

Marin County Code

Title 22

DEVELOPMENT CODE

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MARIN COUNTY CODE – TITLE 22, DEVELOPMENT CODE
Introduction and User's Guide

Marin County DEVELOPMENT CODE

Introduction and User's Guide

A. INTRODUCTION

The Marin County Development Code consists of Title 22 of the Marin County Code, and contains the County's zoning and subdivision regulations. These provisions comprise most of the County's requirements for the development and use of private and public land, buildings and structures within the County. Additional requirements for building construction, and other aspects of development and land use can be found in other Titles of the County Code. (See Section "E" below.)

The Development Code is a reference document. It is not intended to be read from cover to cover, but is instead organized so you may look up only the specific information you need. The list of articles, chapters, and sections in the table of contents is thus very important, as are the chapter and section listings at the beginning of each article. Later portions of this guide explain two different methods to use the Development Code for commonly asked questions. There are many other ways to use the Development Code, depending on your objectives.

This Guide is intended to provide a basic orientation in the organization and use of the Development Code, and answers to some frequently asked questions. This User's Guide is not adopted as part of the Development Code, and information provided here does not supersede or replace any information in the Development Code. The Development Code itself and any other applicable Titles of the Marin County Code must be used to find any County requirements for land use and development.

The Marin County Community Development Agency should be contacted for answers to any questions about the County's requirements for land use and development, and about the use of the Development Code.

B. ORGANIZATION OF THE DEVELOPMENT CODE

The regulations of the Development Code that cover related topics have been grouped together into chapters, and then into eight articles. The contents of each article are summarized below.

Article I – Development Code Enactment and Applicability

Article I contains basic information on the legal framework of the Development Code, describes the land uses and development-related activities that are regulated by the Development Code, and provides information on how to use the Code.

Article II – Zoning Districts and Allowable Land Uses

Article II contains chapters on the different types of zoning districts (residential, commercial, etc.) that are applied to public and private land outside of the Coastal Zone. (Provisions covering the Coastal Zone are found in Article V.) These chapters list the specific types of land uses allowed in each zoning district, and the type of land use/development permit that must be obtained prior to initiating each use. They also provide basic development standards for each zoning district, among which are maximum height limits and setback/yard requirements for new structures.

Article III – Site Planning and General Development Regulations

Article III provides development standards that apply across zoning districts, including requirements for fencing and screening, landscaping, and signs. These chapters also contain regulations for specific land uses and development types that may be allowed in a variety of zoning districts (e.g., child day-care facilities, home occupations, mobile home parks, service stations with mini-markets, etc.). This article provides consolidated information and less repetition in Code language. There are references in the zoning district chapters of Article II to the requirements in Article III, when applicable. The regulations in Article III generally supplement those in Article II.

Article IV – Land Use and Development Permits

Article IV describes each type of land use permit required by the Development Code and the County's requirements for the preparation, filing, processing, and approval or disapproval of each permit application. The article also sets time limits for the establishment of a land use or commencement of development as authorized by an approved permit, and provides for permit extensions when needed. Some land use/development approvals may be granted by the Zoning Administrator (e.g., Use Permits, Tentative Maps, etc.), while others require review by the Planning Commission (e.g., Appeals) or review and approval by the Board of Supervisors (e.g., Master Plans).

Article V – Coastal Zones – Permit Requirements and Development Standards

Article V contains chapters on the different types of zoning districts (residential, commercial, etc.) that are applied to public and private land within unincorporated areas of the County located within the Coastal Zone established by the California Coastal Act. Like Article II, these chapters list the specific types of land uses allowed in each zoning district, and the type of land use/development permit that must be obtained prior to initiating each use. They also provide basic development standards for each zoning district, among which are maximum height limits and setback/yard requirements for new structures.

Article VI – Subdivisions

Article VI comprises the County's Subdivision Ordinance. This article provides both site planning/design regulations for new subdivisions, and the procedural requirements for subdivision approval, consistent with the mandates of the California Subdivision Map Act.

Article VII – Development Code Administration

Article VII provides information on the County's administrative framework and procedures that relate to land use. Information on review bodies, public hearings, and appeals is included along with other provisions on administering, amending, and enforcing the Development Code.

Article VIII – Development Code Definitions

Article VIII contains definitions of the specialized and technical terms and phrases used in the Development Code, as well as definitions of each type of land use allowed in the various zoning districts by Article II (Zoning Districts and Allowable Land Uses).

C. FORMAT OF THE DEVELOPMENT CODE

1. Outline

The format of the Development Code follows the layout of the Marin County Code. The chapter and section numbers use an expandable decimal numbering system. Major divisions within the Development Code are called Articles. Major divisions within articles are called Chapters. Chapters divide into Sections and Subsections. The format of the divisions in the Development Code is shown below.

Title 22 – Development Code

Article XX – Name of Article

Chapter 22.xx – Name of Chapter

22.xx.xxx – Title of Section

A. Subsection

1. Subsection

a. Subsection

(1) Subsection

(a) Subsection

2. References, Citations

Provisions of the Development Code often include cross-references to other parts of the Code, other County documents, and requirements of California State law that relate to the particular Development Code section where the cross-reference appears. Cross-references and citations of other documents are handled as follows.

Outside of the same section. When a cross-reference is to text outside of the same section being referenced, the cross-reference starts with the Title number (i.e., 22) and continues to the appropriate level for the reference. For example, 22.010.050.B refers to Title 22, Chapter 010, Section 050, Subsection B. The terms Title, Chapter, and Section are used if the reference is to an entire Title, Chapter, or Section. Cross-references will include the applicable Title, Chapter, or Section number, followed by the name of the Title, Chapter, or Section in parenthesis (e.g., "Chapter 22.03 (Interpretation of Code Provisions)").

Within the same section. When a cross-reference is to text within the same section, the name of the division level is used (i.e., Subsection) and the reference "number" starts with the appropriate subsection letter. For example "See Subsection D.2, below," refers to Paragraph 2., of Subsection D., of the same Section.

External documents. Provisions of State law that are cited in the Development Code will be referenced by the name of the applicable State Code, and either individual or multiple section numbers (e.g., "Government Code Section 65091," "Map Act Section 66749," etc.). The reference will include the abbreviation "et seq." (the Latin "et sequitur," which means "and following") when also referencing all following sections that are relevant to the reference. For example, "Government Code Section 65090 et seq." refers to Section 65090 of the California Government Code, and all the following sections of the Government Code that relate to the same topic.

Availability of cited documents. Any external document referenced or cited in the Development Code, including the Marin Countywide Plan and Marin County Code, the portions of the California Government Code comprising the Planning and Zoning Law and Subdivision Map Act, and others, is available for review at the offices of the Marin County Community Development Agency.

3. Terms

The Development Code has been written in a "plain English" style and the meaning is intended to be clear as read. However, it is also a legal document and because of the need for technical terms with specific meanings, the Development Code also provides guidance on how specific terms are used. Article VIII (Definitions), defines words that have a specific meaning in the Development Code. Chapter 22.02 (Interpretation of Code Provisions) contains other information on how terms are used in the Development Code.

D. USING THE DEVELOPMENT CODE

1. Determining the Zoning Regulations for a Specific Site

To determine the zoning regulations applicable to a specific property, you must first find the site on the County Zoning Maps. The Zoning Maps will show the zoning applied to the site, and whether the site is subject to any overlay zoning districts or limitations on maximum residential density. After the zoning of the property is determined, the Development Code can be used to look up the applicable regulations.

- a. Allowed uses and zone-based development standards.** Look in either Article II (Zoning Districts and Allowable Land Uses) or Article V (Coastal Zones – Permit Requirements and Development Standards) under the applicable zoning district and any combining district to determine which land uses are possible on the property, and what type of land use permit is required for each use.

Each chapter contains tables listing land uses allowed in each zoning district, and the permit required for each use. Where the Development Code provides unique standards and requirements for a particular land use (e.g., child day-care centers, home occupations, etc.), these tables also list the Code section where the specific standards can be found.

Additional tables describe the basic standards for development in each zoning district: the minimum size for lots proposed in new subdivisions; the maximum allowed residential density; maximum floor area ratio; maximum site coverage; minimum setback/yard requirements; and the maximum height for proposed structures.

- b. Additional development standards.** Look in Article III to find the remaining development standards that apply to proposed uses (in addition to those established for each zoning district in Article II or Article V). Each chapter in Article III applies to all development and new land uses within the County, depending upon the specific land use proposed, the characteristics of the particular site and its location. Each of the chapters in Article III should be reviewed in the following order to find the development standards that apply to a proposed land use.

- **Chapter 22.20 – General Property Development and Use Standards.** This chapter contains sections that each cover one topic, and that apply to most land use types. Each section should be reviewed to determine whether it applies to a particular use.
- **Chapter 22.22 – Affordable Housing Regulations.** This chapter applies to residential development projects.
- **Chapter 22.24 – Affordable Housing Incentives.** This chapter provides for density bonuses and other incentives to encourage the construction of affordable housing units.

- **Chapter 22.26 – Landscaping.** This chapter applies to all land uses and development.
- **Chapter 22.28 – Signs.** This chapter contains the County's sign ordinance, and applies to all land uses and development proposing signs.
- **Chapter 22.30 – Standards for Specific Communities.** This chapter contains development standards that apply only in the specific communities identified, and which may supersede certain normal Development Code requirements in those communities.
- **Chapter 22.32 – Standards for Specific Land Uses.** The sections in this chapter each provide standards applicable to specific land uses and activities, such as the keeping of animals within the County, child day care facilities, home occupations, service stations with mini-markets, and others.
- **Chapter 22.34 – Transfer of Development Rights.** This Chapter provides for a transfer of development rights (TDR) process that can allow the relocation of potential development from areas where environmental or land use impacts could be severe, to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

2. Determining Where a Specific Use May Locate

- a. **The allowable use tables.** To determine in what zones a specific use may be located, first review the tables showing allowable uses and permit requirements for each zoning district in Article II (Zoning Districts and Allowable Land Uses), or in Article V (Coastal Zones – Permit Requirements and Development Standards) if the site is within the Coastal Zone. The allowable use tables in Article II are contained in the following sections:

- 22.08.030 – Agricultural District Land Uses and Permit Requirements
- 22.10.030 – Residential District Land Uses and Permit Requirements
- 22.12.030 – Commercial/Mixed-Use and Industrial District Land Uses and Permit Requirements
- 22.14.030 – Special Purpose Land Uses and Permit Requirements; and
- 22.14.040 – Special Purpose District Development Standards

The allowable use tables in Article V are contained in the following sections:

- 22.62.040 – Coastal Agricultural and Resource-Related Districts
- 22.62.050 – Coastal Residential Districts; and
- 22.62.060 – Coastal Commercial and Mixed-Use Districts

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The left column of the tables lists the land uses allowed in each zoning district, organized by broad land use types: agriculture and open space uses; recreation, education, and public assembly uses; residential uses; retail trade uses; service uses; and transportation and communications uses. Under each land use type is a list of the individual land uses that may be allowed in each zoning district. The names of the individual land uses are intended to generally describe each use so that the lists do not need to exhaustively itemize every possible land use that may be allowed. Each land use is then defined in detail in Article VIII (Development Code Definitions), with examples of the specific land uses that are included under the general heading.

For an example of how this works, review the table of Commercial/Mixed Use District Land Uses and Permit Requirements in Development Code Section 22.12.030 (page II-34 – II-49). The page of the table that lists "Retail Trade" uses includes "Retail Stores, General Merchandise" as one of the general land uses allowed in the commercial zoning districts. The definition of "Retail Stores, General Merchandise" in Development Code Article VIII then lists 31 separate land uses/businesses as examples of those that are considered to be included under the general title of "Retail Stores, General Merchandise."

Each of the middle columns in the tables covers one zoning district, and the rows in the tables corresponding to each land use show whether a particular use may be allowed in the zoning district, and what permit is required to obtain permission for the use. A key at the bottom of each page explains the meaning of the symbols found within the tables.

The right column of the tables shows whether any unique Development Code standards apply to the particular land use.

- b. **Using the tables.** Use the tables by first finding the general type of your land use as described above, and then look down the alphabetical list of specific uses to find your use. If your use cannot readily be found, try to find a use that looks similar, or appears to generally describe your use, and then look up the definition of the land use in Article VIII (Development Code Definitions). Except as provided for in Section 22.02.020.E, if your use is not listed in the tables for a particular zoning district, it is prohibited in that zoning district.
- c. **Checking specific use standards.** In some cases, the standards for specific land uses in Chapter 22.32 of Article III may have the effect of prohibiting a particular land use based on the characteristics of its proposed site. For example, "Mobile Home Parks" are shown by the allowable use tables in Section 22.10.030 (Residential District Land Uses and Permit Requirements) as being allowed with Use Permit approval in the R2 zoning district (page II-27 – II-30). However, the specific requirements for Mobile Home Parks in Section 22.32.110 allow these parks only on parcels with a minimum area of 10 acres (page III-72). The right column of the allowable use tables in Article II will show a section number if the Development Code provides unique standards for a particular use. The listed section should be carefully reviewed to determine whether a particular site and project plan can qualify for approval.

E. OTHER APPLICABLE REGULATIONS

The Marin County Development Code contains most, but not all, of the County's regulations affecting proposed development and new land uses. In addition to the standards contained in this Development Code, there are a number of policy documents and specific plans that may be applicable to a land use or development proposal, including but not limited to the Marin Countywide Plan, Community Plans, and the Local Coastal Programs. In certain cases, the regulations of state or federal agencies may also apply to development within the unincorporated areas of Marin County. The staff of the Community Development Agency will assist applicants in determining not only how the requirements of the Development Code apply to proposed projects, but also what other County regulations apply, and what other, non-County agencies may have regulations or permit requirements that may apply to a specific project.

Marin County codified regulations affecting development and the use of property may be found in the following parts of the Marin County Code, in addition to the regulations of the Development Code (Title 22 of the Marin County Code). This list is not intended to be exhaustive, so staff should be consulted to ensure identifying all applicable regulations.

- Title 1 – General Provisions (Abatement)
- Title 5 – Business Regulations and Licenses
- Title 6 – Public Peace, Safety and Morals
- Title 7 – Health and Sanitation
- Title 8 – Animals
- Title 11 – Harbors and Waterways
- Title 13 – Roads and Bridges
- Title 15 – Traffic
- Title 16 – Fire
- Title 18 – Sewers
- Title 19 – Buildings
- Title 23 – Natural Resources
- Title 24 – Improvement Standards

ARTICLE I

Development Code Enactment and Applicability

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CHAPTER 22.01 – PURPOSE AND EFFECT OF DEVELOPMENT CODE

Sections:

22.01.010 – Title

22.01.020 – Purpose of Development Code

22.01.030 – Authority, Relationship to Marin Countywide Plan and Applicable Plans

22.01.040 – Applicability of the Development Code

22.01.050 – Responsibility for Administration

22.01.060 – Partial Invalidation of Development Code

22.01.010 – Title

This Title is and may be cited as the Marin County Development Code, Title 22 of the Marin County Code, hereafter referred to as "this Development Code."

22.01.020 – Purpose of Development Code

This Development Code carries out the policies of the Marin Countywide Plan by classifying and regulating the uses of land and structures within the unincorporated areas of Marin County. The Marin Countywide Plan includes policies to preserve and enhance the natural environment of the County, and to strive for a high quality built environment. The Marin Countywide Plan also includes adopted Community Plans that are intended to further detail the policies of the Countywide Plan as they pertain to specific areas.

The County has adopted this Development Code to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the County. Specifically, the purposes of this Development Code are to:

- A. Implement the Marin Countywide Plan, adopted community plans and other specific plans, and the Local Coastal Program (LCP) by encouraging the uses of land envisioned by these land use documents, and by avoiding conflicts between land uses;
- B. Protect the character and social and economic stability of agricultural, residential, commercial, industrial, and other areas within the County and ensure the orderly and beneficial development of those areas as part of a well-coordinated community;
- C. Conserve and protect the natural resources of the County, provide open space resources for passive and active recreational activities, and protect the public from safety hazards in the natural and built environments;
- D. Provide a diversity of areas characterized by differing land use activity, scale and intensity, while maintaining community identity and quality development;
- E. Create a comprehensive and stable pattern of land uses upon which to plan efficient systems for transportation, water supply, sewerage and other public facilities and utilities;
- F. Maintain Marin County as a unique, distinctive and secure environment for the County's residents and businesses; and

- G. Provide regulations for the subdivision of land in compliance with the Subdivision Map Act, Title 7, Section 4, Chapter 2 of the California Government Code.

22.01.030 – Authority, Relationship to Marin Countywide Plan and Applicable Plans

- A. This Development Code is enacted based on the authority vested in the County of Marin by the State of California, including: the State Constitution, Sections 65800 and subsequent sections of the California Government Code, the California Environmental Quality Act, the Coastal Act, the Housing Act, the Subdivision Map Act, the Health and Safety Code, and case law of the courts of California and the Supreme Court as they may all be modified from time to time.
- B. The County of Marin uses this Development Code as the primary tool to carry out the goals, objectives, and policies of the Marin Countywide Plan and applicable community and specific plans. The Marin County Board of Supervisors intends that this Development Code be consistent with the Marin Countywide Plan, and that any land use, subdivision, or development approved in compliance with this Development Code will also be consistent with the Marin Countywide Plan and applicable specific plans. However, the Countywide Plan, specific plans, and Local Coastal Program may contain policies or standards that are not included in this Development Code, but may be applicable to a land use or development proposal. Therefore, the users of this Development Code should consult with the Community Development Agency regarding such policies or standards. It is not the intent of this Development Code to implement private land use standards, such as Conditions, Covenants, and Restrictions (CC&Rs), which are generally administered and enforced outside of the County’s regulatory authority.

22.01.040 – Applicability of Development Code

This Development Code applies to all land uses, subdivisions, and development within unincorporated Marin County.

- A. **New land uses, structures, and changes to them.** Compliance with the following requirements is necessary for any person or public agency to lawfully establish a new land use or structure, or to alter or replace any land use or structure:
1. **Allowable use.** The proposed use of land shall be allowed by Article II of this Development Code (Zoning Districts and Allowable Land Uses) within the zoning district that applies to the site;
 2. **Development standards.** The proposed use of land or structure shall satisfy or be exempted from all applicable requirements of this Development Code, including but not limited to minimum lot area, height limits, required yard and street setbacks, residential density, sign standards, etc.; and
 3. **Permit/approval requirements.** Any land use permit or other approval required by Article II (Zoning Districts and Allowable Land Uses) or Article V shall be obtained. The preparation, filing, and processing of land use permit applications shall comply with Article IV (Land Use and Development Permits).
- B. **Issuance of building permits.** The Building and Safety Inspection Division may issue building permits only when:

1. The proposed land use and/or structure satisfy the requirements of Subsection A. above;
 2. The Director determines that the site was subdivided in compliance with Article VI (Subdivision Procedures) of this Development Code; and
 3. The Director determines that the permit application contains all materials necessary to determine compliance with this Section.
- C. Subdivision of land.** Any subdivision of land within Marin County occurring after the effective date of this Development Code shall be consistent with the minimum lot size or maximum density requirements of Article II (Zoning Districts and Allowable Land Uses) or Article V (Coastal Zones – Permit Requirements and Development Standards), the subdivision requirements of Chapter 22.82 (Subdivision Design Standards), the procedures set forth in Article VI (Subdivision Procedures), and all other applicable requirements of this Development Code.
- D. Continuation of an existing structure or land use.** An existing land use is lawful and not in violation of the Marin County Code only when operated and maintained in compliance with all applicable provisions of this Development Code. However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before this Development Code or any applicable amendment became effective. See Chapter 22.112 (Nonconforming Structures, Uses, and Lots).
- E. Alteration or expansion of an existing structure or land use.** Any alteration, expansion or modification of an existing land use shall comply with all provisions of this Development Code, specifically including Chapter 22.112 (Nonconforming Structures, Uses, and Lots).
- F. Effect of Development Code changes on projects in progress.** The enactment of this Development Code or amendments to its requirements may impose different standards on new land uses than those that applied to existing development. For example, this Development Code, or a future amendment, could require larger building setbacks for a particular land use than former Zoning Ordinance or Development Code provisions. The following provisions determine how the requirements of this Development Code apply to development projects in progress at the time requirements are changed.
1. **Projects with pending applications.** Land use permit and subdivision applications and extension requests that have been determined by the Community Development Agency to be complete before the effective date of this Development Code or any amendment, will be processed in compliance with the requirements in effect when the application was accepted as complete.
 2. **Approved projects not yet under construction.** An approved development for which construction has not begun as of the effective date of this Development Code or amendment, may still be constructed as approved, as long as required building permits have been obtained before the expiration of any applicable land use permit or, where applicable, before the expiration of any approved time extension. (See Section 22.70.050 (Time Limits and Extensions).)
 3. **Approved projects not requiring construction.** An approved land use not requiring construction that has not been established by its land use permit being exercised (see Section 22.70.020 (Effective Date of Permits)) as of the effective date of this Development

Code or amendment, may still be established in compliance with its approved permit, as long as establishment occurs before the expiration of the permit or, where applicable, before the expiration of any approved time extension. (See Section 22.70.050 (Time Limits and Extensions).)

4. **Approved subdivisions not yet recorded.** An approved subdivision for which a parcel or final map has not been recorded as of the effective date of this Development Code or amendment, may still have a parcel or final map recorded in compliance with the approved Tentative Map, as long as recordation occurs before the expiration of the Tentative Map (Section 22.84.120 (Tentative Map Time Limits)) or, where applicable, before the expiration of any approved time extension granted under Section 22.84.140 (Extensions of Time for Tentative Maps) or authorized by State Law.
5. **Projects under construction.** A structure that is being constructed under a valid building permit on the effective date of this Development Code or any amendment, need not be changed to satisfy any new or different requirements of this Development Code.

G. Structures related to an emergency. During a period of emergency declared by the Board, the Director may waive the height limit and setback requirements of this Development Code applying to structures, including provisions for public notices and public hearings; provided, that the Director finds:

1. The proposed structure is necessary in order to provide water during emergency circumstances; and
2. The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The Director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limit for removing any structures.

H. Other requirements may still apply. Nothing in this Development Code eliminates the need to comply with other County, regional, State, or Federal laws or to obtain permits required by the County, or any permit, approval or entitlement required by other provisions of the County Code, the regulations of any County department, or any regional, State, or Federal agency. No use shall be allowed that is illegal under State or Federal law.

I. Conflicting permits and licenses to be void. All permits or licenses shall be issued by the County in compliance with the provisions of this Development Code, after the effective date of this Development Code or any applicable amendment. Any permit or license issued in conflict with this Development Code shall be void, except as provided in Subsection D., above.

22.01.050 – Responsibility for Administration

This Development Code shall be administered by the Marin County Board of Supervisors, Planning Commission, Community Development Director, Zoning Administrator, and the Marin County Community Development Agency, as provided in Chapter 22.110 (Administrative Responsibility).

22.01.060 – Partial Invalidation of Development Code

If any article, section, Subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Development Code is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this Development Code. The Marin County Board of Supervisors hereby declares that this Development Code and each article, section, Subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more of portions of this Development Code be declared invalid, unconstitutional or unenforceable.

CHAPTER 22.02 – INTERPRETATION OF CODE PROVISIONS

Sections:

- 22.02.010 – Purpose of Chapter
- 22.02.020 – Rules of Interpretation
- 22.02.030 – Procedures for Interpretation

22.02.010 – Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the provisions of this Development Code and the Marin Countywide Plan.

22.02.020 – Rules of Interpretation

A. Authority. The Director is assigned the responsibility and authority to interpret the requirements of this Development Code.

B. Language:

- 1. Abbreviated titles and phrases.** For the purpose of brevity, the following phrases, personnel and document titles are shortened in this Development Code:

The County of Marin	“County”
This Development Code	“this Development Code”
The Board of Supervisors	“Board”
The Planning Commission	“Commission”
The Community Development Agency	“Agency”
The Community Development Director	“Director”
Buildings and structures	“structures”
The California Subdivision Map Act	“Map Act”
California Government Code	“Government Code”

- 2. Terminology.** When used in this Development Code, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. "Including" means ". . . including but not limited to . . .".
- 3. Number of days.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a weekend or holiday acknowledged by the Board as a County-observed holiday.

- 4. Minimum requirements.** When the regulations of this Development Code are being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits, site coverage requirements for structures, and the numbers and size of signs allowed are identified as maximums, not minimums). Residential densities shall be construed as maximums, but not entitlements. For purposes of subdivision, the maximum allowable density shall be determined on a case-by-case basis.
- C. Calculations – Rounding.** Where provisions of this Development Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.
- 1. Minimum lot area and number of lots.** The fractional/decimal results of calculations of the number of parcels allowed through subdivision based on a minimum lot area requirement shall be rounded down to the next lowest whole number. For example, the R-1 zoning district minimum lot area requirement of 7,500 square feet would allow division of a 21,000 lot into two lots ($21,000 / 7,500 = 2.66$, rounded down to two).
 - 2. Residential density.** When the number of housing units allowed on a site are calculated based on density limits established by a zoning district, any fraction of a unit of 0.9 or greater shall be counted as a whole unit; any fraction of a unit less than 0.9 shall be rounded down to the next lowest whole number. For example, a planned zoning district allows one housing unit for each 1,000 square feet of lot area; a lot of 8,500 square feet would be allowed eight housing units ($8,500 / 1,000 = 8.5$, rounded down to eight). A lot of 8,900 square feet would be allowed nine housing units ($8,900 / 1,000 = 8.9$, rounded up to nine).
 - 3. Floor Area Ratio (FAR).** When calculating the allowable floor area of a structure based on the FAR established by the applicable zoning district, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5. For example, a maximum Floor Area Ratio of 0.30 applied to a lot of 25,856 square feet results in a maximum allowable floor area of 7,757 square feet ($25,856 \times .030 = 7,756.8$, rounded up to 7,757).
 - 4. All other calculations.** For all calculations required by this Development Code other than those described in Subsections C.1 and C.2 above, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.
- D. Zoning Map boundaries.** If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:
1. Where zoning district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the zoning district boundaries;
 2. If a zoning district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map;

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley; and
4. Any property not clearly designated on the Zoning Map in any of the zoning districts established by Section 22.06.020 (Zoning Districts Established) shall hereby be designated as being in the A2 (Agriculture, Limited) zoning district (Chapter 22.08 (Agricultural and Resource-Related Districts)).

E. Allowable uses of land. If a proposed use of land is not specifically listed in Article II (Zoning Districts and Allowable Land Uses) the use shall not be allowed, except as follows.

1. The Director may determine that a proposed use not listed in Article II (Zoning Districts and Allowable Land Uses) is allowable if all of the following findings are made:
 - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the allowable uses listed in the zoning district;
 - b. The proposed use will not involve a higher level of activity or population density than the uses listed in the zoning district;
 - c. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and
 - d. The proposed use will be consistent with the goals, objectives and policies of the Marin Countywide Plan.
2. When the Director determines that a proposed, but unlisted, use is equivalent to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Development Code apply.
3. The Director may forward questions about equivalent uses directly to the Commission for a determination at a public hearing.

F. Conflicting requirements:

1. **Other County Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and a Community Plan or other regulations of the County where a discretionary permit is applicable, the most restrictive provision shall apply.
2. **Private agreements.** It is not intended that the requirements of this Development Code are to interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Development Code became effective. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction.

Many communities have private conditions, covenants, and restrictions (CC&Rs) administered by homeowners' associations. The County cannot enforce any private covenant or agreement unless it is a party to the covenant or agreement.

22.02.030 – Procedures for Interpretations

The Director shall respond in writing to any written request for interpretation of the provisions of this Development Code. Any member of the public may submit an interpretation request to the Director.

- A. Request for interpretation.** The written request shall state the provision(s) in question, and provide any information that the Director deems necessary to assist in the review.
- B. Record of interpretations.** Whenever the Director determines that the meaning or applicability of any of the requirements of this Development Code are subject to interpretation generally or as applied to a specific case, the Director may issue an official interpretation. Official interpretations shall be:
 - 1. In writing, and shall quote the provisions of this Development Code being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
 - 2. Distributed to the Board, Commission, County Counsel, County Clerk, and Agency staff.

Any provisions of this Development Code that are determined by the Director to need refinement or revision will be corrected by amending this Development Code as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the Section that is the subject of the interpretation.

- C. Referrals.** The Director may refer a written interpretation to the Commission for a determination.

ARTICLE II

Zoning Districts and Allowable Land Uses

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CHAPTER 22.06 – ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 22.06.010 – Purpose of Chapter
- 22.06.020 – Zoning Districts Established
- 22.06.030 – Zoning Map Adopted
- 22.06.040 – Allowable Land Uses and Permit Requirements
- 22.06.050 – Exemptions from Land Use Permit Requirements
- 22.06.060 – Zoning District Regulations

22.06.010 – Purpose of Chapter

This Chapter establishes the zoning districts applied to property within the County, determines how the zoning districts are applied on the official zoning maps, and provides general permit requirements for development and new land uses.

22.06.020 – Zoning Districts Established

The unincorporated areas of Marin County shall be divided into zoning districts which consistently implement the Marin Countywide Plan, and applicable community and specific plans. The following zoning districts are established, and shall be shown on the official Zoning Map (Section 22.06.030). Zoning districts with the term “Planned” in their title are Planned districts, which may be subject to Master Plan requirements, and all those districts without the term “Planned” in their title are conventionally zoned districts. The designation of certain planned zoning districts includes a numerical suffix on the zoning map, which indicates the maximum residential density. Zoning districts within the Coastal Zone are established by the Local Coastal Program.

A. Agricultural and Resource-Related Districts	Map Symbol	Page Number
Agriculture and Conservation	A 9	
Agriculture, Limited	A2	9
Agricultural, Residential Planned	ARP	10
B. Residential Districts		
Residential, Agricultural	RA	21
Residential, Restricted	RR	21
Residential, Estate	RE	21
Residential, Single-Family	R1	21
Residential, Single-Family Planned	RSP	22
Residential, Two-Family	R2	22
Residential, Multiple Planned	RMP	22
Residential, Mobile Home Park	RX	22
Residential, Floating Home Marina	RF 22	

C. Commercial and Industrial Districts	Map Symbol	Page Number
Village Commercial/Residential	VCR	33
Residential/Commercial Multiple Planned	RMPC	33
Retail Business	C1	33
Planned Commercial	CP 33	
Administrative and Professional	AP	34
Planned Office	OP	34
Limited Roadside Business	H1	34
Resort and Commercial Recreation	RCR	34
Industrial, Planned	IP	34
D. Special Purpose and Combining Districts		
Open Area	OA	54
Public Facilities	PF	54
Minimum Lot Size	B	54
Bayfront Conservation	BFC	54
Affordable Housing	AH	68

22.06.030 – Zoning Map Adopted

- A. Inclusion by reference.** The zoning district boundaries have been adopted by the Board in compliance with Government Code Sections 65800 et seq., and are hereby incorporated into this Development Code by reference as though they were fully included here.
- B. Zoning district boundaries.** The boundaries of the zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be shown upon the map or maps designated as the "Marin County Zoning Map" (hereafter referred to as the "Zoning Map"), on file and available for public review in the Agency offices.
- C. Relationship to Marin Countywide Plan.** The Zoning Map shall implement the Marin Countywide Plan, specifically including the land use categories, densities, and land use intensities established by the Marin Countywide Plan, and/or any applicable Community Plan.
- D. Map amendments.** Amendments to the Zoning Map shall follow the process established in Chapter 22.116 (Development Code, Zoning Map, Community Plan, and Countywide Plan Amendments).
- E. Unzoned land.** Any land within the unincorporated area of the County not shown on the Zoning Map, or not identified on the Zoning Map with a zoning district symbol shall hereby be classified as A2, the Agriculture, Limited zoning district.
- F. Zoning Map interpretation.** The Zoning Map shall be interpreted in compliance with Section 22.02.020.D (Zoning Map Boundaries).

22.06.040 – Allowable Land Uses and Permit Requirements

- A. Restriction on new land uses.** No use of land or structures shall be established, constructed, reconstructed, altered, allowed or replaced unless the use of land or structures complies with the following requirements.
- 1. Allowable use.** A proposed land use may be allowed on a site if the land use is listed as being allowable in Sections 22.08.030 (Agricultural District Land Uses and Permit Requirements), 22.10.030 (Residential District Land Uses and Permit Requirements), 22.12.030 (Commercial/Mixed Use, and Industrial District Land Uses and Permit Requirements), 22.14.020.B (Special Purpose and Combining Districts - Applicability of Special Purpose and Combining Districts) or 22.12.040.C Special Purpose and Combining Districts- Applicability of Special Purpose and Combining Districts).
 - 2. Permit requirements.** Any land use or development permit required by this Development Code shall be obtained before the proposed development is constructed, or the land use is established or put into operation, unless the proposed development or use is listed in Section 22.06.050 (Exemptions from Land Use Permit Requirements). The land use permit requirements of this Article are established by Chapters 22.08 (Agricultural Districts), 22.10 (Residential Districts), 22.12 (Commercial/Mixed Use and Industrial Districts), or 22.14 (Special Purpose Districts and Combining Districts).
 - 3. Development standards.** The existing or proposed use and/or improvements shall comply with all other applicable requirements of this Development Code, including but not limited to the development standards of this Article, and the provisions of Article III (Site Planning and General Development Standards).
 - 4. Conditions of approval.** The existing or proposed use and/or improvements shall comply with any applicable conditions imposed by previous land use approvals (e.g., Use Permits, Variances, etc.), unless amended or superseded by subsequent approvals.
- B. Determination of allowable land uses.** Any questions about whether a proposed land use is allowed in a particular zoning district by Sections 22.08.030, 22.10.030, 22.12.030, or 22.14.020.B or 22.14.020.C (Agricultural, Residential, Commercial/Mixed Use and Industrial, Open Area, and Public Facilities District Land Uses and Permit Requirements, respectively), may be resolved by the Director in compliance with Section 22.02.020.E (Rules of Interpretation – Allowable uses of land).
- C. Temporary uses.** Certain temporary uses may be allowed subject to first obtaining a Temporary Use Permit. Requirements for establishing a temporary use are in Chapter 22.50 (Temporary Use Permits).

22.06.050 – Exemptions from Land Use Permit Requirements

The following activities, uses of land, and other improvements, are permitted in all zoning districts and do not require a land use permit; however, other permits may be required in compliance with Subsection G., below.

- A. Sitework.** The installation of irrigation lines, decks, platforms, on-site paths, driveways, and other improvements that do not increase lot coverage, and are not over 18 inches above grade. Improvements located within a Stream Conservation Area in the San Geronimo Valley combining district are not exempt. Improvements that are necessary to meet accessibility requirements, regardless of whether they are subject to building or grading permits, are also exempt in all zoning districts.
- B. Governmental activities.** Official activities and development of the County, the Marin Emergency Radio Authority, the State or an agency of the State, or the Federal Government on land owned or leased by a governmental agency are exempt from discretionary permits except Coastal Permits.
- C. Interior remodeling.** Interior alterations that do not:
 - 1. Result in an increase in the gross floor area within the structure;
 - 2. Change the permitted use; and
 - 3. Change the exterior appearance of the structure.
- D. Repairs and maintenance.** Ordinary repairs and maintenance of an existing improvement, provided that the repairs and maintenance work do not:
 - 1. Result in any change of the approved land use of the site or improvement; and
 - 2. Expand or enlarge the improvement.
- E. Play structures.** Typical play structures and play equipment that are not required to have building or grading permits by Title 19 or Title 23 of the County Code and do not exceed 15 feet in height. Play structures located within a Stream Conservation Area in the San Geronimo Valley combining district are not exempt.
- F. Accessory Dwelling Units.** Accessory Dwelling Units that comply with Development Code Section 22.32.120.A (Residential Accessory Dwelling Units) and the tables in this article entitled Allowed Uses and Permit Requirements.
- G. Utilities.** Public utility facilities shall be exempt from land use permit requirements of this Development Code only to the extent provided by Government Code Section 53091, and the California Public Utilities Code.
- H. Solar Energy Systems.** Solar energy systems that do not exceed the height limit of the governing zoning district for structures or the roof height of a building by more than two feet, whichever is less restrictive. Solar energy systems within a Stream Conservation Area within the San Geronimo Valley combining district are not exempt unless the exemption is required by State law.

- I. Electronic Vehicle Charging Stations.** Electronic Vehicle Charging Stations are exempt from the land use permit requirements of this Development Code. Electronic Vehicle Charging Stations within the San Geronimo Valley combining district are not exempt unless exemption is required by State law.
- J. Other permits may still be required.** A permitted land use that is exempt from a land use permit or has been granted a land use permit may still be required to obtain Building Permits or other permits before the use is constructed or otherwise established and put into operation. Nothing in this Article shall eliminate the need to obtain any other permits or approvals required by:
1. Other provisions of this Development Code, including any subdivision approval required by Article VI (Subdivisions);
 2. Other provisions of the County Code, including but not limited to Building Permits, Grading Permits, or other construction permits if they are required by Title 19, or a business license if required by Title 5; or
 3. Any other permit required by a regional, State or Federal agency.
 4. All necessary permits shall be obtained before starting work or establishing new uses.

22.06.060 – Zoning District Regulations

- A. Purpose.** Chapters 22.08 through 22.16 determine which land uses are allowable in each zoning district, what land use permit is required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.06.020 (Zoning Districts Established).
- B. Conflicts between provisions.** In the event of any conflict between the zoning district regulations of this Article and the provisions of Article III (Site Planning and General Development Standards), the provisions of Article III shall control, except as expressly provided in Chapter 22.16 (Planned District Development Standards).
- C. Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.
- D. Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.20 (General Property Development and Use Standards).

CHAPTER 22.08 – AGRICULTURAL AND RESOURCE-RELATED DISTRICTS

Sections:

- 22.08.010 – Purpose of Chapter
- 22.08.020 – Applicability of Agricultural Zoning Districts
- 22.08.030 – Agricultural District Land Uses and Permit Requirements
- 22.08.040 – Agricultural District Development Standards

22.08.010 – Purpose of Chapter

This Chapter determines the allowable uses of land, land use permit requirements, and basic development standards for the agricultural zoning districts established by Section 22.06.020 (Zoning Districts Established). The purposes of each agricultural zoning district are described in Section 22.08.020 (Applicability of Agricultural Zoning Districts). This Chapter then lists allowable uses of land, and permit requirements for each use, by zoning district (Section 22.08.030 - Agricultural District Land Uses and Permit Requirements); and finally provides standards for development within the agricultural zoning districts (Section 22.08.040 - Agricultural District Development Standards).

22.08.020 – Applicability of Agricultural Zoning Districts

The applicability of each agricultural zoning district is as follows.

- A. A (Agriculture and Conservation) Districts.** The A3 through A60 zoning districts identify areas suitable for commercial agricultural operations, and similar and compatible uses. The A3 through A9 zoning districts are consistent with the Agriculture 3 land use category of the Marin Countywide Plan; the A10 through A30 zoning districts are consistent with the Agriculture 2 land use category of the Marin Countywide Plan; and the A31 through A60 zoning districts are consistent with the Agriculture 1 land use category of the Marin Countywide Plan.

The designation of an A zoning district shall include a numerical suffix on the zoning map, which shall indicate the minimum lot area for new subdivisions in acres.

