street Lot Line" means a lot line, or segment of a lot line that abuts a street. A street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. A street lot line can include front lot lines and side lot lines.

Section 10.35.30. Area Requirements.

One (1) acre minimum lot size is required 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. The yards around buildings shall be kept in compliance with the town nuisance ordinance.

Section 10.35.40. Setback Requirements.

A. The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in this Light Industrial East-1 Zone, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below. Conditional uses may require greater setbacks so as to prevent a nuisance or safety issue as determined by the Town Council.

B. Lot sizes within the Light Industrial East-1 Zone will be determined by the size of the building, requirements of parking, landscaping, setbacks and fire code. Lot sizes must be a minimum of one (1) acre.

C. Frontage Requirement: Minimum of one hundred sixty five (165) ft.

D. Front setbacks will be determined by the size of building, landscape and parking requirements. The Town Council, in consideration of a prior recommendation by the Planning Commission, may increase or decrease this if, in its judgment, the need for change meets at least two (2) or more of the following criteria:

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

E. Sides and Rear Setbacks:

1. Minimum of twenty (20) feet from the parcel property line.

2. Additional lot setbacks will be determined by fire and building code.

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

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

G. Setback for accessory building:

1. Minimum of six (6) feet from the parcel property line
2. Additional setbacks will be determined by fire and building code.
3. Accessory buildings are not to exceed nine hundred ninety nine (999) sq. feet.

Section 10.35.50. Building Height.

No building in this zone shall be over two (2) stories with a height restriction of thirty (30) feet .

Section 10.35.60. Permitted Uses.

The following land uses shall be permitted uses in the Light Industrial East-1 Zone. Any use not specifically permitted in this chapter shall be prohibited. All uses not listed will require application and approval for a zone change.

1. Accessory Structure, unoccupied.
2. Agriculture Industry.
3. Agriculture.
4. Automotive Body/Paint Repair Establishment.
5. Automotive Repair Establishment.
6. Auto Self-Serve Station.
7. Auto Service Station.
8. Construction Yard.
9. Convenience Goods – Sales.
10. Farm Animals.
11. Farm Equipment Sales.
12. Gas Station
13. Nursery.
14. Public Services.
15. Public Utility Stations w/Sewer.
16. Repair Services, Small Appliance.
17. Small Engine Repair.

18. Stable.
19. Storage Containers.
20. Telecommunications Facility Less Than Thirty Five Feet (35') in Height.
21. Warehouse Flex Space.
22. Welding Machine Shop.

Section 10.35.70. Conditional Uses.

A. 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:

1. Adult Oriented Businesses. The purpose and objective of this section is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas, deteriorating to the health, safety, and welfare of Fairfield, and to prevent inappropriate exposure of such businesses to the community. This section regulates the time, place, and manner of operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions.
 - a. No adult-oriented business may be located within twenty five hundred (2500) feet of any:
 - i. School, Day Care Facility, Cemetery, Public Park, Library, or Religious Institution;
 - ii. Residential Zoning Boundary; or
 - iii. Liquor Store.
 - b. For the purpose of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:
 - i. The closest exterior wall of another adult-oriented business;
 - ii. The closest property line of any School, Day Care Facility, Public Park, Library, Cemetery, or Religious Institution; and
 - iii. The nearest property line of any residential zone.
2. Caretaker Dwellings (Non-Farm Uses). Though caretaker dwellings are not encouraged, they are allowed with Town Council approval. The Town Council may approve a caretaker dwelling within the Light Industrial East-1 Zone provided the caretaker dwelling meets the following standards:
 1. The principal use served by the caretaker dwelling is a use allowed in the zone;
 2. The dwelling is incidental to the principal use;
 3. The dwelling is within the same structure as the principal use;
 4. The dwelling is a single-family dwelling;
 5. The dwelling will be designed as a part of and in harmony with the architecture of the main building;
 6. The dwelling will be a minimum of 500 square feet and the combined minimum size of the principal use building and the caretaker dwelling will be a maximum of 5000 square feet;

