



TOWN OF FAIRFAX

STAFF REPORT

July 16, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Discussion/consideration of preparing an interim urgency zoning ordinance prohibiting approvals of formula based businesses within the Highway Commercial (CH) zoning district pending the adoption of permanent zoning regulations

RECOMMENDATION

Direct staff to prepare an urgency zoning ordinance (i.e., moratorium), for Council consideration, prohibiting approvals of formula based businesses within the Highway Commercial (CH) zoning district pending the adoption of permanent zoning regulations to address the issue.

DISCUSSION

On February 5, 2014, the Town Council adopted Interim Urgency Zoning Ordinance No. 776 which prohibited the approval of any subdivision, use permit, variance, design review, sign application, or any other discretionary Town permit or approval required for properties located within the Highway Commercial (CH) zoning district. The Town extended this moratorium in March. However, the moratorium has since expired with the effective date of Ordinance No. 778 (which, among other things, re-zones all properties within the Town of Fairfax currently zoned CH to Central Commercial [CC]). The need for the moratorium was in response to the lack of controls for formula-based businesses (i.e., chain stores) in the CH zone and to allow time for all the CH zoned properties to be rezoned to CC, which addresses formula based businesses.

With the pending repeal of Ordinance No. 778, the newly zoned CC properties will revert back to their previous zoning of CH. While the Planning Commission is scheduled in August to consider the inclusion of formula based business standards in the CH zone, the zoning amendment will not take effect prior to the repeal as the process will also require a minimum of two Council meetings to introduce and adopt the zoning text amendments. Given that this rezoning process will not be completed prior to the effective date of the repeal of Ordinance No. 778, staff can prepare an urgency ordinance to prohibit formula based business in the CH zone until the zoning code can be amended. This ordinance would be presented to the Council at its August 6th meeting for consideration.

FISCAL IMPACT

None

ATTACHMENTS

None