

**TOWN OF FAIRFAX  
STAFF REPORT**

**To: Planning Commission**

**From: Jim Moore, Director of Planning & Building Services**

**Date: April 28, 2016**

**SUBJECT: REVIEW AND EDITING OF A DRAFT ORDINANCE TO REZONING ALL 'CH HIGHWAY COMMERCIAL ZONE' (CHAPTER 17.096) PROPERTIES TO THE 'CC CENTRAL COMMERCIAL ZONE' (CHAPTER 17.100) AND ADDING SECTION 17.008.030 ('USE CLASSIFICATIONS') TO TITLE 17 ('ZONING') OF THE FAIRFAX TOWN CODE**

**BACKGROUND**

On **May 27, 2015**, the Town Council adopted the 2015 update of the 2010 Housing Element as well as an Addendum to the Mitigated Negative Declaration with required findings pursuant to the California Environmental Quality Act (CEQA), for the Fairfax 2010-2030 General Plan.

The 2015 Housing Element update (as did the prior 2010 Housing Element) contains **Program H-3.1.1.1** which stipulates: "Amend CH Zone. Rezone all CH zones to CC zones, which will allow housing on second floors without a conditional use permit instead of requiring conditional use permits."

On **October 29, 2015**, the Town Council held a special (third) General Plan Forum on the policy considerations and process for rezoning Highway Commercial (CH) to Central Commercial (CC). This event was well attended and public comments/concerns were recorded.

On **November 18, 2015**, the Planning Commission at their regularly scheduled meeting had a follow-up discussion of the CH to CC "Forum" reviewing the list of comments, and discussed preferred residential unit sizes, and parking requirements.

On **January 21, 2016** the Planning Commission at their regularly scheduled meeting had another discussion on parking requirements, unit sizes, affordability, and uses to be included in the rezoning of all CH properties to CC. Due to the length of the discussion on uses, it was determined that a special Planning Commission meeting should be scheduled to fully vet this important topic.

On **February 25, 2016** at a special Planning Commission meeting there was continued discussion from the January 21, 2016 Planning Commission meeting on the crafting of an Ordinance amending the Fairfax Town Code to rezone all properties currently located in the Highway Commercial (CH) Zone to Central Commercial (CC) Zone: specifically, updating the permitted and conditional use list in the Central Commercial Zoning Classification.

Please Note: Archived video recordings and minutes of each Planning Commission meeting - and a copy of the 2015 Housing Element update - can be found on the Town's website at: [www.townoffairfax.org](http://www.townoffairfax.org)

### **DISCUSSION**

Tonight's special Planning Commission meeting is for the review and/or final editing of a draft Ordinance amending the Fairfax Town Code to rezone all properties currently located in the Highway Commercial (CH) Zone to Central Commercial (CC) Zone

Please note: Staff has included 'veterinarian offices and small animal hospitals' as permitted uses in the new CC zone to avoid the existing veterinary business becoming a "legal non-conforming use".

### **CEQA REVIEW**

Once the PC has reviewed the draft Ordinance, staff will re-confirm that the allowed or conditionally allowed uses in the current CH zone, which are carried over to the new/revised CC zone, are covered under the existing (amended) CEQA review which resulted in a Mitigated Negative Declaration (MND) of the 2015 Housing Element update.

### **RECOMMENDATION**

Consider and advise

### **ATTACHMENTS**

Attachment A - Draft Ordinance  
Attachment B –Existing Zoning Map  
Attachment C – Proposed Zoning Map

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING FAIRFAX TOWN CODE CHAPTER 5.052 ('BUSINESS TAXES, LICENSES, AND REGULATIONS'), CHAPTER 17.012 ('ZONE DISTRICTS ESTABLISHED'), CHAPTER 17.020 ('DESIGN REVIEW REGULATIONS'), CHAPTER 17.092 ('CL LIMITED COMMERCIAL ZONE'), CHAPTER 17.096 ('CH HIGHWAY COMMERCIAL ZONE'), AND 17.100 ('CC CENTRAL COMMERCIAL ZONE'), AND ADDING SECTION 17.008.030 ('USE CLASSIFICATIONS') TO TITLE 17 ('ZONING') OF THE FAIRFAX TOWN CODE**

**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 the 2010-2030 Fairfax General Plan, the 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 in Public Resources Code 20000, et seq., and as further governed by the CEQA Guidelines, 14 California Code of Regulations 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'); and

**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 a Central Commercial ('CC') zone, and neither of which include the Highway Commercial ('CH') zone; and

**WHEREAS**, General Plan Land Use Program LU-7.1.1.2 and Housing Element Program H-3.1.1.1 both direct that all properties within the Town zoned as CH will be rezoned to CC; and

**WHEREAS**, California Government Code Section 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 amendment to the Town's zoning ordinance, found at Title 17 of the Fairfax Town Code, in order to implement the General Plan dictates set forth above.