- B. A2 (Agriculture, Limited) District.** The A2 zoning district identifies areas suitable for commercial agricultural operations, and similar and compatible uses. The A2 zoning district is consistent with the Agriculture 3 land use category and several residential land use categories of the Marin Countywide Plan.

Please refer to Sections 22.08.040 (Agricultural District Development Standards) and 22.14.050 (Minimum Lot Size “-B” Combining District) to understand the minimum lot area for new subdivisions.

- C. ARP (Agricultural, Residential Planned) District.** The ARP zoning district identifies agricultural areas suitable for residential development, with varied housing types designed without the confines of specific yard, height, or lot area requirements, where the amenities resulting from this flexibility in design will benefit the public or other properties in the community. The ARP zoning district is consistent with the Agriculture land use categories and the Agriculture and Conservation 3 land use category of the Marin Countywide Plan.

The designation of an ARP zoning district shall include a numerical suffix on the zoning map, which shall indicate the maximum residential density in acres. Please refer to Section 22.08.040 (Agricultural District Development Standards) to understand the maximum density for each zoning district.

22.08.030 – Agricultural District Land Uses and Permit Requirements

- A.** The uses of land allowed by this Chapter in each agricultural zoning district are identified in Table 2-1 (Allowed Uses and Permit Requirements for Agricultural and Resource-Related Districts) as being:
1. Allowed as a principally permitted use with no Use Permit required. Principally permitted uses are shown as "P" uses in the tables;
 2. Allowable as a conditional use, subject to approval of a Conditional Use Permit (Chapter 22.48) or Master Use Permit (Chapter 22.49), as applicable. Conditionally permitted uses are shown as "U" uses in the tables, and "U/P" means that the use may be either principally permitted or conditionally permitted depending on the specific criteria set forth in Chapter 22.32;
 3. Land uses that are not listed in the table, are not shown in a particular zoning district, or are shown as a "—" in the land use tables are not allowed, except where otherwise provided by Section 22.06.040.B (Determination of Allowable Land Uses), or Section 22.06.050 (Exemptions from Land Use Permit Requirements). In some instances, there are specific land use restrictions contained in Chapter 22.32 that prohibit certain uses under specific circumstances.

Where the last column in the tables ("See Requirements and Standards in Section") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.

Reference notes apply to the table 2-1, as enumerated below:

1. When required under the circumstances described in 22.32.065, an applicant may choose to apply for either a Conditional Use Permit or a Temporary Use Permit.
2. Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

TABLE 2-1 – ALLOWED USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT			See Requirements and Standards in Section:
	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	

AGRICULTURAL, RESOURCE, AND OPEN SPACE USES

Agricultural accessory activities	P	P	P	
Agricultural accessory structures	P	P	P	22.32.030
Agricultural processing uses	U/P	U/P	U/P	22.08.040.E
Commercial gardening	P	P	P	
Community gardens	P	P	P	
Community gardens, market	U	U	U	
Crop production	P	P	P	
Dairy operations	P	P	P	22.32.030
Fish hatcheries and game reserves	—	P	P	
Livestock operations, grazing	P	P	P	22.32.030
Livestock operations, large animals	P	P	P	22.32.030
Livestock operations, sales/feed lots, stockyards	U	U	U	22.32.030
Livestock operations, small animals	P	P	P	22.32.030
Mariculture/aquaculture	P	P	P	
Mineral resource extraction	—	U	U	Chapter 23.06
Nature preserves	P	P	P	
Poultry processing facilities	—	U/P	—	22.32.163
Slaughter facilities, mobile	—	P	—	22.32.162
Timber Harvesting	U	U	U	Title 23
Water conservation dams and ponds	P	P	P	
Small WECS	P	P	P	22.32.180
Medium WECS	P	P	P	22.32.180
Large WECS	—	U	U	22.32.180

MANUFACTURING AND PROCESSING USES

Cottage industry	U	U	U	22.32.060
Recycling - Scrap and dismantling yards	U	U	U	

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.08.040 (Agricultural District Development Standards) for applicable standards.

TABLE 2-1 – ALLOWED USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT			See Requirements and Standards in Section:
	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Camping and Campgrounds	—	U	U	22.32.045
Child day-care centers	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	22.32.050
Educational Tours	—	P	U/P(1)	22.32.065 and 22.32.115
Equestrian facilities	P	P(1)	P(2)	22.32.030
Golf courses/country clubs	U	U	U	
Health/fitness facilities	U	U	U	
Horses, donkeys, mules, ponies	P	P	P	22.32.030
Hunting and fishing clubs (Private)	—	P	P	
Hunting and fishing clubs (Public)	—	U	U	
Libraries and museums	U	U	U	
Off-road vehicle courses	—	U	U	
Public parks and playgrounds	P	U	U	
Religious places of worship	U	U	U	
Rural recreation	—	U	U	
Schools	U	U	U	

Notes:

- (1) When required under the circumstances described in 22.32.065, an applicant may choose to apply for either a Conditional Use Permit or a Temporary Use Permit
- (2) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.08.040 (Agricultural District Development Standards) for applicable standards.

TABLE 2-1 – ALLOWED USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT			See Requirements and Standards in Section:
	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	

RESIDENTIAL USES

Adult day program	P	U	P	
Affordable housing	P	U	P	Chapter 22.22
Agricultural worker housing	P	P	P	22.32.023
Group homes, 6 or fewer residents	P	P	P	
Group homes, 7 or more residents	U	U	U	
Guest house	P	P	P	
Home occupations	P	P	P	22.32.100 22.32.115
Private residential recreational facilities	U	U	U	
Religious residential retreats	U	U	U	
Residential Accessory Dwelling Units, Junior	P	P	P	22.32.125
Residential Accessory Dwelling Units	P	P	P	22.32.120
Residential accessory uses and structures	P	P	P	22.32.130
Residential care facilities	P	P	P	
Room rentals	P	P	P	
Single-family dwellings (attached or detached)	P	P	P	22.08.040.D
Tennis and other recreational uses	P	P	P	22.32.130

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.08.040 (Agricultural District Development Standards) for applicable standards.

TABLE 2-1 – ALLOWED USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT			See Requirements and Standards in Section:
	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	

RETAIL TRADE USES

Commercial storage and sales of garden supply products		U	U	
Sale of agricultural products	U/P	U/P	U/P	22.08.040.F 22.32.115
Other commercial uses	—	—	U	22.08.040.G

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.08.040 (Agricultural District Development Standards) for applicable standards.

TABLE 2-1 – ALLOWED USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT			See Requirements and Standards in Section:
	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	

SERVICE USES

Bed and breakfast inns, 3 or fewer guest rooms	—	P	P	22.32.115
Bed and breakfast inns, 4 or 5 guest rooms	—	U	U	22.32.115
Cemeteries, columbariums, and mortuaries	U	U	U	
Commercial solar facilities	U	U	U	
Kennels and animal boarding	P	P	P	
Medical services - Clinics and laboratories	U	U	U	
Medical services - Extended care	U	U	U	
Medical services – Hospitals	U	U	U	
Other service uses	—	—	U	22.08.040.G
Public safety/service facilities	U	U	U	
Public utility facilities	U	U	U	
Storage, accessory	P	P	P	
Temporary construction office/work trailer/real estate office	U	U	U	
Temporary construction yards	U	U	U	
Veterinary clinics and animal hospitals	U	U	U	
Waste disposal sites	U	U	U	

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.08.040 (Agricultural District Development Standards) for applicable standards.

TABLE 2-1 – ALLOWED USES AND PERMIT REQUIREMENTS FOR AGRICULTURAL AND RESOURCE-RELATED DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT			See Requirements and Standards in Section:
	A2 Agriculture Limited	A3 to A60 Agriculture and Conservation	ARP Agriculture Residential Planned	

TRANSPORTATION AND COMMUNICATIONS USES

Airparks	U	U	U	
Marinas and harbors	U	U	U	
Pipelines and utility lines	P	P	P	
Telecommunications facilities	U/P	U/P	U/P	22.32.165

See Section 22.08.040 (Agricultural District Development Standards) for applicable standards.

22.08.040 – Agricultural District Development Standards

- A. General zoning district standards – Use of table.** Proposed development and new land uses within the agricultural zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in conformity with the agricultural district development standards in Table 2-2 (Agricultural District Development Standards), except as provided by following Subsection B.
- B. Development standards for planned districts.** Special development standards for the ARP zoning district established by Section 22.06.020 (Zoning Districts Established) are provided by Chapter 22.16 (Planned District Development Standards). In the event of any conflict between the provisions of Chapter 22.16 and those of Table 2-2 (Agricultural District Development Standards), the standards of Chapter 22.16 shall control.
- C. Clustering Requirements.** In A districts (A3 to A60) and in ARP districts, non-agricultural development shall be clustered to retain the maximum amount of land in agricultural production or available for future agricultural use. Homes, roads, residential support facilities, and other non-agricultural development, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage retained in agricultural production and/or open space. Proposed development shall be located close to existing roads, or not require new road construction or improvements resulting in significant diminution of the existing or potential agricultural use of the land, grading that is inconsistent with the natural topography of the site, removal of significant vegetation, and degradation of the natural visual qualities of the site. Proposed development shall also be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.
- D. Density.** More than one single-family dwelling may be allowed for the residence of the owner or a lessee of the land, and/or for the family of the owner or a lessee who is engaged in agricultural use of the same property, provided each such single-family dwelling is consistent with the permitted density and is incidental to the agricultural use of the land. Agricultural use of the land means agriculture is the primary or principal use of the land as demonstrated by the applicant to the satisfaction of the Director. Prior to making this determination, the Director may refer any question about the use of the land to such individuals or groups with agricultural expertise as appropriate for a recommendation.
- E. Agricultural Processing.** A Use Permit is required: (1) if any agricultural products to be processed are not produced on the same site or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator; or (2) if the floor area used for processing activities exceed an aggregate of 5,000 square feet. Agricultural products do not include additives or ingredients that are incidental to processing. New processing facilities shall comply with the stream conservation area standards established in the Countywide Plan.
- F. Sale of Agricultural Products.** A Use Permit is required: (1) if any agricultural products to be sold are not produced on the same site, or on other agricultural properties located in Marin County that are owned or leased by the sales facility owner or operator; or (2) if the building(s), structure(s), or outdoor sales area used for the retail sales activities exceed an aggregate floor area of 500 square feet. New retail sales facilities shall comply with the stream conservation area standards established in the Countywide Plan.

- G. Commercial Uses.** Limited commercial uses may be allowed only when: (1) included in a plan for new or continued agricultural activities on the site and surrounding properties, (2) determined by the Review Authority to be in all respects compatible with agricultural operations on surrounding properties, and (3) subject to specific approval in the adoption of a Use Permit.

**TABLE 2-2
AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2, 3, 6)	Minimum Setback Requirements (4)			Height Limit (5)		Maximum FAR (7)
			Front	Sides	Rear	Primary	Accessory	
A2	2 acres	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
A3	3 acres							
A5	5 acres							
A10	10 acres		30 ft.	30 ft.	30 ft.			0.05
A15	15 acres		40 ft.	40 ft.	40 ft.			
A20	20 acres		50 ft.	50 ft.	50 ft.			
A30	30 acres							
A40	40 acres							
A60	60 acres							
ARP	See note 2	See Zoning Map	Not applicable			30 ft.	16 ft.	N.A.

Notes:

- (1) Minimum lot area and setback standards may change, as follows:
 - a. In A2 districts, the minimum lot area and setback standards may change when such district is combined with a B district in compliance with the provisions of Section 22.14.050 (Minimum Lot Size [B] Combining District).
 - b. In A2 districts, including those combined with B districts, the minimum lot area may change in areas of sloping terrain in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
 - c. In A districts (A3 to A60), the minimum lot area and setback standards may be waived to allow for clustering of single-family dwellings in compliance with the provisions of Chapter 22.44 (Master Plans and Precise Development Plans); however, the total number of lots shall not exceed the maximum number permitted based on the total acreage of the parcel to be subdivided and the minimum lot area requirements of the respective A district.
- (2) In ARP districts, minimum lot area is determined through the subdivision and/or Master Plan process.
- (3) In ARP districts, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.

- (4) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In ARP districts, setbacks are determined through the Master Plan, Precise Development Plan, or Design Review process in accordance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
- (5) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions.
- (6) The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan’s PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.
- (7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan’s PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Article VIII (Development Code Definitions) for definitions of the terms used above.

CHAPTER 22.10 – RESIDENTIAL DISTRICTS

Sections:

- 22.10.010 – Purpose of Chapter
- 22.10.020 – Applicability of Residential Zoning Districts
- 22.10.030 – Residential District Land Uses and Permit Requirements
- 22.10.040 – Residential District Development Standards

22.10.010 – Purpose of Chapter

This Chapter determines the allowable uses of land, land use permit requirements, and basic development standards for the residential zoning districts established by Section 22.06.020 (Zoning Districts Established). The purposes of each residential zoning district are described in Section 22.10.020 (Applicability of Residential Zoning Districts). This Chapter then lists allowable uses of land, and permit requirements for each use, by zoning district (Section 22.10.030 (Residential District Land Uses and Permit Requirements)); and finally provides standards for development within the residential zoning districts (Section 22.10.040 (Residential District Development Standards)).

22.10.020 – Applicability of Residential Zoning Districts

The applicability of each residential zoning district is as follows.

- A. RA (Residential, Agricultural) District.** The RA zoning district is intended for areas where single-family residential development and small-scale agriculture can be accommodated with similar and related compatible uses. The RA zoning district is consistent with the Single Family 3, 4, 5, and 6 land use categories of the Marin Countywide Plan.
- B. RR (Residential, Restricted) District.** The RR zoning district is intended for areas where single-family residential development, and non-commercial recreation can be accommodated with similar and related compatible uses. The RR zoning district is consistent with the Single-Family 4 and 5 land use categories of the Marin Countywide Plan.
- C. RE (Residential, Estate) District.** The RE zoning district is intended for single-family residential areas where small-scale agriculture accessory to residential uses can be accommodated. The RE zoning district is consistent with the Single-Family 4 and 5 land use categories of the Marin Countywide Plan.
- D. R1 (Residential, Single-Family) District.** The R1 zoning district is intended for areas suitable for single-family residential neighborhood development in a suburban setting, along with similar and related compatible uses. The R1 zoning district is consistent with the Single Family 3, 4, 5, and 6 land use categories of the Marin Countywide Plan.
- E. RSP (Residential, Single-Family Planned) District.** The RSP zoning district is intended for areas suitable for single-family residential neighborhood development in a suburban setting, along with similar and related compatible uses, where site or neighborhood characteristics require the attention to design detail provided through the Master Plan process (Chapter 22.44 (Master Plans and Precise Development Plans)). The RSP zoning district is consistent with the Single Family 1 through 6 land use categories of the Marin Countywide Plan.

The designation of the RSP zoning district shall include a numerical suffix on the zoning map, which shall indicate the maximum residential density.

- F. R2 (Residential, Two-Family) District.** The R2 zoning district is intended for two primary dwellings as well as single-family dwellings on an individual lot in suburban settings, along with similar and related compatible uses. The R2 zoning district is consistent with the Multi-Family 2 land use category of the Marin Countywide Plan.

- G. RMP (Residential, Multiple Planned) District.** The RMP zoning district is intended for a full range of residential development types within the unincorporated urban areas of the County, including single-family and multi-family residential development, and limited commercial uses in suburban settings, along with similar and related compatible uses, where site or neighborhood characteristics require particular attention to design detail provided through the Master Plan process (Chapter 22.44 (Master Plans and Precise Development Plans)). The RMP district is applied to areas identified by the Marin Countywide Plan as capable of accommodating increased density, and is consistent with the Planned Residential and Multi-Family 2, 3, 3.5, 4, and 4.5, the General Commercial/Mixed Use, Office Commercial/Mixed Use, Neighborhood Commercial/Mixed Use, PD-Agricultural and Environmental Resource Area, PD-Reclamation Area, Public and Quasi-Public land use categories of the Marin Countywide Plan.

The designation of the RMP zoning district shall include a numerical suffix on the zoning map, which shall indicate the maximum residential density in units per acre.

- H. RMPC (Residential/Commercial Multiple Planned) District.** See Chapter 22.12 (Commercial/ Mixed Use and Industrial Zoning Districts). This district is generally similar to RMP, but also allows selected commercial uses.

The designation of the RMPC zoning district shall include a numerical suffix on the zoning map, which shall indicate the maximum residential density in units per acre.

- I. RX (Residential, Mobile Home Park) District.** The RX zoning district is intended for areas of the County best suited for mobile homes within a mobile home park or mobile home subdivision with shared recreational and open space facilities, together with similar and related compatible uses. The RX zoning district is consistent with the Multi-Family 4 land use category of the Marin Countywide Plan.

This zoning district shall be applied only if the Commission and Board find that the area is of sufficient size, type, location and has special features (e.g., access to public transportation and shopping facilities), which make it a desirable mobile home park residential area.

- J. RF (Floating Home Marina) District.** The RF zoning district is intended for near shore areas of San Francisco Bay and adjoining waterways suitable for the location of houseboats and other floating homes, where appropriate marina and other support services can be provided. The RF zoning district is consistent with the Floating Homes land use category of the Marin Countywide Plan.

22.10.030 – Residential District Land Uses and Permit Requirements

The uses of land allowed by this Chapter in each residential zoning district are identified in Tables 2-3 (Allowed Uses and Permit Requirements for Single-Family Districts) and 2-4 (Allowed Uses and Permit Requirements for Multi-Family Districts) as being:

1. Allowed as a principally permitted use with no Use Permit required. Principally permitted uses are shown as "P" uses in the tables;
2. Allowable as a conditional use, subject to approval of a Conditional Use Permit (Chapter 22.48) or Master Use Permit (Chapter 22.49), as applicable. Conditionally permitted uses are shown as "U" uses in the tables, and "U/P" means that the use may be either principally permitted or conditionally permitted depending on the specific criteria set forth in Chapter 22.32;
3. Land uses that are not listed in the table, are not shown in a particular zoning district, or are shown as a "—" in the land use tables are not allowed, except where otherwise provided by Section 22.06.040.B (Determination of Allowable Land Uses), or Section 22.06.050 (Exemptions from Land Use Permit Requirements). In some instances, there are specific land use restrictions contained in Chapter 22.32 that prohibit certain uses under specific circumstances.

Where the last column in the tables ("See Requirements and Standards in Section") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.

Reference notes apply to Tables 2-3 and 2-4, as enumerated below:

1. Allowed only where the site has a lot area of 3 acres or more.
2. Allowed only on a site of 5 acres or larger.
3. Allowed only as a facility incidental to and serving only floating home marina residents.
4. Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

**TABLE 2-3 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section
	RA Residential Agriculture	RR Residential Restricted	RE Residential Estate	R1 Residential Single Family	RSP Residential Single Family Planned	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Agricultural accessory structures	P	—	P	P	P(4)	22.32.030
Commercial gardening	P	—	P	P	P	
Community gardens	P	P	P	P	P	
Community gardens, market	U	U	U	U	U	
Dairy operations	P(2)	—	—	—		22.32.030
Fish hatcheries and game reserves	—	—	—	—	U(1)	
Livestock operations, grazing	—	—	—	—	U(1)	22.32.030
Livestock operations, large animals	U/P	—	U/P	—	U(1)	22.32.030
Livestock operations, sales/feed lots, stockyards	—	—	—	—	U(1)	22.32.030
Livestock operations, small animals	U/P	U/P	U/P	U/P	U/P	22.32.030
Mariculture/aquaculture	—	—	—	—	U(1)	
Nature preserves	—	—	—	—	P	
Plant nurseries, with on-site sales	U	U	U	U	U	
Plant nurseries, without on-site sales	P	P	P	P	P	
Small WECS	P	P	P	P	P	22.32.180
Medium WECS	P	P	P	P	P	22.32.180
Large WECS	—	—	—	—	—	22.32.180

Notes:

1. Allowed only where the site has a lot area of 3 acres or more.
2. Allowed only on a site of 5 acres or larger.
4. Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits).

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

**TABLE 2-3 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section
	RA Residential Agriculture	RR Residential Restricted	RE Residential Estate	R1 Residential Single Family	RSP Residential Single Family Planned	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Child day-care centers	U	U	U	U	U	22.32.050
Child day-care, large family day-care homes	P	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	P	22.32.050
Community centers	U	U	U	U	U	
Equestrian facilities	U	—	—	—	U(4)	22.32.030
Golf courses/country clubs	U	U	U	U	U	
Health/fitness facilities	U	U	U	U	U	
Horses, donkeys, mules, ponies	U/P	U/P	U/P	U/P	U/P	22.32.030
Libraries and museums	U	U	U	U	U	
Membership organization facilities	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	22.32.130
Public parks and playgrounds	P	P	P	P	P	
Religious places of worship	U	U	U	U	U	
Schools	U	U	U	U	U	

Notes:

4. Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

**TABLE 2-3 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	RA Residential Agriculture	RR Residential Restricted	RE Residential Estate	R1 Residential Single Family	RSP Residential Single Family Planned	

RESIDENTIAL USES

Adult day program	P	P	P	P	P	
Affordable housing	P	P	P	P	P	Chapter 22.22
Group homes, 6 or fewer residents	P	P	P	P	P	
Group homes, 7 or more residents	U	U	U	U	U	
Guest house	P	P	P	P	P	
Home occupations	P	P	P	P	P	22.32.100
Organizational houses	U	U	U	U	U	
Residential Accessory Dwelling Units, Junior	P	P	P	P	P	22.32.125
Residential Accessory Dwelling Units	P	P	P	P	P	22.32.120
Residential accessory uses and structures	P	P	P	P	P	22.32.130
Residential care facilities	P	P	P	P	P	
Room rentals	P	P	P	P	P	
Single-family dwellings	P	P	P	P	P	
Tennis and other recreational uses	P	P	P	P	P	22.32.130

RETAIL TRADE USES

Sale of agricultural products produced on-site	U	—	—	—	—	
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SERVICE USES

Cemeteries, columbariums, and mortuaries	U	U	U	U	U	
Commercial solar facilities	U	U	U	U	U	
Medical services – Hospitals, Clinics and Laboratories, Extended care	U	U	U	U	U	
Offices, temporary real estate	U	U	U	U	U	
Public utility or safety facilities	U	U	U	U	U	

TRANSPORTATION AND COMMUNICATIONS USES

Pipelines and utility lines	U	U	U	U	U	
Telecommunications facilities	U/P	U/P	U/P	U/P	U/P	22.32.165

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

**TABLE 2-4 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR MULTI-FAMILY RESIDENTIAL DISTRICTS**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	R2 Residential Two Family	RMP Residential Multiple Planned	RX Residential Mobile Home Park	RF Floating Home Marina	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Agricultural accessory structures	P	P(1)	—	—	22.32.030
Commercial gardening	P	P(1)	—	—	
Community gardens	P	P	P	—	
Community gardens, market	U	U	U	—	
Dairy operations	—	U(1)	—	—	22.32.030
Fish hatcheries and game reserves	—	U(1)	—	—	
Livestock operations, grazing	—	U(1)	—	—	22.32.030
Livestock operations, large animals	—	U(1)	—	—	22.32.030
Livestock operations, sales/feed lots, stockyards	—	U(1)	—	—	22.32.030
Livestock operations, small animals	U/P	U/P	—	—	22.32.030
Mariculture/aquaculture	—	U(1)	—	—	
Nature preserves	—	U	—	—	
Plant nurseries, with on-site sales	U	U	—	—	
Plant nurseries, without on-site sales	P	P	—	—	
Small WECS	P	P	P	—	22.32.180
Medium WECS	P	P	P	—	22.32.180
Large WECS	—	—	—	—	22.32.180

Notes:

4. Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

**TABLE 2-4 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR MULTI-FAMILY RESIDENTIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	R2 Residential Two Family	RMP Residential Multiple Planned	RX Residential Mobile Home Park	RF Floating Home Marina	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Child day-care centers	U	U	U	U(3)	22.32.050
Child day-care, large family day-care homes	P	P	P	P(3)	22.32.050
Child day-care, small family day-care homes	P	P	P	P(3)	22.32.050
Community centers	U	U	P(2)	P(3)	
Equestrian facilities	—	U(4)	—	—	22.32.030
Golf courses/country clubs	U	U	—	—	
Health/fitness facilities	U	U	—	—	
Horses, donkeys, mules, ponies	U/P	U/P	—	—	22.32.030
Libraries and museums	U	U	U	U	
Membership organization facilities	U	U	—	—	
Private residential recreation facilities	U	U	U(2)	U(3)	
Public parks and playgrounds	P	P	P(2)	P(3)	
Religious places of worship	U	U	U	U	
Schools	U	U	U	U	

Notes:

2. Allowed only on a site of 5 acres or larger.
3. Allowed only as a facility incidental to and serving only floating home marina residents.
4. Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

**TABLE 2-4 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR MULTI-FAMILY RESIDENTIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	R2 Residential Two Family	RMP Residential Multiple Planned	RX Residential Mobile Home Park	RF Floating Home Marina	

RESIDENTIAL USES

Adult day program	P	P	P	U	
Affordable housing	P	P	P	P	Chapter 22.22
Floating home marinas	—	—	—	P	22.32.070
Floating homes	—	—	—	P	22.32.075
Group homes, 6 or fewer residents	P	P	P	P	
Group homes, 7 or more residents	U	U	U	U	
Guest house	P	P	—	—	
Home occupations	P	P	P	P	22.32.100
Mobile home parks	U	U	P	—	22.32.110
Mobile homes	—	—	P	—	22.32.110
Multi-family dwellings	P	P	—	—	
Organizational houses	U	U	—	—	
Residential Accessory Dwelling Units, Junior	P	P	P	P	22.32.125
Residential Accessory Dwelling Units	P	P	P	P	22.32.120
Residential accessory uses and structures	P	U	P	P	22.32.130
Residential care facilities	P	P	P	P	
Room rentals	P	P	P	P	
Single-family dwellings	P	P	—	P	
Single Room Occupancy (SRO)	—	P	—	—	22.32.085
Tennis and other recreational uses	P	P	P	P	22.32.130
Two-family dwellings	P	P	—	—	

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

TABLE 2-4 – ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	R2 Residential Two Family	RMP Residential Multiple Planned	RX Residential Mobile Home Park	RF Floating Home Marina	

RETAIL TRADE USES

Accessory retail uses	U	U	U	U	22.32.020
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SERVICES USES

Cemeteries, columbariums, and mortuaries	U	U	—	—	
Commercial solar facilities	U	U	U	U	
Hotels and motels	—	U	—	—	
Medical services - Clinics and laboratories	U	U	—	—	
Medical services - Extended care	U	U	—	—	
Medical services – Hospitals	U	U	—	—	
Offices, business	—	U	—	—	
Offices, professional	—	U	—	—	
Offices, temporary real estate	U	U	—	—	
Public utility or safety facilities	U	U	U	U	
Storage, accessory	P	P	P	P	

TRANSPORTATION AND COMMUNICATIONS USES

Pipelines and utility lines	U	U	U	U	
Telecommunications facilities	U/P	U/P	U/P	U/P	22.32.165

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.10.040 (Residential District Development Standards) for applicable standards.

22.10.040 – Residential District Development Standards

- A. General zoning district standards – Use of table.** Proposed development and new land uses within the residential zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in conformity with the residential district development standards in Table 2-5 (Residential District Development Standards), except as provided by following Subsection B.
- B. Development standards for planned districts.** Special development standards for the RSP, RMP, RX, and RF zoning districts established by Section 22.06.020 (Zoning Districts Established) are provided by Chapter 22.16 (Discretionary Development Standards). In the event of any conflict between the provisions of Chapter 22.16 (Discretionary Development Standards) and those of Table 2-5 (Residential District Development Standards), the standards of Chapter 22.16 shall control.

**TABLE 2-5
RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2, 5)	Minimum Setback Requirements (3)			Height Limit (4)		Maximum FAR (5, 6)
			Front	Sides	Rear	Primary	Accessory	
RA	7,500 sq.ft.	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
RR								
RE								
R1								
R2								
RSP	Not applicable	See Zoning Map	Not applicable			30 ft.	16 ft.	Not applicable
RMP								
RF	See Sections 22.32.070.C and 22.32.075.B							
RX	See Section 22.32.110.C							

Notes:

- (1) Minimum lot area and setback standards may change, as follows:
 - a. In RA, RR, RE, R1, and R2 districts, the minimum lot area and setback standards may change when such district is combined with a B district in compliance with the provisions of Section 22.14.050 (Minimum Lot Size “-B” Combining District).
 - b. In RA, RR, RE, R1, and R2 districts, including those combined with “-B” districts, the minimum lot area may change in areas of sloping terrain in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
 - c. In RSP and RMP districts, minimum lot area is determined through the Master Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review). Through this

process, the Review Authority will determine whether the lot area is adequate for a proposed land use.

- (2) In RSP and RMP districts, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
- (3) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In RSP and RMP districts, setbacks are determined through the Master Plan, Precise Development Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions.
- (5) The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.
- (6) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

CHAPTER 22.12 – COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS

Sections:

22.12.010 – Purpose of Chapter

22.12.020 – Applicability of Commercial/Mixed Use and Industrial Zoning Districts

22.12.030 – Commercial/Mixed Use and Industrial District Land Uses and Permit Requirements

22.12.040 – Commercial/Mixed Use and Industrial District Development Standards

22.12.010 – Purpose of Chapter

This Chapter determines the allowable uses of land, land use permit requirements, and basic development standards for the Commercial/Mixed Use and Industrial zoning districts established by Section 22.06.020 (Zoning Districts Established). The purposes of each commercial/mixed use and industrial zoning district are described in Section 22.12.020 (Applicability of Commercial, Mixed Use and Industrial Zoning Districts). This Chapter then lists allowable uses of land, and permit requirements for each use, by zoning district (Section 22.12.030 (Commercial/Mixed Use and Industrial District Land Uses and Permit Requirements)); and finally provides standards for development within the commercial/mixed use and industrial zoning districts (Section 22.12.040 (Commercial/Mixed Use Industrial District Development Standards)).

22.12.020 – Applicability of Commercial/Mixed Use and Industrial Zoning Districts

The applicability of each commercial/mixed use and industrial zoning district is as follows.

- A. **VCR (Village Commercial/Residential) District.** The VCR zoning district is intended to: maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth; maintain a balance between resident-serving and non-resident-serving commercial uses; protect, without undue controls, established residential, commercial, and light industrial uses; and maintain community scale. The VCR zoning district is consistent with the Neighborhood Commercial/Mixed Use land use category of the Marin Countywide Plan.
- B. **RMPC (Residential/Commercial Multiple Planned) District.** The RMPC zoning district is primarily a residential district that allows commercial uses. The RMPC district is applied to areas identified by the Marin Countywide Plan as capable of accommodating increased density, and is consistent with the General Commercial/Mixed Use, Neighborhood Commercial/Mixed Use, Office Commercial/Mixed Use, Industrial, PD-Agricultural and Environmental Resource Area, and PD-Reclamation Area land use categories of the Marin Countywide Plan.
- C. **C1 (Retail Business) District.** The C1 zoning district provides for community shopping areas where retail stores and shops are the primary land use, together with similar and related compatible uses, including residential uses. The C1 zoning district is consistent with the General Commercial/Mixed Use land use category of the Marin Countywide Plan.

- D. CP (Planned Commercial) District.** The CP zoning district provides for lower-intensity commercial areas for retail shopping, office facilities, and residential uses, in pleasing and harmonious surroundings, through the control of building coverage, height, parking and landscaping. The CP zoning district is consistent with the General Commercial/Mixed Use, PD-Agricultural and Environmental Resource Area, and PD-Reclamation Area land use categories of the Marin Countywide Plan.
- E. AP (Administrative and Professional) District.** The AP zoning district provides for lower-intensity commercial areas emphasizing offices, and similar and related compatible uses, including residential uses. The AP zoning district is consistent with the Office Commercial/Mixed Use and PD-Reclamation Area land use categories of the Marin Countywide Plan.
- F. OP (Planned Office) District.** The OP zoning district provides for lower-intensity commercial areas for administrative, professional office and residential uses, in pleasing and harmonious surroundings, through the control of building coverage, height, parking and landscaping. The OP zoning district is consistent with the Office Commercial/Mixed Use and PD-Reclamation Area land use categories of the Marin Countywide Plan.
- G. H1 (Limited Roadside Business) District.** The H1 zoning district is applied to properties in rural areas where commercial uses may be appropriate, in addition to limited residential development. The H1 zoning district is consistent with the General Commercial/Mixed Use land use category of the Marin Countywide Plan.
- H. RCR (Resort and Commercial Recreation) District.** The RCR zoning district is intended to create and protect resort facilities in pleasing and harmonious surroundings with emphasis on public access to recreational areas within and adjacent to developed areas. The RCR zoning district is consistent with the Recreational Commercial land use category of the Marin Countywide Plan.
- I. IP (Industrial, Planned) District.** The IP zoning district is intended for areas of the County appropriate for business park, light industrial and manufacturing uses in campus-like settings. The IP zoning district is consistent with the Industrial and PD Reclamation Area land used categories of the Marin Countywide Plan.

22.12.030 – Commercial/Mixed-Use and Industrial District Land Uses and Permit Requirements

The uses of land allowed by this Chapter in each commercial zoning district are identified in Tables 2-6 (the VCR, RMPC, C1, and CP zoning districts) and 2-7 (the AP, OP, H1, RCR, and IP zoning districts) as being:

1. Allowed as a principally permitted use with no Use Permit required. Principally permitted uses are shown as "P" uses in the tables;
2. Allowable as a conditional use, subject to approval of a Conditional Use Permit (Chapter 22.48) or Master Use Permit (Chapter 22.49), as applicable. Conditionally permitted uses are shown as "U" uses in the tables, and "U/P" means that the use may be either principally permitted or conditionally permitted depending on the specific criteria set forth in Chapter 22.32;

3. Land uses that are not listed in the table, are not shown in a particular zoning district, or are shown as a “—” in the land use tables are not allowed, except where otherwise provided by Section 22.06.040.B (Determination of Allowable Land Uses), or Section 22.06.050 (Exemptions from Land Use Permit Requirements). In some instances, there are specific land use restrictions contained in Chapter 22.32 that prohibit certain uses under specific circumstances.

Where the last column in the tables ("See Standards in Section") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.

