

ORDINANCE NO. 778

AMENDING TOWN CODE TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS), SECTION 5.52.080(A), AND TITLE 17 (ZONING), SECTIONS 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.092.010, 17.104.010, AND CHAPTERS 17.096 AND 17.104; AND ADDING SECTION 17.012.170 AND CHAPTER 17.130

WHEREAS, all towns and cities within the State of California are required by law to adopt a general plan; and

WHEREAS, in 2012, the Town of Fairfax completed its first revision of its general plan in over 35 years; and

WHEREAS, the potential impacts to the environment associated with the proposed update to the general plan were studied in accordance with the California Environmental Quality Act ("CEQA," as codified at Public Resources Code §§ 21000 *et seq.*, and as further governed by the CEQA Guidelines, 14 Cal.Code of Regs. §§ 15000 *et seq.*), and a Mitigated Negative Declaration and Mitigation and Monitoring Plan were prepared for the proposed Fairfax 2010-2030 General Plan (the "General Plan");

WHEREAS, on April 4, 2012, the Town Council of the Town of Fairfax adopted the Mitigated Negative Declaration and Mitigation and Monitoring Plan prepared for the General Plan, and subsequently adopted the General Plan; and

WHEREAS, the General Plan includes Figure LU-1 ('Fairfax General Plan Map') and Figure LU-2 ('Fairfax Zoning'), both of which include Public Domain (PD) and Central Commercial (CC) zones, and neither of which include a Highway Commercial (CH) zone; and

WHEREAS, General Plan Land Use Program LU-7.1.1.2 Plan directed that all properties within the Town zoned as Commercial Highway (CH) be rezoned to Central Commercial (CC); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.3 and Housing Element Program H-2.1.1.2 directed that the real property commonly known as 10 Olema (Assessor's Parcel Number 001-104-012) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.14 and Housing Element Program H-2.1.1.1 directed that the real property commonly known as 2626 and 2600 Sir Francis Drake Boulevard (Assessor's Parcel Numbers 174-070-050 and 174-070-017) be rezoned to Planned Development District (PDD); and

WHEREAS, General Plan Land Use Element Program LU-8.1.1.5 and Housing Element Program H-4.1.1.1 directed that the real property commonly known as the School Street

**SUPPLEMENT TO
AGENDA ITEM # 14**

Plaza (Assessor's Parcel Number 002-112-13) be rezoned to Planned Development District (PDD); and

WHEREAS, California Government Code § 65860(C) requires towns and cities to amend their zoning ordinances to conform to their respective general plans; and

WHEREAS, the Planning Department has prepared this proposed amendment to the Zoning Ordinance of the Fairfax Town Code in order to implement General Plan dictates set forth above.

The Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Fairfax Town Code, Title 5 ('Business Taxes, Licenses, and Regulations), Division II ('Specific Business Regulations'), Chapter 5.52 ('Medical Marijuana Dispensaries'), Section 5.52.080 ('Limitation on Location of Dispensary'), Subsection A is hereby amended to read as follows:

(A) A dispensary shall be located only within a Central Commercial CC or Light Commercial CL area, as designated in the General Plan and zoning map.

SECTION 2: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.010 ('Established') is amended to read as follows:

In order to classify, regulate, restrict and segregate the uses of land and building; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the percentage of a lot which may be occupied by a building or structure, and to otherwise regulate the use or development of land and premises, the following land use zones are established to be known and designated as:

- (A) RS-7.5 single-family residential zone;
- (B) RS-6 single-family residential zone;
- (C) RD 5.5-7 residential zone;
- (D) RM multiple-family residential zone;
- (E) CL limited commercial zone;
- (F) Reserved;
- (G) CC central commercial zone;
- (H) CS service commercial zone;
- (I) CR commercial recreation zone;
- (J) PDD planned development district;
- (K) SF-RMP single-family residential master plan zone;
- (L) O-A open area zone;
- (M) UR upland residential zone; and
- (N) PD public domain

SECTION 3: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.030 ('Discrepancies'), is hereby amended to read as follows:

In case of any discrepancy between the designation of land on the 'zoning map' as lying within a particular zone and the designation of land in §§ 17.012.040 through 17.012.170 as being within the same zone, the zoning map shall control.

SECTION 4: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.040 ('Boundaries; Generally'), is hereby amended to read as follows:

Each of the zones designated in §§ 17.012.050 through 17.012.170 shall have included within it the land area specified.