NOW THEREFORE, 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<sub>T</sub>, ~~Highway Commercial CH~~, or Light Commercial CL area, as designated in the General Plan and zoning map."

**SECTION 2.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.008 ('Definitions'), is hereby amended by adding the following new Section 17.008.030 ('Use Classifications'), which reads as follows:

**"§ 17.008.030 USE CLASSIFICATIONS.**

Use classifications describe one (1) or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director of Planning and Building Services shall determine whether a specific use shall be deemed to be of the same general nature as one (1) of the use classifications or within one (1) or more use classifications or not within any classifications within this title. The Director of Planning and Building Services may determine that a specific use shall not be deemed to be within a use classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

**ADULT DAY CARE HOME.** A home which provides supervision and nonmedical care to six (6) or fewer adults, including elderly persons, in the provider's own home, on a less than twenty-four (24) hour basis.

**ANIMAL SALES AND SERVICES.**

**ANIMAL HOSPITALS/VETERINARY SERVICES.** Establishments where small animals receive medical and/or surgical treatment, shelter, and care on a commercial basis. This classification includes only facilities that are entirely enclosed and soundproofed. Grooming and boarding of animals is included only if accessory to the hospital use.

**ANIMAL RETAIL SALES AND GROOMING.** Retail sales of domestic and exotic animals within an entirely enclosed building. This classification includes bathing and trimming services and boarding of domestic and exotic animals (for no more than forty-eight (48) consecutive hours).

**HORSE STABLES.** Establishments offering horse boarding and which may include instruction in horseback riding. This classification includes rings and exercise areas.

**KENNELS.** Buildings or other enclosures used to confine, feed, exercise, show or provide shelter, for four (4) or more cats or dogs, ten (10) weeks of age or older, on a commercial basis. Animal hospitals are specifically excluded from this classification.

**CATERING SERVICES.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pick-up or consumption, unless permitted by the subject zoning district.

**CONGREGATE LIVING FACILITY.** Individual apartments with cooking facilities, central dining and social activity areas. At least one (1) meal a day is provided as well as planned recreational and social activities, transportation services and linen-maid services. This classification does not include services and facilities licensed by the State of California.

**EATING AND/OR DRINKING ESTABLISHMENTS.** Businesses that primarily serve prepared food or beverages for consumption on or off the premises.

**WITH TAKE-OUT SERVICES.** Eating and drinking establishments that provide prepared food and/or drinks from disposable containers and either (a) have floor area devoted to takeout and pick-up space or (b) at which twenty percent (20%) or more of the sales are for off-site consumption.

**WITH PERMANENT OUTDOOR SEATING.** Permanent seating in an open or covered area on the site of a legally established eating and drinking establishment.

**WITH FULL ALCOHOLIC BEVERAGE SERVICE.** Eating and drinking establishments that are licensed to sell and serve wine, beer, and distilled spirits.

**WITH WINE AND BEER SERVICE.** Eating and drinking establishments that are licensed to sell and serve wine and beer.

**WITH LIVE ENTERTAINMENT OR DANCING.**

**FAMILY DAY CARE HOME.** A home which regularly provides care, protection, and supervision of twelve (12) or fewer children, under the age of eighteen (18), in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.

**LARGE FAMILY DAY CARE HOME.** A home which provides family day care to seven (7) to twelve (12) children, inclusive, including children under the age of ten (10) years who reside at the home.

**SMALL FAMILY DAY CARE HOME.** A home which provides family day care to six (6) or fewer children, including children under the age of ten (10) years who reside at the home.

**FINANCIAL INSTITUTIONS.** A financial institution that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of money. This use does not include check-cashing facilities.

**WITH AUTOMATED TELLER MACHINES.** Institutions providing automated teller services through a machine.

**WITH DRIVE-UP SERVICES.** Institutions providing services accessible to persons who remain in their automobiles.

**FOOD AND BEVERAGE SALES.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries<sup>[1]</sup>, liquor stores, convenience markets, delicatessens, bakeries, produce stores, butcher shops, and health food stores.

**GROUP RESIDENTIAL.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family, as defined in Section 17.008.020.

**HEALTH AND WELLNESS CENTERS. XXX**

**HEALTH CLUBS.** Establishments that may include indoor tennis courts, racquetball courts, gyms, aerobic studios, weight rooms, fitness machines, indoor swimming pools and accessory uses such as food service and child care.

