



TOWN OF FAIRFAX

STAFF REPORT

July 2, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Discuss/consider the repeal of Ordinance No. 778 (by adoption of Ordinance No. 780) or placement on the November 2014 ballot the repeal of Ordinance No. 778 which, among other things, rezoned properties from CH (Highway Commercial) to CC (Central Commercial), added new PDD (Planned Development District) zoned properties, and rezoned properties PD (Public Domain).

RECOMMENDATION

- 1) If the Council wants to place the repeal of Ordinance No. 778 on the November ballot, the Council should direct staff to return with the required resolution and related materials for Council consideration at its July 16th special meeting.
- 2) If the Council wants to consider the repeal Ordinance No. 778, the Council should concurrently discuss with Item #6 on tonight's agenda, during which agenda item the Council may choose to introduce and waive the first reading of Ordinance No. 780 (repealing Ordinance No. 778) and direct staff as appropriate.

DISCUSSION

The Town Clerk certified a referendum petition as to Ordinance No. 778 earlier this evening to the Council. At this point, Ordinance No. 778 is suspended. Elections Code § 9241 provides that the Council consider either repealing Ordinance No. 778 or placing the matter on the ballot for the voters to decide.

Repeal. Separate and apart from the referendum, at its May 7th meeting, the Town Council directed staff to begin the process to repeal Ordinance No. 778. This ordinance rezoned all CH-zoned properties to CC, rezoned four properties PDD, and rezoned certain properties to PD. It likewise (a) deleted language appearing in other sections of the Town Code referring to the now-defunct CH district, (b) set forth a rule whereby discrepancies between the zoning text and zoning map would be resolved in favor of the map, (c) adopted as to the Town's official zoning map the map included in the General Plan as Figure LU-2, (d) established a Public Domain (PD) zoning district, and (e) rezoned certain properties to the new PD zoning district.

As indicated at the May meeting, the process to repeal a zoning ordinance is the same process used to approve a zoning ordinance in the first place. All such efforts begin at the Planning Commission. A public hearing at a special Planning Commission meeting was held on May 29th. Ordinance No. 780, which would repeal Ordinance No. 778, is

also on the agenda this evening for Council consideration. For background on Ordinance No. 778, please refer to the staff report for Item #6 on this evening's agenda.

If the Council decides it is inclined to repeal Ordinance No. 778, the Council should move to Item #6 on this evening's agenda for consideration. Staff would suggest the Council consider item #6 concurrently with this item as it is one of the options for Council consideration and comments from the public would concern both agenda items.

Placement on Ballot. Should the Council decide it wants to place the matter on the ballot, staff would return at the July 16th special Council meeting with the required documents (e.g., resolution with ballot language).

FISCAL IMPACT

n/a

ATTACHMENTS

n/a