

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
AMENDING CHAPTER 17.020 AND ADDING SECTION 17.020.030(C) TO INCLUDE THE  
REQUIREMENT OF A DESIGN REVIEW PERMIT FOR CHANGES IN THE EXTERIOR  
COLOR OF A STRUCTURE OR THE ALTERATION OF A SIGNIFICANT DESIGN ELEMENT  
WHICH IS A PART OF THE DESIGN OF THE BUILDING IN ZONES  
EXCEPT RD 5.5-7, RS 6, RS 7.5, UR 7, AND UR 10**

**WHEREAS**, the Town of Fairfax contains a small but colorful downtown area filled with small, one and two story commercial buildings; and

**WHEREAS**, the community of Fairfax values “the small-town feel” of the commercial areas; and

**WHEREAS**, the exterior color and structural design components of the commercial buildings create and maintain the small-town character and historical nature of the commercially developed properties including but not limited to those along Sir Francis Drake Boulevard, Broadway, Bolinas, and Center Boulevard; and

**WHEREAS**, being able to guide development, restoration, and improvements to the existing structures to maintain the historic, small town, character of the downtown area is essential. Incorporating into the design review process the review of exterior color changes and significant exterior design element changes is essential to maintaining the diversity and unique character of the commercial areas; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on March 18, 2021 and April 15, 2021 to consider the draft ordinance; and

**WHEREAS**, adoption of this Ordinance is consistent with and will further the following Fairfax General Plan Goals, objectives, policies, and programs of the Town’s General Plan:

1. Land Use Element Goal LU-7: Preserve community and neighborhood character.
2. Land Use Element Objective LU-7.1; Preserve and enhance the community’s small-town scale and character.
3. Land Use Element Objective LU-7.1.2: New and/or renewed development in the Town Center area should preserve and enhance the village character of the Town Center area in the mix of land uses, architectural styles and ornamentation, materials, colors, and textures.
4. Town Center Element Goal TC-2: Maintain and preserve the historic character of the Town Center Area:

5. Town Center Policy TC-2.1.1: New and/or renewed development in the Town Center Planning Area should be compatible with the architectural character of the downtown in terms of height, design treatment, colors, textures, and materials; and

**WHEREAS**, the Town Council conducted a duly noticed public hearing on May 5, 2021, to consider the draft ordinance, heard the presentation of a staff report, and received public comment on the matter.

**NOW, THEREFORE**, the Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1:** Section 17.020.030 (“APPLICABILITY”) OF THE Fairfax Municipal Code, Chapter 17.020 (“Design Review Regulations”), is revised to include subsection “(C)” as follows:

§ 17.020.030(C) Changes in the exterior color of a structure or the alteration of a significant design element which is a part of the design of the building in all zones except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10. Significant design element alterations include but are not limited to height, color, signs, landscaping and appurtenances. A significant design element alteration is anything that changes the shape, line, color, pattern, or texture of the exterior of a building, including changes in any exterior building materials, roofline, window or door shape, size or location, changes to awnings, etc.

**SECTION 2:** Adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”). Adoption of this Ordinance will enact only minor changes in land use regulations, and the proposed Ordinance does not constitute a “project” within the meaning of the California Environment Quality Act of 1970 (CEQA) Guidelines Section 15060(c)(2), 15061(b)(3) because there is no potential for either a direct physical change on the environment, or a reasonably foreseeable indirect physical change in the environment and categorical exemptions 15305 and 15378 because the code amendment will not result in any changes in land use density, is not a project, and is in compliance with the Fairfax 2010-2030 Fairfax General Plan; and

**SECTION 3: Severability.** If any section, subsection, sentence, clause, phrase, or work of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or work thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or work might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation; and

**SECTION 4: Effective Date and Posting.** This Ordinance shall become 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; 3. Bulletin Board,  
Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town  
of Fairfax on the 5<sup>th</sup> day of May 2021, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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BRUCE ACKERMAN, Mayor

ATTEST: \_\_\_\_\_  
Michele Gardner, Town Clerk