**HOME IMPROVEMENT SALES AND SERVICES.** Retail establishments that carry a full line of building materials, appurtenances and decorator items (including hardware, plumbing, electrical, heating, air-conditioning, or building supplies, tools and equipment, plants and garden products, patio furniture, swimming pools, spas, and hot tubs, lighting fixtures and cabinets, paint, carpeting, floor coverings, etc.) to facilitate the improvement, rehabilitation and maintenance of individual dwellings. All merchandise other than plants is kept within an enclosed building or fully screened enclosure and fertilizer, soil, soil amendments are stored and sold in package form only. (See also Lumber and Building Material Yards.)

**JUNIOR SECOND UNIT.**

**LIGHT INDUSTRIAL.** Appliances repair, diaper service, furniture repair and upholstery services, janitorial service and supplies,

**LUMBER AND BUILDING MATERIAL YARDS.** Establishments engaging in the retail or wholesale sales of lumber, finished wood products, or building and landscape material supplies either inside or outside of a structure. This classification includes incidental sales and rental of hardware, plumbing, electrical, garden or painting supplies and equipment.

**MULTI-FAMILY RESIDENTIAL.** A structure containing more than one (1) dwelling unit sharing common walls or being otherwise attached, including duplexes, triplexes, fourplexes, apartments and single room occupancy facilities.

**NURSERIES.** Establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials and equipment. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure, and fertilizer, soil, soil amendments and groundcover (other than live plants) of any type is stored and sold in package form only.

#### **OFFICES.**

**OFFICES, BUSINESS AND PROFESSIONAL.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, title companies, stockbrokers, insurance and legal services. This classification includes laboratories accessory to an office use, but excludes banks and savings and loan associations.

**OFFICES, MEDICAL.** Offices for a physician, dentist, chiropractor, physical therapist, psychiatrist, psychologist, counseling service, audiologist, optometrist, acupuncturist. This classification includes medical laboratories accessory to a medical office use.

**PERSONAL SERVICES.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, massage, tanning, seamstresses, tailors, shoe repair shops, dry cleaning agencies (excluding plants), interior decorating, photocopying, photo processing, picture framing, printing, publishing, tailoring, travel agencies, self-service laundries, and shipping and mailing services.

**RECREATION AND ENTERTAINMENT.** Businesses providing participant or spectator recreation, entertainment, or sports activities.

**INDOORS.** This classification includes movie or live performing arts theaters, bowling alley, billiard parlor, dance hall, ice/roller skating rinks, game center including pinball arcade, coin-operated electronics or mechanical game machines.

**OUTDOORS.** This classification includes movie or live performing arts theater, sports stadium and arena, commercial golf courses (including private courses where the general public can play for a fee), driving ranges and miniature golf courses.

**RESIDENTIAL CARE HOME.** A residential home or facility with a capacity of no more than six (6) persons which provides twenty-four (24) hour non-medical care to persons in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, and other residential facilities licensed, certified or authorized by the State Department of Social Services.

This classification also includes facilities with a capacity of no more than six (6) persons which are licensed, certified or authorized by the State Department of Health such as drug and alcohol treatment facilities, intermediate care facilities for the developmentally disabled, congregate living health facilities, family care homes, foster homes and group homes for mentally disordered or handicapped persons.

**RETAIL USES.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: bicycle sales, service, and rental; bookstores, except adult bookstores; apparel and accessories; furniture, home furnishings and appliances sales, service, and rental; miscellaneous retail (including candy or ice cream stores, drug stores, hobby or craft shops, liquor stores, jewelry stores, newsstands, specialty shops, variety stores, pet stores, or computer stores), and includes repair and service ancillary to the primary retail sales use. This use does not include food and beverage sales.

**SECOND UNIT.** A separate complete housekeeping unit with kitchen, sleeping and full bathroom facilities which is a part of, an extension to, or on the same lot as a detached single family unit, consistent with the provisions of Section

**SINGLE-FAMILY RESIDENTIAL.** A structure containing one (1) detached dwelling unit located on a single lot. This classification includes mobile homes and manufactured housing.

**SINGLE ROOM OCCUPANCY.**

**SUPPORTIVE HOUSING.** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, per California Health & Safety Code Section 50675.14. (Per California Health & Safety Code Section 50675.14, 'target population' means persons, including persons with disabilities, and families who are "homeless," as that term is defined by 42 U.S.C. Section 11302, or who are "homeless youth," as that term is defined by California Government Code Section 11139.3(e)(2).)

**TRANSITIONAL HOUSING.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and

recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months, per California Health & Safety Code Section 50675.2.