Reference notes apply to Tables 2-6 and 2-7, as enumerated below:

1. Allowed only where the site has a lot area of 3 acres or more.
2. Allowed where review authority determines through the Use Permit process that proposal is consistent with the small-scale, village-serving purposes of the VCR zoning district.
3. Dwellings allowed above the first floor only. First floor shall be reserved for non-residential use.
4. Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE DISTRICTS

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1(5) Retail Business	CP (5) Planned Commercial	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Agricultural accessory structures	—	U(1)	—	—	22.32.030
Commercial gardening	P	P(1)	P	P	
Community gardens	P	P	P	P	
Community gardens, market	U	U	U	P	
Fisheries and game reserves	—	U(1)	—	—	
Livestock operations, grazing	—	U(1)	—	—	22.32.030
Livestock operations, large animals	—	U(1)	—	—	22.32.030
Livestock operations, small animals	—	U(1)	—	—	22.32.030
Mariculture/aquaculture	—	U(1)	—	—	
Nature preserves	—	U	—	—	
Plant nurseries, with on-site sales	P	U(1)	P	P	
Plant nurseries, without on-site sales	P	P	P	P	
Small WECS	P	P	P	P	22.32.180
Medium WECS	P	P	P	P	22.32.180
Large WECS	—	—	—	—	22.32.180

Notes:

1. Allowed only where the site has a lot area of 3 acres or more.
5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

MANUFACTURING AND PROCESSING USES

Beverage production	U(2)	U	U	P	
Boat manufacturing	U	U	—	P	
Food products	U(2)	U	U	P	
Furniture and fixtures	U	U	—	P	
Handcraft industries, small-scale manufacturing	U	U	—	P	
Laundries and dry cleaning plants	U	U	U	P	
Printing and publishing	U	U	—	P	
Recycling - reverse vending machines	P	U	P	P	
Recycling facility	U	U	U	P	
Wholesaling and distribution	U(2)	U	—	P	

Notes:

- Allowed where review authority determines through the Use Permit process that proposal is consistent with the small-scale, village-serving purposes of the VCR zoning district.
- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Adult entertainment establishments	U	U	U	P	
Child day-care centers	U	U	P	P	22.32.050
Child day-care, large family day-care homes	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	22.32.050
Community centers	U	U	U	P	
Golf courses/country clubs	U	U	U	P	
Health/fitness facilities	U	U	U	P	
Indoor recreation centers	U	U	U	P	
Libraries and museums	U	U	P	P	
Membership organization facilities	U	U	U	P	
Outdoor commercial recreation	U	U	U	P	
Private residential recreation facilities	U	U	U	P	
Public parks and playgrounds	P	P	P	P	
Religious places of worship	U	U	U	P	
Schools	U	U	U	P	
Sport facilities and outdoor public assembly	U	U	U	P	
Studios for art, dance, music, photography, etc.	U	U	U	P	
Theaters and meeting halls	U	U	P	P	

Notes:

5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

RESIDENTIAL USES

Adult day program	P	P	U	P	
Affordable Housing	P	P	P	P	22.22.24
Group homes, 6 or fewer residents	P	P	—	—	
Group homes, 7 or more residents	U	U			
Guest houses	P	P	—	—	
Home occupations	P	P	P	P	22.32.100
Multi-family dwellings	U	P	P (4)	P (4)	22.32.150
Organizational houses	U	U	U	—	
Residential Accessory Dwelling Units, Junior	P	P	P	P	22.32.125
Residential Accessory Dwelling Units	P	P	P	P	22.32.120
Residential accessory uses and structures	P	P	P	—	22.32.130
Residential care facilities	P	P	—	P	
Room rentals	P	P	P	P	
Single-family dwellings	P	P	P (3, 4)	P (4)	22.32.150
Single Room Occupancy (SRO)	—	P	—	—	22.32.085
Tennis and other recreational uses	U	P	U	U	22.32.130
Two-family dwellings	U	P	P (3, 4)	—	22.32.150

Notes:

- Dwellings allowed above the first floor only. First floor shall be reserved for non-residential use.
- Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

RETAIL TRADE USES

Accessory retail uses	P	P	P	P	22.32.020
Auto, mobile home, vehicle, parts sales, new	U	U	U	P	
Bars and drinking places	U	U	U	P	
Building material stores	U	U	U	P	
Construction equipment sales	U	U	P	P	
Drive-in and drive-through sales	U	U	U	P	
Fuel and ice dealers	U	U	U	P	
Furniture, furnishings, home appliances	P	U	P	P	
Grocery stores	P	U	P	P	
Liquor stores	U	U	U	P	
Outdoor retail sales and activities	U	U	U	P	
Restaurants, 40 patrons or less	P	U	P	P	
Restaurants, more than 40 patrons	U	U	U	P	
Restaurants, with liquor and/or entertainment	U	U	U	P	
Restaurants, drive-in, take-out, fast food	U	U	U	P	
Retail stores, general merchandise	P	U	P	P	
Retail stores, visitor/collector	U	U	P	P	
Second hand stores	P	U	P	P	
Shopping centers	U	U	P	P	
Tobacco retail establishments	—	—	U	U	22.32.170
Warehouse retail stores	U(2)	U	U	P	

Notes:

- Allowed where review authority determines through the Use Permit process that proposal is consistent with the small-scale, village-serving purposes of the VCR zoning district.
- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

SERVICE USES

Automatic teller machine (ATM), not at bank	P	U	P	P	
Banks and financial services	P	U	P	P	
Business support services	U	U	P	P	
Cemeteries, columbariums and mortuaries	U	U	U	P	
Commercial solar facilities	U	U	P	P	
Construction yard	—	U	—	P	
Drive-in and drive-through services	U	U	U	P	
Homeless shelters	—	—	P	P	22.32.095
Hotels and motels	U	U	P	P	
Medical services - Clinics and laboratories	P	U	P	P	
Medical services - Hospitals and extended care	U	U	U	P	
Offices	P	U	P	P	
Personal services	P	U	P	P	
Public safety facilities	U	U	U	P	
Public utility facilities	U	U	U	P	
Repair and maintenance - consumer products	P	U	P	P	
Repair and maintenance - vehicle	U	U	U	P	
Research and development (R&D)	—	U	—	P	
Service stations	U	U	U	P	22.32.160
Storage, accessory	P	P	P	P	
Veterinary clinics and animal hospitals	U	U	U	P	
Warehousing	U	U	—	P	

Notes:

5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

TRANSPORTATION AND COMMUNICATIONS USES

Broadcasting studios	P	U	U	P	
Commercial parking and vehicle storage	U	U	U	P	
Pipelines and utility lines	U	U	U	P	
Telecommunications facilities	U	U	U	P	22.32.165
Transit stations and terminals	U	U	U	P	
Transit stop shelters	P	P	P	P	
Vehicle and freight terminals	U	—	—	—	

Notes:

- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Commercial gardening	—	—	P	—	—	
Community gardens	P	P	P	P	P	
Community gardens, market	U	U	U	U	U	
Plant nurseries	—	—	P	—	—	
Small WECS	P	P	P	P	P	22.32.180
Medium WECS	P	P	P	P	P	22.32.180
Large WECS	—	—	—	—	—	22.32.180

Notes:

- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

MANUFACTURING AND PROCESSING USES

Beverage production	—	—	—	—	U	
Boat manufacturing	—	—	—	—	U	
Chemical products	—	—	—	—	U	
Clothing products	—	—	—	—	U	
Concrete, gypsum, and plaster products	—	—	—	—	U	
Electrical and electronic equipment, instruments	—	—	—	—	U	
Food products	—	—	—	—	U	
Furniture and fixtures	—	—	—	—	U	
Glass products	—	—	—	—	U	
Handcraft industries, small-scale manufacturing	—	—	—	—	U	
Laundries and dry cleaning plants	—	—	—	—	U	
Lumber and wood products	—	—	—	—	U	
Machinery manufacturing	—	—	—	—	U	
Metal products fabrication, machine/welding shops	—	—	—	—	U	
Paper products	—	—	—	—	U	
Paving and roofing materials	—	—	—	—	U	
Pharmaceuticals	—	—	—	—	U	
Plastics and rubber products	—	—	—	—	U	
Printing and publishing	—	—	—	—	U	
Recycling facilities	—	—	—	—	U	
Recycling - reverse vending machines	—	—	P	—	U	
Recycling - scrap and dismantling yards	—	—	—	—	U	
Stone and cut stone products	—	—	—	—	U	
Structural clay and pottery products	—	—	—	—	U	
Wholesaling and distribution	—	—	—	—	U	

Notes:

- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Adult entertainment establishments	—	—	—	U	—	
Child day-care centers	U	P	U	U	—	22.32.050
Child day-care, large family day-care homes	P	P	P	—	—	22.32.050
Child day-care, small family day-care homes	P	P	P	—	—	22.32.050
Community centers	U	P	U	U	U	
Golf courses/country clubs	U	P	U	U	U	
Health/fitness facilities	—	P	U	U	—	
Indoor recreation centers	—	P	U	U	—	
Libraries and museums	P	P	P	U	U	
Membership organization facilities	—	P	U	U	—	
Outdoor commercial recreation	—	—	—	U	—	
Private residential recreation facilities	U	U	U	U	—	
Public parks and playgrounds	U	P	P	U	P	
Religious places of worship	U	P	U	U	U	
Schools	U	P	U	U	—	
Sport facilities and outdoor public assembly	—	P	U	U	—	
Studios for art, dance, music, photography, etc.	P	P	U	U	—	
Theaters and meeting halls	—	P	U	U	—	

Notes:

5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

RESIDENTIAL USES

Adult day program	P	P	U	P	U	
Affordable Housing	P	P	P	P	U	Chapter 22.22
Group homes, 6 or fewer residents	—	P	U	—	—	
Group homes, 7 or more residents	—	U	U	—	—	
Guest houses	—	P	P	—	—	
Home occupations	P	P	P	—	—	22.32.100
Multi-family dwellings	P(4)	P	P(4)	U	—	
Organizational houses	—	U	U	U	—	
Residential Accessory Dwelling Units, Junior	P	P	P	P	—	22.32.125
Residential Accessory Dwelling Units	P	P	P	P	—	22.32.120
Residential accessory uses and structures	P	P	P	—	—	22.32.130
Residential care facilities	—	P	U	—	—	
Room rentals	P	P	P	—	—	
Single-family dwellings	P(4)	P	P(4)	U	—	
Single Room Occupancy (SRO)	P	P	P	—	—	22.32.085
Tennis and other recreational uses	—	U	U	—	—	22.32.130
Two-family dwellings	P(4)	P	P(4)	U	—	

Notes:

- Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

RETAIL TRADE USES

Accessory retail uses	—	P	P	P	P	22.32.020
Auto, mobile home, vehicle, parts sales, new	—	—	—	—	P	
Bars and drinking places	—	—	U	P	—	
Building material stores	—	—	U	—	—	
Construction equipment sales	—	—	—	—	P	
Drive-in and drive-through sales	—	—	U	—	—	
Farm equipment and supplies sales	—	—	—	—	P	
Fuel and ice dealers	—	—	U	—	—	
Furniture, furnishings, home appliances	—	—	U	—	—	
Grocery stores	—	—	U	—	—	
Liquor stores	—	—	U	—	—	
Outdoor retail sales and activities	—	—	—	—	—	
Outdoor retail sales, temporary	—	—	U	—	—	
Restaurants	—	—	U	P	—	
Restaurants, drive-in, take-out, fast food	—	—	U	—	—	
Retail stores, general merchandise	—	—	U	—	—	
Retail stores, visitor/collector	—	—	U	—	—	
Second hand stores	—	—	U	—	—	
Shopping centers	—	—	U	—	—	
Tobacco retail establishments	—	U	U	—	U	22.32.170
Warehouse retail stores	—	—	U	—	—	

Notes:

5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

SERVICE USES

Automatic teller machines (ATMs), not at bank	P	P	U	P	P	
Banks and financial services	P	P	U	—	—	
Bed and breakfast inns	—	—	—	P	—	22.32.040
Business support services	P	P	U	—	—	
Cemeteries, columbariums and mortuaries	U	P	U	U	—	
Commercial solar facilities	U	U	U	U	P	
Construction yards	—	—	—	—	P	
Drive-in and drive-through services	—	—	U	—	—	
Hotels and motels	—	—	U	P	—	
Kennels and animal boarding	—	—	—	—	U	
Medical services - Clinics and laboratories	P	P	U	—	—	
Medical services - Hospitals and extended care	—	P	U	—	—	
Offices	P	P	U	—	—	
Personal services	P	P	U	—	—	
Public safety facilities	—	—	U	U	P	
Public utility facilities	—	—	U	U	P	
Repair and maintenance - consumer products	—	—	U	—	U	
Repair and maintenance - vehicle	—	—	U	—	U	
Research and development (R&D)	P	P	—	—	P	
Service stations	U	U	U	P	U	22.32.160
Storage, accessory	—	P	U	U	P	
Storage, personal storage facility	—	—	—	—	P	
Veterinary clinics and animal hospitals	—	—	—	—	U	
Warehousing	—	—	—	—	P	

Notes:

5. Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

TRANSPORTATION AND COMMUNICATIONS USES

Airpark	—	—	—	—	U	
Broadcasting studios	U	P	—	—	—	
Commercial parking and vehicle storage	—	—	—	—	U	
Pipelines and utility lines	U	P	U	U	U	
Telecommunications facilities	U	U	U	U	U	22.32.165
Transit stations and terminals	U	P	U	U	U	
Transit stop shelters	P	P	P	P	P	
Vehicle and freight terminals	—	—	—	—	U	

Notes:

- Non-residential development may trigger residential requirements in the C1, CP, AP, and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

22.12.040 – Commercial/Mixed Use and Industrial District Development Standards

- General standards – Use of table.** Proposed development within the commercial and industrial zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in conformity with the Commercial District Development Standards in Table 2-8 (Commercial/Industrial District Development Standards), except as provided by following Subsection B.
- Development standards for planned districts.** Special development standards for the CP, OP, RCR, RMPC, and IP zoning districts established by Section 22.06.010 (Zoning Districts Established) are provided by Chapter 22.16 (Planned District Development Standards). In the event of any conflict between the provisions of Chapter 22.16 and those of Table 2-8 (Commercial/Industrial District Development Standards), the standards of Chapter 22.16 shall control.

**TABLE 2-8
 COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICT
 DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (3)			Height Limit (4)		Maximum FAR (5, 7)
			Front	Sides	Rear	Primary	Accessory	
VCR	7,500 sq.ft.	1 unit per 2,000 sq.ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use	35 ft.	16 ft.	Not applicable
AP		1 unit per 1,450 sq. ft. of lot area	25 ft.	6 ft. for 1-story building, 10 ft. for multi-story building, or on street side	20 ft.			
H1		1 unit per 1,450 sq. ft. of lot area	30 ft.	6 ft. adjacent to residential district, none otherwise	12 ft. adjacent to residential district, none otherwise			
C1			0 ft.					
CP	Not applicable	1 unit per 1,450 sq. ft. of lot area	Not applicable			30 ft.	16 ft.	Not applicable
IP		Not permitted	Not applicable			30 ft.	16 ft.	Not applicable
RCR		Not permitted in OP See Zoning Map for RMPC	Not applicable					
OP			Not applicable					
RMPC			Not applicable					

Notes:

- (1) Minimum lot area and setback standards may change, as follows:
 - a. In VCR, AP, H1, and C1 districts, the minimum lot area and setback standards may change when the district is combined with a "-B" district in compliance with provisions of Section 22.14.050 (Minimum Lot Size "-B" Combining District).
 - b. In VCR, AP, H1, and C1 districts, including those combined with "-B" districts, the minimum lot area may change in areas of sloping terrain in compliance with provisions of Section 22.82.050 (Hillside Subdivision Design).
 - c. In CP, IP, RCR, OP, and RMPC districts, minimum lot area is determined through the Master Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review). Through such process, the Review Authority will determine whether the lot area is adequate for the proposed land use.
- (2) With the exception of affordable housing the following standards shall apply to residential development in the RMPC and C1 districts:
 - a. In RMPC districts, when determining the maximum residential density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
 - b. In C1 districts, dwellings are allowed above the first floor only. The first floor shall be reserved for non-residential use.

- c. Where allowed, dwellings shall be accessory to the primary non-residential use of the property. See Section 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- (3) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In CP, IP, RCR, OP, and RMPC districts, setbacks determined through the Master Plan, Precise Development Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
 - (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions.
 - (5) See Section 22.32.150 Residential Uses in Commercial/Mixed Use Areas for standards on residential development. For mixed use developments, the floor area ratio shall not exceed the floor area ratio as established by the governing Countywide Plan Land Use Designation.
 - (6) The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.
 - (7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.

See Article VIII (Development Code Definitions) for definitions of the terms used above.

CHAPTER 22.14 – SPECIAL PURPOSE AND COMBINING DISTRICTS

Sections:

- 22.14.010 – Purpose of Chapter
- 22.14.020 – Applicability of Special Purpose and Combining Districts
- 22.14.030 – Special Purpose District Land Uses and Permit Requirements
- 22.14.040 – Special Purpose District Development Standards
- 22.14.050 – Minimum Lot Size “-B” Combining District Standards
- 22.14.060 – Bayfront Conservation (BFC) Combining District Standards
- 22.14.070 – Primary Floodway (F-1) Combining District Standards
- 22.14.080 – Secondary Floodway (F-2) Combining District Standards
- 22.14.090 – Housing Overlay Designation (HOD) Combining District
- 22.14.100 – Form Based (FB) Combining District

• 22.14.010 – Purpose of Chapter

This Chapter determines the allowable uses of land, land use permit requirements, and basic development standards for the special purpose zoning districts and combining districts established by Section 22.06.020 (Zoning Districts Established).

22.14.020 – Applicability of Special Purpose and Combining Districts

A. General applicability.

1. **Special purpose districts.** Special purpose zoning districts are intended to identify sites suitable for types of land uses that are substantially different from, or that may not be appropriate or cannot be readily accommodated along with, most land uses allowed within the other agricultural, residential, and commercial zoning districts established by this Development Code.
2. **Combining districts.** Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas where important site, neighborhood, or area characteristics require particular attention in project planning.
 - a. The combining districts established by this Chapter provide standards that apply to development and new land uses in addition to those of zoning districts.
 - b. The applicability of a combining district to property is shown by its map symbol established by Section 22.06.020 (Zoning Districts Established) being shown as a prefix or a suffix to the symbol for the primary zoning district (e.g., R1:BD, R2:B2, etc.). A site designated within a combining district shall be subject to all applicable provisions of this Chapter, in addition to the requirements of the primary zoning district. If provisions of this Chapter conflict with any requirements of a primary zoning district, this Chapter shall control.

- B. OA (Open Area) Zoning/Combining District.** The OA zoning district is intended for areas of the County committed to open space uses, as well as environmental preservation. The OA zoning district is consistent with the Open Space, and Agriculture and Conservation land use categories of the Marin Countywide Plan.
- C. PF (Public Facilities) Zoning/Combining District.**
1. The PF zoning/combining district is applied to land suitable for public facilities and public institutional uses, where a governmental, educational, or other institutional facility is the primary use of the site. The PF zoning district is consistent with the Public and Quasi-Public land use categories of the Marin Countywide Plan.
 2. The PF district may be applied to property as a primary zoning district where the Board determines that the facility is sufficiently different from surrounding land uses to warrant a separate zoning district, and as a combining district where a publicly-owned site accommodates land uses that are similar in scale, character, and activities, to surrounding land uses.
- D. B, and BFC Combining Districts.** See Sections 22.14.050 (Minimum Lot Size “-B” Combining District) and 22.14.060 (Bayfront Conservation (BFC) Combining District) for the applicability of these districts.
- E. Affordable Housing (AH) Combining District.** The AH combining district allows affordable housing development at a density of 20 dwelling units per acre. See Section 22.14.090 (Affordable Housing Combining District).

22.14.030 – Special Purpose District Land Uses and Permit Requirements

The uses of land allowed by this Chapter in the OA and PF zoning districts are identified in Table 2-9 (Allowed Uses and Requirements for Special Purpose Districts) as being:

1. Allowed as a principally permitted use with no Use Permit required. Principally permitted uses are shown as "P" uses in the tables;
2. Allowable as a conditional use, subject to approval of a Conditional Use Permit (Chapter 22.48) or Master Use Permit (Chapter 22.49), as applicable. Conditionally permitted uses are shown as "U" uses in the tables, and “U/P” means that the use may be either principally permitted or conditionally permitted depending on the specific criteria set forth in Chapter 22.32;
3. Land uses that are not listed in the table, are not shown in a particular zoning district, or are shown as a “—” in the land use tables are not allowed, except where otherwise provided by Section 22.06.040.B (Determination of Allowable Land Uses), or Section 22.06.050 (Exemptions from Land Use Permit Requirements). In some instances, there are specific land use restrictions contained in Chapter 22.32 that prohibit certain uses under specific circumstances.

Where the last column in the tables ("See Requirements and Standards in Section") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.

Reference notes apply to Table 2-9, as enumerated below:

1. Dairy operations are allowed only on a site with a minimum of 50 acres.
2. Only allowed where a single-family dwelling is first approved.
3. Only dwellings for teachers or custodial staff, or dwellings clearly accessory to the primary use of the site for agricultural purposes are allowed.
4. Housing is permitted in combined districts that allow housing, such as PF-RSP, PF-RMP, and PF-ARP. Single-family, two-family, and multi-family dwellings are principally permitted only on the Countywide Plan's Housing Overlay Designation sites.

TABLE 2-9 – ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE DISTRICTS

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT		See Requirements and Standards in Section:
	OA Open Area	PF Public Facilities	

AGRICULTURAL, RESOURCE, AND OPEN SPACE USES

Agricultural accessory structures	P	—	22.32.030
Commercial gardening	P	—	
Community gardens	P	P	
Community gardens, market	U	U	
Crop production	P	—	
Dairy operations	P(1)	—	
Fish hatcheries and game reserves	P	—	
Livestock operations, grazing	P	—	
Nature preserves	P	U	
Water conservation dams and ponds	P	—	
Small WECS	P	P	22.32.180
Medium WECS	P	P	22.32.180
Large WECS	—	—	22.32.180

Notes:

1. Dairy operations are allowed only on a site with a minimum of 50 acres.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.14.040 (Special Purpose District Development Standards) for applicable standards.

**TABLE 2-9 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR SPECIAL PURPOSE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT		See Requirements and Standards in Section:
	OA Open Area	PF Public Facilities	

RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES

Camping and Campgrounds	U	—	22.32.045
Child day-care centers	U(2)	U	22.32.050
Child day-care, large family day-care homes	P(2)	P	22.32.050
Child day-care, small family day-care homes	P(2)	P	22.32.050
Community centers	U	P	
Equestrian facilities	U	—	
Golf courses/country clubs	U	U	
Health/fitness facilities	U	U	
Horses, donkeys, mules and ponies	P	—	22.32.030
Hunting and fishing clubs	U	—	
Indoor recreation centers	—	U	
Libraries and museums	U	U	
Outdoor commercial recreation	—	U	
Private residential recreation facilities	U	U	
Public parks and playgrounds	P	P	
Religious places of worship	U	U	
Rural recreation	U	—	
Schools	U	P	
Sports facilities and outdoor public assembly	—	U	
Theaters and meeting halls	—	U	

Notes:

2. Only allowed where a single-family dwelling is first approved.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.14.040 (Special Purpose District Development Standards) for applicable standards.

**TABLE 2-9 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR SPECIAL PURPOSE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT		See Requirements and Standards in Section:
	OA Open Area	PF Public Facilities	

RESIDENTIAL USES

Adult day program	—	P	
Affordable housing	—	U	Chapter 22.22
Agricultural worker housing	P	—	22.32.023
Guest houses	P(2)	P(2)	22.32.090
Home occupations	P(2)	P(2)	22.32.100
Residential accessory uses and structures	P(2)	P(2)	22.32.130
Room rentals	—	P(2)	
Single-family dwellings	U(3)	P(4)	
Two-family dwellings	U(3)	P(4)	
Multi-family dwellings	U(3)	P(4)	
Tennis and other recreational uses	U	P(2)	22.32.130

SERVICE USES

Cemeteries, columbariums, mausoleums	U	U	
Commercial solar facilities	U	P	
Medical services – Hospitals	U	P	
Medical services – Clinics and laboratories	U	P	
Offices, business	—	U	
Offices, government	U	P	
Offices, professional	—	U	
Public safety facilities	U	P	
Public utility service facilities	U	P	
Storage, accessory	P	—	

Notes:

2. Only allowed where a single-family dwelling is first approved.
3. Only dwellings for teachers or custodial staff, or dwellings clearly accessory to the primary use of the site for agricultural purposes are allowed.
4. Housing is permitted in combined districts that allow housing, such as PF-RSP, PF-RMP, and PF-ARP. Single-family, two-family, and multi-family dwellings are principally permitted only on the Countywide Plan’s Housing Overlay Designation sites.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.14.040 (Special Purpose District Development Standards) for applicable standards.

TABLE 2-9 - ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE DISTRICTS (Continued)

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT		See Requirements and Standards in Section:
	OA Open Area	PF Public Facilities	

TRANSPORTATION AND COMMUNICATIONS USES

Airparks	U	U	
Marinas and harbors	U	—	
Pipelines and utility lines	P	U	
Telecommunications facilities	P	U	22.32.165
Transit stations and terminals	—	U	
Transit stop shelters	P	P	

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.14.040 (Special Purpose District Development Standards) for applicable standards.

22.14.040 – Special Purpose District Development Standards

General Standards – Use of Table. Proposed development within the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in compliance with the development standards in Table 2-10 (Special Purpose District Development Standards).

**TABLE 2-10
SPECIAL PURPOSE DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area	Maximum Residential Density (1)	Minimum Setback Requirements (1)			Height Limit (1)		Maximum FAR (1)
			Front	Sides	Rear	Primary	Accessory	
OA	Not applicable	Not applicable (2)	Not applicable			35 ft.	16 ft.	Not applicable
PF		Not permitted (2)						

Notes:

- (1) Development is subject to Chapter 22.42 (Design Review).
- (2) Dwellings are not permitted in PF districts, except in PF-residential combined districts. Maximum residential density in OA districts is determined through the Design Review process in compliance with Chapter 22.42 (Design Review).

See Article VIII (Development Code Definitions) for definitions of the terms used above.

22.14.050 – Minimum Lot Size “-B” Combining District

- A. Purpose.** The Minimum Lot Size “-B” combining district is intended to establish lot area, setback, height, and floor area ratio (FAR) requirements for new development that are different from those normally applied by the primary zoning district applicable to a site; and to configure new development on existing lots, where desirable because of specific characteristics of the area.
- B. Development standards.** Where the B combining district is applied, the minimum lot area, setback, height, and floor area ratio standards in Table 2-11 (B Combining District Development Standards) shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan’s PD_AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services, as long as the development complies with the California Environmental Quality Act and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.

**TABLE 2-11
B COMBINING DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Height Limit (3)		Maximum FAR (4, 5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres	30 ft.	20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.30.050 (Sleepy Hollow Community Standards)						
BLV	See Section 22.30.040 (Lucas Valley Community Standards)						
SGV	See Section 22.30.045 (San Geronimo Valley Community Standards)						

Notes:

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Single-family dwellings over 30 feet in height require Design Review approval in compliance with Chapter 22.42 (Design Review), and single-family dwellings over 35 feet in height require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances).
- (4) Single-family dwellings that contain over 3,500 square feet of floor area require Design Review approval in compliance with Chapter 22.42 (Design Review).
- (5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.

See Article VIII (Development Code Definitions) for development standard definitions.

22.14.060 – Bayfront Conservation (-BFC) Combining District

- A. Purpose.** The Bayfront Conservation (-BFC) combining district is intended to regulate land and water uses, to:
1. Prevent destruction or deterioration of habitat and environmental quality;
 2. Prevent further loss of public access to and enjoyment of the bayfront;
 3. Preserve or establish view corridors to the bayfront;
 4. Ensure that potential hazards associated with development do not endanger public health and safety; and
 5. Maintain options for further restoration of former tidal marshlands.
- B. Application of combining district.** The -BFC district may only be combined with the following zoning districts established by Section 22.06.020 (Zoning Districts Established):
1. A (Agriculture and Conservation);
 2. ARP (Agricultural, Residential Planned);
 3. RSP (Residential, Single-Family Planned);
 4. RMP (Residential, Multiple Planned);
 5. RX (Residential, Mobile Home Park);
 6. RF (Residential, Floating Home Marina);
 7. RMPC (Residential/Commercial Multiple Planned);
 8. CP (Planned Commercial);
 9. OP (Planned Office);
 10. RCR (Resort and Commercial Recreation); and
 11. IP (Industrial, Planned).
- C. Environmental assessment.** Before the filing of a development application for undeveloped, agricultural or redevelopment lands within the -BFC combining district, an environmental assessment shall be prepared in consultation with the County to determine the development capability and physical and policy constraints of land and water areas. A composite definition of the appropriate subzone(s) and map delineation for the parcel proposed for development shall be based upon the findings, conclusions and recommendations of the environmental assessment. Thus, a range of appropriate permitted and/or conditional uses and specific regulations for siting and design of development on the site can be identified.

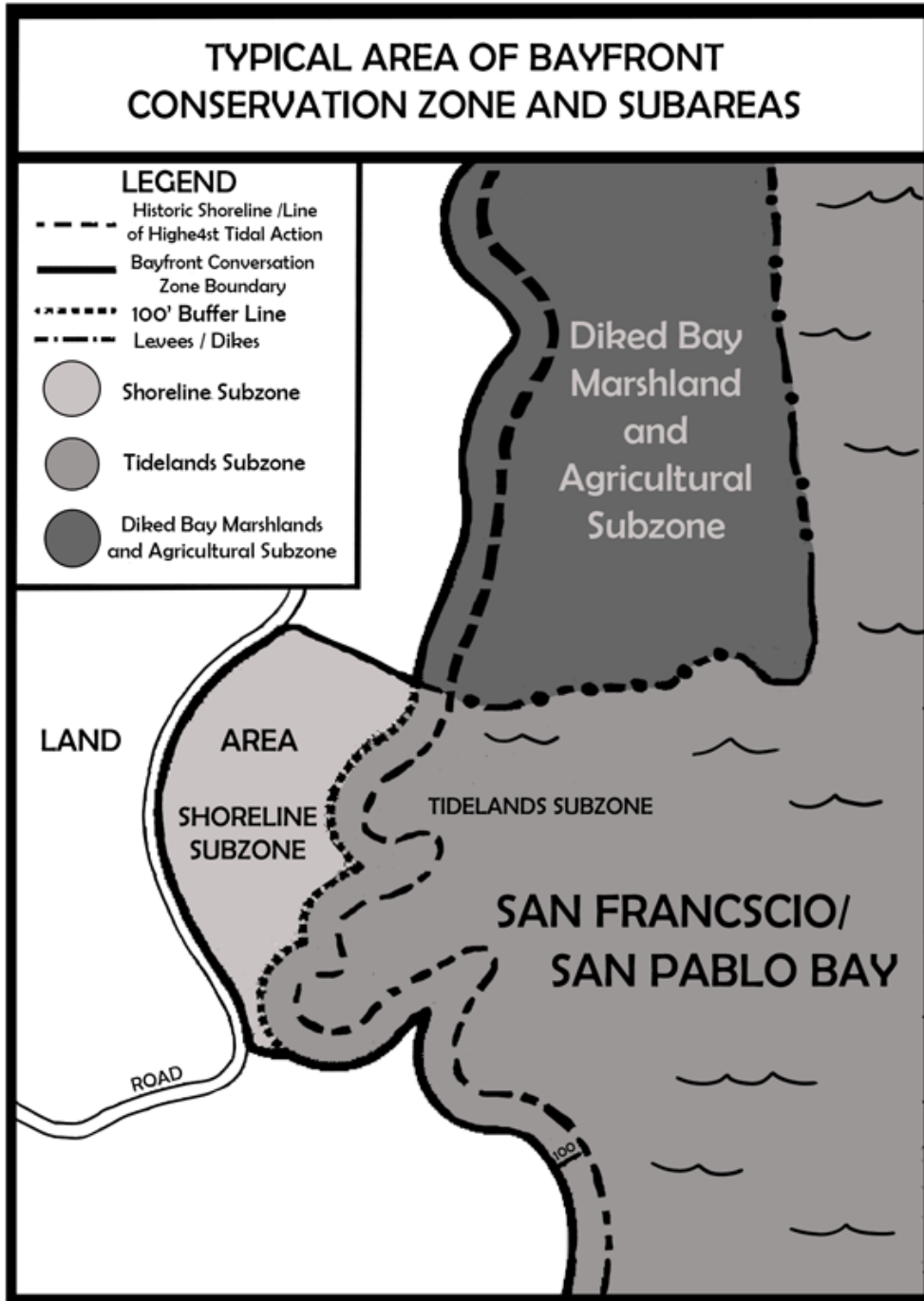
The use of an environmental assessment is intended to provide the highest degree of environmental protection while permitting reasonable development of sensitive land and water areas consistent with the goals, objectives and policies contained within the Marin Countywide Plan.

- D. Waiver of environmental assessment.** The requirements for an environmental assessment may be waived in conjunction with the proposed development of one single-family dwelling or other minor projects, or when a project is subject to environmental review. The Director may grant this waiver upon finding that the project conforms to the purpose of the Bayfront Conservation District and that sufficient evidence has been submitted to demonstrate the project's compliance with the design standards contained in this Section.
- E. Combining district subzones.** The Bayfront Conservation Combining District consists of the following three subzones (See Figure 2-1):
1. **Tidelands Subzone.** The tidelands subzone includes all areas subject to tidal action including salt marshes, beaches, rocky shorelines, and mudflats, and all open water areas.

This subzone also includes all the contiguous and adjacent land up to Mean High Tide Line or five feet above Mean Sea Level where tidal marsh is present (as applied by the Bay Conservation and Development Commission (BCDC) in compliance with the McAteer-Petris Act); or the landward dike which circumscribes tidal inflow; or the nearest publicly-maintained road; whichever bounds the largest area of tidal marsh and channels.

This subzone further includes a 100-foot wide band landward on undeveloped land, as measured from the Mean High Tide Line or five feet above Mean Sea Level where marsh is present, within which a flexible buffer could be delineated on a case-by-case basis. The purpose of this subzone is to define areas that should be left in their natural state because of their biological importance to the estuarine ecosystem.

**FIGURE 2-1
BAYFRONT CONSERVATION COMBINING DISTRICT SUBZONES**



2. **Diked Bay Marshland and Agricultural Subzone.** (Mapped as "modified wetland.") The diked bay marshlands and agricultural subzone includes all historic bay marshlands (as determined by Nicholas and Wright (1971)). These former marshlands have been diked off from tidal action, and in many cases, filled or partially filled and/or converted to agricultural uses, airports, urban development, and in a few instances lagoons with residences.

This subzone defines areas with similar subsurface or surface conditions; areas which are close to and functionally related to tidal lands; areas in which it is possible to foster the continuation of agriculture; or, if that ceases, to consider the feasibility of returning undeveloped, unfilled former marshes to a more productive wildlife habitat by restoration or leaving as open space for inland marsh migration with sea level rise. This subzone includes a 100-foot wide band landward on undeveloped lands, within which a flexible buffer can be delineated on a case-by-case basis.

3. **Shoreline Subzone.** The shoreline subzone includes a few shoreline areas where main public thoroughfares (Highway 101, Paradise Drive, San Pedro Road, etc.) follow the coastline and promote visual access to the bay. The subzone extends from the bayside of the roadway to the tidelands subzone. This subzone defines a viewshed and promotes conservation of coastal habitats such as bluff vegetation and wildlife nesting/resting areas.

F. Design guidelines.

1. Habitats:

- a. Development should not encroach into wetlands and sensitive wildlife habitats, limit normal range areas, create barriers which cut off access to food, water or shelter, or cause damage to fisheries or fish habitats. Buffer zones between development and identified or potential wetland areas should be provided. Access to environmentally sensitive marshland and adjacent habitat should be restricted, especially during spawning and nesting seasons.
- b. Buffers between wetland habitat and developed uses should be 100 feet minimum width, determined by: biological (habitat) significance; sensitivity of habitats or particular species; presence of threatened or endangered species; susceptibility of adjacent site to erosion and flooding from sea level rise; topography and configuration of wetland areas; space required for marsh migration with sea level rise; and type and scale of development proposed. Existing man-made features (e.g., roads and dikes) are useful buffers.
- c. Proposed development should be designed to minimize removal of vegetation, which is important for soil stabilization, increasing recharge, and providing wildlife habitat. Areas which must be cleared of vegetation should be restored with plantings of native and other non-competing species, where revegetation is determined to be environmentally desirable. Exotic species which are considered invasive and which displace native species should be removed. Evaluation of vegetation to be removed and restored will be done on a case-by-case basis.
- d. Freshwater habitats in the Bayfront Conservation Combining District should be preserved and/or expanded so that the circulation, distribution, and flow of the fresh water supply is facilitated. These habitats are found along freshwater streams and small former marshes.

2. Access and recreation:

- a. Public access should be sited and designed to facilitate public use and enjoyment of the bayfront lands. Public areas should be clearly marked, and continuous 10-foot wide pedestrian easements from the nearest roads to the shoreline and along the

shoreline should be provided. Public access areas should be designed to minimize possible conflicts between public and private uses on the properties. Walkways should generally be set back at least 10 feet from any proposed structure.

- b. Within the Bayfront Conservation Zone, provisions should be made for recreational development and access to the shoreline marshes for such uses as fishing, boating, hunting, picnicking, hiking and nature study. There should be provisions for both separated wildlife preserve and more intensively used recreational uses along the bayfront.

3. Buildings:

- a. Design and spacing of structures should permit visual access to shoreline areas. Buildings should be clustered to allow bay views from streets and, where appropriate, to allow for animal movement corridors from uplands to marshes. Building design should be low profile.
- b. Public activity centers where outdoor human activity is expected should be set back at least 100 feet from the marsh edge (i.e., from the edge of either a defined wetland (diked bay marshland subzone), or in the adjacent tidelands subzone). This includes theaters, restaurants, schools, commercial uses, office uses and similar uses.
- c. Buildings or structures that are constructed in designated flood zones shall comply with the minimum development standards for identified flood plain areas as established in Title 23, Section 23.09 of the County Code.

4. Utilities. All new utility distribution lines shall be placed underground.

5. Environmental quality:

- a. The County may, upon consultation with Regional, State, and Federal Agencies, require off-site as well as on-site mitigation measures in order to eliminate or reduce adverse environmental impacts as a result of any proposed development.
- b. Development shall occur in a manner which minimizes the impact of earth disturbance, erosion, water pollution, and disruption of wildlife habitat.
- c. The development of jetties, piers and outfalls should not alter the movement patterns of the bay's tides and currents such that significant adverse impacts would result.

6. Diking, filling and dredging. The County shall prohibit diking, filling or dredging in areas subject to tidal action (Tidelands subzone) unless the area is already developed and currently being dredged. Current dredging operations for maintenance purposes may continue subject to environmental review, if necessary. In some cases, exceptions to the prohibition of diking, filling, and dredging may be made for areas that are isolated, limited in productivity, or where filling is necessary to sustain marsh habitat or use natural approaches for shoreline protection against rising sea level. In tidal areas, only land uses which are water-dependent shall be permitted, consistent with Regional, State, and Federal policy. These include ports, water-related industry and utilities, essential water conveyance, wildlife refuge, and water-oriented recreation.

Exceptions to the prohibition of diking, filling, and dredging may be granted for emergency or precautionary measures in the public interest (e.g., protection from flood or other natural hazards). Removal of vegetation shall be discouraged. Alteration of hydrology should only be allowed when it can be demonstrated that the impact will be beneficial or non-existent.

7. Aesthetic and scenic quality:

- a. The County shall ensure protection of visual access to the bayfront and scenic vistas of water and distinct shorelines through appropriate siting and design of development.
- b. In particular, waterfront development should be sited and designed to permit open views in optimal locations for public enjoyment of bayfront lands.

8. Protection from geologic, flooding and other hazards:

- a. Any development proposed for lands within the -BFC combining district shall be consistent with policies of the Environmental Hazards Element of the Countywide Plan. Proposed development should not occur in areas which pose hazards, including differential settlement, slope instability, liquefaction, ground shaking and rupture, tsunami, flooding, or other ground failures.
- b. Areas underlain by deposits of "young muds" should be reserved for water-related recreational uses, habitat, and open space. Limited development may be allowed subject to the approval of the U.S. Army Corps of Engineers and other trustee agencies.
- c. Development proposed on bayfront lands with soil conditions that are unsuitable for construction, or experience seismic activity, should be designed to minimize earth disturbance, erosion, flooding, water pollution, and other hazards to public safety, or flooding.

9. Agricultural uses:

- a. Agricultural activities should minimize removal of natural vegetation where possible.
- b. Use of pesticides, insecticides, etc. should comply with existing State and Federal standards.

Development shall be sited and designed to preserve and protect existing agricultural lands in the Bayfront Conservation Zone.

10. Sea Level Rise:

- a. The following provisions apply to new development in the BFC district where the development would be located in areas up to the 3.3-foot sea level rise inundation area depicted in Countywide Plan, Safety Element Map 2-19:
 - i. New buildings shall be located in suitable upland areas less susceptible to the effects of sea level rise.

- ii. The lowest habitable floor area of new buildings shall be elevated at least three feet above the Base Flood Elevation, unless there are other site-specific factors that make this elevation infeasible.
- iii. New hardscape shoreline protection improvements are only allowed when nature-based shoreline protection improvements and hybrid (i.e. nature-based with hard shoreline protection) improvements have been demonstrated to be infeasible.
- iv. Prior to the development of new buildings in this area, the property owner shall record a deed restriction against the subject property in which the property owner acknowledges and agrees, on behalf of themselves and successors and assigns that:
 - 1) The property is subject to sea level rise hazards, including but not limited to flooding, bluff and shoreline erosion;
 - 2) Property owner acknowledges and assumes responsibility for the risks of potential damage or injury at the property caused by sea level rise; and explicitly waives, and releases the County from, any claim against the County regarding such damage or injury, including any claim for injunctive or other equitable relief, personal injury, property damage, and/or inverse condemnation;
 - 3) Property owner acknowledges that sea level rise may also potentially damage public infrastructure that provides benefits to members of the public, including the property owner, and that it may not be in the public interest for the County to repair and/or replace such infrastructure in the future. Property owner further acknowledges that such damage, and/or the County's decision not to repair and/or replace such infrastructure following such damage, may render the property uninhabitable. Property owner explicitly waives, and releases County from, any claim against the County regarding such damage to, or decision not to repair and/or replace, public infrastructure; and/or such uninhabitability;
 - 4) Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; and
 - 5) Property owner will bear all responsibility for demolishing and removing structures damaged by the effects of sea level rise and deemed by the Marin County Building Official as substandard and/or unsafe pursuant to the Marin County Building Code.

22.14.070 – Primary Floodway (F-1) District

- A. Purpose.** The Primary Floodway (F-1) combining district is intended to insure that life and property will be protected within designated floodways and to prevent increased flooding due to random and uncontrolled development which will impede passage of ultimate floodwaters.
- B. Application of combining district.** The –F-1 district shall apply to those lands within a primary floodway and shall consist of the channel of a watercourse and that portion of the adjoining floodplain which is reasonably required to provide for the passage of floodwaters of the watercourse. The F-1 district may be combined with any zoning districts established by

Section 22.06.020 (Zoning Districts Established) and their companion coastal zones established by Article V.

- C. **Prohibited Uses.** No buildings or structures shall be constructed within an F-1 district. No dredging, filling or levee or dike construction shall be permitted in an F-1 district if it will tend to increase the water surface level or impede the flow of water.
- D. **Permitted Uses.** Actual uses existing at the time of the adoption of an F-1 district for a specific area shall be permitted and shall be treated as nonconforming uses according to Chapter 22.112 (Nonconforming Structures, Uses, and Parcels). Nothing herein shall prohibit placing one floating boat dock on each legal lot of record that existed at the time the F-1 district was created.