SECTION 5: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.050 ('Boundaries; RS-7.5 Zone') is hereby amended to read as follows:

There is included within the RS-7.5 zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	15, 0	03, 12
1	16, 0	05, 09
1	17, 1	All parcels
1	17, 2	All parcels
1	17, 3	All parcels
1	24, 1	All parcels
1	25, 1	All parcels, except 01 and 02
1	26, 1	All parcels
1	26, 2	All parcels

SECTION 6: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.080 ('Boundaries; RM Zone') is hereby amended to read as follows:

There is included within the RM zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	14, 4	02, 03, 04, 11, 12
1	14, 8	01, 02, 03, 04, 10

1	15, 0	19 through 27, inclusive, and 28, 29, 30, 31
1	25, 1	01, 02
2	01, 2	03 through 06, inclusive, and 10, 11, 13
2	02, 3	14, 15, 16, 22, 25, 26, 27, 28, 29, 31
2	10, 1	03 through 09, inclusive, and 15, 19
2	10, 4	16
2	11, 1	04, 05, 09, 09
2	11, 2	02, 03, 08, 09, 10, 12
174	05, 0	20, 30, 31, 36, 57

SECTION 7: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.090 ('Boundaries; CL Zone') is hereby amended to read as follows:

There is included within the CL zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
2	04, 1	34, 36

SECTION 8: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.100 ('Boundaries; CH Zone') is hereby amended to read as follows:

§ 17.012.100 RESERVED.

SECTION 9: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.110 ('Boundaries; CC Zone') is hereby amended to read as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	18, 1	01
1	22, 7	01, 02
1	22, 1	12
1	23, 5	08, 10, 11
1	22, 3	09 through 12, inclusive, and 19
1	18, 3	04, 08, 10, 12 through 17, inclusive
1	23, 6	53 through 56, inclusive
1	22, 6	29, 32, 34, 35, 40, 41, 48, 49
2	11, 7	01
2	12, 7	01, 02
2	11, 3	08
2	21, 1	01 through 07, inclusive and 15
2	10, 1	13

2	11, 6	04, 06, 07
2	21, 3	03 through 11, inclusive and 23
2	10, 4	03 through 08, inclusive, and 18, 19
2	12, 1	03 through 07, inclusive, and 10, 11, 18 through 21, inclusive
2	13, 1	07, 09, 12, 13, 14, 15
2	12, 2	01, 02, 25 through 34, inclusive, and 37
2	11, 5	01 through 07, inclusive, and 09, 10, 13, 14, 15, 16, 17, 20
2	12, 3	66 through 75, inclusive

SECTION 10: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.140 ('Boundaries; PDD Zone'), is hereby amended to read as follows:

There is included within the PDD zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and as updated from time to time, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	10, 4	12
1	16, 0	01, 02, 03
1	18, 3	19
1	27, 1	14, 16
2	11, 2	13
174	05, 0	60
174	21, 0	1 through 11, inclusive
174	07, 0	17, 50
174	11, 1	All parcels
174	17, 0	All parcels

SECTION 11: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.160 ('Boundaries; UR Zone'), is hereby amended to read as follows:

There is included within the UR zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on July 1, 1991, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>	<i>Zone</i>
174	07, 0	17	UR 7
1	15, 0	12	UR 10
1	16, 0	09	UR 10
1	25, 1	31	UR 10
2	18, 1	03	UR 10

2	18, 1	04	UR 10
2	18, 1	05	UR 10
2	18, 1	06	UR 10
2	18, 1	12	UR 10
2	18, 1	15	UR 10
2	18, 1	17	UR 10
2	18, 1	20	UR 10
2	18, 1	21	UR 10
2	07, 1	01	UR 7
2	07, 1	03	UR 7
2	07, 1	04	UR 7

SECTION 12: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established') is amended to add a new Section 17.012.170 ('Boundaries; PD Zone') to read as follows:

§ 17.012.170 BOUNDARIES; PD ZONE.

There is included within the PD zone the following real property shown and designated upon the Assessor's books on file in the office of the County Assessor, County of Marin, State of California, on August 1, 1969, and more specifically designated as follows:

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
1	13, 1	09, 47
2	11, 2	07
2	11, 4	01 through 05, inclusive
2	11, 3	04, 05, 06
2	11, 5	11, 12, 18, 19
2	10, 2	01, 02, 03, 06, 11, 12
2	10, 3	01, 02, 03

SECTION 13: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.020 ('Design Review Regulations'), Section 17.020.030 ('Applicability'), Subsection B, is hereby amended to read as follows:

(B) New construction in Central Commercial, Limited Commercial, Service Commercial, Multiple Residential, Planned Development District, Single Family-Residential Master Plan zones, duplexes in RD 5.5-7 zones and structures in the Ridgeline Scenic Corridor, as required in Chapter 17.060, and residences which have a distance of more than ten feet from the ground to the lowest point of complete enclosure.