**VEHICLE/EQUIPMENT SALES AND SERVICES.**

**AUTOMOBILE RENTAL AND LEASING.** Rental or leasing of automobiles including storage and incidental maintenance. This classification shall include taxi or limousine service.

**AUTOMOBILE SALES/NEW AND USED.** Sale of new and used automobiles including storage and incidental maintenance.

**AUTOMOBILE WASHING.** Washing, waxing, or cleaning of automobiles or similar light vehicles. (For automobile washing on the same site as a service station see Vehicle/Equipment Sales and Services, Service Stations.)

**AUTOMOBILE WRECKING.** The dismantling or wrecking of used motor vehicles or trailers or the storage of, sale or dumping of, dismantled, partly dismantled, obsolete or wrecked vehicles or their parts.

**SERVICE STATIONS.** Businesses engaged in the retail sale of motor fuels, lubricants, parts and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles. This classification also includes food and beverage sales as an accessory use. Establishments at which the area devoted to food and beverage sales exceeds one thousand (1,000) square feet shall be classified as a convenience market with gasoline sales. (See Food and Beverage Sales, Convenience Market with Gasoline Sales.)

**WITH AUTOMOBILE WASHING.** A service station in conjunction with automobile washing.

**VEHICLE/EQUIPMENT REPAIR.** Retail repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes tire sales and installation of mufflers, exhaust and suspension systems, auto radio/electronics installation, auto air conditioning/heater service, engine overhauls involving the removal of engine blocks, body and fender work, painting and undercoating, glass replacement, upholstery and convertible top service, vehicle towing, radiator, transmission, wheel and axle repair, but excludes the sale of gasoline and motor fuels, vehicle dismantling or salvage and tire retreading or recapping.

**LIMITED VEHICLE SERVICE.** Limited retail maintenance and service of automobiles and trucks. This classification includes quick lube and oil changing facilities and smog checking facilities with no on-site repair.

**VEHICLE/EQUIPMENT SALES AND RENTALS.** Sale or rental of motorcycles, moving vans, trucks, tractors, construction or agricultural equipment, mobile homes, recreational vehicles, and similar equipment, including storage and incidental maintenance.

**VEHICLE STORAGE.** Storage of operative or inoperative vehicles. This classification includes storage of parking towed vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles, but does not include vehicle dismantling.

**SECTION 3.** Fairfax Town Code Title 17 (Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.010 ('Established') is hereby 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) CH highway commercial zone;~~
- ~~(FG) CC central commercial district zone;~~
- ~~(GH) CS commercial service zone;~~
- ~~(H) CR commercial recreation zone;~~
- ~~(I) PDD planned development district;~~
- ~~(JK) SF-RMP single-family residential master plan zone;~~
- ~~(KL) O-A open area zone;~~
- ~~(LM) UR upland residential zone; and~~
- ~~(N) PD public domain."~~

**SECTION 4.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.012 ('Zone Districts Established'), Section 17.012.030 ('Discrepancies') is hereby amended to read as follows:

"(A) 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 17.012.1670 as being within the same zone, §§ 17.012.040 through 17.012.1670 shall control.

(B) In case an Assessor's parcel is listed in §§ 17.012.040 through 17.012.1670 as lying within the boundaries of two or more zones, the Planning Commission shall determine which zone will in fact include the Assessor's parcel within its boundaries, and the regulations of the zone so designated shall apply to the assessor's parcel."

**SECTION 5.** 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 — ~~BOUNDARIES; CH ZONE.~~

~~There is included within the CH 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	18, 1	01
1	18, 3	04, 08, 10, 12
through 17, inclusive		
1	22, 1	12
1	23, 5	08, 10, 11
1	23, 6	53 through 56,
inclusive		
2	10, 1	13
2	11, 6	04, 06, 07
2	12, 7	01, 02
2	13, 1	07, 09, 12, 13, 14,
15		
2	21, 1	01 through 07,
inclusive		
2	21, 3	03 through 11,
inclusive and 15		

RESERVED."

**SECTION 6.** 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:

~~There is included within the CC 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 designated as follows:~~

<i>Book</i>	<i>Page, Block</i>	<i>Parcels</i>
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4	22, 3	09 through 12, inclusive, and 19
4	22, 6	29, 32, 34, 35, 40, 41, 48, 49
4	22, 7	01, 02
2	40, 4	03 through 08, inclusive, and 18, 19
2	41, 3	08
2	41, 5	01 through 07, inclusive, and 09, 10, 13, 14, 15, 16, 17, 20
2	41, 7	04
2	42, 1	03 through 07, inclusive, and 10, 11, 18 through 21, inclusive
2	42, 2	01, 02, 25 through 34, inclusive, and 37
2	42, 3	66 through 75, inclusive

"The boundaries of the CC Zone are shown upon that map designated as the "Zoning Map of the Town of Fairfax," which map is made a part hereof by reference and is contained in Table X of the Fairfax Town Code."