22.14.080 – Secondary Floodway (F-2) District

- A. **Purpose.** The Secondary Floodway (F-2) combining district is intended to insure that life and property will be protected within secondary floodways and to prevent increased flooding due to random and uncontrolled development which will impede the capacity of secondary floodplains to receive overflow flood waters.
- B. **Application of combining district.** The –F-2 district shall apply to those lands within the portion of a natural floodway between the limits of the primary floodway, and the limits of the floodplain where inundation may occur. The F-2 district may only be combined with any zoning districts established by Section 22.06.020 (Zoning Districts Established) and their companion coastal zones established by Article V (Coastal Zones – Permit Requirements and Development Standards).
- C. **Permitted Uses.** Those uses authorized by the governing zoning district may be permitted on lands within an F-2 district subject to the established design standards.
- D. **Design Standards.**
 1. No buildings, structures, levee, dike, fill, or any other activity shall be permitted within an F-2 district, if it would reduce the ponding area and capacity of any parcel of land within the F-2 district.
 2. Buildings, structures, levees, dikes, fill and other activity may be permitted in an F-2 district provided the following findings are made:
 - a. The improvement is located within an encroachment area specified at the time the F-2 district was established, or would not reduce the ponding capacity of the site by the percentage specified at the time the F-2 district was established. The remaining land area shall be dedicated as a ponding area to absorb overflow from the primary floodway.
 - b. Prior to performing any activity in an F-2 district, the property owner shall enter into an agreement with the County, the Marin County Flood Control and Water Conservation District, or other appropriate public agency. The agreement shall include the following provisions:

- i. The remaining area or percentage of the parcel shall be subject to ponding and overflow;
 - ii. Lands within any F-1 district included in the property involved shall be dedicated to the County, the Marin County Flood Control and Water Conservation District, or other appropriate public agency;
 - iii. Drainage improvements which will enable the remaining area or percentage to serve as a ponding and overflow area shall be constructed by the property owner;
 - iv. A bond may be required to guarantee performance of the agreement;
 - v. Other provisions reasonably required to fulfill the purposes of the F-1 and F-2 district may be imposed;
- c. Full use of the entire parcel shall be permitted only at such time as both of the following conditions are met:
- i. Ultimate flood control channel improvements specified at the time the F-2 district was adopted are constructed through the parcel or parcels being developed. Alternative methods of providing flood control facilities may be approved by the County, the Marin County Flood Control and Water Conservation District, or other appropriate public agency provided they provide equal capacity to that of the ultimate flood control channel improvements adopted at the time the F-2 district was created; and
 - ii. The ultimate flood control channel section is constructed from the parcel to be developed, downstream to the mouth of the primary floodway.

22.14.090 – Housing Overlay Designation (HOD) Combining District

- A. Purpose.** The HOD combining district allows housing development at a density described in table 2-12 below and offers ministerial review for housing development projects. The combining district is supplemental to the underlying zoning, which remains unchanged. This approach allows compact development and encourages housing on key sites.
- B. Applicability.** This chapter shall apply to housing development projects on all properties identified in table 2-12 below.
- C. Allowable Uses.** Housing development projects are permitted ministerially in an HOD combining district through application of the Form Based combining district, Form Based Code, and Housing Development Regulation Compliance Review. Other types of projects are subject to the requirements of the land use tables for the underlying zoning district.
- D. Ministerial Review:** The Form Based combining district may be applied to housing development projects on any HOD site. Housing development projects under the Form Based combining district are subject to a Housing Development Regulation Compliance Review and must conform with the standards of the Form Based Code as specified in Section 22.14.100.
- E. Location, Density, and Development Standards.** The HOD combining district applies to the sites listed in table 2-12 below, which also specifies the required transect zones that must be applied under the Form Based Code, and the maximum density and number of primary dwelling units for the acreage under the HOD district on the site. While a specific minimum number of

units is not required on an HOD site, housing development projects on HOD sites must be clustered to achieve at least the minimum residential density per acre required by Table 2-12.

**TABLE 2-12
HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
Alto-Strawberry						
North Knoll Rd/Saint Thomas Dr	034-012-26	70 N Knoll Rd., Strawberry	T3, T4	RMP-0.2:HOD	16 units per acre.	59
	034-061-09				Limited to 3.7 acres.	
Pan Pac Ocean Site	034-012-21	Eagle Rock Rd., Strawberry	T4	RMP-0.1:HOD	2 units per acre.	32
	034-012-27			RMP-0.2:HOD		
	034-012-28			RMP-0.1:HOD		
	034-012-29			RMP-0.2:HOD		
Strawberry Commercial	043-151-02	664 Redwood Hwy Frontage Rd., Strawberry	T4	H1:HOD	30 units per acre.	60
	043-151-03				Limited to 2.0 acres.	
	043-151-09					
	043-151-31					
Strawberry Recreation District Site	043-361-54	Redwood Hwy Frontage Rd., Strawberry	T3	RMP-12.1: HOD	20 units per acre. Limited to 2.3 acres.	46
Strawberry Village Center	043-151-30	750 Redwood Hwy Frontage Rd., Strawberry	T4	RMPC:HOD	30 units per acre. Limited to 3.3 acres.	100
	043-321-03					
Fairfax						
Oak Manor Commercial Center	174-011-33	2400/2410 Sir Francis Drake Blvd., Unincorporated Fairfax	T3, T4	C1:HOD	23 units per acre.	36
	174-011-36					

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
Kentfield						
College of Marin Parking Lot	074-031-56	Sir Francis Drake Blvd., Kentfield	T4	RMPC:HOD	30 unit per acre.	25
	074-031-58					
	074-031-60					
	074-181-18					
	074-092-17					
	071-132-11					
	071-132-12					
Kentfield Commercial Underutilized	074-031-39	Sir Francis Drake Blvd., Kentfield	T4	RMPC:HOD	30 unit per acre.	71
	074-031-45					
	074-031-54					
	074-031-61					
	074-031-63					
	074-031-65					
	074-031-68					
	074-031-69					
	074-031-74					
	074-031-75					
	074-031-77					
Sloat Garden Center	071-191-47	700 Sir Francis Drake Blvd., Kentfield	T4	R1:HOD	30 unit per acre.	31
	071-191-48					
25 Bayview Rd	022-071-01	25 Bayview Rd., Kentfield	T3	RMP-6:HOD	8 units per acre.	3
St. Sebastian Catholic Church (Kentfield Catholic Church)	022-010-21	215 Bon Air Rd., Kentfield	T3, T4	R1-B2:HOD	10 units per acre. Limited to 1.4 acres.	14

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
Marinwood/Lucas Valley						
Lucas Valley Environs Vacant	164-280-35	1501 Lucas Valley Rd., Lucas Valley	T3	A-60:HOD	15 units per acre. limited to 1.7 acres.	26
Marin County Juvenile Hall	164-640-01	2 Jeannette Prandi Way, Lucas Valley	T3, T4	PF:HOD	30 units per acre. Limited to 2.7 acres.	80
Marinwood Plaza	164-471-64	121 Marinwood Ave., Marinwood	T4, T5	CP:HOD	30 units per acre. Limited to 4.0 acres.	125
	164-471-65					
	164-471-69					
	164-471-70					
Miller Creek School District Properties (Marinwood Plaza adjacent)	164-471-71	Marinwood Ave., Marinwood	T4, T5	CP:HOD	30 units per acre.	10
	164-471-72					
Office Building (Across From Juvenile Hall)	164-481-10	7 Mt. Lassen Dr., Lucas Valley	T3, T4	CP:HOD	25 units per acre.	58
St. Vincent's	155-011-28	1 St. Vincent Dr., Santa Venetia	T3, T4	A2:HOD	20 units per acre. Limited to 34.0 acres.	680
	155-011-29					
	155-011-30					

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
Marin City						
Cornerstone Community Church of God	052-140-38	626 Drake Ave., Marin City	T3, T4	RMPC:HOD	5 units per acre.	4
Donahue Highlands (formerly LiBao)	052-140-33	Off Donohue St., Marin City	T3, T4	RMP-0.5:HOD	n/a	25
Marin Gateway Center	052-490-08	190 A Donahue St., Marin City	T4, T5	CP:HOD	20 units per acre. Limited to 5.0 acres.	100
MLK Academy School	052-140-39	200 Phillips Dr., Marin City	T4	PF:HOD	11 units per acre. Limited to 6.0 acres.	63
Village Baptist Church (825 Drake)	052-112-03	825 Drake Avenue	T4	RMP-34: HOD	n/a	74
Nicasio						
Nicasio Corp Yard - County	121-050-34	Nicasio Valley Rd., Nicasio	T3	ARP-60:HOD	20 units per acre. Limited to 0.8 acres.	16
Novato (Unincorporated)						
Atherton Corridor	143-101-17	Atherton Ave., Novato	T3	A2-B4:HOD	20 units per acre. Limited to 1.95 acres.	147
	143-101-20			A2-B4:HOD	20 units per acre. Limited to 1.8 acres.	
	143-101-35			A2-B4:HOD	20 units per acre. Limited to 1.8 acres.	
	143-101-37			A2-B4:HOD	20 units per acre. Limited to 1.8 acres.	
Black Point (Vacant)	143-110-31	300 Olive Ave., Black Point	T3	ARP-2:HOD	4 units per acre. Limited to 14.5 acres.	58
Buck Center Vacant Property	125-180-79	Redwood Hwy, Black Point	T3, T4	A-60:HOD	20 units per acre. Limited to 12.5 acres.	249
	125-180-85			A-60:HOD		
Greenpoint Nursery	153-190-24	275 Olive Ave., Black Point	T3	ARP-60:HOD	15 units per acre. Limited to 3.5 acres.	53

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
San Rafael (Unincorporated)						
Bernard Osher Marin Jewish Community Center (includes Congregation Rodef Shalom site)	180-281-21	200 N San Pedro Rd., Santa Venetia	T3, T4	A2-B2:HOD	30 units per acre. Limited to 1.6 acres	49
	180-281-25			AP:HOD		
	180-281-35			A2-B2:HOD		
	180-281-34			A2-B2:HOD		
Cal Park	018-074-16	Woodland Ave., Unincorporated San Rafael	T3, T4	RSP-4: HOD	30 units per acre. Limited to 3.7 acres	110
	018-081-04					
	018-082-12					
	018-082-13					
	018-083-01					
	018-083-09					
	018-084-12					
	018-085-23					
	018-075-28					
	018-086-18					
018-086-17						
Church of Jesus Christ	180-272-03	220 N San Pedro Rd., Santa Venetia	T3, T4	C-RA-B2:HOD	30 units per acre. Limited to 1.2 acres.	35
McPhail School	180-151-18	1565 Vendola Dr., Santa Venetia	T3	PF-RSP.4.36:HOD	30 units per acre. Limited to 1.1 acres	33
	180-161-09			PF-RSP.4.36:HOD		
	180-161-10			PF-RSP.4.36:HOD		
Old Gallinas Children Center	180-123-01	251 N San Pedro Rd., Santa Venetia	T3, T4	PF-RSP.5.8	30 units per acre. Limited to 1.7 acres.	50
Santa Venetia Vacant	180-171-32	N San Pedro Rd., Santa Venetia	T3	A2-B2:HOD	2 units per acre. Limited to 1.0 acre.	2
San Quentin Adjacent Vacant Property	018-152-12	E Sir Francis Drake Blvd., San Quentin	T3, T4, T5	A2-B2:HOD	30 unit per acre.	230
Vacant Bayhills Dr	180-333-01	50 Bayhills Dr., Santa Venetia	T3	RMP-1:HOD	4 units per acre.	5

Special Purpose and Combining Districts

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Vacant Santa Venetia	179-332-19	Edgehill Way, Santa Venetia	T3	R1:HOD	3 units per acre.	3
Outnumbered2, LLC	180-261-10	Oxford Dr., Santa Venetia	T3	A2-B2:HOD	3-7 units per acre.	4

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
San Geronimo Valley						
Office - Forest Knolls (Upper Floors)	168-141-12	6900 Sir Francis Drake Blvd., Forest Knolls	T3, T4	VCR:HOD	20 units per acre.	2
Office - Lagunitas (Upper Floors and Rear Prop)	168-175-06	7120 Sir Francis Drake Blvd., Lagunitas	T3, T4	H1:HOD	20 units per acre. Limited to 1.5 acres.	30
	168-192-28			CP:HOD		
Presbyterian Church San Geronimo	169-101-21	6001 Sir Francis Drake Blvd., San Geronimo	T3, T4	R1-B2:HOD	13 units per acre. Limited to 1.2 acres.	15
Saint Cecilia Church	168-183-04	428 W. Cintura, Lagunitas	T3, T4	R1-B3:HOD	20 unit per acre.	16
Woodacre Fire Station	172-104-02	33 Castle Rock	T3, T4	R1-B2:HOD	4 units per acre	10
	172-111-01					
	172-111-02					
6760 Sir Francis Drake Boulevard	168-131-04	6760 Sir Francis Drake Blvd., Forest Knolls	T3, T4	RA-B4:HOD	11 units per acre. Limited to .75 acres.	8

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
Sleepy Hollow						
Karuna	177-220-10	1 Sacramento Ave., Sleepy Hollow	T3	RMP-1.0:HOD	10 units per acre.	10
San Domenico School	176-300-30	1500 Butterfield Rd., Sleepy Hollow	T3, T4	RMP-0.1:HOD	30 units per acre. Limited to 1.7 acres.	50
Subud California	177-202-08	100 Sacramento Ave., Sleepy Hollow	T3	RMP-0.1:HOD	2 units per acre.	4
Sacramento/San Anselmo Properties	177-203-03	Sacramento Ave./San Francisco Blvd., Sleepy Hollow	T3, T4	R1:HOD	30 units per acre. Limited to 2.1 acres.	64
	177-203-04					
	177-203-09					
	177-220-41					
Woodacre Fire Station	172-104-02	33 Castle Rock, Woodacre	T3, T4	R1-B2:HOD	4 units per acre.	10
	172-111-01					
	172-111-02					

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
Tamalpais Valley						
Holiday Inn Mill Valley	052-371-09	160 Shoreline Hwy, Tamalpais	T3, T4	CP:HOD	30 units per acre. Limited to 2.4 acres.	72
Jack Krystal Hotel Parcel Site	052-227-09	260 Redwood Hwy Frontage Rd., Almonte	T4	BFC-RCR:HOD	30 units per acre. Limited to 1.2 acres.	36
Peace Lutheran Church	052-062-05	205 Tennessee Valley Rd.	T3, T4	RA-B1:HOD	20 units per acre. Limited to 1 acre	20
Shoreline Unified School District	102-080-19	State Route 1, Tomales	T3, T4	C-RSP-1.6:HOD	20 units per acre.	44
	102-080-20					
Tam Junction State Vacant Lot	052-041-27	Shoreline Hwy, Tamalpais	T3, T4	RMP-12.45:HOD	30 units per acre.	12

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
West Marin (Coastal)						
Olema Catholic Church	166-181-01	10189 State Route 1, Olema	T3, T4	C-VCR:HOD	20 units per acre. Limited to 1.0 acre.	20
Olema Underutilized	166-202-01	10002 State Route 1, Olema	T3, T4	C-VCR:HOD	10 units per acre.	36
	166-202-04					
	166-213-01					
	166-213-02					
Pt. Reyes Coast Guard Rehabilitation/Conversion	119-240-73	100 Commodore Webster Dr., Point Reyes Station	T3, T4	C-OA:HOD	Limited to 5.0 acres.	50
Pt. Reyes County Vacant Site	119-260-03	9 Giacomini Rd., Point Reyes Station	T3, T4	C-RMPC:HOD	20 units per acre. Limited to 1.9 acres.	37
	119-270-12			C-RMPC:HOD		
Pt. Reyes Grandi Building/Site	119-234-01	54 B St., Point Reyes Station	T3, T4, T5	C-VCR-B2:HOD	20 units per acre. Limited to 1.1 acres.	21
Presbytery of the Redwoods	119-202-05	11445 State Route 1, Point Reyes Station	T3	C-RA-B3:HOD	15 units per acre. Limited to 0.2 acres.	3
Pt. Reyes Village	119-222-08	60 Fifth St., Point Reyes Station	T3, T4	C-VCR-B2:HOD	20 units per acre. Limited to 0.85 acres.	17
Pt. Reyes Village Red/Green Barn	119-198-04	520 Mesa Rd., Point Reyes Station	T3, T4	C-VCR-B2:HOD	20 units per acre. Limited to 1.2 acres.	24
	119-198-05			C-VCR-B2:HOD		
Pt. Reyes Station (vacant)	119-203-01	Mesa Rd., Point Reyes Station	T3	C-VCR-B2:HOD	20 units per acre.	4
	119-203-03			C-VCR-B2:HOD		

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) ¹	HOD Combining District Zoning	Density Designation	Maximum Units
West Marin (Coastal)						
Shoreline Unified School District	102-080-19	State Route 1	T3, T4	C-RSP-1.6:HOD	20 units per acre	44
	102-080-20					
Stinson Beach Commercial	195-193-35	3422 State Route 1, Stinson Beach	T3, T4	C-VCR:HOD	16 units per acre.	5
Stinson Beach Commercial Center Vacant	195-211-05	10 Willow Ave., Stinson Beach	T3	C-R1:HOD	10 units per acre. Limited to .5 acres.	5
Stinson Beach Underutilized Residential	195-193-15	128 Calle Del Mar, Stinson Beach	T3	C-R1:HOD	10 units per acre.	3
	195-193-18	129 Calle Del Mar, Stinson Beach	T3, T4	C-R1:HOD		
Tomales Catholic Church	102-080-23	26825 State Route 1, Tomales	T3	C-VCR-B1:HOD	7 units per acre.	13
Tomales Joint Union High School District	102-080-10	State Route 1, Tomales	T3, T4	C-RSP-1.6:HOD	20 units per acre.	14
Tomales Nursery	102-051-08	200 Valley Ave., Tomales	T3	C-VCR-B1:HOD	10 units per acre.	6
	102-051-09					
Tomales	102-051-07	John St., Tomales	T3, T4	C-VCR-B1:HOD	10 units per acre.	11
	102-075-09					
Tamales (Vacant)	102-041-44	Shoreline Hwy/ Dillon Beach Rd., Tomales	T3	C-RSP-7.26:HOD:HOD	3 units per acre	30
	102-062-03			C-RSP-7.26	7 units per acre	
	102-062-04			C-VCR-B1:HOD	20 units per acre	
	102-075-02			C-VCR-B1:HOD		
	102-075-06			C-VCR-B1:HOD		
	102-075-07			C-VCR-B1:HOD		

. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

22.14.100 – Form Based (FB) Combining District

- A. Purpose.** The Form Based (FB) combining district is intended to provide objective design standards for multi-family housing development projects that qualify for ministerial review. The combining district is supplemental to the underlying zoning, which remains unchanged. This section incorporates by reference the Marin County Form Based Code in its entirety.
- B. Application of combining district.** The FB combining district shall apply to the new development of at least five primary residential dwelling units on either of the following:
1. Sites of residential or mixed use projects subject to Senate Bill 35 or any other State legislation that mandates ministerial review of housing development projects.
 2. Sites of residential or mixed use projects within the Housing Overlay Designation (HOD) area. However, in this instance a property owner may choose to rely on the underlying zoning district standards, subject to any discretionary requirements, instead of applying the FB district.

The FB district shall not be applied to floating home marinas or mobile home parks.

- C. Allowable Uses.** Allowable uses are governed by the underlying zoning district and application of the FB combining district shall have no effect on the allowable uses on a property.
- D. Density.** At least five new primary dwelling units shall be created by a project subject to the FB combining district. The project shall result in at least the number of units on the property necessary to reach the minimum number of units established in the density range of the Countywide Plan Land Use Designation, or the residential density per acre specified by the HOD, as applicable.
- E. Design Standards.** New development shall comply with the provisions of the Marin County Form Based Code, which supersedes all other design standards in this Development Code. Development on those properties within an HOD area shall be subject to the specific transect zone(s) indicated in the HOD standards.
- F. Deviations.** Deviations from the provisions of the Marin County Form Based Code, as identified in subsection E. above, are subject to Design Review (Chapter 22.42), or the Exceptions process for civil engineering standards (Chapter 24.15) related to parking and access improvements.

CHAPTER 22.16 – DISCRETIONARY DEVELOPMENT STANDARDS

Sections:

- 22.16.010 – Purpose of Chapter
- 22.16.020 – Applicability
- 22.16.030 – General Standards
- 22.16.040 – Additional ARP District Standards

22.16.010 – Purpose of Chapter

This Chapter provides development standards intended to enhance the character and preserve the natural heritage of the area.

22.16.020 – Applicability

The provisions of this Chapter apply to proposed development subject to Master Plan, Design Review, and Site Plan Review, in addition to all other applicable provisions of this Development Code. In the event of any conflict between the provisions of this Chapter and other provisions of this Development Code, this Chapter shall control.

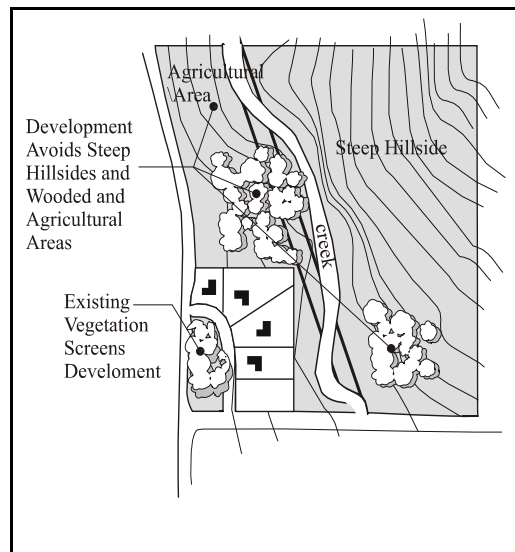
22.16.030 – General Standards

- A. Subdivisions, residential density.** The minimum lot area for new subdivisions, and the maximum density for residential projects within the planned districts, shall be evaluated for consistency with the Marin Countywide Plan and zoning.
- B. Site planning standards.** The minimum setback requirements, floor area ratio, maximum site coverage, height limits, and other development standards, applicable to a site in a planned district, shall be determined through Master Plan (Chapter 22.44), Design Review (Chapter 22.42), Site Plan Review (Chapter 22.52), or Tentative Map (Chapter 22.84), as applicable.
- C. Access:**
 - 1. Roads.** In ridge land areas designated by the Marin Countywide Plan, roads shall be designed to rural standards. (Generally, not more than 18 feet pavement width, depending on safety requirements. A minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvement standards established in compliance with Title 24, Sections 24.04.020 et seq. of the County Code (Roads).) No new roads shall be developed where the required grade is more than 15 percent unless the Review Authority determines that the roads can be built without environmental damage, comply with State fire safety regulations, and be used without public inconvenience.
 - 2. Driveways.** Driveways shall be designed in compliance with Title 24, Sections 24.04.235 et seq. of the County Code (Driveways). Driveway length shall be minimized, consistent with the clustering requirements of following Subsection F.1.

D. Building location:

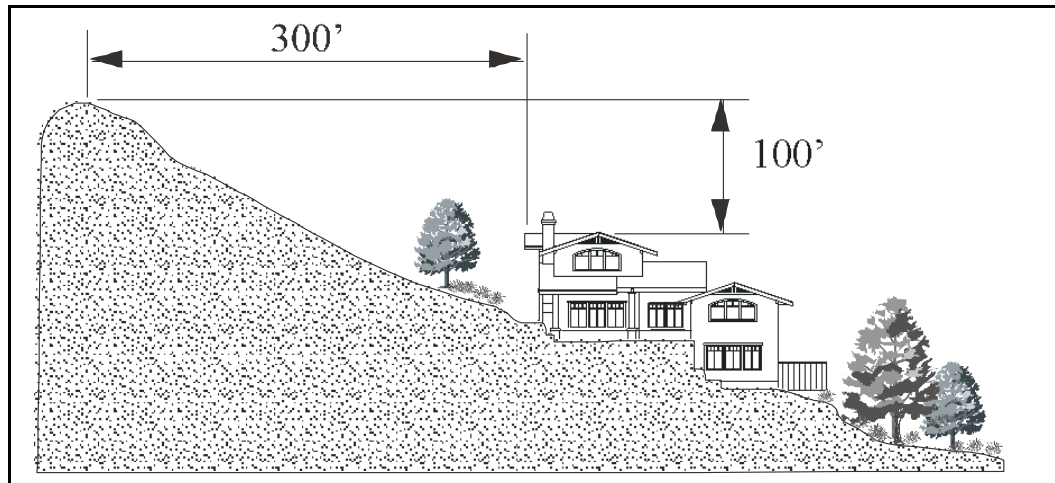
1. **Clustering requirement.** Structures shall be clustered in the most accessible, least visually prominent, and most geologically stable portions of the site, consistent with needs for privacy where multiple residential units are proposed. Clustering is especially important on open grassy hillsides; a greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In agricultural areas, residential development shall be clustered or sited to minimize possible conflicts with existing or possible future agricultural uses.

**FIGURE 2-2
CLUSTERING OF DEVELOPMENT**



2. **Development near ridgelines.** No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site or the lot is located substantially within the ridgeline area as defined herein. If structures must be placed within this restricted area because of site constraints or because siting the development outside of the ridgeline area will result in greater visual or environmental impacts, they shall be in locations that are the least visible from adjacent properties and view corridors.

**FIGURE 2-3
LOCATION OF STRUCTURES NEAR RIDGELINES**



3. **Energy conservation.** Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.
 4. **Noise mitigation.** Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.
- E. Facilities.** Where possible, facilities and design features called for in the Marin Countywide Plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features for bicycle paths to accommodate people with disabilities linked to City-County systems; bicycle parking and related showers and lockers; and facilities for composting and recycling.
- F. Landscaping.** Introduced landscaping should be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans should be prepared in compliance with Chapter 22.26 (Landscaping). Landscaping plans should consider fire protection, solar access, the use of native and drought tolerant plant species and minimal water use. Planting should not block scenic views from adjacent properties or disturb wildlife trails. See also Chapter 22.26 (Landscaping).
- G. Lighting, exterior.** Exterior lighting visible from off-site should be allowed for safety purposes only, shall consist of low-wattage fixtures, and should be directed downward and shielded to prevent adverse lighting impacts on nearby properties, subject to the approval of the Director.
- H. Open space areas.** Project approval may require the preservation of land as open space to protect rural visual character, wildlife habitat, riparian corridors and wetlands.
1. **Open space dedication.** Land to be preserved as open space may be dedicated in fee title to the County or other agency designated by the County before issuance of any

construction permit, or may remain in private ownership with appropriate scenic and/or open space easements/agreements granted to the County in perpetuity. The County may require reasonable public access across those lands remaining in private ownership, consistent with Federal and State law.

2. **Maintenance.** The County or other designated public agency will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Open space lands that remain in private ownership with scenic easements shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain the private open space.
3. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable.

I. **Project design:**

1. **Height limits for structures:**

- a. Thirty feet for primary structures, except that multi-family residential buildings may be increased in height to 40 feet when side yard setbacks of 15 feet or greater are provided.
- b. Sixteen feet for detached accessory structures, except that parking structures may reach a height allowed for the primary structures when they comply with Section 22.20.090.E.2 (Parking structures on steep lots). Further, a detached accessory structure may be constructed to the height allowed for primary structures if the accessory structure is located at least 40 feet from all property lines.
- c. The floor level of the lowest floor shall not exceed 10 feet above natural grade at the lowest corner.
- d. Structures located within the ridgeline areas pursuant to Subsection D.2 above shall be limited to a maximum height of 18 feet.
- e. Where allowed, agricultural structures sited in compliance with the requirements of Section 22.16.030.D.2 (Development near ridgelines) may exceed the above height limits with Design Review approval. See Chapter 22.42 (Design Review).

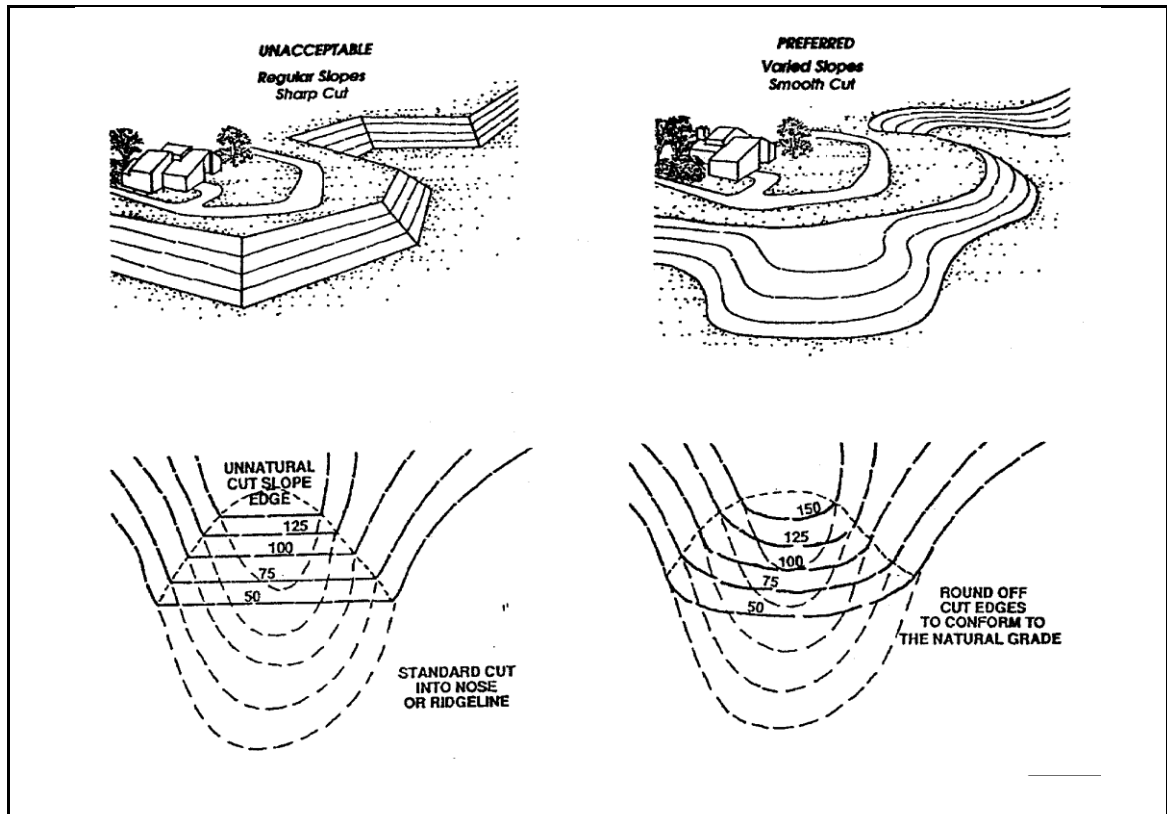
These requirements may be waived by the Director in unusual circumstances resulting from an irregular site characteristic (e.g., location, lot shape/size, topography) where the waiver will not result in a structure that will impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights-of-way.

2. **Materials and colors.** Building materials and colors shall be chosen to blend into the natural environment unobtrusively, to the greatest extent possible.

J. Site preparation.

1. **Grading.** Grading shall occur in compliance with Title 23, Chapter 23.08 (Excavating, Grading and Filling) of the County Code, but shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. See Figure 2-4 (Desirable Grading Practice).
2. **Drainage.** Areas adjacent to creeks shall be maintained in their natural state as much as possible. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.
3. **Trees and vegetation.** Every effort shall be made to avoid tree removal, or changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habitats.

**FIGURE 2-4
DESIRABLE GRADING PRACTICE**



4. **Fire hazards.** Development shall be permitted in areas subject to wildfire threat only where the Review Authority determines there is adequate access for fire and other

emergency vehicles, an adequate water supply, a reliable fire warning system, and fire protection service. Setbacks for firebreaks shall be provided if necessary. Projects shall comply with State fire safe requirements including defensible space and residential construction techniques.

5. **Geologic hazards.** Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the Department of Public Works, based on acceptable soils and geologic reports.
6. **Watershed areas.** All projects within water district watershed areas shall be referred to the affected district for review and comment. Damaging impoundments of water shall be avoided.

K. Utilities. Street lights in ridge land areas shall be of low intensity and low profile. Power and telephone lines shall be undergrounded in all areas, where feasible.

L. Plan consistency. Project approval shall require findings of consistency with the Marin Countywide Plan and any applicable Community Plan that may have more restrictive standards than the preceding provisions of this Section.

22.16.040 – Additional ARP District Standards

The following standards apply to development and new land uses within the ARP zoning district, in addition to the provisions of Section 22.16.030 (Planned District General Standards).

- A. Agricultural and open space uses.** Agricultural uses shall be encouraged in ARP zones.
1. Usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land not presently in production, may be preserved as undeveloped private open space to be made available in the future on a lease basis for compatible agricultural uses. The primary intent shall be to preserve agricultural land not in production for future agricultural uses, not to provide open space/recreational land uses that will interfere with agricultural operations.
 2. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance.
 3. The nature and intensity of large-scale agricultural uses should be described in the form of an agricultural management plan prepared by the landowner or lessee and approved by the County. Management plans should consider intensity of grazing, water runoff protection, chemical and fertilizer use, and separation from existing or proposed residential uses, to preserve agricultural land practices.
 4. In some cases, the County may require reasonable public access across those lands remaining in private ownership. Pedestrian and/or equestrian access shall be provided where consistent with adopted County and coastal plans, where not in conflict with agricultural uses, and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall be required as a condition of plan approval.
- B. Fire protection.** In rural areas, and areas without public water systems, on-site water storage capacity may be required for each single-family dwelling, subject to the requirements of the County Fire Department. In planned or cluster developments, provisions should be made for

common water storage facilities and distribution systems, where feasible. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the County Fire Department.

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CHAPTER 22.20 – GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

Sections:

- 22.20.010 – Purpose of Chapter
- 22.20.020 – Applicability – General Standards
- 22.20.030 – Access Standards
- 22.20.040 – Outdoor Construction Activities
- 22.20.045 – Energy Efficiency
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- 22.20.090 – Setback Requirements and Exceptions
- 22.20.100 – Solid Waste/Recyclable Materials Storage
- 22.20.110 – Undergrounding of Utilities
- 22.20.120 – Accessory Structures

22.20.010 – Purpose of Chapter

The provisions of this Chapter are intended to ensure that the construction of new development and the establishment of new and modified uses contribute to the maintenance of a stable and healthy environment, that new development is harmonious in character with existing and future development and that the use and enjoyment of neighboring properties are protected, as established in the Countywide Plan.

22.20.020 – Applicability – General Standards

- A. The standards of this Chapter shall be considered in combination with the standards for each zoning district in Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards), and any standards established by Chapter 22.30 (Standards for Specific Communities). Where a conflict is perceived, the standards specific to the zoning district or specific community shall override these general standards (e.g., Section 22.30.050 (Sleepy Hollow Community Standards) shall control).
- B. All proposed development and new land uses shall conform with *all* of the standards of this Chapter and any applicable Community and Specific Plan prior to construction, unless specifically exempted by the Director. All uses requiring a discretionary land use permit or entitlement shall comply with any applicable Community and Specific Plan as determined by the review authority.
- C. Development that does not meet the requirements of this Chapter is generally subject to the requirements of Chapter 22.54 (Variances). The Director may modify or waive any one or more of the standards of this Chapter as they may apply to a development, based upon findings consistent with the provisions of this Chapter.

22.20.030 – Access Standards

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement or recorded reciprocal (mutual) access agreement, as determined by the Director. Driveways shall be developed in compliance with the standards contained in Chapter 24.04 (Improvements) of the County Code and applicable fire protection district regulations.

22.20.040 – Outdoor Construction Activities

Outdoor construction activities that require Building Permits shall meet the standards enumerated below in addition to any other requirements imposed by Federal, State, or local agencies.

- A. Construction Signs.** Post a publicly visible sign with the construction supervisor's name, telephone number, and address to contact regarding dust control, noise control, and other complaints about the construction activities. Unless otherwise specified by the conditions of approval for a development project, construction signage shall consist of a single yard sign with a maximum area of six feet and a maximum height of six feet and the sign shall remain on site until the outdoor construction activities are completed.
- B. Landscape Irrigation Efficiency.** During the Building Permit review process for a project that includes landscape irrigation, an applicant shall provide written verification from the local water district to the Community Development Agency that all landscape irrigation complies with the water district's irrigation efficiency requirements or is exempt from those requirements. This requirement applies only at the request of the water district.
- C. Dust and Emission Control.** The following dust and emission control measures shall apply to projects involving ground disturbance that are subject to environmental review:
 - 1. All unpaved exposed surfaces (e.g., parking areas, staging areas, soil piles, and graded areas, and unpaved access roads) shall be watered two times a day.
 - 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - 4. All vehicle speeds on unpaved roads shall be limited to a maximum of 15 miles per hour.
 - 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California of Regulations). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified emissions evaluator.

D. Building verifications. The following verifications shall be required during construction, under the conditions specified below, unless the Director waives or modifies the requirement due to unusual circumstances or conformance with the conditions of approval for a development project.

1. Setback verification is required for setback distances when structural development is located up to or within one foot of the minimum required setback on conventionally zoned properties and when the structural development is located within five feet of a property line, right of way, or access easement on planned district zoned properties. In these cases, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification verify that the project complies with the approved setback distances as shown on the approved building permit plans and submit a written (stamped) Building Setback Certification to the Planning Division.
2. Building height verification is required if the building height is within two feet of the maximum height allowed for projects located on conventionally zoned properties. In these cases, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification submit a written (stamped) building Roof Elevation Certification confirming that the building conforms to the roof ridge elevations that are shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
3. Floor area ratio verification is required if the floor area ratio resulting from a project would be within two percent of the maximum floor area ratio allowed for projects located on conventionally zoned properties. In these cases, the applicant shall submit a written (stamped) building Floor Area Certification from the project surveyor or engineer confirming that the floor area of the building conforms to the floor area that is shown on the approved Building Permit plans.

E. Archaeological, Historical, and Paleontological Resources. In the event that archaeological, historic, or paleontological resources are discovered during any construction, construction activities shall cease, and the Agency shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. The disturbance of an Indian midden may require the issuance of an Excavation Permit by the Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

F. Roosting Bat Protection Measures. For the purposes of protecting roosting bats, outdoor construction activity that involves tree removal in an area where a biological assessment has identified a high probability of roosting bats on site are subject to the requirements enumerated below before and during site preparation and construction activities, unless separate project mitigation measures have been adopted that override these requirements. These standards apply only to tree removal that takes place during the nesting seasons of March 1 and April 15 or between September 1 and October 15.

1. Trees identified as containing suitable roost habitat shall be removed using a two-step process if they are removed during the nesting season. Trees removed during the nesting season shall be felled the first day and left overnight before the felled trees are removed the following day or later.

2. A qualified biologist shall be responsible for overseeing the removal of trees that provide suitable bat habitat and will submit written confirmation to the County verifying that these measures have been undertaken.

G. Nesting Bird Protection Measures (excluding Northern Spotted Owl). For the purposes of protecting nesting birds, outdoor construction activity that involves tree removal, grading, or other site disturbances in an area where a biological assessment has identified a high probability of the presence of nesting birds are subject to the requirements enumerated below before and during site preparation and construction activities, unless separate project mitigation measures have been adopted that override these requirements.

1. Construction activities that may disturb birds shall be conducted outside the nesting season, which generally occurs between February 1 and August 15.
2. If commencing construction activities between August 16 and January 31 is infeasible and ground disturbance or tree removal needs to occur within the nesting season, a pre-construction nesting bird survey of the property shall be conducted by a qualified biologist. If no nesting birds are observed by the biologist, no further action is required, and construction activities shall occur within one week of the survey.
3. If active bird nests are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
4. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude. After the fencing is in place, there will be no restrictions on grading or construction activities outside the prescribed buffer zones, but County staff during routine site inspections may verify that fencing remains in place.
5. Pre-construction surveys will be documented and provided to the County by the qualified biologist. If construction fencing is required, photographs of the fencing, directly after installation, will be submitted to the County.