7. The caretaker dwelling will be a maximum of 10% of principal use building not to exceed 2,000 square feet.
 8. There will be two additional parking spaces dedicated for the caretaker's use;
 9. At least one of the occupants of the dwelling shall be a full-time employee of the business, operation or institution that qualifies for a caretaker dwelling;
 10. There are no health or safety issues, such as excess traffic, semi trucks, toxic fumes or fire risk;
 11. No caretaker's dwelling shall be rented, leased, or otherwise hired out;
 12. Caretaker dwellings must have a separate ingress and egress from the principal use building;
 13. The caretaker dwelling must have a sprinkler fire suppression system.
3. Self-Storage and RV, Boat, Vehicle Storage. All self-service storage facilities (mini-warehouses) and Recreational Vehicle storage facilities shall be designed, constructed, operated and occupied in accordance with the following:
- a. All goods and wares shall be stored within an enclosed building, except that boats, travel trailers, motor homes and automobiles in running order, may be stored in screened exterior areas which shall have shown on the site plan and approved for that purpose.
 - b. No individual units shall be larger than twelve (12) feet x fifty (50) feet.
 - c. Any storage of partially dismantled, wrecked or inoperable vehicles, trailers, campers, motorhomes or junk is prohibited.
 - d. Any repair, construction, reconstruction or manufacturing is prohibited.
 - e. Any storage of hazardous materials including but not limited to gasoline, paint, paint remover and similar flammable or hazardous materials is prohibited.
 - f. Self-storage facilities fronting public roadways, residential properties, or public properties shall include a barrier extending the full length of the property line. The barrier may consist of either the solid facade of the storage structure or a fence, wall or similar structure. If the barrier is to be provided by a fence or wall, the barrier shall be not less than six feet in height and shall be constructed of opaque material that will prevent the passage of light and debris. Where the barrier is to be provided by the building facade, said facades shall be in accordance with the setback requirements applicable to the zone in which it is located.
 - g. Access to the compound area shall be sufficient for traffic, emergency and fire vehicles.
 - h. Travelways will be approved by the Fairfield Fire Chief.
 - i. Travelways having a minimum of twenty-five (25) feet in width when providing access to units on both sides of the travelway or twenty (20) feet when providing access to units on one side only. The circulation system shall provide for access throughout the facility by continuous forward motion.
 - j. No facility shall be approved without adequate fire protection.
 - k. No individual units shall be supplied with water or sewer facilities.

- I. The design and improvement of the facility shall make adequate provision for storm water and snow removal.
- m. The aggregate square footage of all storage units will count toward the minimum square footage needed for the approval of a caretaker dwelling.

Section 10.35.80. 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:

1. Facilities of any kind disposing of carcasses or any biological waste;
2. Facilities that produce an odor; and
3. Facilities that adversely impact the characteristics of the surrounding area.

Section 10.35.90. Frontage on an Approved Public Street Required.

For adequate access by emergency vehicles and local occupants, the frontage of each lot used as a site for a dwelling, commercial establishment, manned industrial plant or other facility occupied by humans, shall abut or have right of way on an official state road, a county road, or Town road or private road which has been improved to the standard required under the direction of the unit of government having jurisdiction, and from which frontage such facility gains vehicular and pedestrian access exclusively and entirely across the subject lot.

Section 10.35.100. Light Industrial East - 1 Zone Development Standards.

A. The following development standards shall apply to the Light Industrial Zone:

1. Water. No subdivision shall be approved without an approved Fairfield culinary water source. The applicant shall be responsible to deed the water rights to the Town and obtain approval from the State Water Engineer to transfer the point of diversion for the water right to Fairfield's designated point of diversion. The water right is required to be a municipal or culinary water right. Individual wells are not permitted.
2. 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.
3. Landscaping. All applications for building permits are required to meet the minimum landscape requirements as outlined in this ordinance, and all required landscaping shall be installed prior to the issuance of a certificate of occupancy. See section 10.35.160 of this ordinance.
4. Uses Within Buildings. All uses in the Light Industrial Zone East -1 shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission and Town

Council to be customarily and appropriately conducted outside. Such uses include service stations, gas pumps, plant nurseries, outdoor RV or boat storage, home improvement material yards, etc.

