



TOWN OF FAIRFAX

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DATE: September 19, 2019

TO: Planning Commission

FROM: Garrett Toy, Town Manager

SUBJECT: Discuss concept to amend the General Plan Land Use Designations and rezone Town owned or designated open space properties with residential zoning designations to OA (Open Area) or PD (public domain).

RECOMMENDATION

Discuss concept to amend the General Plan Land Use designations and rezone Town owned or designated open space properties with residential zoning designations to OA- Open Area zone and direct staff as appropriate.

DISCUSSION

The Town of San Anselmo recently took action to create an open space zoning designation and apply it to parcels which are currently used as parks and nature preserves. Fairfax currently has an Open Area (OA) and Public Domain (PD) zoning designations that can be used for parks and nature preserves. Most publicly owned parcels (e.g., public schools, town hall) have a public domain (PD) zoning designation. Only the Deer Park parcels (owned by RVSD and/or MMWD) currently zoned OA. However, some parcels owned by the Town such as Jolly Hill (behind Bennett House) and the County of Marin (i.e., Sky Ranch) currently have a residential zoning designation, even though the uses are dedicated to open space/nature preserve. Some of the parcels would also require amendment of their General Plan Land Use designations.

Staff will provide a map at the meeting showing the locations of properties and discuss the potential process for rezoning the properties. We are seeking direction on the Commission's interest in this matter.

ATTACHMENTS

Attachment A - Chapter 17.218 OA zone
Attachment B - Chapter 17.130 PD Zone

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Fairfax, CA Municipal Code of Ordinances

CHAPTER 17.128: O-A OPEN AREA ZONE

Section

- 17.128.010 Generally
- 17.128.020 Principal permitted uses and structures
- 17.128.030 Conditional uses and structures
- 17.128.040 Uses prohibited
- 17.128.050 Building site requirements
- 17.128.060 Height regulations
- 17.128.070 Yards
- 17.128.080 Signs
- 17.128.090 Off-street parking
- 17.128.100 Traffic impact permit

§ 17.128.010 GENERALLY.

(A) No premises in the O-A open area zone may be used for any purpose or in any manner except as set forth in this chapter.

(B) All structures, physical improvements and exterior physical modification of building are subject to design review.

(Prior Code, § 17.64.010) (Ord. 584, passed - -1989)

§ 17.128.020 PRINCIPAL PERMITTED USES AND STRUCTURES.

Uses within the O-A zone are restricted to the following:

(A) Public uses as follows: public schools, parks, playgrounds and recreation areas;

(B) Crop farming, truck gardening and grazing;

(C) Golf courses, country clubs, forest preserves, wildlife reserves, equestrian and hiking areas.

(Prior Code, § 17.64.020) (Ord. 584, passed - -1989)

§ 17.128.030 CONDITIONAL USES AND STRUCTURES.

The following uses are permitted upon the securing of a use permit in each case, which use permit if granted shall prescribe conditions as are necessary to assure the prevention of hazards to life and property, to preserve and promote agricultural enterprise, to preserve scenic beauty, to preserve historic enterprise, to preserve historic interest, to maintain such land in a permanent open state:

(A) Private schools, day care centers or nurseries;

(B) Public or civic buildings;

(C) Private recreational uses;

(D) Residences clearly accessory to the primary use of property for agricultural purposes;

(E) Stables and riding academies;

(F) Public utility or public service uses, provided, however, that no use permit shall be required for gas, water, electrical and communications transmission and distribution facilities be located below ground level.

(Prior Code, § 17.64.030) (Ord. 584, passed - -1989)

§ 17.128.040 USES PROHIBITED.

All uses of land unless set forth in §§ 17.128.020 and 17.128.030 are specifically prohibited, as are the following uses:

(A) Commercial wood cutting or logging;

(B) Removal of topsoil;

(C) Excavation or filling to any extent whatsoever except as such excavation or filling is approved by the town upon the finding that same is necessary in the pursuit of a permitted use within the district.

(Prior Code, § 17.64.040) (Ord. 584, passed - -1989)

§ 17.128.050 BUILDING SITE REQUIREMENTS.

A use permit must first be secured in the O-A zone for any use, occupancy or physical improvement which is located on a site containing an area of less than five acres and a width of less than 100 feet.

(Ord. 584 § 1 (part), 1989)

§ 17.128.060 HEIGHT REGULATIONS.

Height regulations in the O-A zone are as follows: Except as otherwise permitted by variance, no structure shall be higher than 35 feet above natural grade.

(Prior Code, § 17.64.060) (Ord. 584, passed - -1989)

§ 17.128.070 YARDS.

(A) Except as otherwise permitted by variance, each building site in the O-A zone having a slope of not more than ten percent shall have yards as follows:

(1) A front and rear yard having a combined depth of not less than twenty-five feet but neither having a depth of less than six feet;

(2) Two side yards having a combined width of not less than 15 feet, but neither yard having a width of less than five feet.

(B) Except as otherwise permitted by variance, each building site in the O-A zone having a slope of more than ten percent, shall have yards as follows:

(1) A front and rear yard having a combined depth of not less than 35 feet, but the front yard having a depth of not less than six feet and the rear yard of not less than 12 feet;

(2) Two side yards having a combined width of not less than 20 feet, but neither yard having a width of less than five feet.

(Prior Code, § 17.64.070) (Ord. 584, passed - -1989)

§ 17.128.080 SIGNS.

No signs shall be established or maintained in the O-A zone except as authorized or allowed under the provisions of Chapter 17.064 of this title.

(Prior Code, § 17.64.080) (Ord. 584, passed - -1989)

§ 17.128.090 OFF-STREET PARKING.