H. Northern Spotted Owl. For the purposes of protecting Northern Spotted Owls (*Strix occidentalis caurina*), outdoor construction activity that involves tree removal, grading, or other site disturbances in an area where a biological assessment has identified a spotted owl nest within 500 yards of a project are subject to the requirements enumerated below before and during site preparation and construction activities, unless separate project mitigation measures have been adopted that override these requirements.

1. Construction activities that may disturb Northern Spotted Owls shall be conducted outside the nesting season, which occurs between February 1 and July 9.
2. If conducting construction activities between July 10 and January 31 is infeasible and construction or tree removal needs to occur within the nesting season, a pre-construction survey shall first be conducted by a qualified biologist. If no Northern Spotted Owls are observed by the biologist, no further action is required, and construction activities shall occur within one week of the survey.

3. If active bird nests are observed during the pre-construction survey, a disturbance-free buffer zone of 500 yards shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist.
4. To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude.
5. Pre-construction surveys will be documented and provided to the County by the qualified biologist. If construction fencing is required, photographs of the fencing, directly after installation, will be submitted to the County.

22.20.045 – Energy Efficiency

The following standards shall be applied to development projects requiring discretionary permits for the purpose of incorporating efficient and sustainable energy use in the design and/or location of new buildings and structures.

- A. Project design.** The project design includes cost-effective features that foster energy and natural resource conservation while maintaining compatibility with the prevailing architectural character of the area.
- B. Solar access.** Solar access shall be considered through appropriate studies or other information verifying that proposed structures are located and/or designed for solar gain.

The type and extent of energy efficient features shall be consistent with the size and scale of the proposed development and the physical characteristics of the development site.

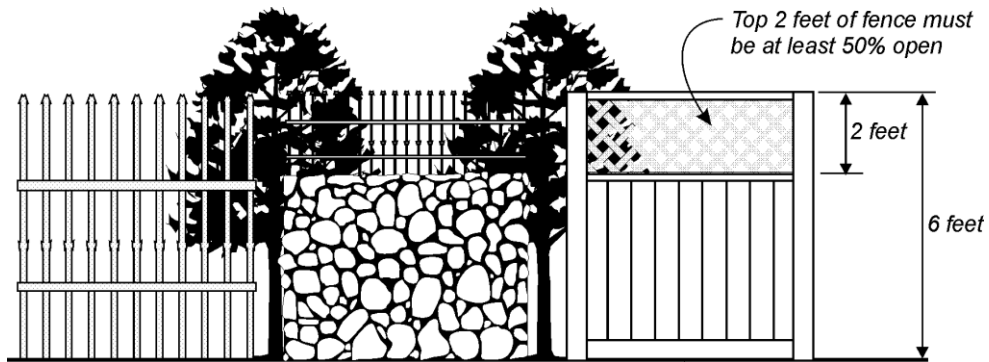
22.20.050 – Fencing and Screening Standards

The following standards shall apply to the installation of all fences and screening walls.

- A. Height limitations.** Fences, walls, and trellises are subject to the following height limitations.
 1. **General height limit.** The general height limit for fences and screening walls is the same for other detached accessory structures, provided they meet the required setback. The required setback shall be either that setback established by the governing conventional district, an established building envelope, or the setbacks set forth in the R1:B3 zoning district if no other setbacks apply. All other solid fences and screening walls shall not exceed a height of six feet above grade, except as provided for below:
 - a. A fence or screening wall having a maximum height of four feet or less above grade may be located within a required setback for a front yard or side yard that abuts a street.
 - b. A fence or screening wall having a maximum height exceeding four feet but no more than six feet above grade may be located within a required setback for a front yard or side yard that abuts a street if the entire section or portion of the fence or wall above four feet in height above grade has a surface area that is at least 50% open and unobstructed by structural elements. (See Figure 3-1.)

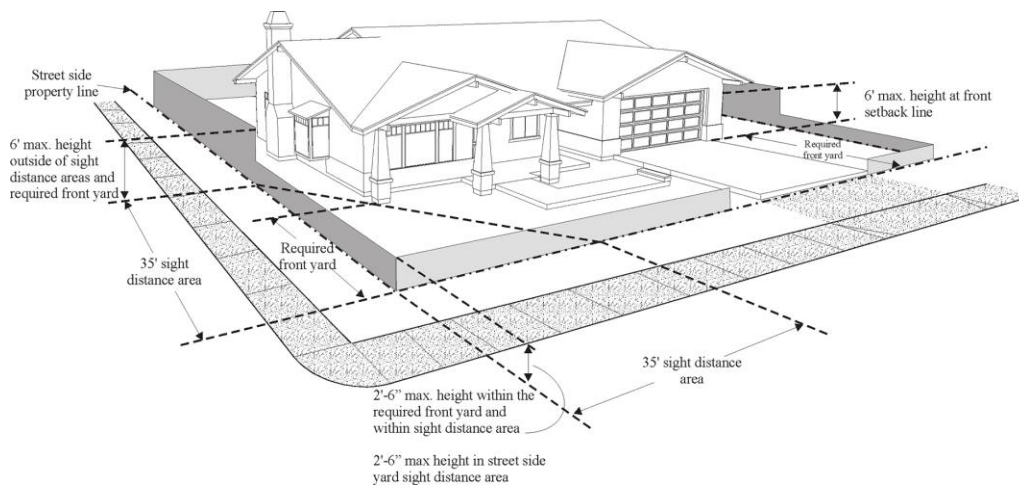
- c. A trellis above a gate or opening along the line of a fence, not exceeding a maximum height of eight feet above grade and a width of six feet, is permitted within a required setback for a front, side, or rear yard that abuts a street.

**FIGURE 3-1
EXAMPLES OF FENCES WITH THE AREA
ABOVE FOUR FEET AT LEAST 50% OPEN**



- 2. **Corner lots.** Fences within the front and/or street side setbacks of a corner lot shall not exceed a height of two feet, six inches above the street level of an adjacent intersection, within the area between the property lines and a diagonal line joining points on the property lines which are 35 feet from their intersection. See Chapter 13.18 (Visibility Obstructions) of the County Code. See Figure 3-2.

**FIGURE 3-2
HEIGHT LIMITATIONS FOR FENCES ON CORNER LOTS**

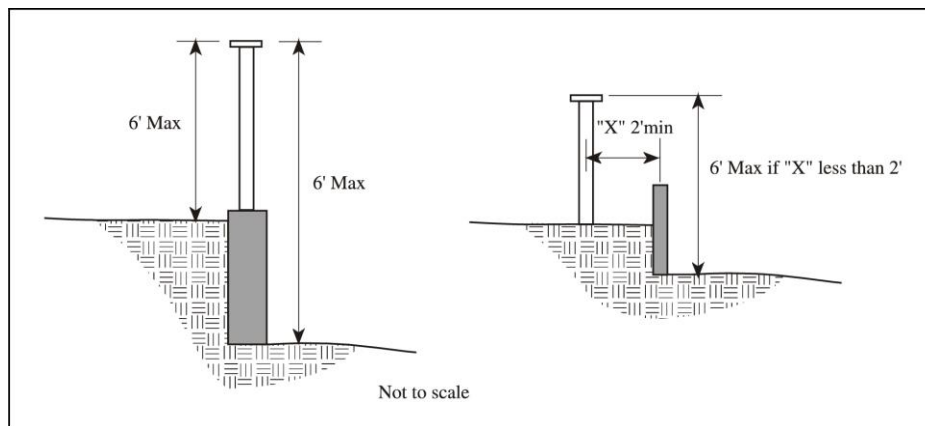


- 3. **Lots with grade differential.** Where there is a difference in the ground level between two adjoining lots, the height of the fence or wall shall not exceed six feet as measured from grade on either side of the structure. See Figure 3-3 (Fence Height Limits).

4. **Parallel fences and walls.** Two approximately parallel fences and/or screening walls shall maintain a separation of at least two feet to encourage landscaping between the separation, or the height of both structures shall be computed as one structure, subject to the six foot height limitation. See Figure 3-3 (Fence Height Limits).

- B. Setback requirements.** Fences or screening walls up to four feet in height or six feet in height above grade may be located within a required setback or on property lines in compliance with the height limits of Subsection A., above.

**FIGURE 3-3
FENCE HEIGHT LIMITS**

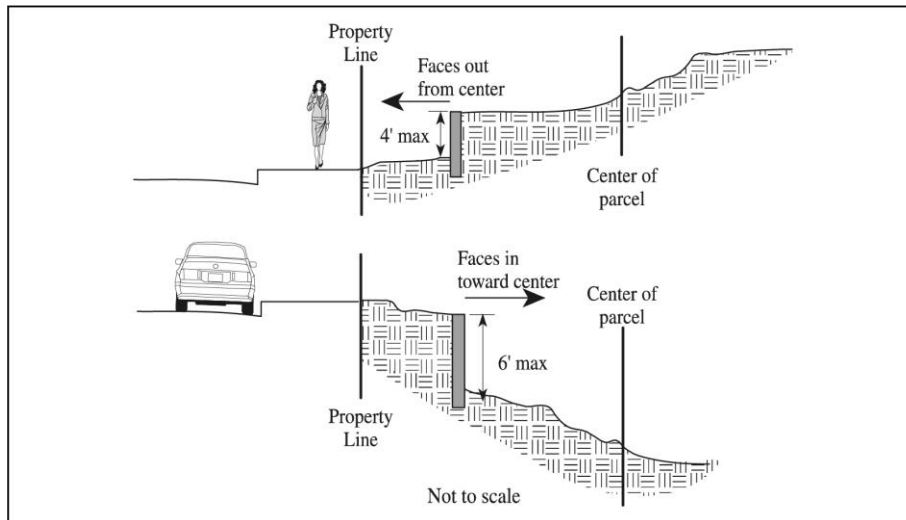


22.20.052 – Retaining Wall Standards

The following standards shall apply to all retaining walls that are outside of the footprint of a building. See Figure 3-4 (Maximum Height for Retaining Walls).

- A. Retaining walls may reach a maximum height of six feet above grade if the exposed face of the retaining wall faces into the center of the property.
- B. Retaining walls may reach a maximum height of four feet above grade if the exposed face of the retaining wall faces outward from the center of the property, unless they are at least 25 feet from all property lines, in which case they can reach a maximum height of 8 feet above grade.

**FIGURE 3-4
MAXIMUM HEIGHT FOR RETAINING WALLS**



22.20.055 – Bridge Standards

The following standards shall apply to the installation of all bridges in A, A2, RA, RR, RE, R1, R2, C-RA, C-R1 and C-R2 zoning districts. Bridges require Design Review in all other zoning districts.

- A. **Height limitations.** Bridges with a deck or surface elevation that does not exceed the minimum height above creek bank required to comply with Chapter 24.04 (Improvements) and Section 22.82.030 (Drainage Facilities) may be located within a required setback, or on the property line. A bridge may have design or structural features that are no more than six feet in height above the top of bank.
- B. **Setback requirements.** Bridges that do not exceed the minimum height above creek bank required to comply with County flood control standards may be located within a required setback or on property lines in compliance with the height limits of 22.20.055.A (Height Limitations), above.

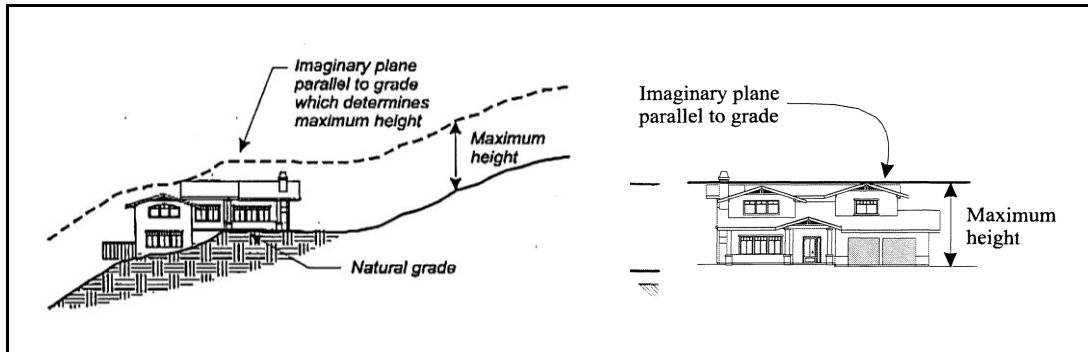
22.20.060 – Height Measurement and Height Limit Exceptions

All structures shall meet the following standards relating to height, except for fences, which shall comply with 22.20.050 (Fencing and Screening Standards), above.

- A. **Maximum height.** The height of any structure shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards). Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 3-5 (Measurement of Maximum Height) and definition of “Grade” in Article VIII (Definitions).

FIGURE 3-5

MEASUREMENT OF MAXIMUM HEIGHT



- B. Detached accessory structures.** A detached accessory structure shall not exceed 16 feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures, by the applicable zoning district, if the accessory structure is located at least 40 feet from all property lines.
- C. Structures for parking.** A detached parking structure is subject to the height limit required by Section 22.20.090.E.2 (Parking Structures on Steep Lots), above. Where a garage or other parking structure is located three feet from a front (or otherwise street-facing) or side property line, in compliance with Section 22.32.130.B.2 (Residential Accessory Uses and Structures - Front setback exception), its height shall be measured from the floor level of the parking area.
- D. Fences.** Height limits for fences are established by Section 22.20.050.A (Fencing and Screening Standards—Height Limitations), above.
- E. Exceptions to height limits:**
1. **Institutional buildings.** Where the maximum height established by the applicable zoning district is less than 75 feet, public and semi-public buildings, churches, hospitals, schools, and other institutional structures allowed in the zoning district may be erected to a height not exceeding 75 feet; provided that:
 - a. The front, side, and rear yard setbacks shall be increased one foot for each one foot by which the structure exceeds the height limit established by the zoning district; and
 - b. The Director determines that the amount of structure height allowed above the height limit of the underlying zoning district will not result in significant glare, light, privacy, shadow, or visual impacts to surrounding properties or scenic locations.
 2. **Dwellings.** Dwellings in an A, A2, RA, RR, RE, R1, and R2 zoning district may be increased in height without Variance approval by a maximum of 10 feet when side setbacks of 15 feet or greater are provided, subject to the regulations of Chapter 22.42 (Design Review).
 3. **Floor area under parking.** Where floor area is developed beneath a parking structure in conformance with Section 22.20.090.E.2, the maximum height of the building shall be 30 feet above grade.

4. **Spires, towers, water tanks, etc.** Chimneys, cupolas, flag poles, gables, monuments, spires, towers (e.g., transmission, utility, etc.), water tanks, similar structures and necessary mechanical appurtenances may be allowed to exceed the height limit established for the applicable zoning district, subject to the following standards.
 - a. The structure shall not cover more than 15 percent of the lot area at any level, except with Site Plan Review approval.
 - b. The area of the base of the structure shall not exceed 1,600 square feet.
 - c. No gable, spire, tower or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than that which is incidental to the allowed uses of the primary structure.
 - d. No structure shall exceed a maximum height of 150 feet above grade, except with Design Review approval. See Chapter 22.42 (Design Review).
5. **Wind Energy Conversion Systems.** Height limits for WECS are established in Section 22.32.180 (Wind Energy Conversion Systems (WECS)).

F. Height limit exceptions by Variance or Design Review:

1. **Primary structure.** A primary structure may exceed the height limit of the applicable conventional zoning district with Variance approval. See exceptions for dwellings in certain zoning districts contained in Section 22.20.060.E.2. See Chapter 22.54 (Variances).
2. **Detached accessory structure.** A detached accessory structure may exceed the height limit of the applicable conventional zoning district with Design Review approval provided that the structure shall not exceed the height limit for the primary structure. See Chapter 22.42 (Design Review).
3. **Agricultural structure.** An agricultural structure may exceed the height limit of the applicable zoning district with Design Review approval. See Chapter 22.42 (Design Review).

22.20.070 – Hillside Development Standards

The following standards apply to subdivisions and other development proposed in hillside areas where the slope of the proposed site is six percent or greater.

- A. **Subdivision design.** Proposed subdivisions shall comply with the standards of Section 22.82.050 (Hillside Subdivision Design).
- B. **Substandard lots.** The following requirements apply where the area of a vacant lot proposed for single-family residential development is less than 50 percent of the minimum lot area required by Section 22.82.050 (Hillside Subdivision Design):
 1. The proposed development shall be subject to Design Review (Chapter 22.42); and

2. The setback requirements otherwise prescribed for the site by the applicable zoning district shall be waived, provided that nothing in this Section shall imply that the applicable setbacks shall not be applied wherever possible.

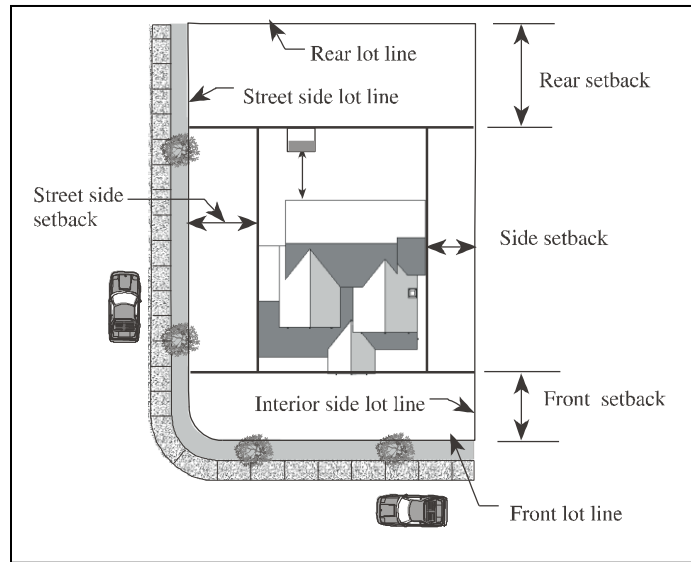
22.20.080 – Parking Requirements

Parking standards for new and existing land uses are contained in Sections 24.04.330 through .400 (Parking and Loading) of the County Code. Every structure or use created or established shall be provided with the minimum number of off-street parking and loading spaces specified in Sections 24.04.330 through .400 (Parking and Loading), and in compliance with Chapter 15.06 (Trip Reduction) of the County Code. Applicants are encouraged, to the extent permitted by Marin County Code Section 24.04 (Development Standards), to utilize shared parking arrangements and pervious surfaces (e.g. Turfblock, porous asphalt and gravel) in order to reduce the area of impervious surfaces.

22.20.090 – Setback Requirements and Exceptions

- A. **Purpose.** This Section establishes standards for the use and minimum size of setbacks. These standards are intended to provide for open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping, recreation, and fire safety.

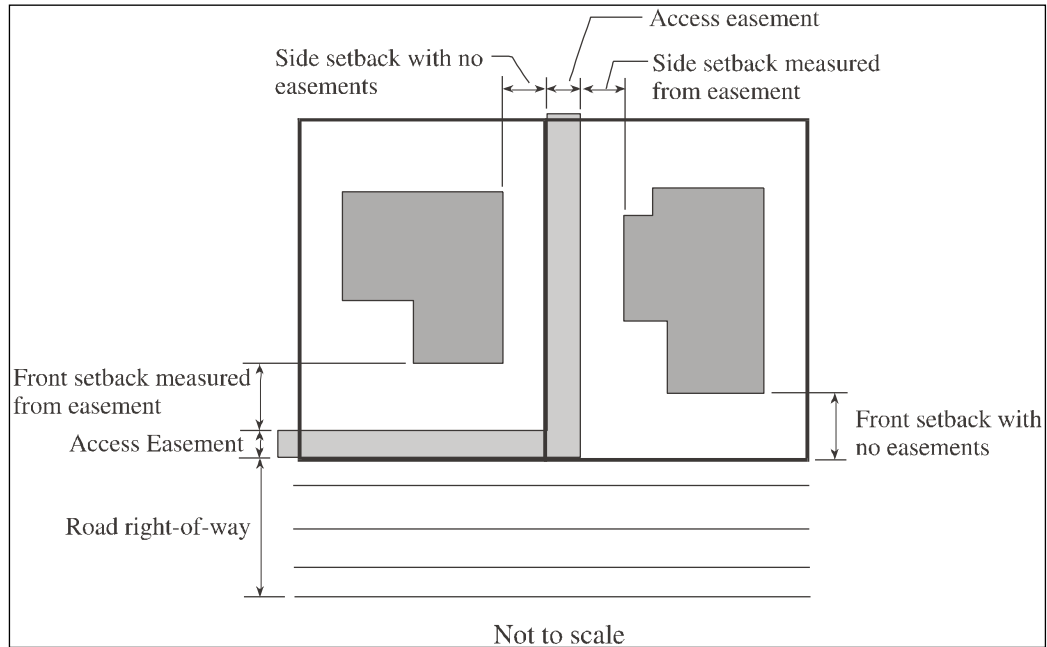
**FIGURE 3-6
LOCATION AND MEASUREMENT OF SETBACKS**



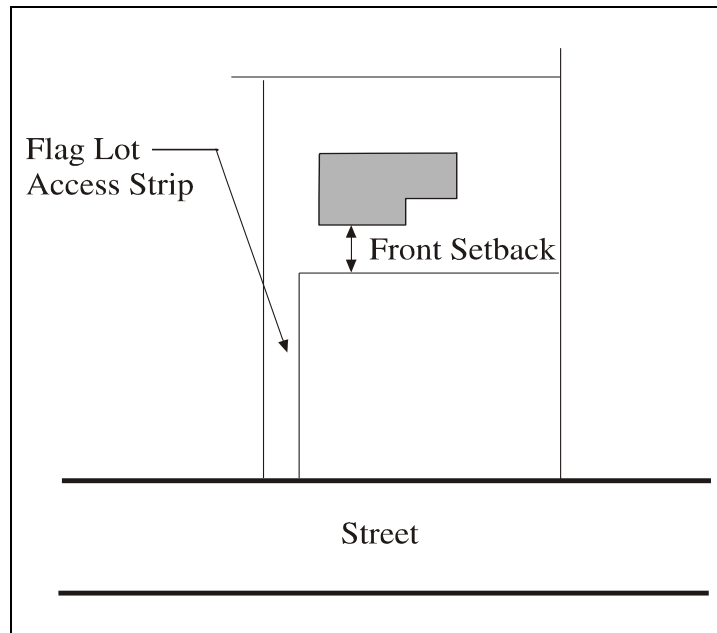
B. Measurement of Setbacks. Setbacks shall be measured from property lines, as shown by Figure 3-6 (Location and Measurement of Setbacks), and as follows; however, if an access easement or street right-of-way line extends into or through a yard setback, the measurement shall be taken from the nearest point of the easement or right-of-way line, not the more distant property line. On irregularly shaped lots, the Director shall determine the location of the front, side, and rear property lines. See Figure 3-7 (Front and Side Setbacks with Easements).

1. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the lot to the nearest point of the wall of the structure, establishing a setback line parallel to the front property line.
 - a. **Flag lots.** For a lot with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the lot along a continuous line, establishing a setback line parallel to it. See Figure 3-8 (Flag Lot Setbacks).

**FIGURE 3-7
FRONT AND SIDE SETBACKS WITH EASEMENTS**



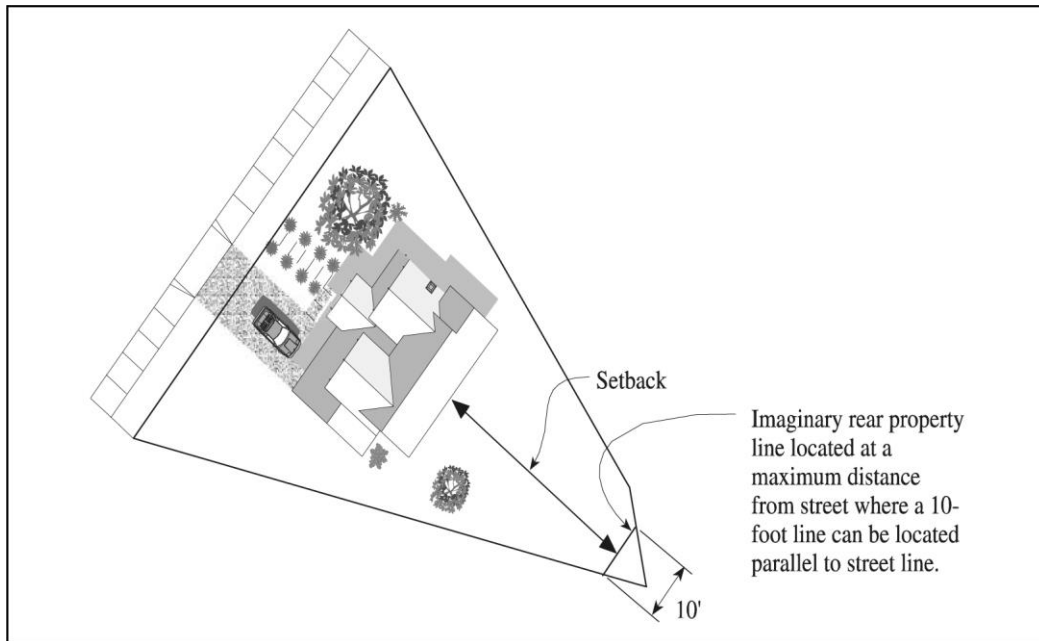
**FIGURE 3-8
FLAG LOT SETBACKS**



- b. **Corner lots.** The measurement shall be taken from the nearest point of the structure to the nearest point of the property line adjoining the street to which the property is addressed and the street from which access to the property is taken.

2. **Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the lot to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.
3. **Street side yard setbacks.** The side yard on the street side of a corner lot shall be measured at right angles from the nearest point of the side property line adjoining the street to the nearest point of the wall of the structure, establishing a setback line parallel to the side property line which extends between the front and rear yards.
4. **Rear yard setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest point of the wall of the structure, establishing a setback line parallel to the rear property line.
5. **Rear yard setbacks in triangular or gore-shaped lots.** On a triangular or gore-shaped lot, where it is difficult to identify a rear lot line, the rear yard shall be measured at right angles from a line 10 feet in length within the lot, parallel to and at a maximum distance from the front property line. See Figure 3-9 (Rear Setback in Irregular lots).

**FIGURE 3-9
REAR SETBACK IN TRIANGULAR OR GORE-SHAPED LOTS**



- C. Setback requirements.** Unless exempted in compliance with Subsections D and E, below, all structures shall conform with the setback requirements established for each zoning district by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section.
1. **Accessory structures.** Detached accessory structures shall comply with the same setback requirements established by the applicable conventional zoning district for primary structures, except as follows.

- a. The rear yard setback for a detached accessory structure shall equal the required side setback to a maximum rear setback of 10 feet; except that the rear setback on a through lot shall be 20 percent of the lot depth to a maximum of 25 feet.
 - b. Detached accessory structures may be located within a required setback with Design Review approval. See Chapter 22.42 (Design Review).
 2. **Detached site elements.** Detached decks, swimming pools and spas, steps, terraces, and other site design elements that are placed at or below grade, and which exceed a height of 18 inches above grade at any point, shall conform with the setback requirements of this Chapter for detached accessory structures. Hand railings and other safety features required by the California Building Code and attached directly to a detached site element shall not be included in the measurement of the maximum height of the detached site element.
 3. **Exempt site elements.** Site design elements less than 18 inches above grade are exempt from setback requirements in compliance with Subsection D (Exemptions from setback requirements), below. Examples of site design elements less than 18 inches above grade include ponds, shuffleboard courts, and water elements (e.g., fountains, sprays, etc.).
- D. Exemptions from setback requirements.** The minimum setback requirements of this Development Code apply to all development except the following:
1. Development that is equal to or less than 18 inches above grade.
 2. Fences or screening walls that comply with the height limits specified in Section 22.20.050 (Fencing and Screening Standards) and as restricted by Chapter 13.18 (Visibility Obstructions) of the County Code;
 3. Retaining walls that comply with the height limits specified in Section 22.20.052 (Retaining Walls);
 4. Detached energy efficiency devices located within required rear yard and side yards that do not exceed a height of four feet in height above grade;
 5. Decks, free-standing solar devices, swimming pools and spas, steps, terraces, and other site design elements which are placed at or below grade and do not exceed a height of 18 inches above grade at any point. Hand railings and other safety features required by the Uniform Building Code and attached directly to a detached site element which meets the criteria herein are exempt from the minimum setback requirements;
 6. Flag poles that do not exceed a height of 30 feet above grade;
 7. An application for single-family residential development that requires Design Review pursuant to Section 22.42.020 (Design Review for Substandard Building Sites).
 8. Floor area directly beneath a parking structure that is built in reliance on Section 22.20.090.E.2 (Parking structures on steep lots) may be built to within three feet of the front property line that abuts the adjoining street from which vehicular access is taken, provided the floor area does not extend beyond the footprint of the parking structure.

E. Allowed projections into setbacks. Attached architectural features and certain detached structures may project into or be placed within a required setback in compliance with the following requirements.

- 1. Architectural features.** Architectural features attached to a building may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 3-1 (Allowed Projections into Setbacks). See also Figure 3-10 (Examples of Allowed Projections into Required Setbacks).

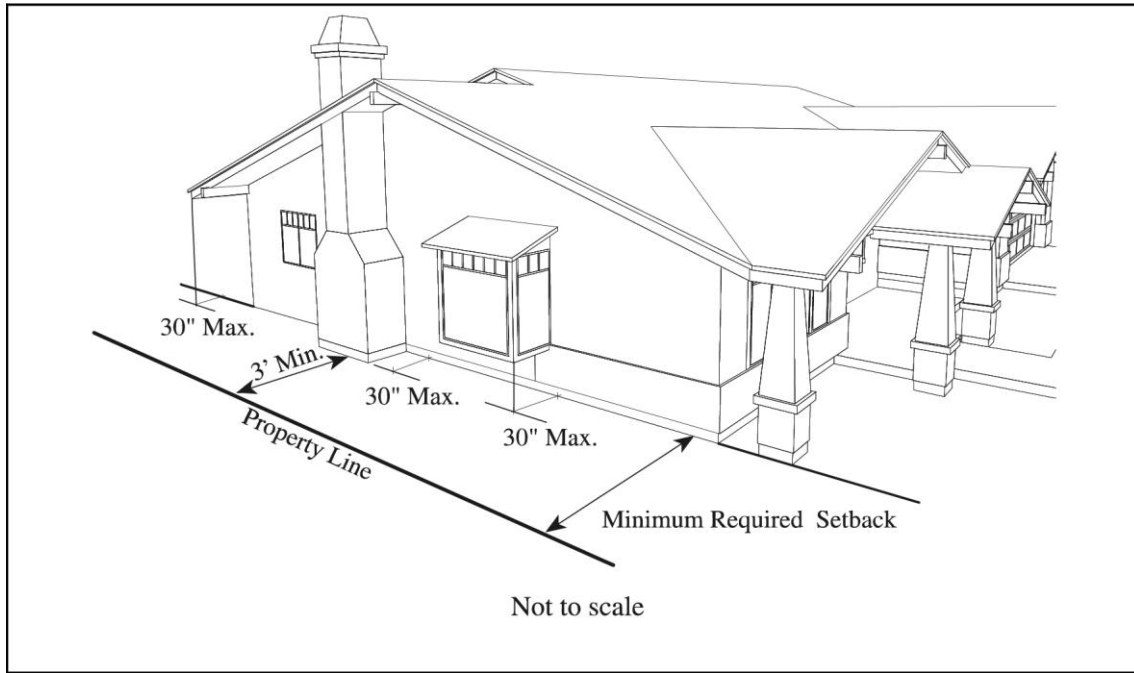
**TABLE 3-1
ALLOWED PROJECTIONS INTO SETBACKS**

Feature	Allowed Projection into Specified Setback		
	Front Setback	Side Setback	Rear Setback
Chimney (1)	30 in.	30 in.	30 in.
Cantilevered architectural features (2)	30 in.	30 in.	30 in.
Deck (3)	6 ft.	3 ft. (1)	6 ft.
Porch or trellis (4)	6 ft.	3 ft. (1)	6 ft.
Tankless water heaters and home battery storage units	30 in.	30 in.	30 in.
Stairway (5)	6 ft.	3 ft. (1)	6 ft.

Notes:

- (1) Feature may project no closer than three feet to the property line.
 - (2) Cantilevered architectural features including balconies, bay windows, cornices, eaves and roof overhangs may project into setbacks as shown.
 - (3) Decks less than 18 inches above grade are exempt, in compliance with 22.20.090.D.3 (Exemptions from Setback Requirements), above.
 - (4) A porch may project into a setback, provided it is enclosed only by a railing in compliance with Title 19 (Buildings) of the County Code, and is located at the same level as the entrance floor of the structure. An additional projection into the front yard setback may be allowed with Design Review approval.
 - (5) A stairway may project into a setback, provided it is not roofed or enclosed above the steps.
- 2. Parking structures on steep lots.** In any zoning district allowing residential uses, where the slope of the one-half of the parcel beginning at the street-access side is 20 percent or more, or where the elevation of the lot at the property line from which vehicular access is taken is five feet or more above or below the elevation of the adjoining street, a parking structure may be built to within three feet of the front and side property lines that abut the adjoining street from which vehicular access is taken. Driveway structures that provide access to a parking structure that comply with the provisions of this section are exempt from setback requirements.

FIGURE 3-10
EXAMPLES OF ALLOWED PROJECTIONS INTO REQUIRED SETBACKS



- F. Restrictions on the use of front yard setbacks in residential districts.** No junk or scrap shall be allowed in the front yard on any lot in any residential zoning district. This restriction includes the storage of operable or inoperable vehicles in other than improved parking or driveway areas.

22.20.100 – Solid Waste/Recyclable Materials Storage

- A. Purpose.** This Section provides for the construction and maintenance of storage areas for solid waste and recyclable materials in compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900-42911, as may be amended from time to time), and Chapter 7.02 (Theft of Recyclable Materials) of the County Code.
- B. Applicability.** This Section applies to the new construction or remodeling of multi-family residential projects with five or more dwelling units, commercial, and other non-residential and non-agricultural projects.
- C. Multi-family residential structures.** Multi-family residential projects with five or more dwellings shall provide on-site solid waste and recyclable material storage areas as follows:
1. **Individual unit storage requirements.** Each dwelling unit shall include an area, within the dwelling, designed for the storage of solid waste and recyclable material.
 2. **Common storage area requirements.** Facilities shall be provided for the temporary storage of solid waste and recyclable materials, adequately sized to serve the needs of the project, as determined by the review authority. Table 3-2 provides suggested standards for shared solid waste and recyclable materials storage areas for individual structures within multi-family projects.

**TABLE 3-2
SOLID WASTE STORAGE – MULTI-FAMILY PROJECTS**

Number of Dwellings	Minimum Storage Areas (sq.ft.)		
	Solid Waste	Recycling	Total Area
5-6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	322	322	672
176-200	384	384	768
201+	Every additional 25 dwellings should require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

- D. Non-residential structures and uses.** Non-residential structures and uses shall be provided with solid waste and recyclable material storage areas, adequately sized to serve the needs of the project, as determined by the review authority. Table 3-3 provides suggested minimum storage area standards for each individual structure.

**TABLE 3-3
SOLID WASTE STORAGE – NON-RESIDENTIAL PROJECTS**

Building Floor Area (sq. ft.)	Minimum Storage Areas (sq.ft.)		
	Solid Waste	Recycling	Total Area
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 sq. ft. should require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

E. Location requirements. Solid waste and recyclable materials storage areas may be located indoors or outdoors as long as they are accessible to all residents and employees, as follows:

1. **Location and design of storage areas.** Solid waste and recyclable material storage areas shall be adjacent to, or combined with one another. They may only be located inside a specially-designated structure; or outdoors, within an approved fence or wall enclosure, a designated interior court or yard area with appropriate access, or in a rear yard or interior side yard.
2. **Accessibility.** The storage area(s) shall be accessible to residents and employees. Storage areas within multi-family residential developments shall be located within 250 feet of the dwellings which they are intended to serve.
3. **Unobstructed vehicle access.** Driveways or aisles shall provide unobstructed access for collection vehicles and personnel, and shall provide at least the minimum clearance required by the collection methods and vehicles of the designated collector. Where a site is served by an alley, all exterior storage area(s) shall be directly accessible from the alley.

F. Design and construction requirements for multi-family and non-residential development. The design and construction of storage areas in multi-family residential and non-residential developments shall comply with the following standards.

1. **Architectural compatibility, screening.** The storage enclosure shall be architecturally compatible with the surrounding structures and subject to the approval of the Director. Storage areas shall be appropriately located and screened from view on at least three sides and shall not conflict or interfere with surrounding land uses.

2. **Security.** The storage enclosure shall be properly secured to prevent access by unauthorized persons while allowing authorized persons access for disposal of materials in compliance with Chapter 7.02 (Theft of Recyclable Materials) of the County Code.
3. **Concrete pad and apron.** The storage area shall include a concrete pad within a fenced or walled area, and a concrete apron, to facilitate the handling of the individual bins or containers.
4. **Weather protection.** The storage area and individual bins or containers shall be enclosed to protect the recyclable materials from adverse weather conditions which may render the materials unmarketable.
5. **Runoff protection.** The storage area and individual bins or containers shall, to the extent feasible, incorporate a curb or berm to protect the pad from run-on surface drainage, and a drainage system that connects to the sanitary sewer system.

Certain types of projects and properties are subject to the specific requirements of the County's Municipal Pollutant Discharge Elimination System (NPDES) permit, including removal of trash with a size of five millimeters or greater out of runoff before it reaches a public storm drain system. These projects and properties include commercial, industrial, high-density residential, mixed urban, and public transportation stations. Those projects that are subject to the NPDES permit requirements shall include the installation of Certified Trash Full Capture Systems that meet State and County Standards. In addition, an operation and maintenance plan, subject to the review and approval of the Department of Public Works, shall be recorded and implemented to ensure long term maintenance of these systems in conformance with the standards of the State and County.

22.20.110 – Undergrounding of Utilities

Utilities to serve proposed development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

22.20.120 – Accessory Structures

Accessory structures are allowed only where a primary or conditionally permitted use has been established on the lot, with the exception of certain fences; open wooden post and wire mesh fences that do not exceed a height of six feet above grade may be installed on a lot where no primary use has been established.

CHAPTER 22.22 – AFFORDABLE HOUSING REGULATIONS

Sections:

- 22.22.010 – Purpose of Chapter
- 22.22.020 – Applicability
- 22.22.030 – Application Filing
- 22.22.040 – Prohibitions
- 22.22.050 – Exemptions
- 22.22.060 – Waivers
- 22.22.080 – General Affordable Housing Standards
- 22.22.090 – Inclusionary Housing Standards
- 22.22.100 – Non-Residential and Mixed Use Affordable Housing Standards
- 22.22.110 – Decision
- 22.22.120 – Affordable Housing Post Approval

22.22.010 – Purpose of Chapter

Marin County is experiencing a shortage of homes affordable to the workforce of the county, seniors and individuals with disabilities. The California Legislature has found that the availability of housing is of vital statewide importance and a priority of the highest order, and that local governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

To help attain local and state housing goals, this Chapter requires new developments to contribute to the County's affordable housing stock through the provision of housing units, land dedication, and/or fees. This Chapter provides procedures and requirements applicable to development proposals in the unincorporated areas of Marin County, which are intended to achieve the following goals:

- A. Countywide Plan housing goals.** Enhance the public welfare and ensure that further residential and non-residential development contribute to the attainment of the housing goals of the Countywide Plan by increasing the production of affordable housing, and stimulating funds for development of affordable housing.
- B. Reduce affordable housing shortage.** Reduce the housing shortage for income qualifying households.
- C. Balanced community.** Achieve a balanced community with housing available for households with a range of income levels.
- D. Affordable housing requirements.** Ensure that remaining developable land within the County is utilized in a manner consistent with the County's housing policies and needs. This can be accomplished in part by applying the residential and non-residential affordable housing requirements or fees contained in this Chapter.