**SECTION 7.** 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, ~~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.~~"

**SECTION 8.** 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 ~~or which may have difficulty in finding a proper location in the highway commercial zone.~~"

**SECTION 9.** Fairfax Town Code Title 17 (Zoning'), Chapter 17.096 ('CH Highway Commercial Zone') is hereby amended to read as follows:

"§ 17.096 RESERVED."

**SECTION 10.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.100 ('CC Central Commercial Zone'), is hereby amended to delete the words 'Article I: Generally' from the chapter.

**SECTION 11.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.100 ('CC Central Commercial Zone'), Section 17.100.010 ('Purpose') is hereby amended to read as follows:

"The CC central commercial zone is the central business district and the retail commercial heart of the town. It should contain the most valuable land and structures, on a square-foot basis, of any zone in the town. The development of the CC central commercial zone caters to and invites pedestrian traffic. Consequently, store frontages tend to be continuous and scaled such that an automobile is not needed to travel between them. ~~driveways.~~ In order to develop and maintain a zone of concentrated retail and commercial activity, driveways, large parking lots, blank walls, and other conflicts with or deterrents to foot-pedestrian traffic tend are to be minimized. Second-story residential uses provide both a nighttime population that ~~which~~ is commercially desirable and living facilities for owners, workers and those without automobiles."

**SECTION 12.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.100 ('CC Central Commercial Zone'), Section 17.100.040 ('Principal Permitted Uses and Structures') is hereby amended to read as follows:

"Table 17.100.040-1 establishes the land uses allowed within the Central Commercial zoning district as indicated by the letter designations as follows:

'P' designates permitted use classifications. Unless followed by an applicable Limitation that dictates otherwise, any permitted use classification is allowed to operate along the street frontage.

'U' designates use classifications permitted on approval of a conditional use permit.

'-' designates a use classification not permitted within this zoning district.

'L' followed by a number designates use classifications subject to certain limitations listed by number following the table.

The uses listed are based on the use classifications set forth in Town Code Section XX. Use classifications not listed are prohibited unless authorized by the Director of Planning and Building Services in accordance with Section XX. The "Additional Use Regulations" column includes specific limitations applicable to the use classification or refers to regulations located elsewhere in the Fairfax Town Code.

<u>Table</u>	<u>P Permitted</u> <u>U Use Permit Required</u> <u>- Not Permitted</u>		
<u>Use</u>	<u>Status</u>	<u>Limitation</u>	<u>Additional Use Regulations</u>
<u>Commercial Uses</u>		L-1	A, B
Animal sales and services			
Animal hospitals / veterinary services	P		
Animal retail sales and grooming	P		
Catering services	P	L-2	
Eating and drinking establishments <sup>[2]</sup>			
With take-out services	U		
With permanent outdoor seating	U		
With full alcoholic beverage service	U		
With wine and beer service	P		
With live entertainment or dancing	U		
Financial institutions			
With automated teller machines	P		
With drive-up services	U		
Food and beverage sales	P		
Health and wellness centers	U		
Health clubs	U		
Home improvement sales and services	U		
Lumber and building material yards	-		
Offices			
Offices, business and professional	P	L-2, L-5	
Offices, medical	P	L-2, L-5	

<u>Table</u>	<u>P Permitted</u> <u>U Use Permit Required</u> <u>- Not Permitted</u>		
Nurseries	U	L-2, L-3, L-4	
Personal services	P		
<b>Recreation and Entertainment</b>			
Indoors	U		
Retail uses	P		
<b>Vehicle/equipment sales and service</b>			
Services stations	-		
<b>Industrial Uses</b>		L-1, L-2, L-3	B
Light industrial	P		
<b>Public and Quasi-Public Uses</b>			
Park facilities	P		
Post office	P		B
<b>Residential Uses</b>			B, C, D
Adult Day Care Home		L-6	
Congregate Living Facility		L-6	
Emergency homeless shelter	P		See Section 17.138.010
Family Day Care Home			
Small Family Day Care Home		L-6	
Large Family Day Care Home	-		
Group Residential	U	L-6	
Junior Second Unit	-		
Multi-family residential	P	L-6	See Section XX
Residential Care Home		L-6	
Second Unit	-		
Single Family Residential	-		
Single room occupancy	P <sup>[3]</sup>	L-6	See Section XX
Supportive housing <sup>[4]</sup>	P	L-6	
Transitional housing <sup>[5]</sup>	P	L-6	