(A) Off-street parking spaces and facilities shall be provided in the O-A zone as required or allowed by the provision of Chapter 17.048 of this title.

(B) Off-street parking requirements for uses allowed in the O-A zone but not listed in Chapter 17.048 of this code shall be determined on a case-by-case basis utilizing the information provided in the traffic study required by Chapter 17.056 of this code.

(Prior Code, § 17.64.090) (Ord. 584, passed - -1989)

§ 17.128.100 TRAFFIC IMPACT PERMIT.

A traffic impact permit shall be obtained under Chapter 17.056 for any structure or use in the O-A zone.

(Prior Code, § 17.64.100) (Ord. 584, passed - -1989)

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Fairfax, CA Municipal Code of Ordinances

CHAPTER 17.130: PD PUBLIC DOMAIN ZONE

Section

17.130.010	Generally
17.130.020	Principal permitted uses and structures
17.130.030	Conditional uses and structures
17.130.035	Procedure for Planning Director Use Determination
17.130.040	Accessory uses and structures
17.130.050	Uses prohibited
17.130.060	Building site requirements
17.130.070	Height regulations
17.130.080	Yards
17.130.090	Signs
17.130.100	Off-street parking
17.130.110	Traffic impact permit

§ 17.130.010 GENERALLY.

(A) No premises in the PD open area zone may be used for any purpose or in any manner except as set forth in this chapter.

(B) All structures, physical improvements and exterior physical modification of building are subject to design review unless the Planning Director makes a determination that the improvements are minor in nature.

(Ord. 788, passed 5-6-2015)

§ 17.130.020 PRINCIPAL PERMITTED USES AND STRUCTURES.

Uses within the PD zone are restricted to the following:

- (A) Public or governmental buildings and facilities, including maintenance or corporation yards;
- (B) Public parking areas;
- (C) Public schools and preschools;
- (D) Public parks, playgrounds and recreation areas;

- (E) Museums, libraries, and cultural institutions; and
- (F) Emergency shelters, subject to compliance with Chapter 17.138 of this title.

(Ord. 788, passed 5-6-2015)

§ 17.130.030 CONDITIONAL USES AND STRUCTURES.

The following uses are permitted upon the securing of a use permit in each case, which use permit if granted shall prescribe conditions as are necessary to assure the public health, safety, and welfare are preserved:

- (A) Other uses determined by the Planning Commission as equivalent to those listed in § 17.130.020, but requiring regulation of location, extent or operation because of some unique characteristic; and
- (B) Hospitals, or day care centers.

(Ord. 788, passed 5-6-2015)

§ 17.130.035 PROCEDURE FOR PLANNING DIRECTOR USE DETERMINATION.

(A) Uses not specifically listed in §§ 17.130.020 and 17.130.030 are specifically prohibited unless a use determination by the Planning Director is made which finds the use not specifically listed is similar to another use permitted or conditionally permitted within the Public Domain zone.

(B) The criteria utilized by the Planning Director to determine if a proposed use is sufficiently similar to a permitted use as described in § 17.130.020 or § 17.130.030, and can be processed as such is as follows:

- (1) The proposed use must be consistent with the General Plan; and
- (2) The proposed use must serve a public function and closely approximate a use described in § 17.130.020 or § 17.130.030 relative to the type of service provided.

(Ord. 788, passed 5-6-2015)

§ 17.130.040 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures allowed in the PD zone shall consist of those activities which are characteristic of and usually found in connection with a principal use on the same premises and which are subordinate to, dependent on and economically and operationally integrated into the principal use, including but not limited to the following:

- (A) Parking garages and lots;
- (B) Storage for principal uses;
- (C) Offices for principal uses; and
- (D) Signs.

(Ord. 788, passed 5-6-2015)

§ 17.130.050 USES PROHIBITED.

All uses of land unless set forth in §§ 17.130.020, 17.130.030, or 17.130.040 are specifically prohibited.

(Ord. 788, passed 5-6-2015)

§ 17.130.060 BUILDING SITE REQUIREMENTS.

No building site requirements apply in the PD zone.

(Ord. 788, passed 5-6-2015)

§ 17.130.070 HEIGHT REGULATIONS.

Except as otherwise permitted by variance, no structure within the PD district shall be higher than 28.5 feet above natural grade, nor contain more than two stories.

(Ord. 788, passed 5-6-2015)

§ 17.130.080 YARDS.

No yard requirements apply in the PD zone, except that if a parcel within the PD zone is immediately adjacent to a parcel bearing a zoning designation allowing residential dwelling units as a permitted use, such parcel within the PD zone shall be deemed to have a setback along the shared property line identical to the setback required by such adjacent zone.

(Ord. 788, passed 5-6-2015)

§ 17.130.090 SIGNS.

No signs shall be established or maintained in the PD zone except as authorized or allowed under the provisions of Chapter 17.064 of this title. Town owned facilities and properties are exempted from this provision.

(Ord. 788, passed 5-6-2015)

§ 17.130.100 OFF-STREET PARKING.

(A) Off-street parking spaces and facilities shall be provided in the PD zone as required or allowed by the provision of Chapter 17.052 of this title.

(B) Off-street parking requirements for uses allowed in the PD zone but not listed in Chapter 17.052 of this title shall be determined on a case-by-case basis utilizing the information provided in the traffic study required by Chapter 17.056 of this title.

(Ord. 788, passed 5-6-2015)

§ 17.130.110 TRAFFIC IMPACT PERMIT.

The provisions of the traffic impact permit, Chapter 17.056 of this title, are applicable to properties in the PD zone with the exception of Town owned facilities and properties.

(Ord. 788, passed 5-6-2015)