5. Buildings. All buildings and structures shall be prohibited as permanent living quarters or residences unless otherwise provided for by conditional use. For the purpose of this Ordinance, a resident is anyone staying or living in a structure longer than seventy-two (72) hours.
6. 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.
7. Screening Requirements. If more than four (4) of the following items as described in (a) - (f) are parked on one (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, unless permitted by conditional use:
 - a. 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;
 - b. 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;
 - c. Storage of any equipment that requires a UDOT Permit number to legally drive or be transported on Utah Roads; or
 - d. A maximum of four (4) containers used to store any kind of equipment used for a business can be kept. More than four (4) containers may be kept on a lot if painted in colors that blend with its surroundings or match the aesthetics of the surrounding area.
 - e. Any Commercial storage, storage for a business, goods, and products, including large stationary equipment, must be stored behind a screened wall.
 - f. Planning and Zoning or Town Council may require additional screening requirements where deemed necessary.

Section 10.35.110. Health Department Approval for Water and Sewer.

No residence, campground, resort, commercial establishment, or manned industrial plant shall be used or occupied, nor an occupancy permit issued, until a potable water supply facility and sanitary sewage disposal facility have been installed in accordance with the Utah County Health Department standards. Before a building permit shall be issued, proof of water rights and approved septic plans from the Utah County Health Department must be supplied.

Section 10.35.120. 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 landowner's responsibility to make arrangements with the adjoining landowners to contain all animals, including large

and small livestock. The developer or landowner must re-erect a fence within a ten (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. The Planning Commission may extend this period at their discretion.

Section 10.35.130. Performance Standards.

- A. The operation of any use permitted in this zone is subject to the following standards of performance:
1. All uses must be operated in accordance with the Fairfield Nuisance Ordinance 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; and
 2. 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 and shall conform to the Fairfield Town lighting ordinance; and
 3. Any outdoor lighting shall comply with Fairfield Outdoor Lighting Standards.

Section 10.35.140. Parking.

- A. All parking lots located within three hundred (300) feet of an improved Fairfield Town road shall be hard surfaced with asphalt or concrete. The material shall be approved by the town engineer and be capable of handling anticipated size and weight of vehicles, including public safety vehicles.
- B. All parking lots located more than three hundred (300) feet from an improved Fairfield Town road must be improved to the same standards as the rural road.
- C. The Town Council, with the recommendation of the Planning Commission, may grant variances to these standards based on the following circumstances:
1. Public Safety;
 2. Traffic;
 3. Consistency of surrounding use; and
 4. Proposed use.
- D. All stormwater must be maintained on-site.
- E. Surface water shall not be allowed to drain onto adjacent lots except for natural conditions where the activities of man have not altered the flow and percolation of water.
- F. Parking lots shall be designed to avoid backing onto a public street.
- G. Parking spaces shall require a minimum dimension of not less than ten (10) feet wide by twenty (20) feet in length.
- H. Except for approved on-street parking, access to any parking space within a parking area shall be from a drive aisle and not directly from a public street.

I. Parking areas with more than one (1) aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area. Depending on circumstances, directional signs may be required to differentiate between entrance and exit access points to the street.

J. Parking standards in Chapter 3, Supplementary Requirements and Procedures Applicable within Zones Ordinance, section 3.14 and 3.15.

K. Lighting standards are required for lots that require more than ten (10) spaces and are outlined in this section.

L. Lights used to illuminate a parking area shall be arranged to reflect the light away from adjacent lots or parcels and shall be consistent with the standards set forth in the Fairfield Town Lighting Ordinance.

M. Minimum parking spaces required shall be two (2) per one thousand (1000) square feet of gross building floor area.

N. The Fairfield Planning Commission may require more parking spaces depending on building use.

Section 10.35.150. Computation of the Required Parking Spaces.

A. For the purpose of computing off-street parking spaces, which are required by this ordinance, the following rules shall apply:

1. Fractions shall be rounded to the nearest whole number of parking spaces.
2. In the event that two (2) or more uses occupy the same zoning lot or parcel of land at the same time, the total requirements for off street parking and off-street loading space shall be the sum of the requirements for each of the individual uses.

Section 10.35.160. Landscape Requirements.