**Table 17.100.040-1 Limitations**

L-1	<p><u>Commercial uses with a gross floor area of 10,000 square feet or less are permitted. Commercial uses that exceed 10,000 square feet in gross floor area are permitted on approval of a Conditional Use Permit. In approving the use permit, the following conditions of approval shall be imposed:</u></p> <p><u>Prior to use permit approval, the Planning Commission shall review all proposed exterior changes, including signage, and determine whether the design complies with the goals and policies contained within Town Center Element of the General Plan, and is keeping with the architectural nature of the CC District.</u></p>
L-2	<p><u>Permitted in the rear, or conditionally permitted in store frontage with issuance of conditional use permit. In order to grant a conditional use permit for operation along the street frontage, the Planning Commission must make all findings required by Section 17.032.060, as well as additional findings that the proposed use (1) is compatible with the existing character and uses in the area, and (2) will not deter pedestrian traffic in the vicinity.</u></p>
L-3	<p>In addition to the findings required by L-2, in order to grant a conditional use permit authorizing operation along the street frontage, the Planning Commission must also find that the proposed use will not employ materials or practices that endanger other users or individuals in the area.</p>
L-4	<p><u>Outdoor storage of materials may be allowed in conjunction with a conditional use permit. In order to grant a conditional use permit for outdoor storage of materials, the Planning Commission must make all findings required by Section 17.032.060, and an additional finding that outdoor storage of materials (1) is compatible with the existing character and uses in the area, and (2) will not deter pedestrian traffic in the vicinity.</u></p>
L-5	<p>Permitted on the second floor also.</p>
L-6	<p>Permitted on the second floor only.</p>

**Table 17.100.040-1 Additional Use Regulations**

A	<p>Any use permitted by right on the first floor along the street frontage is also permitted on the second floor.</p>
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B	Permitted uses must be conducted wholly indoors, unless otherwise indicated.
C	Residential units shall be a minimum of 150 square feet and a maximum of 700 square feet, with the average unit size per building not to exceed 500 square feet.
D	Notwithstanding any other provision of the Town Code, the parking requirements for residential uses within the CC district shall be two parking space for each residential unit containing one or more bedrooms, one space for studio units, and no parking required for units 500 square feet or less if the parking on-site for the commercial portion of the building's uses meets the current parking standards.

**SECTION 12.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.100 ('CC Central Commercial Zone'), Section 17.100.050 ('Conditionally Permitted Uses and Structures') is hereby deleted in its entirety, and the following sections within Chapter 17.100 shall be renumbered accordingly.

**SECTION 13.** Fairfax Town Code Title 17 ('Zoning'), Chapter 17.100 ('CC Central Commercial Zone'), Section 17.100.050 ('Accessory Uses and Structures'), Subsections (5) and (6) are hereby deleted.

**SECTION 14.** The Director of Planning and Building Services is hereby directed to make changes to the Zoning Map of the Town of Fairfax as amended by this ordinance.

**SECTION 15.** CEQA.

**SECTION 16.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional, provided, however, that if any decision of a court of competent jurisdiction invalidates the increase of the water service charges set forth in this Ordinance, then the water service charges in effect on the date of adoption shall continue in existence.

**SECTION 17.** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women's Club Building, located at 46 Park.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the \_\_\_ day of \_\_\_\_\_, 2016, and duly adopted at the next regular meeting of the Town Council on the \_\_\_ day of \_\_\_\_\_, 2016, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Renee Goddard, Mayor

Attest:

\_\_\_\_\_  
Michele Gardner, Town Clerk

\_\_\_\_\_  
Date

# TOWN OF FAIRFAX Zoning Map

## EXISTING



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

### ZONING DISTRICTS

#### COMMERCIAL ZONES

- CC - Central Commercial
- CH - Highway 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 arrowwood settlement agreement recorded 5/28/01