22.22.020 – Applicability

The provisions of the Chapter apply to new market rate development that entails the development of new residential floor area, lot creation, multifamily housing, residential care facilities, and the development of new non-residential floor area. Additional applicability standards are enumerated below. Table 3-4a provides examples of housing and fee requirements for different types of development.

**TABLE 3-4a
EXAMPLES OF AFFORDABLE HOUSING REQUIRMENTS**

Type of development	Requirement	Section
New Residences and residential floor area		
A. Single-family	Affordable Housing Impact fee	Ordinance 3500 (and subsequently amended)
B. Multi-family (rental)	20% of units	22.22.020.B
C. Multi-family (ownership with subdivision map)	20% of units	22.22.090.A
Lot Creation		
D. With proposed dwellings	20% of units	22.22.090.A
E. Lots only	20% of lots	22.22.090.A
Non-residential/ Residential Care Facility		
F. Non-residential/Residential Care only	Jobs/Housing Linkage fee	22.22.100.A
G. Mixed use	Jobs/Housing Linkage fee and/or units	22.22.100.B

- A. Single-family dwellings.** All new single-family dwellings greater than 2,000 square feet, except those located in subdivisions previously subject to an inclusionary requirement, shall pay an Affordable Housing Impact Fee per Ordinance 3500.
- B. Multi-family rental housing.** New multi-family housing developed without a subdivision map and where dwelling units cannot be sold separately shall provide affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards).
- C. Multi-family housing with a subdivision map.** All new multi-family housing and condominium conversions approved with a subdivision map or with dwelling units that can be sold separately, including multi-family housing, condominiums, townhouses, and stock cooperatives, shall provide affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards).
- D. Lot creation with proposed dwellings.** Any subdivision with a proposed development of one or more dwellings shall provide affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards).
- E. Lot creation without proposed dwellings.** Any subdivision creating one or more new lots shall provide inclusionary lots for the immediate or future development of affordable housing consistent with Section 22.22.090 (Inclusionary Housing Standards).

- F. Non-residential developments.** Non-residential development shall pay a Jobs/Housing linkage fee consistent with Section 22.22.100 (Non-Residential and Mixed Use Affordable Housing Standards).
- G. Mixed use developments.** Mixed use developments are subject to both the non-residential and residential affordable housing requirements.
- H. Affordable housing regulations.** The requirements of this Chapter shall be imposed only once on a given development approval. Affordable housing requirements imposed on a development shall be consistent with the affordable housing requirements in effect at the time of each successive Precise Development Plan or Design Review approved in conformance with a governing Master Plan. Subdivisions subject to an inclusionary requirement are also not subject to the Affordable Housing Impact Fee, but may be subject to other applicable inclusionary in-lieu fees.

22.22.030 – Application Filing

An affordable housing plan shall be submitted as part of the first application for any development project, including a housing development project, subject to this Chapter, except single-family dwellings subject to the Affordable Housing Impact Fee, and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the project. Any request for a waiver of requirements of this Chapter must be submitted as part of the affordable housing plan.

22.22.040 – Prohibitions

In Marin County, it shall be unlawful to restrict housing choice on the basis of race, color, disability, religion, sex, familial status, national origin, sexual orientation, marital status, ancestry, age, and source of income.

22.22.050 – Exemptions

The following shall be exempt from the provisions of this Chapter: agricultural development; agricultural worker housing and all related accessory structures; development by special districts and authorities subject to the Marin Local Agency Formation Commission's (LAFCO) authority over boundaries and organization; up to one SB 9 lot/unit; residential Accessory Dwelling Units; and residential projects developed at the targeted income level and percentage cited in the Housing Overlay Designation policies in the Countywide Plan. Affordable housing shall be exempt from Inclusionary Housing Standards; however, if State or Federal Regulations establish a limited term affordability requirement, then the inclusionary standards in this Chapter shall begin to apply once that term is completed, and shall apply in perpetuity.

22.22.060 – Waivers

The review authority may grant a waiver to the requirements of this Chapter if they determine an alternative affordable housing proposal demonstrates a better means of serving the County in achieving its affordable housing goals than the requirements of Chapter 22.22 (Affordable Housing Regulations).

- A. Residential projects.** The review authority may approve one or more of the following alternative means of compliance with the requirements of Section 22.22.090 (Inclusionary

Housing Standards) or the mixed use residential inclusionary requirements of Section 22.22.100.B (Mixed use development). Any proposed alternative means of compliance must include an analysis of fair housing implications to ensure that any proposed off-site location will promote diversity. Required units or lots must be located in an unincorporated area of the County within the same census tract or in an identified Racially Concentrated Area of Affluence. The options below are listed in order of priority, with the provision of in-lieu fees being the lowest priority. The applicant must demonstrate that each option is infeasible before the County may consider the next option.

1. **Affordable units off-site.** Inclusionary units may be constructed on one or more sites not contiguous with the proposed development. The off-site property shall be located within the same census tract or in an identified Racially Concentrated Area of Affluence with appropriate zoning, density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes. The offsite location must include either a greater number of inclusionary units than required on-site or the same number of inclusionary units that are affordable at a lower income level.
2. **Lots.** The applicant may dedicate suitable real property to the County or its designee to develop the required inclusionary units. The property shall be located within the same census tract or in an identified Racially Concentrated Area of Affluence with appropriate zoning, density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes. The offsite location must include either a greater number of inclusionary units than required on-site or the same number of inclusionary units that are affordable to a lower income level.
3. **In-lieu fee.** The applicant may pay an in-lieu participation fee based on 125% of the requirement of Section 22.22.090 (Inclusionary Housing Standards). The review authority shall apply the lowest preference to the payment of an in-lieu fee for compliance with the requirements of this chapter.

B. Non-Residential Development and Residential Care Facilities. If the review authority finds that an alternative provides a better means of serving the County in achieving its affordable housing goals, one or more of the following alternative means may be approved for compliance with the requirements of this chapter. Any proposed alternative means of compliance must include an analysis of fair housing implications to ensure that any proposed off-site location will promote housing diversity. Required units or lots must be located in an unincorporated area of the County within the same census tract or in an identified Racially Concentrated Area of Affluence. A combination of both income-restricted units and affordable housing fees may be allowed. The options below are listed in order of priority, with the provision of in-lieu fees being the lowest priority. The applicant must demonstrate that each option is infeasible before the County may consider the next option.

1. **Affordable units off-site.** Affordable units may be constructed off-site on an adjacent property or on one or more sites not contiguous with the proposed development. The off-site property shall be located within the same census tract or in an identified Racially Concentrated Area of Affluence with appropriate zoning, density, location, size, accessibility to public transportation, and other services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes. The offsite location must include either a greater number of inclusionary units

than required on-site or the same number of inclusionary units that are affordable to a lower income level.

2. **Lots.** The applicant may dedicate suitable real property to the County or its designee to be developed for affordable housing by the County, or a profit or nonprofit, private or public applicant. The off-site property shall be located in the same census tract or in an identified Racially Concentrated area of Affluence and shall be appropriately sized and zoned for development equivalent to or more than the residential units that are not created on-site. The property shall be offered in a condition that is suitable for development, including appropriate access and services, consistent with sound community planning principles and shall be devoid of contaminants and other hazardous wastes.
3. **In-lieu fee.** The applicant may pay an in-lieu participation fee based on 125% of the requirement of Section 22.22.090 (Inclusionary Housing Standards). The review authority shall apply the lowest preference to the payment of an in-lieu fee for compliance with the requirements of this chapter.

22.22.080 – General Affordable Housing Standards

- A. **Property restriction.** All affordable housing units shall be restricted by a Regulatory Agreement recorded against the property to place certain rules and regulations on the operation and maintenance of the site and restrict the rental/sale of the housing to Income Qualifying Households at an affordable rental level or sale price.
- B. **Eligible occupants.** All affordable housing units shall be sold or rented to Income Qualifying Households, at income levels established pursuant to the applicable affordable housing requirement, as certified by the County or its designee.
- C. **Income restriction.** All affordable housing units shall be income-restricted in perpetuity, unless the review authority reduces the term of the affordability requirement to reflect the maximum term that is permitted by Federal or State financing sources. Once that limited term has expired, the requirements of this Chapter shall begin to apply and shall apply in perpetuity.
- D. **Affordable unit cost.** Units shall be developed using a mix of affordability levels based on Area Median Income (AMI), adjusted for household size, as described in Table 3-4b, Required ownership units shall be affordable to households at 35 percent of the household income. Any affordable rental units shall be offered at an affordable rent not exceeding 30 percent of the household income. The housing unit prices shall be established based on applicable income range, the number of bedrooms and consistent with the following:

**TABLE 3-4b
AFFORDABLE HOUSING INCOME RANGES AND ASSOCIATED RENT
LEVELS/SALES PRICE REQUIREMENTS**

Income Category	Income Range	Rent Level	Sales Price Level
Very low income	30-50% AMI	50% AMI	n/a
Low income	50-80% AMI	65% AMI	65% AMI
Moderate Income	80-120% AMI	100% AMI	100% AMI
Middle Income	120-150% AMI	n/a	135% AMI

See Article VII for definitions of Affordable Ownership Cost, Affordable Rent and Area Median Income.

- E. Location of affordable housing units.** All required affordable housing units on-site shall be disbursed throughout the development. This requirement may be modified for cause by the review authority. The review authority may grant a waiver to this requirement if they determine an alternative proposal demonstrates a better means of serving the County in achieving affordable housing goals.
- F. Design and character of affordable housing units.** Required affordable housing units shall be dispersed throughout the project, and shall contain, on average, the same number of bedrooms as the market rate units in a residential development, and shall be compatible with the exterior design and use of the remaining units in appearance, materials, amenities, and finished quality. Interior appearance, amenities, and finishes shall be of similar design and materials as market rate units. Residential units constructed on behalf of, or funded by a public entity, must comply with the Department of Justice’s *Standards for Accessible Design and other relevant state and federal requirements for accessibility*.
- G. Lots dedicated to affordable housing.** Any required inclusionary lot shall be offered in a condition that is suitable for development, including appropriate access and services, consistent with sound community planning principles, and shall be devoid of contaminants and other hazardous wastes.
- H. Use and payment of affordable housing fees.** Affordable housing fees (including Affordable Housing Impact Fees, Rental Housing Impact Fees, Jobs/Housing linkage fees, and In-lieu fees) shall be used by the County or its designee for the purpose of developing and preserving affordable housing for income qualifying households, with preference for use in the unincorporated areas of the county.
- I. Requested rental affordable housing.** An applicant may request to provide affordable rental units as an alternative to the provision of ownership units otherwise required by Sections 22.22.090 (Inclusionary Housing Standards) and 22.22.100 (Non-Residential and Mixed Use Affordable Housing Standards). To ensure compliance with the Costa-Hawkins Act (Chapter 2.7 of Title 5 of Part 4 of Division 3 of the California Civil Code) the County may only approve such a proposal if the applicant agrees in a rent regulatory agreement with the County to limit rents in consideration for a direct financial contribution or a form of assistance specified in Chapter 4.3 commencing with Section 65915 of Division 1 of Title 7 of the Government Code. All affordable rental units proposed by an applicant shall comply with all provisions related to rentals in Section 22.22.080 (General Affordable Housing Standards).
- J. Accessory Dwelling Units.** Accessory Dwelling Units and Junior Accessory Dwelling Units cannot be used to satisfy affordable housing requirements.

22.22.090 – Inclusionary Housing Standards

This Section addresses the inclusionary housing standards for lot creation with or without proposed dwellings, multifamily development within an existing lot, and the residential portion of mixed use developments. This Section also provides the means to levy in-lieu fees for the construction of affordable housing in cases where the inclusionary requirement includes a decimal fraction of a unit or lot or when a combination of both inclusionary units and an in-lieu fee is required.

- A. Number of inclusionary units/lots required.** Twenty percent of the total number of dwelling units or lots within a subdivision shall be developed as, or dedicated to, affordable housing. Project with 4 or fewer units/lots where the inclusionary housing calculation results in a decimal fraction greater than 0.70, the fraction shall be rounded up to one additional dwelling unit or lot. When projects with five or more units/lots result in an inclusionary housing calculation containing a decimal fraction, the project applicant shall comply with State Density Bonus Law round up provisions.

Developers of rental units shall select from the following two options for establishing the number of inclusionary units and affordability levels:

**TABLE 3-4c
AFFORDABLE RENTAL HOUSING REQUIREMENTS**

Project Size	Option 1 (20% of Total)	Option 2 (20% of Total)
10 units or less	10% Very Low-Income Units and 10% In Lieu Fee	15% Low-Income Units and 5% In Lieu Fee
11 to 29 units	10% Very Low-Income Units and 10% Moderate Income Units	15% Low-Income Units and 5% Moderate Income Units
30 or more units	15% Very Low-Income Units and 5% Moderate Income Units or 5% In Lieu Fee	10% Very Low-Income Units, 5% Low-Income Units, and 5% Moderate-Income Units

Developers of ownership units shall establish the number of inclusionary units and affordability levels based on the project size:

**TABLE 3-4d
AFFORDABLE OWNERSHIP HOUSING REQUIREMENTS**

Project Size	Option 1 (20% of Total)
4 units or less	Middle Income Units
5 to 29 units	5% Low-Income Units, 5% Moderate-Income Units and 10% Middle Income Units
30 or more units	5% Low-Income Units, 10% Moderate-Income Units and 5% Middle Income Units

Developers may choose to develop units at lower income ranges than the above inclusionary policy specifies.

1. Lots developed with a primary residence and a certificate of occupancy issued at least 5 years prior to subdivision approval shall be deducted from the total number of lots in the proposed subdivision for the purpose of applying the inclusionary requirement.

- B. In-lieu fee.** A fee shall be required in addition to inclusionary units or lots in cases where the inclusionary requirement includes a decimal fraction of a unit or lot or when a combination of both inclusionary units and in-lieu fees is required. The current Affordable Housing Fee as

established by the County shall be multiplied by the fraction of the inclusionary requirement to determine the applicable fee to be paid.

22.22.100 – Non-Residential, Mixed Use, and Residential Care Facility Affordable Housing Standards

Developments with no residential component are required to pay a Jobs/Housing linkage fee. Mixed use developments proposing residential rental units are required to pay a Jobs/Housing linkage fee for the non-residential component and are subject to the Inclusionary Housing Standards for the residential component. Mixed use developments proposing residential units which can be sold separately shall comply with the applicable provision of Section 22.22.020.C through E (Applicability). Mixed use development shall also provide new affordable units for the non-residential component consistent with Table 3-4c rather than payment of a Jobs/Housing Linkage Fee. All required affordable housing units shall comply with Section 22.22.080 (General Affordable Housing Standards).

- A. Non-residential development and Residential Care Facilities.** The Jobs/Housing linkage fees for all non-residential development shall be determined based on the development type and floor area of the development. Alternatively, an applicant for a non-residential development may propose to provide new affordable units based on relevant data from the applicant or information from the County’s relevant housing studies, at the discretion of the Director. All affordable housing units shall comply with Section 22.22.080 (General Affordable Housing Standards).

Job/Housing linkage fees are established using per square foot of floor area¹ unless noted otherwise for the following development types:

- Office²/Research and Development
- Retail/Restaurant³
- Hotel/Motel
- Residential Care Facility
- Medical-Extended care

Other types of non-residential development will be assessed based on the project specific factors including number of employees and the use of the development.

¹ For purposes of this Chapter, the floor area excludes all areas permanently allocated for vehicle parking, unless such areas are used for commercial or industrial purposes.

² Office uses include office associated with professional, business, medical, religious, and educational services.

³ Accessory uses, such as retail, restaurant, and meeting facilities within a hotel shall be subject to requirements for a retail use.

- B. Mixed use development.** Mixed use developments are subject to both the non-residential and residential affordable housing requirements. The residential inclusionary requirement shall be calculated consistent with the applicable Section 22.22.090 (Inclusionary Housing Standards) and the non-residential inclusionary requirement shall be calculated consistent with Section 22.22.100.A (Non-residential development) above. Affordable housing units provided under this Section shall comply with Section 22.22.080 (General Affordable Housing Standards).

22.22.110 – Post Approval Decision

- A. Requirements Post Approval.** Before issuance of construction permits for any approved project that is subject to the requirements of this Chapter the applicant shall submit an affordable housing plan for review and approval and subsequently conform to the approved affordable housing plan. The approved affordable housing plan shall:
1. Specify the construction of the affordable units and/or the timing of payment of fees. All affordable housing units and other phases of a development shall be constructed prior to, or concurrent with, the construction of the primary project unless the review authority approves a different schedule;
 2. Specify the number of units at appropriate price levels, as determined by the review authority;
 3. Specify provisions for any incentives granted pursuant to Chapter 22.24 (Affordable Housing Incentives) where applicable;
 4. Determine when in-lieu fees shall be paid, including whether payment shall be made prior to recordation of the map or issuance of any building permit.
 5. Require a written agreement between the County and the applicant prior to recordation of any final or parcel map or issuance of any building permit which indicates the number, type, location, size, and construction scheduling of all affordable housing units, and the reasonable information that shall be required by the County for the purpose of determining compliance with this Chapter. This agreement shall also specify provisions for income certification and screening of potential purchasers and/or renters of units, and specify resale control mechanisms, including the financing of ongoing administrative and monitoring costs. The applicant shall be responsible for any direct costs associated with the negotiation of this agreement.
- B. Project review procedure.** Affordable housing plans shall be analyzed by the County Housing Division to ensure that the plan is consistent with the purpose and intent of this Chapter.

22.22.120 – Affordable Housing Plan Implementation

- A. Administration.** The County or its designee shall monitor required affordable housing units.
- B. Required inclusionary units:** In addition to the standards in Section 22.22.090 (Inclusionary Housing Standards) the proposed owner shall enter into a Regulatory Agreement with the County or its designee to ensure that the following standards are applied to required affordable housing units.
1. **Limitation on Resale Price.** In order to maintain the affordability of the housing units constructed in compliance with this Chapter, the County shall impose the following resale condition. The price received by the seller of a resale unit shall be the lowest of the following:
 - a. **Median income.** The original price paid by the seller increased by an amount equal to purchase price multiplied by the percentage increase in the median household income for the San Francisco Primary Metropolitan Statistical Area since the date of purchase;

1. **Advertising and screening.** The applicant or owner shall agree to advertise available rental housing, screen applicants, and perform annual income certifications for the affordable rental units, or retain a qualified entity to do so. The applicant or owner shall have final discretion in the selection of eligible tenants, provided that the same rental terms and conditions are applied to tenants of income-restricted units as are applied to all other tenants, with the exception of rent levels, household income, and any requirements of government subsidy programs.
2. **Recorded agreements.** For any requested rental units, the owner shall enter into recorded agreements with the County and take appropriate steps necessary to ensure that the required affordable rental units are provided, and that they are rented to income qualifying households. Recorded documentation may include a Marketing Plan, Rent Regulatory Agreement, Compliance Report, Notice of Affordability Restrictions on Transfer of Property, and other documents as may be required by the County to maintain the continued affordability of the affordable units.
3. **Monitoring.** The owner shall be required to provide tenant income qualification reports to the County or its designee for monitoring on an annual or biennial basis.

CHAPTER 22.24 – AFFORDABLE HOUSING INCENTIVES

Sections:

22.24.010 – Purpose of Chapter

22.24.020 – Density Bonus and Other Incentives Pursuant to State Law

22.24.030 – County Incentives for Affordable Housing

22.24.010 – Purpose of Chapter

This Chapter provides procedures for granting incentives for the construction of affordable housing, to encourage the production of affordable housing, and to achieve the following additional goals:

- A. Countywide Plan goals and policies.** To implement goals and policies contained in the Countywide Plan providing for incentives for the construction of affordable housing.
- B. Compliance with State law.** To comply with the provisions of Government Code Section 65915, which mandates the adoption of a County ordinance specifying procedures for providing density bonuses and other incentives and concessions, as required by that section. This Chapter is intended to be used in conjunction with applicable sections of State law and refers to those sections for brevity and clarity.

22.24.020 – Density Bonus and Other Incentives Pursuant to State Law

This Section specifies standards and procedures for providing density bonuses and other incentives and concessions as required by State law (Government Code Section 65915).

- A. Applicability.** Density bonuses and other requirements under State law, including incentives, concessions, waivers or reductions of development standards and parking requirements, are available to the following types of projects:
 - 1. A housing development with at least five percent of the units at affordable rent or affordable housing cost for very low income households, as defined by Section 50105 of the Health and Safety Code, or 10 percent of the units at affordable rent or affordable housing cost for lower income households, as defined by Section 50079.5 of the Health and Safety Code.
 - 2. A housing development in which at least 80 percent of the units are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, with the remaining units in the development for moderate-income households, as defined in Section 50053 of the Health and Safety Code.
 - 3. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
 - 4. A student housing development where at least 20 percent of the units (beds and associated common areas) are reserved for lower income students, subject to the requirements of Government Code Section 65915.

5. Childcare facilities built in conjunction with a housing development, subject to the requirements of Government Code Section 65915.
6. Land donation of a size and character consistent with the requirements of Government Code Section 65915.
7. A housing development where at least 10 percent of the total dwelling units are reserved for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
8. A housing development where at least 10 percent of the total units are provided at the same affordability level as very low income units for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act. The affordability shall be guaranteed for a limit of 55 years for these types of housing developments.

All of the types of projects listed above shall be eligible for a density bonus and other incentives, concessions, and waivers or reductions of development standards and parking requirements, as required by State law. Normally, complying with the County's inclusionary housing standards is sufficient for a project to be eligible for a density bonus.

B. Density bonuses; calculation of bonuses. Pursuant to State law, the bonuses a particular project is eligible for are described below and shown in Table 3-5a. Density bonus calculations refer to the number of units (beds and common areas in the case of student housing projects) over the maximum allowable residential density.

1. A housing development project is eligible for a 20 percent density bonus if the applicant seeks and agrees to construct any one of the following:
 - a. 10 percent of the units at affordable rent or affordable ownership cost for low income households;
 - b. Five percent of the units at affordable rent or affordable ownership cost for very low income households; or
 - c. A senior citizen housing development of 35 units or more as defined in Section 51.3 of the Civil Code.
2. The density bonus for which the housing development project is eligible shall increase if the percentage of units affordable to very low, low, and moderate income households exceeds the base percentage established in subsections (2) and (3) above, as established in California Government Code Section 65915(f).
3. For an affordable housing development project in which at least 80 percent of the units are for lower income households with any remainder for moderate-income households, the following shall apply:

- a. The maximum density bonus for which the affordable housing project is eligible shall increase up to 80 percent, subject to the findings included in Section 22.24.030.E (Review of application).
- b. If the project is located within one-half mile walking distance of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code: (1) The project shall receive a height increase of up to three additional stories, or 33 feet; and (2) The project shall be exempt from any maximum controls on density.

If the project is located within a one-half mile walking distance or farther of a major transit stop and receives a waiver from any maximum controls on density, the project shall not be eligible for, and shall not receive, a waiver or reduction of development standards other than density, parking, and height requirements.

- 4. A housing development in which units are for sale where at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, provided that all units in the development are offered to the public for purchase, shall be eligible for a density bonus based on the percentage of moderate income units shown in the sliding scale provided in Government Code Section 65915(f)(4).
- 5. Density bonuses may also be granted for childcare facilities, and land donation in excess of that required by Chapter 22.22 (Affordable Housing Regulations), pursuant to Government Code Sections 65915(g), 65915(h) and 65915(i).

**TABLE 3-5a
CALIFORNIA STATE DENSITY BONUS CALCULATION
PER GOVERNMENT CODE SECTION 65915**

Income Category	% Affordable Units	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units	% Affordable Units Required for Maximum 35% Bonus
Very low income	5%	20%	2.5%	11%
Low income	10%	20%	1.5%	20%
Moderate income (for-sale development only)	10%	5%	1%	40%
Senior citizen housing development of 35 units or more	--	20%	--	--
Affordable Housing Project, exclusive of manager's unit	100%	80%	--	--
Student housing	20%	35%	--	--

- 6. The following provisions apply to the calculation of density bonuses:

- a. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger integer. When calculating the number of required affordable units, any calculations resulting in fractional units shall be rounded up to the next larger integer.
- b. The density bonus units shall not be included when determining the number of affordable units required to qualify for a density bonus.
- c. A project proposed below the maximum allowable residential density may qualify for incentives, concessions, waivers or reductions of development standards if it is eligible for a density bonus.
- d. The County may, at its sole discretion, grant a density bonus exceeding the state requirements where the applicant agrees to construct a greater number of affordable housing units or at greater affordability than required by this subsection (A). If an additional density bonus is granted by the County and accepted by the applicant, the additional density bonus shall be considered an incentive or concession for purposes of Section 65915.

- C. Incentives and concessions.** Subject to the findings included in Section 22.24.020.E (Review of application), when an applicant seeks a density bonus and requests incentives, concessions, waivers or reductions of development standards and parking requirements as incentives or concessions, the County shall grant the incentives or concessions as shown in Table 3-5b and as described in this section.

Incentives and concessions other than waivers or reductions of development standards and parking requirements that result in identifiable and actual cost reductions to provide for affordable housing shall be approved. Waivers of development standards and parking requirements shall be approved when those standards would physically preclude construction of the project that qualifies for a density bonus or incentive. Applicants may request an unlimited number of waivers.

**TABLE 3-5b
DENSITY BONUS INCENTIVES AND CONCESSIONS
REQUIRED BY GOVERNMENT CODE SECTION 65915**

Affordability Category	% of Units			
	5%	10%	15%	--
Very low income (Health & Safety Code Section 50105)	5%	10%	15%	--
Low income (Health & Safety Code Section 50079.5)	10%	17%	24%	--
Moderate-income (ownership units only) (Health & Safety Code Section 50093)	10%	17%	24%	--
Affordable Housing Project, exclusive of manager's unit	--	--	--	100%
Maximum Incentive(s)/Concession(s)	1	2	3	4
Notes:	<p>(A) A concession or incentive may be requested only if an application is also made for a density bonus, except as may be permitted pursuant to Section 22.24.030.B.3.</p> <p>(B) Concessions or incentives may be selected from only one category (very low, low, or moderate).</p> <p>(C) No concessions or incentives are available for land donation or senior housing.</p> <p>(D) Day care centers may have one concession or a density bonus at the County's option, but not both.</p>			

1. For the purposes of this section, incentive or concession means the following:
 - a. A reduction in the site development standards of this Development Code or other County policy, or local architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to height, setback, coverage, floor area, and/or parking requirements, which result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set aside specified based upon appropriate financial analysis and documentation consistent with Section 22.24.030.A.2 and 22.24.030.A.3.
 - b. Approval of mixed use zoning in conjunction with the proposed residential development project if non-residential land uses will reduce the cost of the residential development, and the non-residential land uses are compatible with the residential development project and existing or planned surrounding development.
 - c. Other regulatory incentives or concessions proposed by the applicant or the County that will result in identifiable and actual cost reductions, including those incentives listed in Section 22.24.030 (County Incentives for Affordable Housing), and based upon appropriate financial analysis and documentation as specified in Section 22.24.020.D (Application for density bonuses, incentives and concessions).
2. Nothing in this section requires the provision of direct financial incentives for the residential development project, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The County at its sole discretion may choose to provide such direct financial incentives. Any such incentives may require payment of prevailing wages by the residential development project if required by State law.

3. The County, at its sole discretion, may provide incentives or concessions for a housing development project that is eligible for a density bonus pursuant to Section 22.24.020.A (Density bonuses; calculation of bonuses) but where the applicant does not request a density bonus, providing the following findings can be made:
 - a. The project is a deed-restricted housing development that is affordable to very low or low income persons, or is any residential development project developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan.
 - b. The incentive or concession is in compliance with the California Environmental Quality Act and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.
4. Pursuant to Government Code Section 65915(p), an applicant for a housing development project that is eligible for a density bonus pursuant to Section 22.24.020.A may request that onsite vehicular parking ratios, inclusive of accessible and guest parking not exceed the following standards:
 - a. For zero to one bedroom dwelling units: 1 onsite parking space.
 - b. For two to three bedroom dwelling units: 2 onsite parking spaces.
 - c. For four or more bedroom dwelling units: 2.5 onsite parking spaces.
 - d. Onsite parking may include tandem and uncovered parking

If a development includes the maximum percentage of extremely low, low or very low income units provided for in Section 22.24.020(B) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resource Code, and there is unobstructed access to the major transit stop from the development, then upon the request of the applicant, the vehicular parking ratio, inclusive of accessible and guest parking, shall not exceed 0.5 spaces per bedroom or the ratios set below, whichever are lower. For purposes of this paragraph, a development is considered to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

If a development consists solely of rental units, exclusive of a manager's unit(s), with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the applicant, the number of required parking spaces, inclusive of accessible parking and guest parking, shall not exceed the following ratios:

- a. If the development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development: 0.5 spaces per unit.
- b. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code: 0.5 spaces per unit, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

- c. If the development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, or if the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code no parking shall be required. A special needs housing development must have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

For purposes of this subsection, a development may provide on-site parking through tandem parking (provided that the parking spaces in tandem are for the same unit) or uncovered parking, but not through on-street parking.

- 5. An applicant for a housing development project that is eligible for a density bonus pursuant to Section 22.24.020.A and who requests a density bonus, incentives, or concessions may seek a waiver and reduction of development standards that have the effect of physically precluding the construction of the project with the density bonus or with the incentives or concessions permitted by this section. There is no limit to the number of waivers and reductions to development standards and parking requirements.

D. Standards for affordable housing units. Affordable units that qualify a housing development project for a density bonus pursuant to this section shall conform to the provisions applicable to affordable housing units as established in Chapter 22.22.080.A through E (General Affordable Housing Standards), 22.22.110 (Decision and Findings), and 22.22.120 (Affordable Housing Post Approval), except:

- 1. Rental prices shall be determined pursuant to Health and Safety Code Section 50053 and Section 6922, Title 25, California Code of Regulations, and the units shall be affordable for at least 30 years.
- 2. Sales prices shall be determined pursuant to Health and Safety Code Section 50052.5 and Section 6924, Title 25, California Code of Regulations. Units affordable to very low and low income households shall be affordable for 30 years or as long as a period of time permitted by current law, and units affordable to moderate income households shall be affordable in perpetuity.

E. Application for density bonus, incentives, and concessions. Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to Section 22.24.020 shall be included in the affordable housing plan submitted as part of the first approval of any residential development project and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the project. The affordable housing plan shall include, for all affordable units that qualify a housing development project for a density bonus pursuant to this section, the information that is required for inclusionary units as specified in Section 22.22.030 (Application Filing). In addition, when requested by staff, the affordable housing plan shall include the following information:

- 1. A description of any requested density bonus, incentive, concession, waiver of development standards, or modified parking standard.

2. Identification of the base project without the density bonus, number and location of all affordable units qualifying the project for a density bonus, and identification of the density bonus units.
3. Written financial statement demonstrating that any requested incentives and concessions result in identifiable and actual cost reductions, unless the request for incentives and concessions is submitted pursuant to Section 22.24.030.B.3 (Incentives and concessions). The written financial statement shall include: (a) the actual cost reduction achieved through the incentive or concession; and (b) evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices.
4. For waivers of development standards: evidence that the development standards for which the waivers are requested would have the effect of physically precluding the construction of the residential development project at the density or with the incentives or concessions requested.
5. The County may require that any written statement submitted pursuant to Section 22.24.020.D.3 include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the written financial analysis. The cost of reviewing any required financial data, including but not limited to the cost to the County of hiring a consultant to review the financial data, shall be borne by the applicant.
6. If a density bonus is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings in Government Code Section 65915(h) can be made.
7. If a density bonus or concession is requested for a child care facility, the application shall provide evidence that the findings in Government Code Section 65915(i) can be made.
8. If a request for a density bonus, incentive, concession, parking reduction, or waiver is submitted after the first approval of any housing development project, an amendment to earlier approvals may be required if the requested density bonus, incentive, concession, parking reduction, or waiver would modify either the earlier approvals or the environmental review completed pursuant to the California Environmental Quality Act.

F. Review of application. Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to this Section 22.24.020 shall be submitted as part of the first approval of any housing development project and shall be processed, reviewed, and approved or denied concurrently with the discretionary applications required for the project.

1. Before approving a request for a density bonus, incentive, concession, parking reduction, or waiver, the review authority shall make the following findings, as applicable:
 - a. The housing development project is eligible for a density bonus and any concessions, incentives, waivers, or parking reductions requested; conforms to all standards for affordability included in this chapter; and includes a financing mechanism for all implementation and monitoring costs.
 - b. Any requested incentive or concession will result in identifiable and actual cost reductions based upon appropriate financial analysis and documentation if required

by Section 22.24.020.D unless the incentive or concession is provided pursuant to Section 22.24.020.B.3.

- c. If the density bonus is based all or in part on dedication of land, all of the findings included in Government Code Section 65915(h) can be made.
 - d. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, all of the findings included in Government Code Section 65915(i) can be made.
 - e. If the incentive or concession includes mixed uses, all of the findings included in Government Code Section 65915(k)(2) can be made.
 - f. If a waiver is requested, the waiver is necessary because the development standards would have the effect of physically precluding the construction of the residential development project at the densities or with the incentives or concessions permitted by this Section 22.24.020.
2. The review authority may deny a request for an incentive or concession for which the findings set forth in Section 22.24.020.E.1 (Review of application) above can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
- a. The incentive or concession does not result in identifiable and actual cost reductions and is not required to provide for affordable rents or affordable ownership costs; or
 - b. The incentive or concession would have a specific adverse impact upon public health or safety, or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete; or
 - c. The incentive or concession would be contrary to State or federal law.
3. The review authority may deny a request for a waiver for which the findings set forth in Section 22.24.020.E.1 above can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
- a. The modification would have a specific adverse impact upon health, safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
 - b. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources; or

- c. The waiver would be contrary to State or federal law.
- 4. The review authority may deny a density bonus, incentive, concession, or waiver that is based on the provision of child care facilities and for which the required findings can be made only if it makes a written finding, based on substantial evidence, that the County already has adequate child care facilities.

22.24.030 – County Incentives for Affordable Housing

The incentives provided by this Section 22.24.030 are available to housing development projects which either: 1) comply with Chapter 22.22 (Affordable Housing Regulations); 2) are comprised of income-restricted housing that is affordable to income qualifying households; or 3) are developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan. Housing development projects which have been granted a density bonus pursuant to Section 22.24.020 (Density Bonus and Other Incentives Pursuant to State Law) are not eligible for the County density bonus described in subsection (C) below but may be granted the other incentives included in this section.

- A. Density for Affordable Housing Projects.** For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable Countywide Plan policies.
- B. Where allowed.** Development of affordable housing may be allowed in any zoning district provided that the review authority first finds that residential uses are allowed by the applicable Countywide Plan land use designation.
- C. County density bonus.** The density bonus allowed by this Section shall not be combined with the density bonus permitted by Section 22.24.020 (Density Bonus and Other Incentives Pursuant to State Law) or with any other density bonus. No single residential development project shall be granted more than one density bonus.
 - 1. **Eligibility.** The County density bonus may be granted only where the proposed density (including the density bonus) complies with all applicable Countywide Plan policies, including traffic standards, environmental standards, and Countywide Plan designations.
 - 2. **Determination of bonus.** The granting of this density bonus shall be based on a project-by-project analysis and the determination that the increase in density will not be detrimental to the public health, safety, welfare, and/or environment.
 - 3. **Amount of bonus.** The review authority may grant an increase in density of up to 10 percent of the number of dwelling units normally allowed by the applicable zoning district in a proposed residential development or subdivision.
- D. Interior design.** The applicant may have the option of reducing the interior amenity level and the square footage of affordable housing below that of large market-rate units, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the reduction in interior amenity level will provide a quality and healthy living environment. The County strongly encourages the use of green building principles such as the use of environmentally preferable interior finishes and flooring, as well as the installation of water and energy efficient hardware, wherever feasible.

- E. Unit types.** In a residential development which contains single-family detached homes, affordable housing may be attached living units rather than detached homes or may be constructed on smaller lots, and in a residential project that contains attached multistory dwelling units, affordable housing may contain only one story, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the modification of the design will provide a quality living environment.
- F. On-site affordable housing included with non-residential development.** As an inducement to the development of on-site affordable housing in non-residential development, the County may grant a reduction in the site development standards of this Development Code or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to setback, coverage, and/or parking requirements.
- G. Affordable housing on mixed use and industrial sites.** In commercial/mixed use and industrial land use categories, as designated in the Countywide Plan, the floor-area ratio may be exceeded for affordable housing, subject to any limitations in the Countywide Plan. For housing that is affordable to moderate-income households, the floor area ratio may be exceeded in areas with acceptable levels of traffic service, subject to any limitations in the Countywide Plan, and so long as the level of service standard is not exceeded.
- H. Impacted roadways.** In areas restricted to the lowest end of the density range due to vehicle Level of Service standards, affordable housing developments are allowable up to the maximum densities per the Countywide Plan.
- I. Fee waivers.** The County may waive any County fees applicable to the affordable housing units of a proposed residential, commercial, or industrial development. In addition, for projects developed pursuant to Housing Overlay Designation policies and for income-restricted housing that is affordable to income qualifying households, the Director may waive fees or transfer In-lieu Housing Trust funds to pay for up to 100 percent of Community Development Agency fees, based on the proportion of the project that is affordable to income qualifying households and the length of time that the housing shall remain affordable.
- J. Projects developed pursuant to Housing Overlay Designation policies.** Residential development projects developed in conformance with Housing Overlay Designation policies may be granted adjustments in development standards, such as parking, floor area ratio, and height, as provided in the Countywide Plan, not to exceed unit counts identified in the Countywide Plan.
- K. Technical assistance.** In order to emphasize the importance of securing affordable housing as a part of the County's affordable housing program, the County may provide assistance in obtaining financial subsidy programs to applicants.
- L. Priority processing.** The County shall priority process projects developed pursuant to Housing Overlay Designation policies and affordable housing developments.

CHAPTER 22.26 – LANDSCAPING

Sections:

- 22.26.010 – Purpose of Chapter
- 22.26.020 – Applicability – Landscaping Plans Required
- 22.26.030 – Landscaping Plan Procedures
- 22.26.040 – Landscaping Objectives
- 22.26.050 – Security for Delayed Installation

22.26.010 – Purpose of Chapter

This Chapter provides landscaping objectives for proposed developments.

22.26.020 – Applicability – Landscaping Plans Required

Landscaping plans shall be required for all discretionary permit applications for new development unless waived by the Director.

