

EXHIBIT A

Revised Chapter 17.020: Design Review Regulations

Section

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§ 17.020.010 TITLE.

The provisions of this chapter shall be known as “Design Review Regulations.”

(Prior Code, § 17.12.010) (Ord. 352, passed - -1973)

§ 17.020.020 PURPOSE.

(A) The purpose of these regulations is to effect design review of all developments, buildings, structures, signs and other facilities constructed or modified in the Town of Fairfax, except as herein provided.

(B) The purpose of this procedure is to foster a good design character through consideration of aesthetic and functional relationships to surrounding development and in order to further enhance ~~thetown~~the town's appearance and the livability and usefulness of properties.

(Prior Code, § 17.12.020) (Ord. 352, passed - -1973)

§ 17.020.030 APPLICABILITY.

The provisions of this chapter shall apply to:

(A) New residences and alterations or additions constituting 50 percent remodels, as set forth in Town Code § 17.016.040(B), in all zones including Residential RD 5.5-7 Zones, Residential RS 6 Zones, Residential RS 7.5 Zones and Upland Residential UP Zones; and

(B) New construction in Central Commercial, Limited Commercial, Highway 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.

(Prior Code, § 17.12.030) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 482, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983; Am. Ord. 688, passed 3-6-2002)

§ 17.020.040 DESIGN REVIEW CRITERIA.

The following criteria shall be applied in considering an application for design review approval.

(A) The proposed development shall create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

(B) Only elements of design which have significant relationship to exterior appearance of structures and facilities shall be considered; these elements may include height, arrangement on the site, texture, material, color, signs, landscaping and appurtenances.

(C) The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.

(D) The proposed development shall conform with all requirements for landscaping, screening, usable open space and the design of parking and off-street loading areas set forth in this title.

(E) Where the proposed development is located in an area where a neighborhood plan or precise plan has been adopted by the town, the design of the development shall conform in all significant respects with the plans.

(F) There shall exist sufficient variety in the design of the structures and grounds to avoid monotony in external appearance.

(G) The size and design of the structure shall be considered for the purpose of determining that the structure is in proportion to its building site and that it has a balance and unity among its external features so as to present a harmonious appearance.

(H) The extent to which the structure conforms to the general character of other structures in vicinity insofar as the character can be ascertained and is found to be architecturally desirable.

(I) The extent to which ornamentation is to be used and the extent to which temporary and second-hand materials, or materials which are imitative of other materials, are to be used.

(J) The extent to which natural features, including trees, shrubs, creeks and rocks and the natural grade of the site are to be retained.

(K) The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets.

(L) The reservation of landscaping areas for the purpose of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, separating or screening parking lots from the street and adjoining building sites and separating building areas from paved areas to provide access from buildings to open space areas.

(M) In the case of any commercial or industrial structure, the ~~Board~~Planning Commission shall consider its proximity to any residential district and shall consider the effect of the proposed structure upon the character and value of the adjacent residential district area.

(N) The ~~Design Review Board may recommend design guidelines to the~~ Planning Commission and Town Council ~~for adoption~~may adopt design guidelines in order to further the objectives of this section and to illustrate design criteria.

(Prior Code, § 17.12.040) (Ord. 352, passed - -1973; Am. Ord. 605, passed - -1991)

§ 17.020.050 APPLICATION.

(A) Application for consideration shall be made at a meeting of the ~~Design Review Board~~Planning Commission by the owner of the affected property, or his or her authorized agent, on a form prescribed by the Planning Commission, and shall be filed with ~~the Secretary of the Board~~Planning Department no later than ~~15~~30 days prior to the next Planning Commission meeting ~~of the Board~~.

(B) The application shall be accompanied by the information as may be required to allow applicable design review criteria to be applied to the proposed action. This information may include site and building plans, drawings and elevations, landscaping plans and operational data.

(Prior Code, § 17.12.050) (Ord. 352, passed - -1973)

§ 17.020.060 PRELIMINARY PLANS.

(A) Applicants are encouraged to submit preliminary plans prior to filing an application for approval so that preliminary agreement between the ~~Board~~Planning Commission and the applicant may be achieved.

(B) Approval by the ~~Board~~Planning Commission shall be certified to the appropriate town officials prior to the issuance of a building permit, or business license if necessary, as the case may be.

(Prior Code, § 17.12.060) (Ord. 352, passed - -1973)

§ 17.020.070 APPLICATION; FILING FEE.

At the time of filing, the applicant shall pay a filing fee set in accordance with a schedule set by resolution of the Town Council.

(Prior Code, § 17.12.070) (Ord. 352, passed - -1973; Am. Ord. 443, passed - -1978)

§ 17.020.080 PROCEDURE ~~FOR CONSIDERATION~~FOR CONSIDERATION.