#### OPEN AREA ZONE

- O-A - Open Space

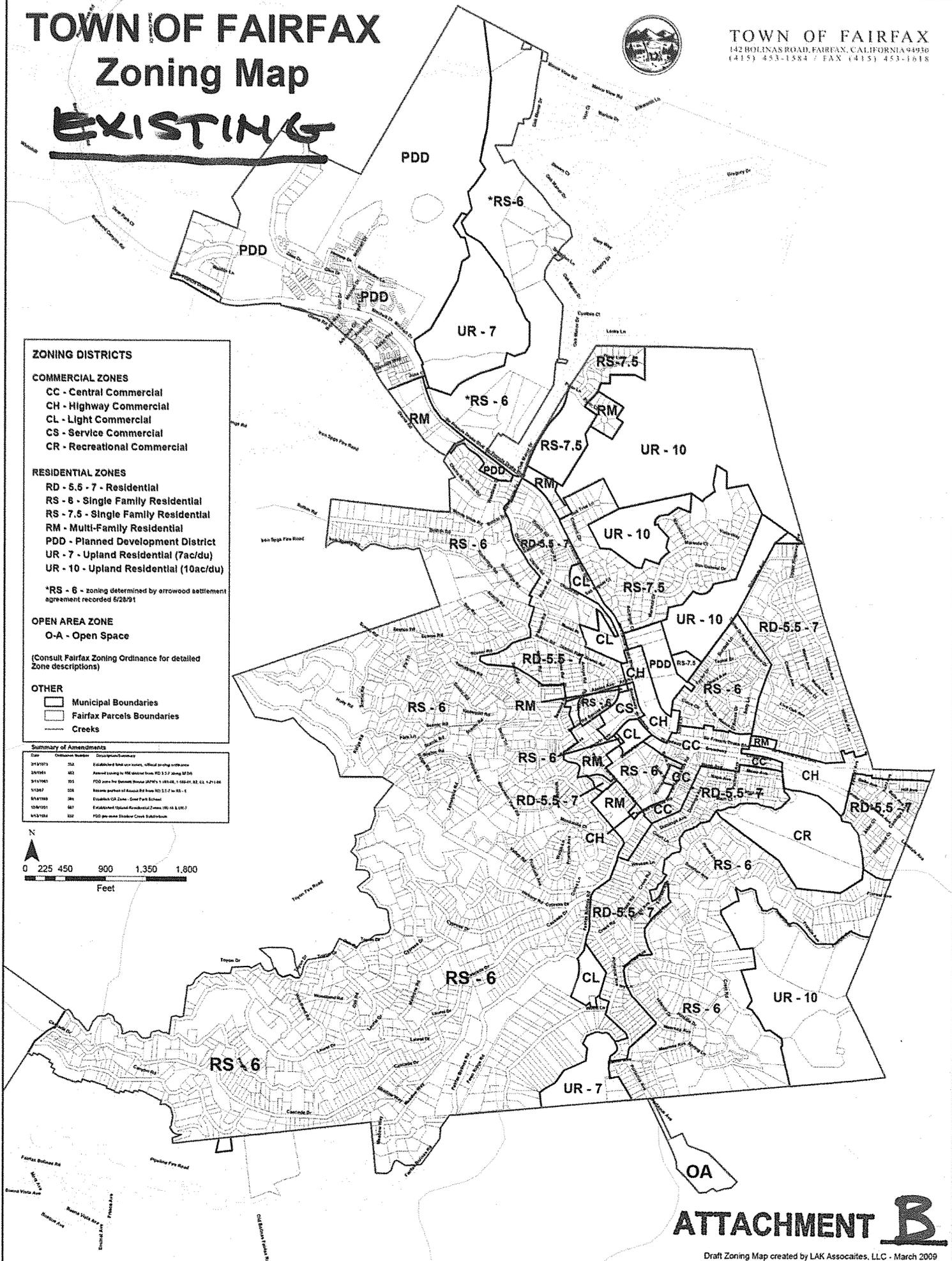
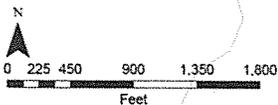
(Consult Fairfax Zoning Ordinance for detailed Zone descriptions)

#### OTHER

- Municipal Boundaries
- Fairfax Parcels Boundaries
- Creeks

#### Summary of Amendments

Date	Ordinance Number	Description/Summary
2/13/01	202	Established first use taxes, official zoning ordinance
10/01/01	402	Amend zoning to RM district from RS 5.5 along SR 99
1/13/01	315	PDD zone for Sunset Shores (APNs 1-05143, 1-050-01, 02, 03, 1-01140)
5/13/01	316	Repeal portion of Sunset Shores (APNs 1-05143, 1-050-01, 02, 03, 1-01140)
5/17/01	384	Establish O-A Zone - Deer Park School
10/01/01	407	Establish Upland Residential Zones (UR 10 & UR 7)
9/5/01	402	PDD zone for Shadow Creek Subdivision



