FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

MEETING DATE	September 2, 2026
PREPARED FOR	Mayor and Town Council
PREPARED BY	Jeffrey Beiswenger, Planning & Building Services Director
SUBJECT	Receive a Presentation on Town Code Amendments Needed to Allow Outdoor Special Events and Provide Direction to Staff

RECOMMENDATION

Receive a presentation on code changes necessary to allow for special events and provide direction to staff.

BACKGROUND

The Fairfax Chamber of Commerce and other organizations are interested in hosting outdoor special events on both public (parks) and private property. The current process for permitting outdoor events is:

- **Public Property**. Outdoor events are commonplace in Town parks and reservations are handled through the Fairfax Parks Department. The primary limitation on outdoor events is noise ordinance limits, prohibiting outdoor amplified speech and music.
- **Private Property**. Any activity outside a building requires a Conditional Use Permit (CUP). The noise ordinance also applies. CUPs run with the land, are appropriate for permanent activities outside a building, but are not appropriate for temporary activities.

Policy Overview

The Fairfax Town Code currently restricts outdoor events due to strict noise limits and a zoning structure that requires a permanent Conditional Use Permit (CUP) for any activity outside a building. To accommodate temporary community events hosted by organizations like the Chamber of Commerce, transitioning to a Special Event Permit system and updating the Fairfax Town Code is needed.

As written, the Fairfax Town Code discourages outdoor events, especially on private property and particularly events that generate noise. The code was written to ensure a quiet residential environment for Fairfax neighborhoods. This works against allowing outdoor events, specifically events that feature music or amplified speech.

The CUP process, which can be used to allow for activities outside a building, is intended to allow for permanent activities. CUPs run with the land, so once approved it is permanent and cannot be easily rescinded. The CUP process is not well suited for occasional or temporary activities.

Process for enforcement

Outdoor events occur occasionally on private property in Fairfax now, but the Town has no way of monitoring or approving these events. The Town has some control over larger events held in public parks since space generally needs to be reserved. Due to limited code enforcement capacity, the Town operates on a complaint basis. Noise complaints are the most common.

An increase in special events would impact the Fairfax Police Department. The following are some issues to consider:

- How is the code enforcement process initiated? The Town does not have a full-time code enforcement officer (it falls under the Building Official's job description). If the code is violated who will handle citing and follow-up? What is FPD's role?
- Since the events happen in the evening or on weekends, only police officers would be on duty. Would FPD Capture the violation, note it in an incident, and pass it to code enforcement?
- How involved, or how minimal, should uniform police response be for the different scenarios on a 24/7/365 basis?
- Should events be shut down for violation, or should the violation be noted and passed to code enforcement? What do we tell residents who continue to request that the event be shut down?
- If FPD is to be involved, will we be issuing administrative citations, similar to social host ordinances with fines? (the FPD has a process for people to pursue a citizen's arrest and the FPD cites on their behalf, but this is not recommended for outdoor events)

It is likely that setting up a Special Event Permit will increase workload for code enforcement and the Fairfax Police Department.

Schedule for Updates

Since changes to the Fairfax Town Code would be required to allow for outdoor events, the minimum time required to make the necessary changes to the code would be 4-5 months. Here is a possible schedule:

- Writing and editing code language, allow (30-45 days)
- Planning Commission hearing (generally 3rd Thursday of month), 10-day public hearing notice required)
- Town Council hearing, ordinance introduction, 10-day public hearing notice required and may notice only after completion of PC hearing.
- Second reading, ordinance adoption (effective 30 days after adoption)

Overview of Changes Required

The following changes are needed to allow for outdoor events with amplified sound:

- Park rules. May need to be adjusted. Currently state, “Park Closed - 10:00 p.m. to Sunrise” which would require events in parks to terminate at 10 p.m. No changes are required if the Council wishes to continue to terminate events prior to 10:00 p.m.
- Noise ordinance could be updated to adjust decibel levels and to change the hours when higher decibel levels are permitted. The input from an acoustic expert is suggested to establish correct noise levels. Changes to the noise ordinance would be needed for events on both public and private property.
- For public events, in public parks and other public property, the Town may need to change policies related to renting / reserving space and alerting folks that noise levels apply.
- A change to the PD Public Domain Zone should also be made to formally allow for outdoor events.
- For private events, an overhaul of the zoning ordinance would be necessary to:
    - Allow for “activities outside a building” without the need for a CUP
    - Amend the code, in several locations, to allow for special events.
    - Amend the code to create a special event permit.