22.26.030 – Landscaping Plan Procedures

- A. A preliminary landscaping plan shall be submitted as part of the development application, and be reviewed by the Agency concurrent with the land use permit application;
- B. After approval of the development application, a final landscaping plan shall be prepared and submitted concurrent with the application for a Building Permit, and shall be reviewed by the Agency concurrent with the Building Permit application; and
- C. Landscaping plans should be prepared by a landscape professional.

22.26.040 – Landscaping Objectives

Proposed landscaping should be designed and installed to achieve the following objectives:

- A. **Provide visual amenities.** Landscaping should enhance the appearance of new development and surrounding areas by being designed, installed, and maintained to blend new structures into the context of an established community.
- B. **Provide environmental benefits.** Landscaping should be utilized to stabilize soil on hillsides, reduce soil erosion, improve air quality, reduce noise, and provide for appropriate fire protection. To the extent practicable, landscaping should also use non-toxic products or integrated pest management techniques in order to minimize impacts to water quality and wildlife habitat.
- C. **Conserve water.** Landscaping and related irrigation shall comply with the provisions of Chapter 23.10 (Water Efficiency in Landscaping) of the Marin County Code.

- D. Screen incompatible land uses.** Landscaping should be utilized to screen incompatible land uses by creating visual separation, where deemed necessary and appropriate, between land uses.
- E. Improve safety.** Landscaping should be utilized to improve pedestrian and vehicular safety by providing landscaping in proper proportion to the setting (e.g., reduced heights at intersections, driveways, etc.).
- F. Preserve the character and integrity of neighborhoods.** Landscaping should be utilized to enhance and preserve the characteristics which give a neighborhood its identity and integrity by providing a prescribed selection of trees and plant materials which are compatible with those existing in the neighborhood.
- G. Preserve native plant species.** Landscaping should be designed to use native plants as much as possible in order to preserve and/or enhance valuable plant habitats, create suitable habitats for wildlife, and protect endangered or threatened plants and animals.
- H. Preserve the number of trees in the County.** Any trees that are to be removed and for which a Tree Removal Permit is required shall be replaced at a minimum ratio of two new, appropriately sized and installed trees for each tree removed, unless a higher or lower replacement ratio is determined to be appropriate.
- I. Provide for fire safe landscaping.** Landscaping should utilize plant selection, placement and maintenance to provide a fire safe environment for individual structures, ingress, egress routes, and neighborhoods as a whole. Vegetation should not be planted in locations where, when mature, it may contact overhead power lines.

22.26.050 – Security for Delayed Installation

In the event that weather or other unavoidable conditions prevent the effective installation of required landscaping prior to occupancy, adequate security, in the amount equal to 150 percent of the value of the landscaping, including installation costs, may be allowed, subject to the approval of the Director.

CHAPTER 22.27 – NATIVE TREE PROTECTION AND PRESERVATION

Sections:

22.27.010 – Purpose of Chapter

22.27.020 – Applicability

22.27.030 – Prohibition on Removal of Protected Trees

22.27.040 – Replacement Requirements for a Permit Validly Obtained

22.27.060 – Violations and Penalties

22.27.070 – Tree Replacement/Preservation Fund

22.27.080 – Site Inspection

22.27.090 – Liability

22.27.010 – Purpose of Chapter

The purpose of this chapter is to promote the health, safety, and general welfare of the residents of Marin County, insofar as trees provide a wide variety of functions, values and benefits including:

1. Providing an important and essential functional element of the plant communities that constitute Marin County's natural heritage;
2. Providing habitat for wildlife;
3. Stabilizing soil and improving water quality by reducing erosion and sedimentation;
4. Allowing for the natural replenishment of groundwater supplies by reducing stormwater runoff;
5. Controlling drainage and restoring denuded soil subsequent to construction or grading;
6. Preserving and enhancing aesthetic qualities of the natural and built environments and maintaining the quality of life and general welfare of the County;
7. Reducing air pollution by absorbing carbon dioxide, ozone, particulate matter, and producing oxygen;
8. Assisting in counteracting the effects of global warming resulting from the depletion of forest and urban trees;
9. Conserving energy by shading buildings and parking areas;
10. Maintaining and increasing real property values;
11. Reducing wind speed and human exposure to high winds and other severe weather; and
12. Assisting in reducing noise pollution through the effects of vegetative buffers.

22.27.020 – Applicability

This Chapter applies only to “protected trees” as defined in Article VIII (Development Code Definitions) on improved and unimproved lots as defined in Article VIII in the non-agricultural unincorporated areas of Marin County.

22.27.030 – Prohibition on Removal of Protected Trees

Protected Trees shall not be removed except in compliance with Section 22.62.040 (Exemptions), and as provided for in Chapter 22.62 (Tree Removal Permits).

22.27.040 – Replacement Requirements for a Permit Validly Obtained

In order to mitigate for any trees removed under the provisions of this Chapter, the Director may require one or more of the following:

- A. Establishment and maintenance of replacement trees in conformance with Countywide Plan policies, the Landscaping Objectives identified in Section 22.26.040 of this Development Code, the Single Family Residential Design Guidelines, and/or the vegetation management requirements of the Marin County Fire Department or local Fire Protection District, as applicable.
- B. For large properties, a management plan which designates areas of the property for preservation of stands of trees or saplings and replacement plantings as required.
- C. Removal of invasive exotic species.
- D. Posting of a bond to cover the cost of an inspection to ensure success of measures described above.

In the event that tree planting on the site is not feasible or appropriate, the Director may require in lieu of planting on the specific property, the payment of money in the amount of \$500.00 per replacement tree to be deposited into the Tree Preservation Fund managed by the Marin County Parks and Open Space Department for planting, maintenance, and management of trees and other vegetation.

22.27.060 – Violations and Penalties

Where any person, firm, or corporation violates the provisions of this Chapter, the Director may pursue an enforcement action in compliance with Chapter 22.122 (Enforcement of Development Code Provisions), and County Code Chapter 1.05 (Nuisance Abatement). The enforcement action may result in substantial fines for enforcement costs and civil penalties over and above any funds paid into the Tree Preservation Fund, the exact amount to be determined through the abatement process.

22.27.070 – Tree Replacement/Preservation Fund

Money received in lieu of replacement planting shall be forwarded to the Director of the Marin County Parks and Open Space Department for deposit in a Tree Preservation Fund. Under no circumstances shall the monies collected by the Department for the Tree Preservation Fund be

directed to any other account or used for any purpose other than the planting, maintenance, and management of trees or other vegetation:

- A. On lands owned and managed for park or open space purposes by the Marin County Parks and Open Space Department or the County of Marin; and
- B. For public uses as directed by the Marin County Board of Supervisors.

22.27.080 – Site Inspection

The Director may conduct a site inspection and require a site plan or arborist's report to determine whether trees have been removed in violation of this chapter.

22.27.090 – Liability

Nothing in this Chapter shall be deemed to impose any liability upon the County, its officers and employees, nor to relieve the owner of any private property from the responsibility to maintain any tree on his/her property in such condition as to prevent it from constituting a hazard or impediment to travel or vision upon any public right-of-way.

CHAPTER 22.28 – SIGNS

Sections:

- 22.28.010 – Purpose of Chapter
- 22.28.020 – Applicability
- 22.28.030 – General Restrictions for All Signs
- 22.28.040 – General Standards for Permanent Sign By Use
- 22.28.050 – Standards for Specific Sign Types
- 22.28.060 – Temporary Sign Standards

22.28.010 – Purpose of Chapter

The purpose of this Chapter is to promote the public health, safety, and welfare of the County through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign/display standards and requirements to:

- A. Promote and accomplish the goals, policies, and objectives of the General Plan;
- B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- C. Recognize free speech rights by regulating signs in a content-neutral manner;
- D. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
- E. Enhance and improve properties and neighborhoods by encouraging signs which are compatible with and complementary to related structures and uses and harmonious with their surroundings;
- F. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;
- G. Allow signs to serve as an effective channel of communication through flexible standards applicable in certain circumstances; and
- H. Provide clear and unambiguous sign standards that enable fair and consistent enforcement.

22.28.020 – Applicability

- A. **Applicability.**
 1. This Chapter applies to all signs within the County unless specifically exempted.
 2. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress

and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the County.

3. The provisions of this Chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.
4. Permanent signs shall be constructed, installed, or altered, only with the approval of a Sign Permit or Sign Review, and in compliance with all applicable provisions of this Chapter and Chapter 22.60. Signs that are exempt from the provisions of this Chapter are described in Section 22.60.020.B (Permits for Signs-Exemptions). Prohibited signs are described in Subsection 22.28.030.B (Prohibited Signs).

B. Interpretations.

1. This Chapter is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered. To the extent any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.
2. Where a particular type of sign is proposed in a permit application, and the type is not expressly allowed, restricted, or prohibited by this Chapter, the Director shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Chapter.

22.28.030 – General Restrictions for All Signs

Signs shall only be erected, placed, constructed, altered, maintained, or otherwise located in compliance with the permit requirements or exemptions of Chapter 22.60 (Permits for Signs).

A. Location restrictions. Signs may not be placed in the following locations, except where specifically authorized:

1. Within, on, or projecting over County right-of-way;
2. On public property;
3. Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device;

4. Signs tacked, painted, burned, cut, pasted, or otherwise affixed to cliffs, hillsides, trees, light and utility poles, posts, fences, ladders, or similar supports that are visible from the public right-of-way;
5. Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle parked to provide advertising visible from the public right-of-way or parked on public property to clearly provide advertising close to the public right-of-way;
6. Signs constructed or placed in such a manner as to prevent or interfere with free ingress to or egress from any door, window, or any exit way required by the Building Code or Fire Department standards;
7. Any location that impairs pedestrian and vehicular safety;
8. Signs constructed or placed in such a way as to be confused with any authorized traffic signal or device; and
9. Roof signs.

B. Prohibited signs. The following signs are prohibited:

1. Digital displays that can distract drivers;
2. Billboards;
3. Signs advertising a use no longer in operation;
4. Feather signs;
5. Signs in storage or in the process of assemblage or repair, that are located outside of a premise other than that advertised on the sign, and are visible from a public right-of-way; and
6. Stuffed or inflated animals or characters used as signs.

C. Display restrictions. Signs with the following display features are prohibited:

1. Lighting devices with intermittent, flashing, blinking, or varying intensity or light or color, including animation or motion picture, or any lighting effects creating the illusion of motion, as well as laser or hologram lights unless explicitly allowed by this Chapter (e.g., electronic message center signs);
2. Sound, odor, or smoke;
3. Sign with reflective material;
4. Banners, pennants, streamers except in conjunction with an athletic event, carnival, circus, fair, or during the first 30 days of occupancy of a new structure or operation of a new business in compliance with Section 22.28.060 (Temporary Sign Standards);

5. Signs, other than clocks or meteorological devices, having moving parts or parts so devised that the sign appears to move or to be animated. Barber poles no larger than three feet high and 10 inches in diameter are excepted from this restriction;
6. Any changeable copy LED signs, except fixed illumination display signs used to indicate that a business is “open”, display prices, or to confirm an order placed in a drive through lane; and
7. Strings of lights arranged in the shape of a product, arrow, or any commercial message.

D. Utility clearance. The owner of any sign shall maintain legal clearance from communications and electrical facilities. No sign shall be constructed, erected, installed, maintained or repaired in any manner that conflicts with any rule, regulation or order of the California Public Utilities Commission pertaining to the construction, operation and maintenance of public utility facilities.

E. Sign message. Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.

F. Sign measurement criteria. Sign area and sign height are measured as follows:

1. **Sign area measurement.** The surface area of a sign shall be measured as the limits of the message, background, and any frame or outline that does not include any materials used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall be measured as the smallest rectangular shape that encompasses the total message. The area of a conic, cylindrical, spherical or multi-faced sign shall be its maximum projection onto a vertical plane (e.g., for a two-faced sign, only one side shall be measured).

FIGURE 3-11

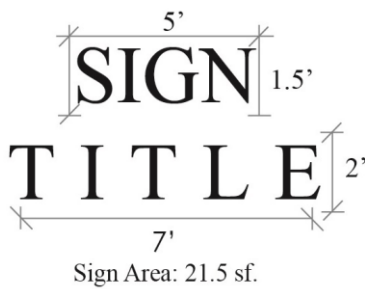
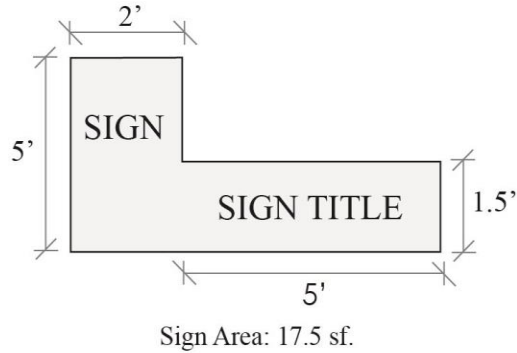


FIGURE 3-12



FIGURE 3-13



2. **Sign height measurement.** Sign height is measured as follows:

a. **Building mounted signs**

- i) For all single-family residential, duplex and multi-family residential uses and mobile home parks, the height of building mounted signs is measured as the vertical distance from the grade below the sign to the top of the highest element of the sign.
- ii) Freestanding signs. The height of a freestanding sign is measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade to the top of the highest element of the sign.

FIGURE 3-14

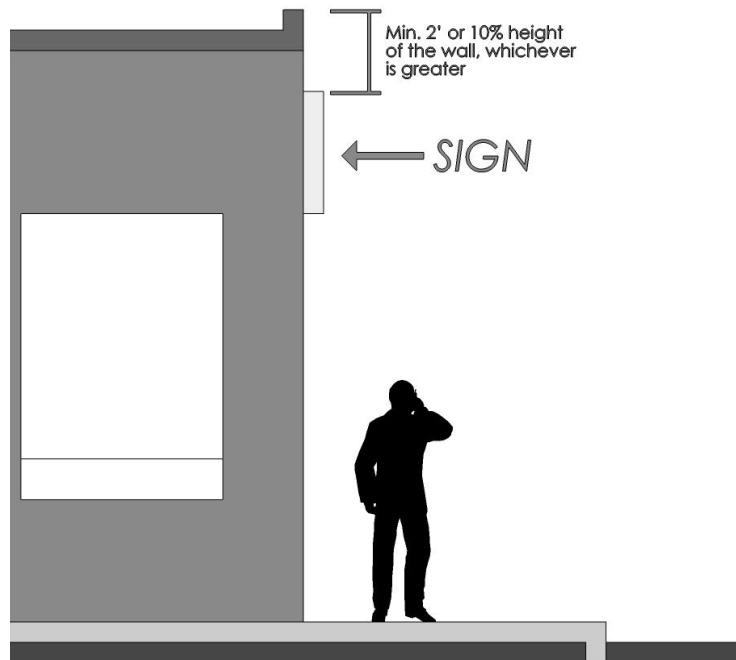


FIGURE 3-15

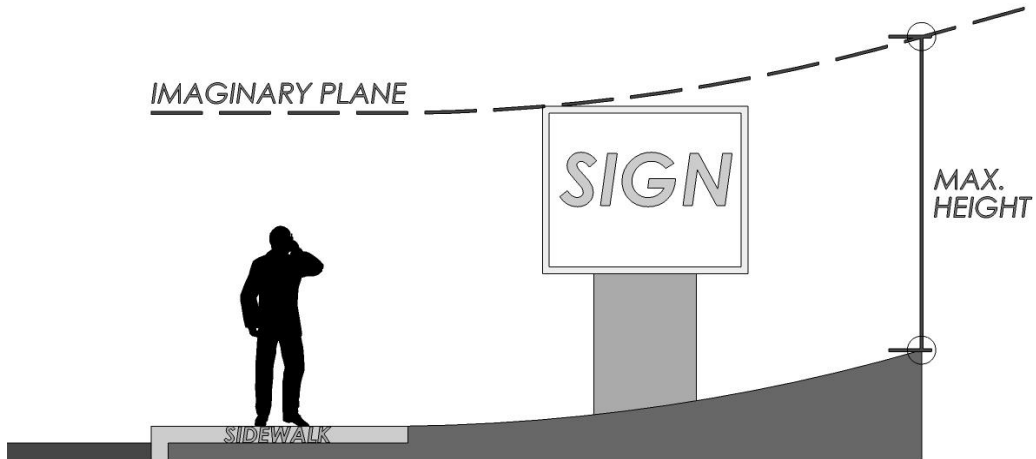
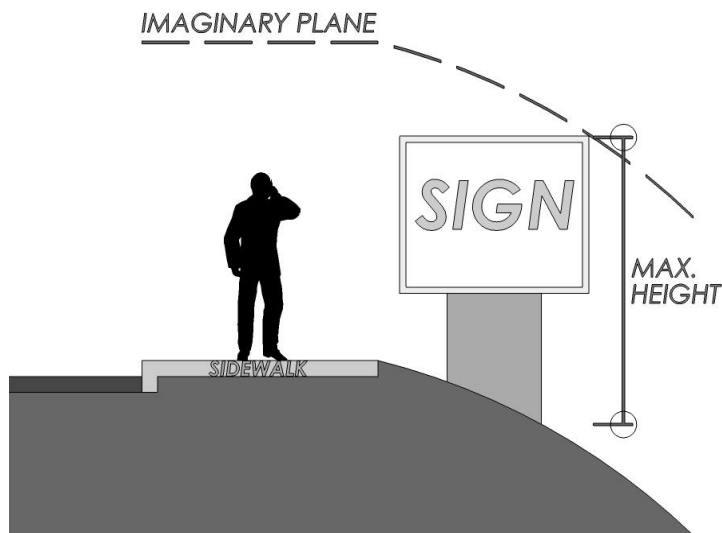


FIGURE 3-16



- G. Sign placement at intersection.** Freestanding signs shall not obstruct sight distance as established by the County Code (Chapter 13.18) and Section 22.20.050.A.2 (Fencing and Screening Standards - Corner lots).
- H. Sign illumination.** Sign illumination must be designed to minimize light and glare on surrounding rights-of-way and properties according to the following standards:
1. Sign illumination must be limited to avoid light projection or reflection into residential zones;
 2. Sign illuminations must not blink, flash, flutter, or change light intensity, brightness, or color unless consistent with standards for electronic message center signs;

3. Neither the direct nor reflected light from primary light sources may create hazards for pedestrians or operators of motor vehicles;
4. Internally illuminated signs shall meet the night-time brightness standards for electronic message center signs. Externally illuminated signs must be illuminated only with steady and stationary light sources directed solely onto the sign without causing glare.
5. Electronic message center signs
 - a. Electronic message center signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic messages signs may display changing messages provided that each message is displayed for no less than four seconds.
 - b. One electronic message center sign may be allowed per property.
 - c. Night-time brightness.
 - i) Night-time brightness must be measured with an illuminance meter set to measure foot candles accurate to at least two decimals. Illuminance must be measured with the electronic message off, and again with the electronic message displaying a white image for a full color-capable electronic message or a solid message for a single-color electronic message.
 - ii) All measurements must be taken perpendicular to the face of the electronic message at the following distance:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$
 - iii) The difference between the off and solid message measurements shall not exceed 0.3 foot candles at night.
 - d. Electronic message center signs must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3-foot candle requirement.

22.28.040 – General Standards for Permanent Signs By Use

Permanent signs shall comply with the sign area, height, number, type, and other requirements of this Section.

A. Single Family Residential or Duplex (including home occupations and bed and breakfasts).

- Maximum number of signs - one
- Maximum area- four square feet
- Maximum Height- six feet above grade

B. Multi-family Residential Developments/Subdivisions/Mobile Home Parks.

- Maximum number of signs - one
- Maximum area- 6 square feet

Maximum Height- 10 feet above grade

C. Agricultural Uses.

Maximum number of signs - one

Maximum area- 12 square feet

Maximum Height- A minimum distance from the top of the wall or parapet of two feet or 10% of the height of the wall, whichever is greater

D. Institutional or Civic Uses.

Maximum number of signs - two

Maximum area- 24 square feet

Maximum Height- A minimum distance from the top of the wall or parapet of two feet or 10% of the height of the wall, whichever is greater

E. Commercial or Industrial Uses.

Maximum number of signs - two

Maximum area -

- Ground floor: One square foot per one linear foot of wall to which the sign is mounted, to a maximum of 50 square feet
- Upper floor: 24 square feet

Maximum Height - A minimum distance from the top of the wall or parapet of two feet or 10% of the height of the wall, whichever is greater

F. Outdoor Uses, including Outdoor Commercial Recreation, Outdoor Retail Sales and Activities, and Temporary Outdoor Retail Sales.

Maximum number of signs - one

Maximum area - 0.5 square feet per one linear foot of distance of the property line that the sign faces most directly, up to a maximum of 50 square feet

Maximum Height - A minimum distance from the top of the wall or parapet of two feet or 10% of the height of the wall, whichever is greater

22.28.050 – Standards for Specific Sign Types

All signs shall comply with the standards established in Table 3-6 (Standards for Specific Sign Types). Each sign type listed in this Section shall be included in the calculation of the total sign area for signs allowed on a development site by this Section. Each sign shall also comply with the sign area, height, and other requirements of 22.28.040 (General Standards for Permanent Signs by Use), and all other applicable provisions of this Chapter. Any non-commercial message may be substituted for the sign copy on any commercial sign allowed by this Chapter.

**TABLE 3-6
STANDARDS FOR SPECIFIC SIGN TYPES**

Sign Type	Maximum Number	Maximum Area	Maximum Height	Included in maximum number and area of signs?	Permit Required?	Additional Requirements
Awning Sign	n/a	1 sf/1 linear foot of awning width	See 22.28.050.A.1	Yes	Yes	22.28.050.A.1
Canopy Sign	n/a	1 sf/1 linear foot of canopy width	See 22.28.050.A.2	Yes	Yes	22.28.050.A.2
Changeable Copy Sign	n/a	See 22.28.050.A.3		Yes	Yes	22.28.050.A.3
Directory Sign	1/bldg. entrance	20 sf	See 22.28.050.A.4	No ¹	Yes	22.28.050.A.4
Freestanding Sign	See Table 3-7			Yes	Yes	22.28.050.A.5
Projecting Sign	1/bldg. entrance	12 sf	See 22.28.050.A.6	Yes	Yes	22.28.050.A.6
Suspended Sign	1/bldg. entrance	8 sf	See 22.28.050.A.7	Yes	Yes	22.28.050.A.7
Wall Sign	See Table 3-7			Yes	Yes	22.28.050.A.8
Window and Clear Door Signs	n/a	15% of window area ²	See 22.28.050.A.9	No	No	22.28.050.A.9

End Notes:

¹ Only if not visible from the public right-of-way. If the sign is visible from the public right-of-way, it must be considered a freestanding or building mounted sign and will be included in the limitations for maximum number of signs and sign area.

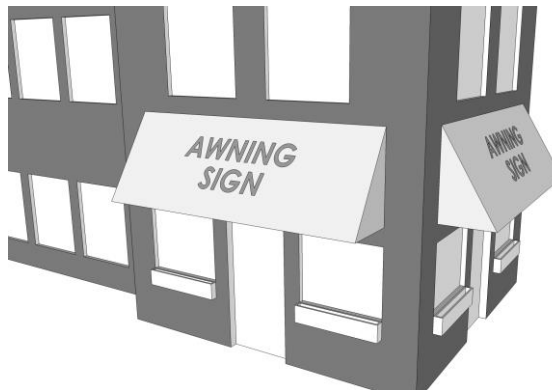
² Maximum window sign area includes both permanent and temporary window signs.

A. Supplemental standards by sign type. In addition to the standards in 22.28.040 (General Standards for Permanent Signs by Use), signs must comply with the following supplemental

standards applicable to the specific sign type. Each sign must also comply with the requirements of Section 22.28.030 (General Restrictions for All Signs) and all other applicable provisions of this Chapter.

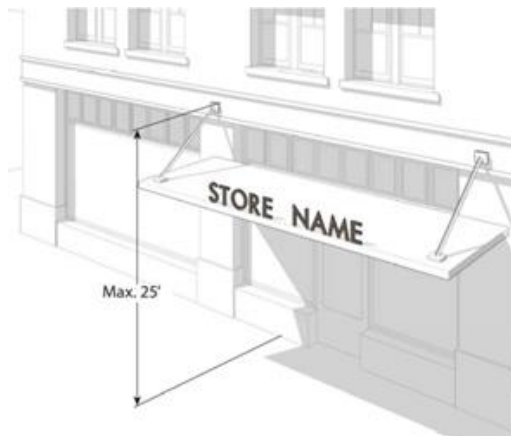
1. **Awning sign.** The following standards apply to awning signs (Figure 3-17), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Mounting Height.**
 - (1) Maximum 25 feet on ground floor awnings; and
 - (2) Minimum eight feet from the bottom of the awning to the nearest grade or sidewalk.
 - b. **Sign Placement.**
 - (1) Only above the doors and windows of the ground floor of a building;
 - (2) An awning shall not project above, below or beyond the edges of the face of the building wall or architectural element on which it is located;
 - (3) Displayed only on the vertical surface of an awning; and
 - (4) Sign width shall not be greater than 60% of the width of the awning face or valence on which it is displayed.
 - c. **Setback from Back of Curb.** Minimum 18 inches.
 - d. **Illumination.** Not permitted.

FIGURE 3-17



2. **Canopy sign.** The following standards apply to canopy signs (Figure 3-18), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Mounting height.**
 - (1) Maximum 25 feet on ground floor canopies (see Figure 3-18);

- (2) Minimum eight feet from the bottom of the canopy to the nearest grade or sidewalk.
- b. **Sign placement.**
- (1) Only above the doors and windows of the ground floor of a building;
 - (2) A canopy shall not project beyond the edges of the face of the building wall or architectural element on which it is located; and
 - (3) Shall not extend horizontally a distance greater than 60% of the width of the canopy on which it is displayed.
- c. **Setback from back of curb.** Minimum 18 inches
- d. **Illumination.** Internal illumination allowable only in commercial zoning districts. Internal illumination only for the letters or logos mounted on a canopy. May also be non-illuminated.

FIGURE 3-18

3. **Changeable copy sign.** The following standards apply to changeable copy signs, including non-flashing electronic message center signs, (Figure 3-19), in addition to the standards in Table 3-6 (Standards for Specific Sign Types):
- a. For a non-commercial use, up to 50 percent but not exceeding 50 square feet of the allowed sign area may be used for changeable copy;
 - b. For a multi-commercial use, over 50 percent but not exceeding 100 square feet of the allowed sign area may be used for changeable copy; and
 - c. **Illumination.** Internal illumination allowable only in commercial zoning districts. Illumination permitted in accordance with Section 22.28.030.H (Sign Illumination). May also be non-illuminated.

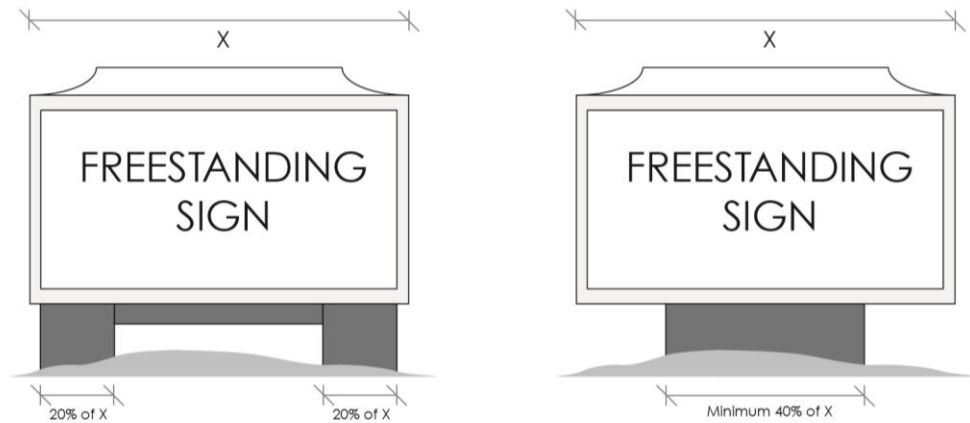
FIGURE 3-19

4. **Directory signs.** The following standards apply to directory signs (Figure 3-20), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Maximum sign height.**
 - (1) Ground mounted directory signs must not exceed six feet;
 - (2) Structure mounted directory signs must not exceed six feet from the bottom of the sign to the top of the sign, with the top of the sign no more than 12 feet above ground level; and
 - (3) Ground mounted directory signs must comply with the standards for freestanding signs in Subsection 22.28.050.A.5 (Freestanding signs).
 - b. **Illumination.** Internal illumination allowable only in commercial zoning districts. Illumination permitted in accordance with Section 22.28.030.H (Sign Illumination)

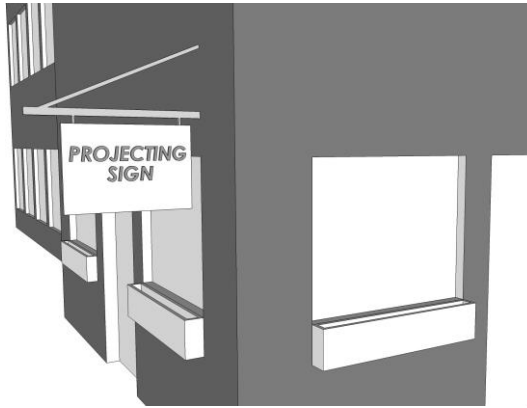
FIGURE 3-20

5. **Freestanding signs.** The following standards apply to freestanding signs (Figure 3-21), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Setback.** Minimum one foot from a property line in non-residential zones, and a minimum of five feet from a property line in residential zones.
 - b. **Landscaping.** Freestanding signs must be surrounded by minimum of 70 square feet of landscaping.

- c. **Illumination.** Internal illumination allowable only in commercial zoning districts. Permitted in accordance with Section 22.28.030.H (Sign Illumination).
- d. **Base width.** Freestanding signs larger than four square feet or taller than three feet must include a sign base with an aggregate width of at least 40% of the width of the sign face. See Figure 3-21.
- e. **Separation.** Multiple freestanding signs should be separated by a minimum of 60 feet to ensure adequate visibility for all signs. The Director may modify this requirement where the locations of existing signs on adjacent properties would make the 60-foot separation impractical.

FIGURE 3-21

- 6. **Projecting signs.** The following standards apply to projecting signs (Figure 3-22), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Vertical clearance.** Minimum eight feet from bottom of the sign to finished grade below.
 - b. **Projection into public right-of-way.** Signs must not encroach into the County right-of-way and must not encroach into State right-of-way unless authorized by the State.
 - c. **Maximum sign height.** Top of sign maximum 14 feet above finish grade below.
 - (1) Projecting signs must not extend more than six feet from a structure wall;
 - (2) Projecting signs must be double-sided.
 - d. **Illumination.** Internal illumination allowable only in commercial zoning districts. Permitted in accordance with Section 22.28.030.H (Sign Illumination).

FIGURE 3-22

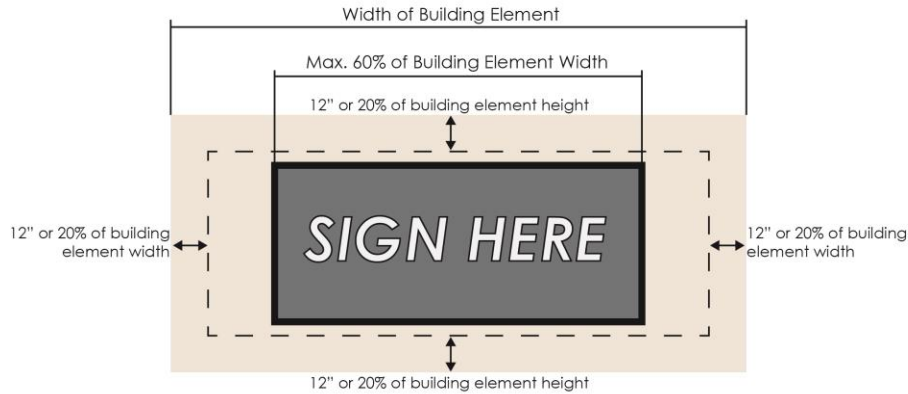
7. **Suspended signs.** The following standards apply to suspended signs (Figure 3-23), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Vertical clearance.** Minimum eight feet from bottom of the sign to finished grade below.
 - b. Limited to ground level businesses only.
 - c. **Illumination.** Internal illumination allowable only in commercial zoning districts. Permitted in accordance with Section 22.28.030.H (Sign Illumination).

FIGURE 3-23

8. **Wall Signs.** The following standards apply to wall signs (Figure 3-25), in addition to the standards in Tables 3-7 (Standards for All Temporary Signs On Private Property) and 3-6 (Standards for Specific Sign Types).
 - a. **Sign placement.** The total sign area for wall signs on single-tenant or multi-tenant buildings may be placed on any building elevation, except:
 - i) No sign shall face an adjoining residential zone;
 - ii) Signs shall be placed the lesser of 12 inches or 20% of the width and height of the building element on which they are mounted (See Figure 3-24);

- iii) The width of the sign shall not be greater than 60% of the width of the building element on which it is displayed; and
- iv) Individual tenants in multi-tenant buildings are permitted building mounted signs only on the primary entrance elevation of the space occupied by the business.

FIGURE 3-24

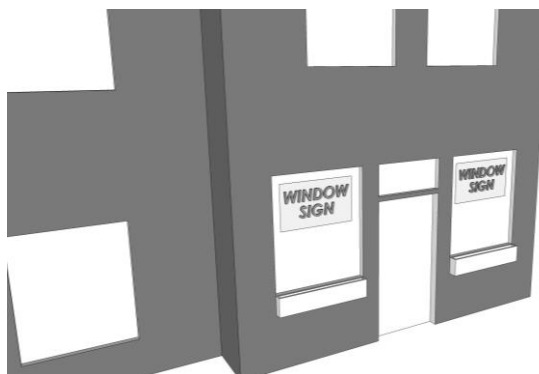


- b. **Projection.** A wall sign must not project more than 12 inches from the surface to which it is attached.
- c. **Illumination.** Internal illumination allowable only in commercial zoning districts. Permitted in accordance with Section 22.28.030.H (Sign Illumination).

FIGURE 3-25



- 9. **Window signs.** The following standards apply to window signs (Figure 3-26), in addition to the standards in Table 3-6 (Standards for Specific Sign Types).
 - a. **Location.** Window signs are only allowed on first story windows.
 - b. **Other standards.** Temporary signs placed in a window also count toward maximum allowable window sign area.

FIGURE 3-26

22.28.060 – Temporary Sign Standards

- A. Purpose.** The proliferation of temporary signs can be a distraction to the traveling public and creates aesthetic blight and litter that threatens the public health, safety, and welfare. The purpose of these regulations is to ensure that temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs.
- B. General to all.** All temporary signs must comply with the following:
1. Wall banners shall not be displayed for more than 30 days per year and other authorized temporary signs shall not be displayed for more than 100 days per year without Temporary Sign Permit approval;
 2. Temporary signs must not be placed on or affixed to any County property, including County rights-of-way, except as specifically authorized in connection with a special event permitted in the County; and
 3. Temporary signs shall not be placed in the clear view zone at street intersections (Section 22.20.050.A.2) or driveways (refer to Chapter 13.18 (Visibility Obstructions) of the County Code).
- C. Standards for temporary signs.** Temporary signs placed on private property are allowed in all zoning districts in compliance with the following standards:
1. **Time, place, and manner restrictions for temporary signs on private property.** Temporary signs on private property shall comply with the standards provided in Table 3-7 (Standards for All Temporary Signs on Private Property).

**TABLE 3-7
STANDARDS FOR ALL TEMPORARY SIGNS ON PRIVATE PROPERTY**

Standards Applicable to All Zones	
Placement	Shall not create a hazard for pedestrian or vehicular traffic. Shall not be placed on a sidewalk or pedestrian pathway.
Height and width	Refer to Table 3-8 for height and width standards for individual temporary signs.
Prohibited elements	Any form of illumination, including flashing, blinking, or rotating lights. Animation. Reflective materials. Attachments, including, but not limited to, any balloons, ribbons, loudspeakers, etc.
Design and construction	Must be professionally crafted and of sufficient weight and durability to withstand wind gusts, storms, etc.
Permitting	Refer to Section 22.60.060.A (Temporary Sign Permit Procedures).
Commercial, Industrial, and Other Non-Residential Zones	
Period of use	Refer to Section 22.60.060.B (Duration of Temporary Sign Permit).
Area of all temporary signs at any one time	Max. 24 sq. ft. per business; excludes the area of temporary window signs and wall banner signs.
Number of Signs	Unlimited except that the total sign area of all temporary signs not exceed 24 sq. ft. per business.
All Residential Zones	
Period of use	No limitation.
Area of all temporary signs at any one time	Max. 16 sq. ft. per lot.
Number of Signs	Unlimited except that the total sign area of all temporary signs shall not exceed 16 sq. ft.

2. **Types of Temporary Signs.** Temporary signs shall comply with the standards provided in Table 3-8 (Standards for Specific Temporary Sign Types).

**TABLE 3-8
STANDARDS FOR SPECIFIC TEMPORARY SIGN TYPES**

Temporary Sign Type ¹	Standard			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
A-Frame Sign	4 feet above grade	3 feet	6 sq. ft. on each side	Only permitted in non-residential zones.
Yard Sign	6 feet above grade	--	6 sq. ft.	Installed securely in the ground.
Wall Banner	Mounting height – max. 25 feet to the top of the wall banner.		24 sq. ft.	Not included in the total sign area for all temporary signs. May only be mounted on a building wall. Only one banner sign is allowed per property at any one time.
Window and Clear Door Signs	--	--	The area of temporary and permanent window signs combined shall not exceed 15% of the area of the window on or within which they are displayed.	Placed no higher than 1st story windows. Inside mounting required. Not included in the total sign area for all temporary signs.
Number of Signs	Subject to Table 3-6 except for banner signs			

End Notes:

- ¹ Other temporary sign types may be allowed (e.g. fuel pump topper signs or wraps around waste receptacles) provided the max area limitation for all temporary signs is not exceeded.

CHAPTER 22.30 – STANDARDS FOR SPECIFIC COMMUNITIES

Sections:

- 22.30.010 – Purpose of Chapter
- 22.30.020 – Applicability
- 22.30.030 – Communities within the Coastal Zone
- 22.30.040 – Lucas Valley Community Standards
- 22.30.045 – San Geronimo Valley Community Standards
- 22.30.050 – Sleepy Hollow Community Standards
- 22.30.060 – Tamalpais Planning Area Community Standards

22.30.010 – Purpose of Chapter

This Chapter provides development standards for specific unincorporated communities, where the preservation of unique community character requires standards for development that differ from the general requirements of this Article and Article II (Zoning Districts and Allowable Land Uses).

22.30.020 – Applicability

The provisions of this Chapter apply to proposed development and new land uses in addition to the general site planning standards of Article II (Zoning Districts and Allowable Land Uses), this Article, and all other applicable provisions of this Development Code. In the event of any conflict between the provisions of this Chapter and any other provision of this Development Code, this Chapter shall control.

22.30.030 – Communities within the Coastal Zone

Standards for specific communities within the Coastal Zone are located in Article V (Coastal Zone Development and Resource Management Standards).