# ATTACHMENT **B**

# TOWN OF FAIRFAX Zoning Map



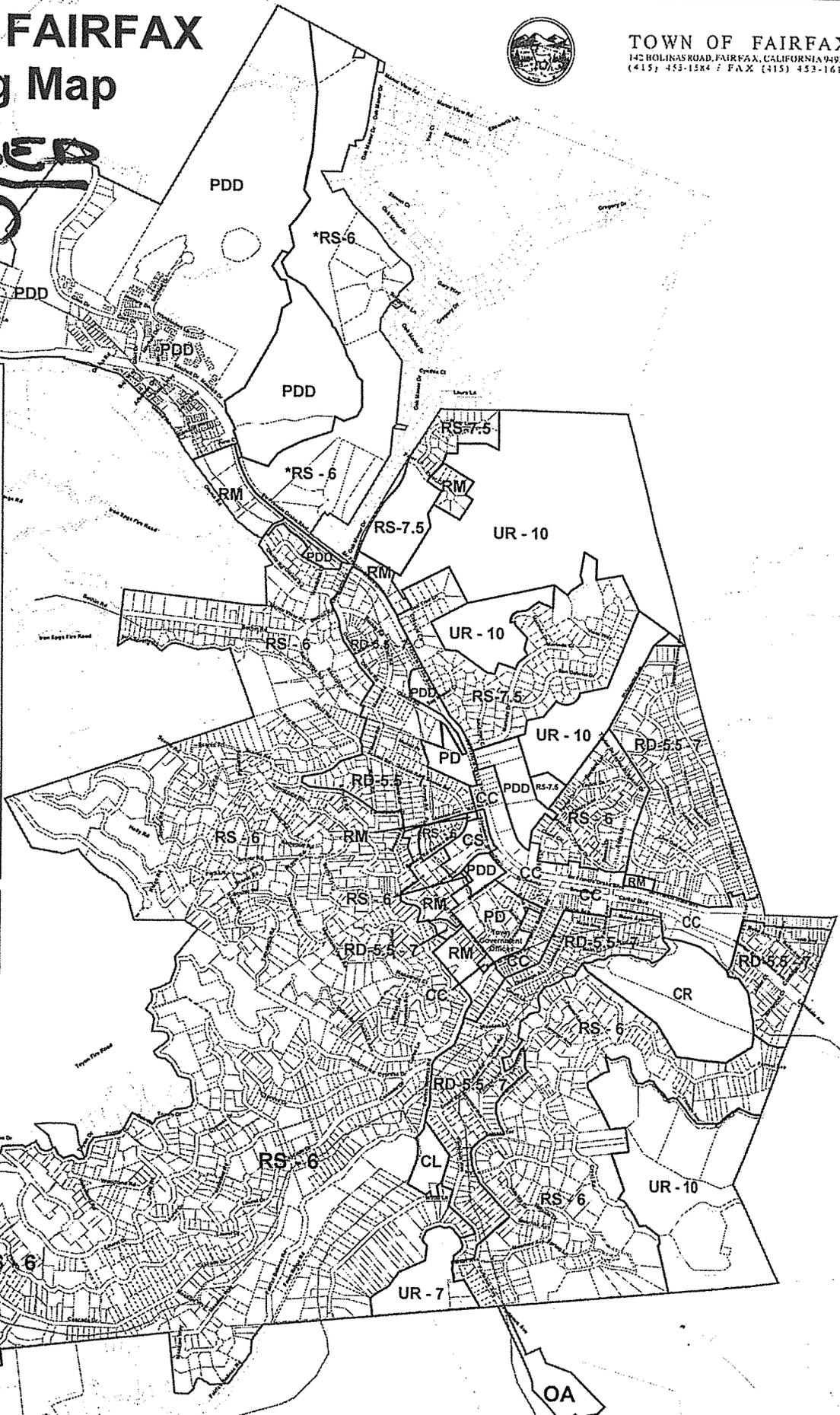
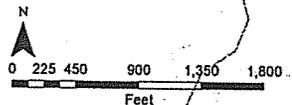
TOWN OF FAIRFAX  
142 HOLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453-1584 • FAX: (415) 453-1618

**PROPOSED**  
**(PER G.P.)**

- ZONING DISTRICTS**
- PUBLIC ZONES**  
PD - Public Domain
- COMMERCIAL ZONES**  
CC - Central Commercial  
CH - Highway 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 arroyowd settlement agreement recorded 6/22/91
- 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
2/13/97	362	Set back-of-lot line set-back, off-lot zoning setback
2/6/97	403	Amend zoning to R-10 District from R-10 S.F. along SR-108
2/13/98	536	PDD zone for Sunset Ranch (APNs 5-100-01, 5-100-02, 5-100-03, 5-100-04)
1/3/97	340	Revoke portion of Article III from SD 1.3.7 to 1.3.1
7/14/98	541	Extend Mt. Snow - Deer Park School
12/1/98	607	Establish Upland Residential District UR-10 & UR-7
11/13/98	602	PDD process update Ordinance



**ATTACHMENT C Figure LU-2**