Specific Changes to Town Code

The following is a list of the necessary code amendments to the Fairfax Town Code (FTC). Only changes under Title 17 (Zoning) need to go through the Planning Commission:

Noise Ordinance

The maximum noise levels established by ordinance are very low. For example, the maximum noise level allowed in a commercial area, during the day is 60 dBA, which is equivalent to normal conversation or the humming noise from a window air conditioning unit. The nighttime allowable noise level in residential areas is 40 dBA, which is equivalent to the ambient noise in a library, or the hum of a modern refrigerator. Any outdoor amplified sound would exceed the maximum noise levels.

Exterior Noise Limits *(Levels not be be exceeded more than 7.5 minutes in any 15-minute period)*			
Noise Zone	*Time Period*		*Noise Level (dBA)*
A (Residential)	Night	10:00 p.m. - 7:00 a.m.	40
	Day	7:00 a.m. - 10:00 p.m.	50
B (Multiple Dwelling, Residential)	Night	10:00 p.m. - 7:00 a.m.	50
	Day	7:00 a.m. - 10:00 p.m.	55
C (Commercial)	Night	10:00 p.m. - 7:00 a.m.	55
	Day	7:00 a.m. - 10:00 p.m.	60

To change exterior noise limits, amendments are required to the following section of the Fairfax Town Code:

- Section 8.20.050 Exterior Noise Limits. Changes to the "Exterior Noise Limits" table would be needed. This would require the expertise of an acoustical expert, to establish appropriate noise levels for outdoor music events. Changes would need to be made to all Noise Zones, since noise does not stay confined to one area. Changes to both the Time Period and Noise Level (dBA) columns should be considered.
- Section 8.20.060 Prohibited Acts has an editor's note, which states, "Editor's Note" Nighttime limits shall apply to these time periods". This is no longer relevant and should be deleted.
- Section 8.20.070 Exemptions, states, "(C) The provisions of this chapter do not apply to occasional outdoor gatherings, public dances, shows and sporting and entertainment events, provided the events are conducted pursuant to a permit or license issued by the town relative to the staging of the events." This appears to allow outdoor venues, conducted pursuant to a permit or license, so this should remain in the code.

<u>Zoning Ordinance</u>

The zoning ordinance does not have any provisions for activities outside of a building, without the issuance of a CUP. The following section would require amendments:

- Under Chapter 17.024 Required Permits, add a new permit called "Special Event Permit".
- Add a new chapter for "Special Event Permits". This could be added right before the "Use Permit" Chapter, as Chapter 17.030
- 17.040.060 Businesses to be Conducted from Buildings, will need to be amended to allow for outdoor activities with a Special Event Permit
- Chapter 17.092: CL Limited Commercial Zone
  - Under Principal Permitted Uses and Structures, need to add a permitted use call "Special Event", subject to the issuance of a Special Event Permit, according to Chapter XYZ.
  - Amend 17.092.040 (B) which prohibits any events
- Chapter 17.096: CH Highway Commercial Zone
  - Under Principal Permitted Uses and Structures, need to add a permitted use call "Special Event", subject to the issuance of a Special Event Permit, according to Chapter XYZ.
- Chapter 17.100: CC Central Commercial Zone
  - Under Principal Permitted Uses and Structures, need to add a permitted use call "Special Event", subject to the issuance of a Special Event Permit, according to Chapter XYZ.
  - Amend 17.100.040 (B) which prohibits any event
- Chapter 17.104: CS Commercial Service Zone
  - Under Principal Permitted Uses and Structures, need to add a permitted use call "Special Event", subject to the issuance of a Special Event Permit, according to Chapter XYZ.

    - Amend 17.104.030 (C) which prohibits any event
- Chapter 17.108: CR Commercial Recreation Zone (this Zone was created to cover the Marin Town and Country Club (MTCC) property, which is limited by citizen initiative so code changes may not be necessary, but it is included for consistency purposes)
    - Under Principal Permitted Uses and Structures, need to add a permitted use call “Special Event”, subject to the issuance of a Special Event Permit, according to Chapter XYZ.
    - Amend 17.108.030 (B) which prohibits any event
- Chapter 17.130: PD Public Domain Zone (includes Town Facilities, including Town Hall, Fire Station, the Corporation Yard the Women’s Club, Peri Park, the ball fields and the related open space areas)
    - Under Principal Permitted Uses and Structures, need to add a permitted use called “Special Event”, subject to the issuance of a Special Event Permit.

NEXT STEPS

Based on consensus from the Town Council, staff will proceed to draft code amendments for consideration by the Planning Commission and Town Council. Staff will also create a special event permit process, determine appropriate fees (for consideration by the Town Council), and develop necessary forms.

FISCAL IMPACT

Code changes can be completed by Town planning staff with review from the Town Attorney. Staff would recommend cost recovery fees for any event permit processing.

ATTACHMENTS

None.