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

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.;
2. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at the time of planting and at maturation. All existing vegetation that is to be removed or remain on the site should be clearly identified;
3. Existing and proposed grading of the site indicating contours at two (2) foot intervals for grades that are five (5) percent or greater. For areas where grades are less than five (5) percent, contours may be shown at one (1) foot intervals;
4. Plans showing the irrigation system shall also be included in the landscaping plan submittal;

5. Existing and proposed fences and identification of the fencing materials; and
6. A summary of the total percentage of landscaped areas, domestic turf grasses, deciduous and evergreen species, and xeriscaping, along with the estimated cost of all the improvements.

B. Completion of Landscape Improvements. All required landscaping improvements shall be completed in accordance with the approved site plan, landscaping planting plan, and irrigation plan and occur prior to the issuance of a certificate of occupancy for the associated structure/building. Exceptions may be permitted and certificates of occupancy issued where weather conditions prohibit the completion of approved and required landscaping improvements. In such cases an extension period of not longer than six (6) months is permitted and a bond for no less than one hundred ten (110) percent of the total estimated value of the landscaping shall be held until the project is in full compliance with this chapter and any approved site or landscaping plans.

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

1. **Trees.** Deciduous trees shall 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;
2. **Ornamental Trees.** All ornamental trees shall have a minimum trunk size of one and one-half (1 1/2) inches in caliper measured eight (8) inches above the soil line;
3. **Shrubs.** All shrubs shall be a minimum of one (1) gallon containerized stock planted that will attain a height of at least two (2) feet;
4. **Turf.** No landscaping shall be composed of more than thirty (30) percent in turf;
5. **Drought Tolerant Plants.** Fifty (50) percent of all tree and shrub species shall be required to be drought tolerant;
6. **Weed Barrier.** Planting beds are required to have a weed barrier with mulched wood chips, rocks, or other similar treatment; and
7. **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 an aggregate size of 3/4 inch gravel to the depth of 3" or any like material and must be laid on a min. 2" of road base.

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

1. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth and adaptability to local conditions;

2. Water Conservation. All planter beds shall be irrigated through the use of drip lines instead of spray heads to minimize water loss through evaporation; and
3. Berming. Landscaped berming is required as a headlight screen or buffer surrounding all parking areas and between different land uses; particularly between nonresidential and residential uses or single-family and multifamily uses.

E. Required Landscaping:

1. An area equal to fifteen (15) percent of the total size of the parking lot must be landscaped;
2. A minimum of twenty (20) feet or equivalent of side setbacks must be landscaped;
3. One (1) tree for every five (5) parking spaces; and
4. One (1) tree for every twenty (20) linear feet of street (including street side and drive approach) frontage.

F. Storage Yards. Storage yards must be landscaped along frontage. Xeriscaping is acceptable.

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

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

1. At least fifty (50) percent of the required landscape area shall be live vegetation.;
2. Live vegetation shall be distributed throughout the landscape area, and shall not be segregated;
3. Decorative rock material shall be a minimum of one (1) inch aggregate, and shall be at least three (3) inches deep and be placed completely on top of a weed fabric barrier that allows the permeation of water. Rock materials shall not exceed the height of the sidewalk/trail or the top back of the curb, when placed along a public right-of-way;
4. All water-wise landscaped areas shall be improved with a drip irrigation system; and
5. 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.

Section 10.35.170. 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 the master site plan.

Table 6.8.8: Signs

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

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

Approved and passed this **22nd day of November 2022.**

Attested by: _____
 Stephanie Shelley
 Town Recorder/Clerk

Fairfield Town

 Brad Gurney, Mayor

Councilman RL Panek Voted _____ Int. _____
 Councilman Tyler Thomas Voted _____ Int. _____
 Councilwoman Hollie McKinney Voted _____ Int. _____
 Councilman Richard Cameron Voted _____ Int. _____

CERTIFICATE OF POSTING

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 **22nd day of November 2022..**

“An Ordinance Establishing a Light Industrial East Zone-1 for the Town of FAIRFIELD”.

IN WITNESS WHEREOF, have hereunto set my hand and affixed the Corporate Seal of Fairfield Town Utah this **22nd day of November 2022.**

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 **22nd day of November 2022**, and herein referred to as

“The Light Industrial East Zone-1 Ordinance” for Fairfield Town.

SUMMARY.

The above named ordinance was enacted to define and describe the times, dates, and places of Town Council and Planning Commission meetings held 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/Clerk

Date of Posting **day of** **2022**