(A) An application for design review shall be considered by the ~~Design Review Board~~Planning Commission, which shall determine whether the proposed design conforms to the design review criteria set forth in § 17.020.040 and to any other applicable specific design review criteria.

(B) The ~~Design Review Board~~Planning Commission may approve or disapprove the design or require the changes as are, in its judgment, necessary to accomplish the general purposes of this title.

(C) The determination of the ~~Design Review Board~~Planning Commission shall become effective five days after the date of decision unless appealed to the ~~Planning Commission~~Town Council.

(D) Any project requiring ~~the both design~~ review and ~~approval of both the Planning Commission other permits or entitlements from the Town of Fairfax and Design Review Board~~ shall be ~~approved~~considered by the Planning Commission ~~prior to being considered by the Design Review Board at the same time it considers the other permits or entitlements.~~

(Prior Code, § 17.12.080) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

§ 17.020.090 PERIOD OF CONSIDERATION.

(A) A decision shall be rendered by the ~~Design Review Board~~Planning Commission within 60 days after filing.

(B) This time limit may be extended by agreement between the ~~Board~~Planning Commission and the applicant.

(C) If no agreement is in effect and a decision is not rendered within 60 days after filing, the application shall be deemed approved.

(Prior Code, § 17.12.090) (Ord. 352, passed - -1973)

§ 17.020.100 PUBLIC HEARING; NOTICE.

(A) Applications for design review shall not be acted upon until a public hearing thereon is held, except for design review of sign permit exception applications.

(B) Notice of the time and place of the public hearing, together with a brief statement of the nature of the application, shall be given in the same manner as provided in § 17.004.070.

(C) Additional notice of the public hearing may be given to owners and renters of other property within 500 feet of applicant's parcel when, in the opinion of the ~~Design Review Board~~Planning Commission, the properties would be affected by the proceedings so noticed. The subject property shall be posted by the applicant in a manner described in the Town of Fairfax submittal packet at least 10 days prior to the public hearing.

(D) Any error, irregularity, informality or omission as to noticing shall not void or invalidate the proceedings, considerations or disposition of a design review application, except as may be otherwise provided under Cal. Gov't Code § 65010.

(Prior Code, § 17.12.100) (Ord. 352, passed - -1973; Am. Ord. 500, passed - -1982; Am. Ord. 628, passed - -1994; Am. Ord. 716, passed 9-6-2006))

§ 17.020.110 APPEAL PROCESS.

(A) Within ten days following the date of a decision, an appeal from the decision may be filed with the Town Clerk. ~~Projects requiring the review and approval of both the Planning Commission and the Design Review Board~~Decisions shall be appealed to the Town Council. ~~Projects requiring only the review of the Design Review Board shall be appealed to the Planning Commission.~~

(B) Appeal shall be made on a form prescribed by the ~~Planning Commission~~Town Clerk.

(C) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the ~~Design Review Board~~Planning Commission, or wherein the decision is not supported by the evidence in the record.

(D) In considering ~~such an~~the appeal, the ~~Planning Commission~~Town Council shall determine whether the proposed ~~use~~design conforms to the applicable design review criteria and ~~to any other applicable criteria and~~ may approve or disapprove the proposed design or require ~~such~~the changes therein or impose reasonable conditions of approval as are, in its reasonable judgment, necessary to ~~accomplish the general purposes of this title~~ensure conformity to the criteria.

(E) ~~The determination of the Planning Commission shall become effective five days after the date of decision, unless appeal to decision of the Town Council is filed with the Town Clerk in accordance with § 17.020.120. shall be final.~~

(Prior Code, § 17.12.110) (Ord. 352, passed - -1973; Am. Ord. 693, passed 7-16-2002)

~~§ 17.020.120 APPEAL TO COUNCIL.~~

~~—(A)— Within five days following the date of a decision by the Planning Commission on an application for design review, an appeal may be made to the Town Council by the applicant or any aggrieved person.~~

~~—(B)— An appeal shall be made on a form prescribed by the Town Council and shall be filed with the Town Clerk.~~

~~—(C)— The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission or wherein the decision is not supported by the evidence in the record.~~

~~—(D)— In considering the appeal, the Council shall determine whether the proposed design conforms to the applicable design review criteria and may approve or disapprove the proposed design or require the changes therein or impose reasonable conditions of approval as are, in its reasonable judgment, necessary to ensure conformity to the criteria.~~

~~—(E)— The decision of the Council shall be final.~~

~~(Prior Code, § 17.12.120) (Ord. 352, passed —1973)~~

§ 17.020.130 ENFORCEMENT.

In any zone, or in any instance, in which design review is required, no building permit or business license, if necessary, shall be issued unless approval of the proposed development has been granted pursuant to this procedure.

(Prior Code, § 17.12.130) (Ord. 352, passed - -1973)

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