SECTION 14: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.092 ('CL Limited Commercial Zone'), Section 17.092.010 ('Purpose'), Subsection A is hereby amended to read as follows:

(A) The CL limited commercial zone provides a location for uses which may be incompatible with the high density characteristics of the central commercial zone.

SECTION 15: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.096 ('CH Highway Commercial Zone') is hereby amended to read as follows:

§ 17.096 RESERVED.

SECTION 16: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.104 ('CS Central Commercial Zone') is hereby amended to read as follows:

CHAPTER 17.104: CS SERVICE COMMERCIAL ZONE

SECTION 17: Fairfax Town Code, Title 17 ('Zoning'), Chapter 17.104 ('CS Service Commercial Zone'), Section 17.104.010 ('Generally') is hereby amended to read as follows:

No premises in the CS service commercial zone may be used for any purpose or in any manner, except as set forth in this chapter.

SECTION 18: Fairfax Town Code, Title 17 ('Zoning') is amended to add a new Chapter 17.130 ('PD Public Domain Zone') to read as follows:

CHAPTER 17.130 PD Public Domain Zone

- 17.130.010 Generally
- 17.130.020 Principal permitted uses and structures
- 17.130.030 Conditional uses and structures
- 17.130.035 Procedure for Planning Director Use Determination
- 17.130.040 Uses prohibited
- 17.130.050 Building site requirements
- 17.130.060 Height regulations
- 17.130.070 Yards
- 17.130.080 Signs
- 17.130.090 Off-street parking
- 17.130.100 Traffic impact permit

§ 17.130.010 GENERALLY.

(A) No premises in the PD open area zone may be used for any purpose or in any manner except as set forth in this chapter.

(B) All structures, physical improvements and exterior physical modification of building are subject to design review.

§ 17.130.020 PRINCIPAL PERMITTED USES AND STRUCTURES.

Uses within the PD zone are restricted to the following:

- (A) Public or civic buildings, including maintenance or corporation yards;
- (B) Public parking areas;
- (C) Public schools and preschools;
- (D) Public parks, playgrounds and recreation areas;
- (E) Post offices and related facilities;
- (F) Fire stations and related facilities;
- (G) Public utility or public service uses;
- (H) Museums, libraries, and cultural institutions; and
- (I) Hospitals.

§ 17.130.030 CONDITIONAL USES AND STRUCTURES.

The following uses are permitted upon the securing of a use permit in each case, which use permit if granted shall prescribe conditions as are necessary to assure the public health, safety, and welfare are preserved:

- (A) Other uses determined by the Planning Commission as equivalent to those listed in § 17.130.020, but requiring regulation of location, extent or operation because of some unique characteristic; and
- (B) Private schools, day care centers or nurseries.

§ 17.130.035 PROCEDURE FOR PLANNING DIRECTOR USE DETERMINATION.

(A) Uses not specifically listed in §§ 17.130.020 and 17.130.030 are specifically prohibited unless a use determination by the Planning Director is made which finds the use not specifically listed is similar to another use permitted or conditionally permitted within the Public Domain zone.

(B) The criteria utilized by the Planning Director to determine if a proposed use is sufficiently similar to a permitted use as described in § 17.130.020 or 17.130.030, and can be processed as such is as follows:

- (1) The proposed use must be consistent with the General Plan; and
- (2) The proposed use must serve a public function and closely approximate a use described in § 17.130.020 or § 17.130.030 relative to the type of service provided;

§ 17.130.040 ACCESSORY USES AND STRUCTURES

Accessory uses and structures allowed in the PD zone shall consist of those activities which are characteristic of and usually found in connection with a principal use on the same premises and which are subordinate to, dependent on and economically and operationally integrated into the principal use, including but not limited to the following:

- (A) Parking garages and lots;
- (B) Storage for principal uses;
- (C) Offices for principal uses; and
- (D) Signs.

§ 17.130.050 USES PROHIBITED.

All uses of land unless set forth in §§ 17.130.020, 17.130.030, or 17.130.040 are specifically prohibited.

§ 17.130.060 BUILDING SITE REQUIREMENTS.

No building site requirements apply in the PD zone.

§ 17.130.070 HEIGHT REGULATIONS.

Height regulations in the PD zone are as follows: Except as otherwise permitted by variance, no structure shall be higher than 28.5 feet above natural grade, nor contain more than two stories.

§ 17.130.080 YARDS.

No yard requirements apply in the PD zone, except that if a parcel within the PD zone is immediately adjacent to a parcel bearing a zoning designation allowing residential dwelling units as a permitted use, such parcel within the PD zone shall be deemed to have a setback along the shared property line identical to the setback required by such adjacent zone.

§ 17.130.090 SIGNS.

No signs shall be established or maintained in the PD zone except as authorized or allowed under the provisions of Chapter 17.064 of this title.

§ 17.130.100 OFF-STREET PARKING.

(A) Off-street parking spaces and facilities shall be provided in the PD zone as required or allowed by the provision of Chapter 17.048 of this title.

(B) Off-street parking requirements for uses allowed in the PD zone but not listed in Chapter 17.048 of this code shall be determined on a case-by-case basis utilizing the information provided in the traffic study required by Chapter 17.056 of this code.

§ 17.130.110 TRAFFIC IMPACT PERMIT.

The provisions of the traffic impact permit, Chapter 17.056 of this title, are applicable to properties in the PD Zone.

SECTION 19: The Zoning Map depicted in Figure LU-2 of the Fairfax 2010-2030 General Plan, a true and correct copy of which is incorporated herein and attached hereto as Attachment 1, is hereby adopted as the official zoning map referenced in Town Code § 17.012.020, which may be amended from time to time.

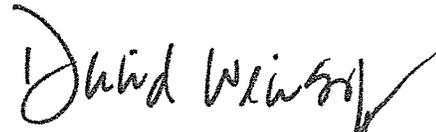
SECTION 20: This ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

SECTION 21: Copies of the foregoing ordinance shall, within fifteen days after its final passage and adoption, be posted in three public places in the Town of Fairfax, which places are designated for that purpose:

1. Bulletin Board, Town Hall offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax;

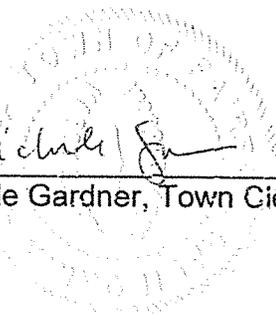
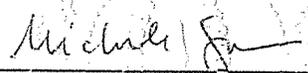
The foregoing ordinance was duly and regularly introduced at a special meeting of the Fairfax Town Council, held in said Town on the 13th day of February 2014, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 5th day of March 2014, by the following vote:

AYES: Goddard, Reed, Weinsoff
NOES: Bragman
ABSTAIN: None
ABSENT: Coler



DAVID WEINSOFF, Mayor

Attest:

Michele Gardner, Town Clerk

TOWN OF FAIRFAX Zoning Map



TOWN OF FAIRFAX
142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

ZONING DISTRICTS

PUBLIC ZONES

PD - Public Domain

COMMERCIAL ZONES

- CC - Central Commercial
- CL - Light Commercial
- CS - Service Commercial
- CR - Recreational Commercial

RESIDENTIAL ZONES

- RD - 5.5 - 7 - Residential
- RS - 6 - Single Family Residential
- RS - 7.5 - Single Family Residential
- RM - Multi-Family Residential
- PDD - Planned Development District
- UR - 7 - Upland Residential (7ac/du)
- UR - 10 - Upland Residential (10ac/du)

*RS - 6 - zoning determined by arrowood settlement agreement recorded 8/28/01

OPEN AREA ZONE

O-A - Open Space

(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

OTHER

- Municipal Boundaries
- Fairfax Parcels Boundaries
- Creeks

Summary of Amendments

Date	Ordinance Number	Description/Summary
12/15/03	646	Established land use zones, official zoning boundaries
06/06/04	648	Amended zoning to add District from the LAK zoning Ordinance
03/16/04	644	PDD Zone for Grand Haven (PDD, RS-6, RM, CL, CS, CR, OA)
03/17/04	644	Amended zoning to add RS-7.5 Zone (RS-7.5, RM, CL, CS, CR, OA)
03/18/04	644	Established RM Zone (RM, CL, CS, CR, OA)
03/19/04	644	Established CL Zone (CL, CS, CR, OA)
03/20/04	644	Established CS Zone (CS, CR, OA)
03/21/04	644	Established CR Zone (CR, OA)
03/22/04	644	Established OA Zone (OA)