22.30.040 – Lucas Valley Community Standards

- A. Applicability.** The standards of this Section apply to development and land uses within the area identified as Lucas Valley in the Countywide Plan (Lucas Valley Land Use Policy Map 2.2) and the governing R1:BLV (Single-family Residential Lucas Valley) zoning district.
- B. Purpose.** This Section provides development standards intended to: (1) preserve the unique architectural style of the Eichler-design residences that define the predominant character of the Lucas Valley community; and (2) preserve those design attributes that characterize the lots with Eichler-design structures and those lots with non-Eichler-design structures located on Mount Tallac Court, Mount Wittenburg Court, Mount Palomar Court and Mount Muir Court.
- C. Limitation on uses within the R1:BLV zoning district.** Allowable land uses shall be limited to the following on properties within the R1:BLV zoning district, instead of those normally allowed in the R1 zoning district by Section 22.10.030 (Residential District Land Uses and Permit Requirements):
 1. Single-family dwellings;

2. Public parks and playgrounds;
3. Non-commercial greenhouses accessory to single-family dwellings;
4. Home occupations, in compliance with Section 22.32.100 (Home Occupations);
5. Schools, libraries, churches, monasteries, convents, tennis courts and similar non-commercial recreational uses, subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits);
6. Child day-care facilities, in compliance with Section 22.32.050 (Child Day-Care Facilities); and
7. Accessory buildings and accessory uses.

D. Design standards.

1. **Height limit for Eichler-design residences.** 15 feet, six inches, or the height as approved of the existing residence, whichever is greater. Structures over the height limit require Variance approval in compliance with Chapter 22.54 (Variances).
2. **Height limit for Mount Palomar Court lots.** 16 feet, six inches. Structures over the height limit require Variance approval in compliance with Chapter 22.54 (Variances).
3. **Height limit for Mount Tallac Court, Mount Wittenburg Court, and Mount Muir Court lots.** 30 feet. Structures over 30 feet in height and up to 35 feet in height require Design Review approval in compliance with Chapter 22.42 (Design Review). Structures over 35 feet in height require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances).
4. **Height limits for roof-mounted and ground-mounted solar panels.** Flush-mounted solar panels may extend up to two feet in height above the roof. Height in excess of two feet above the roof shall require Design Review approval in compliance with Chapter 22.42 (Design Review). Ground-mounted solar panels located within the side and rear yards behind a solid fence shall not exceed a height of four feet above grade, unless approved through Design Review.
5. **Detached accessory structures. Height limit for lots with Eichler-design residences and for Mount Palomar Court lots:** Detached accessory structures shall not exceed 100 square feet in floor area and a maximum height of 8 feet. Structures over the size or height limit require Design Review approval in compliance with Chapter 22.42 (Design Review).
6. **Detached accessory structures: Height limit for Mount Tallac Court, Mount Wittenburg Court, and Mount Muir Court.** Detached accessory structures shall not exceed 100 square feet in floor area and a maximum height of 15 feet or the height of the existing residence, whichever is lower. Structures over the size or height limit require Design Review approval in compliance with Chapter 22.42 (Design Review).

7. **Setback requirements.** Structures shall be located in compliance with the following minimum setbacks from property lines. See Section 22.20.090.B (Measurement of Setbacks).
 - a. **Front:** 25 feet.
 - b. **Sides:** 6 feet on each side; 10 feet for a street side setback on a corner parcel.
 - c. **Rear:** 20 percent of the lot depth, up to a maximum of 25 feet.
8. **Exemptions from setback requirements.** The improvements listed in Section 22.20.090.D (Exemptions from setback requirements) are exempt from setback requirements in the R1:BLV zoning district.
9. **Allowable Floor Area Ratio (FAR).** 30 percent (0.30) of lot area is permitted.
10. **Minimum lot area required.** 7,500 square feet, except as provided for in Section 22.82.050 (Hillside Subdivision Design).

E. Design Review required and additional findings. All new construction and modifications to existing structures in the R1:BLV zoning district, with the exception of those improvements listed in Section 22.30.040.F. below, shall be subject to Design Review approval in compliance with Chapter 22.42 (Design Review). The review authority may approve a Design Review, with or without conditions, only if all of the following findings are made:

1. All mandatory findings contained in Section 22.42.060 (Design Review - Decision and Findings) can be made.
2. For an Eichler-design residence, the proposed development and improvements retain and preserve the classic architectural design elements and design concepts including, but not necessarily limited to: retention of the simple, rectilinear style, form, and facades; respect of the post-and-beam detailing; window and door details; roof slopes; exterior finishes and colors; scale and proportions; transition of spaces; entry courtyards; atrium features; and deep roof overhangs.
3. The over-all residential development preserves, and is compatible with, the existing character and quality of the prevailing single-family residential neighborhood.
4. The proposed development utilizes exterior building materials, surfaces, and colors consisting of natural and non-reflective materials and colors that blend into the natural environment unobtrusively. Exterior materials and colors on Eichler-design residences are consistent with the classic Eichler exterior characteristics and finishes.
5. The landscaping design utilizes fire resistance, erosion control, and drought tolerant species, provides visual buffering for privacy, and upon maturity will not obscure the major views of the off-site vistas as seen from public streets. The landscaping design utilizes landscaping material that blends and is consistent with the prevailing neighborhood design characteristics.
6. Siting of additions preserves privacy and views between neighboring residences.

F. Exemptions from Design Review. The following developments and physical improvements are exempt from Design Review:

1. Skylights, flush-mounted solar panels that do not exceed two feet above the roof line, chimneys, satellite dishes, ground-mounted air conditioning units located within the interior side and rear yards behind a solid fence, wall-mounted air conditioning units on a building elevation that faces an interior side or rear yard, and pool equipment;
2. Replacement and repair of exterior siding, roofing, windows and doors;
3. Exterior painting;
4. Interior remodels;
5. Atrium enclosures which do not exceed the height of the existing roofline;
6. Wood fences which do not exceed six feet in height and located within the side and rear yards or on the property line defining such yards;
7. Decks and patios not exceeding 18 inches in height above grade;
8. Landscape improvements;
9. Ground-mounted solar panels that do not exceed four feet in height above grade and are located within the side and rear yards behind a solid fence; and
10. Other work that the Director determines to be minor and incidental in nature and which is in compliance with the purpose of the Chapter 22.42 (Design Review).

22.30.045 – San Geronimo Valley Community Standards

A. Applicability. The standards of this Section apply to development and land use within the area identified as San Geronimo Valley in the Countywide Plan (San Geronimo Valley Land Use Policy Map 7.10.0) and the governing SGV (San Geronimo Valley) combining district.

B. General Development Standards. The standards of this Subsection apply to development and land use outside the Countywide Plan Stream Conservation Area in the governing SGV (San Geronimo Valley) combining district.

1. **Roads and Driveways.** Non-county maintained roads and privately owned and maintained roads, including new roads and driveways, either paved or unpaved, shall be constructed to the standards specified below:

a. Surface drainage.

- 1) Road surfaces and ditches are hydrologically "disconnected" from streams and stream crossing culverts, with a maximum allowable hydrologic connectivity of 25% of the total new road surface and compacted shoulder area (paved and unpaved). To be considered disconnected, road surface runoff is dispersed, rather than collected and concentrated, and does not return to a connected ditch farther downstream.

- 2) Fine sediment contributions from roads, cutbanks and ditches are minimized by utilizing seasonal closures and installing a variety of surface drainage techniques including berm removal, road surface shaping (i.e., outsloping, insloping, crowning), rolling dips, ditch relief culverts, waterbars and other measures to disperse road surface runoff and reduce or eliminate sediment delivery to the stream.
- b. Road fills.**
- 1) Unstable and potentially unstable road fills that could deliver sediment to a stream are excavated (removed) or structurally stabilized.
 - 2) Excavated spoil is placed in locations where eroded material will not enter a stream.
 - 3) Excavated spoil is placed where it will not cause a slope failure or landslide.
- c. Off-site retrofits.** If on-site avoidance or minimization of surface runoff and sediment erosion is not feasible using the above criteria, off-site retrofit of existing impaired sites (e.g., stream crossings currently diverted or with diversion potential, culverts likely to plug or undersized culverts), would occur at a 2:1 ratio for total runoff area in a functionally equivalent riparian area of San Geronimo Creek or its major tributaries (North Fork San Geronimo Creek, Woodacre Creek, Montezuma Creek, Arroyo/Barranca/El Cerrito Complex, Larsen Creek) within reaches accessible to anadromous salmonids. If functionally equivalent off-site mitigation opportunities cannot be identified within these locations, then opportunities can be selected elsewhere in San Geronimo Valley and/or in the downstream Lagunitas Creek watershed using existing site-specific sediment source assessments.
- 2. Low Impact Development.** Development outside the Stream Conservation Area that would create or replace 500 square feet or more of lot coverage shall incorporate low impact development practices and designs that are demonstrated to prevent offsite discharge from events up to the 85th percentile 24-hour rainfall event. This requirement applies to retention of the entire volume of each day's rainfall that does not achieve this total volume, and the first increment of rain up to this volume for those 24-hour periods whose rainfall exceeds this volume. Specifically:
- a. Complete a stormwater control plan that achieves retention of the 85th percentile, 24-hour design storm for the newly created or replaced impervious surface, or for an equivalent area of previously unretained impervious surface on the same site. It is acceptable for the stormwater control plan to use the existing runoff reduction measures as described in Appendix C of the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual to retain the 85th percentile, 24-hour design storm standard. It is also acceptable to use the bioretention sizing factor (0.04) described in Appendix D of the BASMAA Post-Construction Manual to retain the 85th percentile, 24-hour design storm standard.
 - b. Complete a stormwater control plan that achieves retention of the 85th percentile, 24-hour design storm for the newly created or replaced impervious surface, or for an equivalent area of previously unretained impervious surface on the same site. It is acceptable for the stormwater control plan to use the bioretention sizing factor (0.04)

described in Appendix D of the BASMAA Post-Construction Manual to retain the 85th percentile, 24-hour design storm standard.

C. General Stream Conservation Area Standards. The standards of this Subsection apply to development and land uses within Stream Conservation Areas in the governing SGV (San Geronimo Valley) combining district.

1. **Site Assessment.** A site assessment is required as part of a Site Plan Review permit application when development is proposed in the Stream Conservation Area, where adverse impacts to riparian resources may occur, or when full compliance with Subsection 2, below, would not be met. The site assessment shall identify site specific standard management practices in accordance with Subsection 5, below, and shall confirm that the proposed development would result in no net loss of habitat acreage, value, or function.
2. **Limitations on Uses.** Allowable land uses subject to the SGV combining district and located within the Stream Conservation Area shall be limited to the following:
 - a. Allowable uses within 35-feet from top of bank, or from centerline of swale for ephemeral streams where there is no defined top of bank, within the Stream Conservation Area:
 - i. Maintenance and repair of existing permitted structures within the existing footprint;
 - ii. Driveway, road, and utility crossings, if no other location that avoids encroaching in the buffer is feasible and the crossing is sited to minimize environmental impacts;
 - iii. Projects to improve fish and wildlife habitat;
 - iv. Water-monitoring installations;
 - v. Passive recreation that does not disturb native species;
 - vi. Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat; and
 - b. Allowable uses outside 35-feet from top of bank, or from centerline of swale for ephemeral streams where there is no defined top of bank, within the Stream Conservation Area:
 - 1) Maintenance and repair of existing permitted structures;
 - 2) Additions to existing permitted structures that do not:
 - a. Increase the lot coverage within the Stream Conservation Area by more than a cumulative total of 300 square feet; or
 - b. Increase the horizontal encroachment into the Stream Conservation Area.

Vertical additions to existing permitted structures that do not expand the existing footprint are not counted towards the 300 square foot cumulative lot coverage allowance.

The 300 square feet of cumulative lot coverage is calculated on a per parcel basis following the effective date of this Section (August 18, 2022). No additional lot coverage may be added once the allowance is exhausted, consistent with state law. Notwithstanding the foregoing, state law may require the allowance of certain other uses and/or development that is not otherwise contemplated by this Section.

- 3) Driveway, road, and utility crossings, if no other location is feasible;
- 4) Projects to improve fish and wildlife habitat;
- 5) Water-monitoring installations;
- 6) Passive recreation that does not disturb native species;
- 7) Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- 8) Agricultural uses that do not result in any of the following:
 - a. The removal of woody riparian vegetation;
 - b. The installation of fencing within the Stream Conservation Area that prevents wildlife access to the riparian habitat within the Stream Conservation Area;
 - c. Animal confinement within the Stream Conservation Area; and
 - d. A substantial increase in sedimentation.

The above listed uses shall comply with all other applicable requirements of this Development Code.

Land uses and improvements not listed above are prohibited, unless such improvements and land use meet the criteria for an exception in Subsection 4, below.

3. **Vegetation Removal Below Top of Bank.** The removal of native vegetation below top of bank shall be prohibited.
4. **Exceptions.** Exceptions to full compliance with all Stream Conservation Area criteria and standards in Subsection 2b, above, may be allowed only if the parcel is undeveloped as of the effective date of this Section and following is true:
 - a. A lot falls entirely within the Stream Conservation Area; or
 - b. Development on the parcel entirely outside the Stream Conservation Area:
 - 1) Cannot be accomplished even if the proposed development is limited to 1,000 square feet or less of lot coverage on the parcel as a whole with the least possible encroachment into the Stream Conservation Area, or relocated to another suitable

portion of the parcel that avoids encroachment in the Stream Conservation Area;
or

- 2) Would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints than development within the Stream Conservation Area.

Exceptions under this Subsection would require an application supported by a showing of good cause and public noticing and shall be subject to the provisions in Chapter 22.114 (Appeals).

5. **Standard Management Practices.** Development in the Stream Conservation Area subject to the SGV combining district shall incorporate appropriate Standard Management Practices identified in the Site Assessment, unless site specific measures identified through environmental review would result in equal or greater environmental benefit.

D. Habitat Restoration Program. Approval of Site Plan Review permits within the SGV combining district shall be subject to compliance with any development impact fees, applicable at the time an application for Site Plan Review is approved, established to offset development impacts to the Stream Conservation Area through restoration and enhancement of riparian habitat within the San Geronimo Valley.

E. Violations. Any violation of the provisions in this Section shall be enforced through any legal remedies available to correct and/or abate a nuisance or violation of the Development Code, including but not limited to the administrative citation penalty schedule as provided in Chapters 1.05 (Nuisance Abatement) and 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code.

1. Any violation of the limitations on use established in Section 22.30.045.C.2 constitutes a public nuisance subject to the provisions in Chapters 1.05 (Nuisance Abatement) and 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code.

22.30.050 – Sleepy Hollow Community Standards

The following standards shall apply in the area identified by the Countywide Plan as Sleepy Hollow that is zoned R1:BD or A2:BD.

A. Limitation on use, R1:BD district. Allowable land uses shall be limited to the following on properties in the R1:BD zoning district, instead of those normally allowed in the R1 zoning district by Section 22.10.030 (Residential District Land Uses and Permit Requirements):

1. Single-family dwellings;
2. Golf courses, country clubs, tennis courts, and similar non-commercial recreational uses;
3. Public parks and playgrounds;
4. Residential accessory uses and structures, in compliance with Section 22.32.130 (Residential Accessory Uses and Structures); and
5. Home occupations, in compliance with Section 22.32.100 (Home Occupations).

- B. Limitation on use, A2:BD district.** Allowable land uses shall be limited to those normally allowed in the A2 zoning district by Section 22.08.030 (Agricultural District Land Uses and Permit Requirements).
- C. Limitation on animal keeping, R1:BD district.** The keeping of livestock of any kind shall be prohibited, except for ordinary household pets. Horses, donkeys, mules or ponies for the personal use of residents may be kept on the site in compliance with Section 22.32.030 (Animal Keeping), provided that the stable or barn is not located closer than 40 feet from any existing dwelling, 10 feet from interior side property lines, and 15 feet from street side property lines.

The running area for the animal(s) shall not be closer than 40 feet to an existing dwelling.

D. General development and use standards.

1. **Minimum floor area for dwelling units.** The habitable floor area of each dwelling unit shall contain a minimum of 1,300 square feet, exclusive of porches and garage(s).
2. **Timely construction required.** Any structure commenced to be erected or placed on a parcel shall be completed with due diligence.
3. **Setback requirements.** Structures shall be located in compliance with the following minimum setbacks. See Section 22.20.090.B (Measurement of Setbacks).
 - a. **Front:** 25 feet.
 - b. **Sides:** 10 feet on each side; 15 feet for a street side setback on a corner parcel.
 - c. **Rear:** 20 percent (0.20) of the parcel depth, up to a maximum of 25 feet.
4. **Height limits.** 30 feet. See Section 22.20.060 (Height Measurement and Height Limit Exceptions).
5. **Floor Area Ratio (FAR).** 30 percent (0.30) of lot area.

E. Minimum lot area required. The following minimum areas shall apply in new subdivisions:

1. **General requirement.** Each single-family dwelling and any accessory structures shall be located upon a parcel in one ownership with an area of not less than one acre, or an area of not less than 15,000 square feet with a frontage of not less than 100 feet on a public right-of-way.
2. **Sloping lots.**
 - a. Where the average ground slope is 15 percent or less, the minimum parcel area shall be 15,000 square feet; and
 - b. Where the average ground slope is greater than 15 percent, 1,000 square feet of additional parcel area shall be added for each additional one percent of slope over 15 percent, to a maximum of 45,000 square feet.

22.30.060 – Tamalpais Planning Area Community Standards

For lots within the Tamalpais Community Plan Area, the following maximum adjusted Floor Area Ratio standards shall apply to: (1) new residential construction proposed on vacant lots; (2) substantial remodels proposed on properties with a slope of 25% or greater; or (3) substantial remodels proposed on properties that do not comply with the minimum lot area requirements. For purposes of this section, substantial additions to an existing structure are additions that add 25% or more of floor area to an existing structure.

A. Maximum adjusted Floor Area Ratio standards. Maximum adjusted Floor Area Ratio shall not exceed 30 percent (0.30) of lot area, unless modified through discretionary review pursuant to floor area guidelines contained in Appendix B of the Tamalpais Community Plan. The maximum adjusted floor area is the gross enclosed floor area, specifically including:

1. Unconditioned, unimproved basements and unexcavated crawl spaces that potentially could be converted to living space with minimum dimensions of 7 feet by 7 feet and a minimum ceiling height of 7.5 feet;
2. Cathedral ceiling space that potentially could be converted to living space with minimum dimensions 7.5 feet by 10 feet and a minimum ceiling height of 7.5 feet;
3. Accessory dwelling units;
4. The combined total of all detached accessory structures totaling 120 square feet or more, excluding garage space;
5. Window boxes or bays less than 18 inches above finished floor, or which extend more than 3 feet from the face of a building;
6. Garage space exceeding 400 square feet on a lot 6,000 square feet or less;
7. Garage space exceeding 480 square feet on a lot larger than 6,000 square feet; and
8. Covered areas (other than carports or garages, porches and entryways) that potentially could be enclosed and converted to living space. These areas shall be measured to the exterior face of surrounding walls, columns, or posts.

B. Maximum adjusted floor area permitted: For development of a new residence proposed on a vacant lot that: (1) exceeds a 25% average slope; and (2) requires Design Review, the maximum adjusted floor area permitted shall be limited to the lesser of 7,000 square feet or the adjusted floor area ratio as shown in Appendix B of the Tamalpais Area Community Plan.

CHAPTER 22.32 – STANDARDS FOR SPECIFIC LAND USES

Sections:

- 22.32.010 – Purpose of Chapter
- 22.32.020 – Accessory Retail Uses
- 22.32.023 – Agricultural Worker Housing
- 22.32.025 – Airparks
- 22.32.030 – Animal Keeping
- 22.32.040 – Bed and Breakfast Inns
- 22.32.045 – Camping and Campgrounds
- 22.32.050 – Child Day-Care Facilities
- 22.32.060 – Cottage Industries
- 22.32.065 – Educational Tours
- 22.32.070 – Floating Home Marinas
- 22.32.075 – Floating Homes
- 22.32.085 – Single Room Occupancy (SRO)
- 22.32.095 – Homeless Shelters
- 22.32.100 – Home Occupations
- 22.32.110 – Mobile Home Parks
- 22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts
- 22.32.120 – Residential Accessory Dwelling Units
- 22.32.130 – Residential Accessory Uses and Structures
- 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts
- 22.32.160 – Service Stations/Mini-Markets
- 22.32.162 – Slaughter Facilities, Mobile
- 22.32.163 – Poultry Processing Facilities
- 22.32.165 – Telecommunications Facilities
- 22.32.168 – Tidelands
- 22.32.170 – Tobacco Retail Establishments
- 22.32.180 – Wind Energy Conversion Systems (WECS)
- 22.32.184 – Senate Bill 9 Housing Development

22.32.010 – Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

22.32.020 – Accessory Retail Uses

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

- A. Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and

resort complexes; restaurants within office and industrial complexes; and/or other uses determined to be similar by the Director.

- B. External appearance.** There shall be no external evidence (e.g., signs, windows with merchandise visible from streets or sidewalks external to the site, etc.) of any commercial activity other than the primary use of the site (except in the case of a restaurant/bar within a hotel).

22.32.023 – Agricultural Worker Housing

The standards of this Section shall apply to agricultural worker housing. The intent of these provisions is to allow sufficient numbers of agricultural worker housing units that are necessary to support agricultural operations and that are consistent with the applicable provisions of State law.

- A. Permitted use, zoning districts.** Agricultural worker housing providing accommodations for 12 or fewer employees shall be considered a principally-permitted agricultural land use in the following zoning districts: A2, A3 to A60, ARP, C-APZ, O-A, and C-OA, and are allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards).

B. Limitations on use:

- 1. Density.** The maximum density shall not exceed that allowed in the underlying zoning district which governs the site. Agricultural worker housing that exceeds the maximum density may be allowed only in A2, A3 to A60, ARP, and C-ARP zoning districts subject to Use Permit approval in compliance with Chapter 22.48 (Use Permits).

For purposes of determining compliance with the density requirements for agricultural worker housing, each agricultural worker housing that provides accommodations for six or fewer employees shall be considered equivalent to one dwelling unit, with the exception that agricultural worker housing providing accommodations for 7 to 12 employees shall not be counted for purposes of computing residential density. For purposes of this section, family members are not included in the determination of the number of employees.

- 2. Referrals.** Prior to making a determination that agricultural worker housing which exceeds the maximum density for a specific site is necessary to support agriculture, the review authority may consult with such individuals or groups with agricultural expertise as appropriate for a recommendation.
- 3. Temporary mobile home.** Any temporary mobile home not on a permanent foundation and used as living quarters for 7 to 12 agricultural workers is permitted subject to the requirements of the State Department of Housing and Community Development. Any temporary mobile home providing living quarters for 6 or fewer agricultural workers is counted as one dwelling unit for purposes of compliance with the zoning district's density limitations, and shall be subject to the requirements of the State Department of Housing and Community Development.

22.32.025 – Airparks

Airparks may be located where allowed by Article II (Zoning Districts and Allowable Land Uses) of this Development Code, for business or emergency purposes, subject to the following standards:

- A. State permit required.** A land Use Permit or exemption shall be obtained from the California Department of Transportation, Division of Aeronautics, and evidence of the permit or exemption shall be presented to the Agency, prior to establishing any airpark.
- B. Nuisance mitigation.** A proposed airpark shall be located so that neither air or related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses.

22.32.030 – Animal Keeping

The standards of this Section shall apply to the keeping of animals in specified zoning districts and their Coastal Zone counterparts, in addition to the standards in Chapter 8.04 (Animal Control) of the County Code.

- A. General standards.** The following general standards shall apply:
 1. **Requirements.** All animal keeping activities shall comply with the general requirements in Tables 3-9 and 3-10; and
 2. **Household pets.** There shall be no more than three dogs over the age of four months allowed on a property without Use Permit approval. Other household pets are subject to the requirements for keeping small animals as set forth in Table 3-9.

**TABLE 3-9
GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS**
(Chickens, Ducks, Exotics, Geese, Guinea Fowl, Pea-fowl,
Rabbits, Roosters, Miniature Goats, Potbellied Pigs and Similar Animals)

Zoning Districts	Applicable Standards	Standards
A3 to A60, APZ	All animals allowed subject to Standard 4	1. Maximum 12 animals, unless approved by a Use Permit. 2. In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel. 3. Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RSP, RMP, RMPC	All standards apply	
RA and RE RR, R1, R2, R3, A2, ARP	All standards apply	

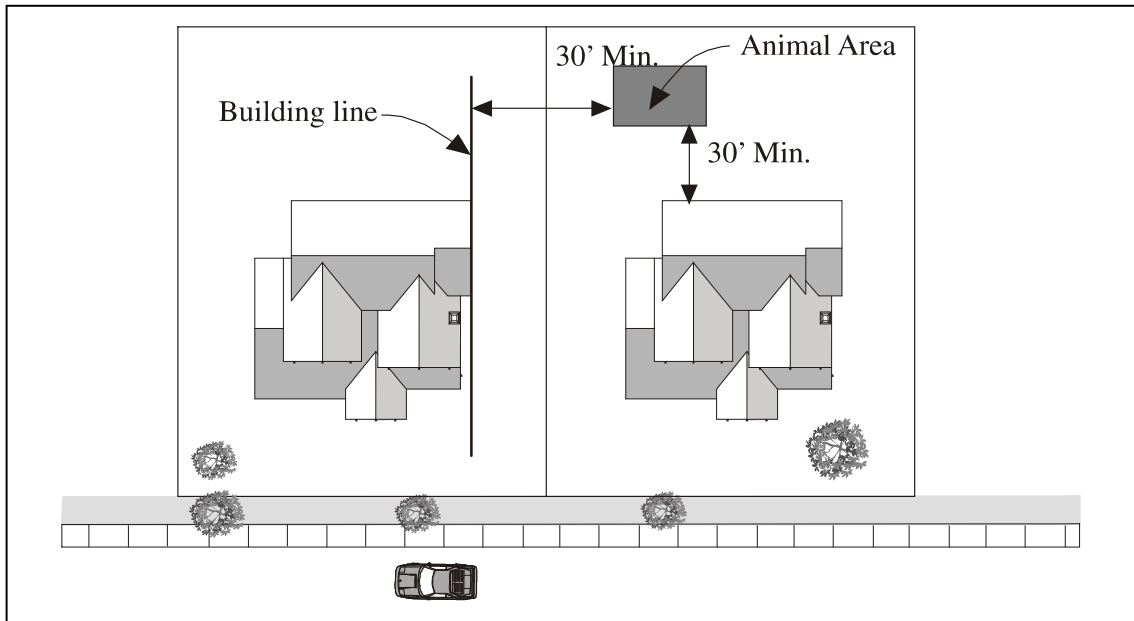
TABLE 3-10
GENERAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS, HORSES,
DONKEYS, MULES, AND PONIES
 (Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)

Zoning Districts	Allowed Animals and Applicable Standards	Standards
A3 to A60 and APZ to ARP	All animals allowed subject to standards 1, 4, and 5	1. Livestock sales/feed lots and stockyards require a Use Permit in all zoning districts where permitted.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	2. Livestock operations for grazing and large animals are allowed in the RSP, RMP, and RMPC zoning districts only where the site is three acres or more, and only with a Use Permit. 3. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted. 5. A Use Permit is required for keeping more than five horses, donkeys, mules, or ponies within the APZ zoning district where these are the primary or only animals raised.
RA	All animals allowed and all standards apply.	1. Maximum: Three animals unless approved by a Use Permit. 2. Large dairy animals for a dairy operation allowed in RA zoning district only on parcels of five acres or more. 3. Equestrian facilities require a Use Permit. 4. The keeping of livestock and large animals is allowed in compliance with Section 22.32.030.B. 5. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted.
RR, R1, R2, R3, RE	Allowed animals limited to donkeys, horses, mules and ponies, subject to all standards.	1. Only donkeys, horses, mules and ponies allowed in compliance with Section 22.32.030.B. 2. In R zoning districts, the keeping of animals shall be an accessory use to the primary residential use of the parcel.
OA	All animals allowed and all standards apply.	1. Large animals allowed in conjunction with dairies and grazing. Horses, donkeys, mules, and ponies allowed in compliance with Section 22.32.030.B. 2. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted

B. Standards for livestock, horses, donkeys, mules, and ponies. The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the keeping of livestock, horses, donkeys, mules, and ponies in addition to those in 22.32.030.A (General Standards), above:

1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:
 - a. The public right-of-way upon which the parcel faces;
 - b. Any dwelling;
 - c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). (See Figure 3-27); and
 - d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

**FIGURE 3-27
LOCATION OF ANIMALS AND ANIMAL STRUCTURES**



2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:
 - a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.
 - b. For each additional animal, an additional 5,000 square feet of lot area shall be provided.

- c. No animals shall be allowed on slopes exceeding 50 percent.
 - 3. **Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the County Department of Public Works for the keeping of animals on sites over 25 percent in slope.
 - 4. **Site maintenance.** The property owner shall submit a manure management plan that should require periodic manure collection and composting or removal of manure from the premises, subject to the approval of the County Health Officer.
 - 5. **Water supply.** An adequate supply of fresh water shall be available to animals at all times, subject to the approval of the County Health Officer.
 - 6. **Exceptions by Use Permit.** The keeping of horses, donkeys, mules, or ponies may be allowed with Use Permit approval, in compliance with Chapter 22.48 (Use Permits), in any zoning district not listed in this Section or for an exception from any of the standards.
 - 7. **Existing uses conforming.** Any residential property where horses, donkeys, mules, or ponies are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section.
- C. Standards for chickens.** The following standards, which do not apply in the A-3 to A-60, ARP or APZ zoning districts, shall apply to the keeping of chickens in addition to those in 22.32.030.A (General Standards) including Table 3-9, above:
- 1. **Location of chickens and structures.** No chicken coop shall be located closer than 15 feet to a property line, access easement, or street right-of-way.
 - 2. **Enclosure standards.**
 - a. Chickens shall be kept in a secured coop, pen, yard, or field at all times. Adequate fencing, walls, or other barriers shall be installed or maintained on the premises so that chickens cannot gain access to adjacent properties.
 - b. A chicken coop shall be thoroughly ventilated and designed and constructed in a manner that the chickens can be securely contained.
- D. Standards for miniature goats.** The following standards, which do not apply in the A-3 to A-60 or APZ zoning districts, shall apply to the keeping of miniature goats:
- 1. **Limitations on the keeping of miniature goats.**
 - a. The keeping of miniature goats shall not be for commercial purposes.
 - b. Male miniature goats are prohibited.
 - c. Miniature goats shall be dehorned.
 - d. No more than four miniature goats shall be kept, except that offspring exceeding this number may be kept on site for up to twelve weeks from birth.
 - e. Female miniature goats may be bred if all of the following conditions are met:

- i. The miniature goat is bred at a commercial location that provides stud services.
 - ii. Breeding is done for the purpose of maintaining milk production.
 - 2. **Minimum area.** The minimum lot area for the keeping of miniature goats shall be 6,000 square feet.
 - 3. **Location of miniature goats and structures.** No miniature goat or any structure for miniature goats shall be located in a required setback area, or closer than 15 feet to a property line, access easement, or street right-of-way, whichever is greater.
 - 4. **Enclosure standards.**
 - a. Miniature goats shall be kept in a secured goat shed, pen, yard, or field at all times. Adequate fencing, walls, or other barriers shall be installed or maintained on the premises so that miniature goats cannot gain access to adjacent properties.
 - b. A structure that houses miniature goats shall be thoroughly ventilated and designed and constructed in a manner that the miniature goats can be securely contained.
- E. Standards for potbellied pigs.** The following standards, which do not apply in the A-3 to A-60 or APZ zoning districts, shall apply to the keeping of potbellied pigs:
- 1. **Limitations on the keeping of potbellied pigs.**
 - a. No more than four potbellied pigs shall be kept, except that offspring exceeding this number may be kept on site for up to twelve weeks from birth.
 - b. Male and female potbellied pigs may be kept. However, any potbellied pig must be spayed or neutered.
 - 2. **Minimum area.** The minimum lot area for the keeping of potbellied pigs shall be 6,000 square feet.
 - 3. **Location of potbellied pigs and structures.** No potbellied pig or any structure for potbellied pigs shall be located in a required setback area, or closer than 15 feet to a property line, access easement, or street right-of-way, whichever is greater.
 - 4. **Enclosure standards.**
 - a. Potbellied pigs shall be kept in a secured, pen, yard, or field at all times. Adequate fencing, walls, or other barriers shall be installed or maintained on the premises so that potbellied pigs cannot gain access to adjacent properties.
 - b. A structure that houses potbellied pigs shall be thoroughly ventilated and designed and constructed in a manner that can be securely contained.

22.32.040 – Bed and Breakfast Inns

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

- A. **Permit requirement.** B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).
- B. **Site requirements.** Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.
- C. **Appearance.** The exterior appearance of the structure used for the B&B shall maintain single-family residential characteristics.
- D. **Limitation on services provided.** The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for guests.

No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.
- E. **Business license required.** A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.
- F. **Occupancy by permanent resident required.** All B&Bs shall have one household in permanent residence.
- G. **Transient Occupancy Tax.** B&Bs shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.
- H. **Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.28 (Signs).
- I. **Fire safety.** The B&B shall meet all of the requirements of the County Fire Department.
- J. **Parking.** On-site parking shall be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code.
- K. **Sewage disposal.** Any on-site sewage disposal shall be provided in compliance with Title 18 (Sewers) of the County Code.

22.32.045 – Camping and Campgrounds

Camping and campgrounds on private property are subject to the requirements of this section.

- A. Camping shall occur only in campgrounds and hunting and fishing camps.

- B. Camping is only allowed for a maximum of 30 days per calendar year per person, except for camp staff.
- C. Campgrounds must be provided with adequate water supply and sanitary or septic systems.
- D. Campgrounds shall have regular garbage pickup service and comply with Section 22.20.100 - Solid Waste/Recyclable Materials Storage for non-residential structures and uses.

22.32.050 – Child Day-Care Facilities

This Section establishes standards for the County review of child day-care facilities, in conformance with State law (Health and Safety Code Section 1596.78), including the limitations on the County's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day-care facilities.

- A. **Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) child day-care facilities shall comply with the standards of this Section. As provided by State law (Health and Safety Code Sections 1596.78, et seq.), small and large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. Child day-care centers are allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to Use Permit approval, in compliance with Chapter 22.48 (Conditional Use Permits), and all of the standards in Subsection D, below.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all child day-care facilities. A California Department of Social Services license for a child day-care facility shall be obtained and evidence of the license shall be presented to the Agency prior to establishing any child day-care facility.

- B. **Definitions.** Definitions of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under “Child Day-Care Facilities”.
- C. **Child day-care centers.**
 - 1. **Permit requirement.** A child day-care center shall require approval of a Use Permit in compliance with Chapter 22.48 (Conditional Use Permits).
 - 2. **Standards for child day-care centers.** The following standards apply to child day-care centers in addition to the standards in Subsection 22.32.050.C.2.
 - a. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area. All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards).

- b. **Outdoor lighting.** On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded, subject to the approval of the Director.
- c. **Swimming pools/spas prohibited.** No swimming pool/spa shall be installed on the site after establishment of the child day-care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a child day-care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.

22.32.060 – Cottage Industries

- A. **Limitation on use.** Cottage industries shall be limited to activities involving the design, manufacture, and sale of the following products and services, or others determined by the Director to be similar. See 22.02.020.E (Rules of Interpretation—Allowable Uses of Land).
 - 1. Antique repair and refinishing;
 - 2. Catering;
 - 3. Ceramics;
 - 4. Cloth decorating by batik, dyeing, printing, silk screening, or other similar techniques;
 - 5. Clothing production, including dressmaking, etc.;
 - 6. Furniture and cabinet making and other woodworking;
 - 7. Jewelry making;
 - 8. Painting and sculpture;
 - 9. Photography;
 - 10. Sewing;
 - 11. Weaving; and
 - 12. Other handicrafts.
- B. **Permit requirement.** Use Permit approval, in compliance with Chapter 22.48 (Conditional Use Permits), is required for a cottage industry. During review of the application, the Zoning Administrator shall consider the adequacy of on- and off-site parking, the degree and intensity of any proposed retail sales, and shall first find that the proposed cottage industry would not result in any adverse impacts on the neighborhood.
- C. **Equipment, noise.** Approved cottage industries may use mechanical equipment or processes as necessary, provided that no noise shall be audible beyond the property line of its site.

- D. Employees.** A cottage industry established in a dwelling or a detached accessory structure may have employees as authorized by the review authority, provided the number of employees does not exceed limitations established in an adopted community or specific plan.
- E. Other codes.** Cottage industries shall comply with all applicable health, sanitary, and fire codes, and shall obtain a County Business License.

22.32.065 – Educational Tours

In ARP zoning districts, either a Temporary Use Permit or a Conditional Use Permit is required for Educational Tours if the hosting property is accessed by a privately maintained road or roads that provide access to a total of three or more residentially developed properties. Either a Conditional Use Permit or a Temporary Use Permit is sufficient to allow the operation, and it is up to the applicant's discretion to choose which to obtain, provided that a maximum of two Educational Tours can be permitted under a single Temporary Use Permit.

22.32.070 – Floating Home Marinas

This Section provides for the creation and protection of floating home marinas in pleasing and harmonious surroundings, through the control of water coverage, vessel spacing, and height of structures, with emphasis on usable public access to the shoreline.

- A. Allowed uses.** In addition to floating homes, the following accessory uses may be allowed subject to appropriate conditions in floating home marinas.
 1. Car washing facilities, for residents only;
 2. Chapel;
 3. Coin-operated laundry and dry cleaning facilities, for residents only;
 4. Management office and maintenance equipment storage;
 5. Non-commercial recreation, meeting halls, club houses, etc.;
 6. Overnight accommodations, for guests of residents;
 7. Storage facilities, for residents only;
 8. Vending machines, for residents only; and
 9. Any other use which is clearly incidental and subordinate to the primary use.
- B. Allowed accessory uses – Large marinas.** In floating home marinas of over 200 homes, the following accessory uses may be allowed in addition to the uses listed in Subsection A, above:
 1. Convenience goods shopping and personal service establishments, primarily for residents only; and
 2. One doctor's and one dentist's office.

- C. Standards and criteria.** The following standards shall apply to the location, development, and maintenance of floating home marinas.
1. **Open water.** At least 50 percent of the total water area proposed for the floating home marinas shall be open water. The balance of the water area shall be used exclusively for floating homes and ramps or exit ways.
 2. **Spacing.** The minimum distance between adjoining floating homes shall be six feet. This distance shall be increased to 10 feet if either of the floating homes is in excess of one story. Each floating home shall abut a fairway with access to open water. The minimum width of the fairway shall be 35 feet.
 3. **Type of unit.** Not more than one dwelling unit per vessel shall be allowed.
 4. **Required findings.** Marina approval shall require findings that the area is of sufficient size, type, location and has special features (e.g., access to public transportation and shopping facilities), which makes it a desirable residential area.
 5. **Appearance.** Particular emphasis shall be placed upon the view of the area from surrounding communities and protection of the water habitat.
 6. **Adverse impacts.** A floating home marina shall not be allowed if its presence creates adverse effects on surrounding communities or would be detrimental to water quality.
 7. **Density.** No more than 10 vessels per acre shall be allowed.
- D. Other regulations and ordinances.** All pertinent County, State, and Federal laws and regulations concerning the development and operation of floating home marinas shall be observed. Nothing in this Section shall be construed to abrogate, void or minimize other pertinent regulations.

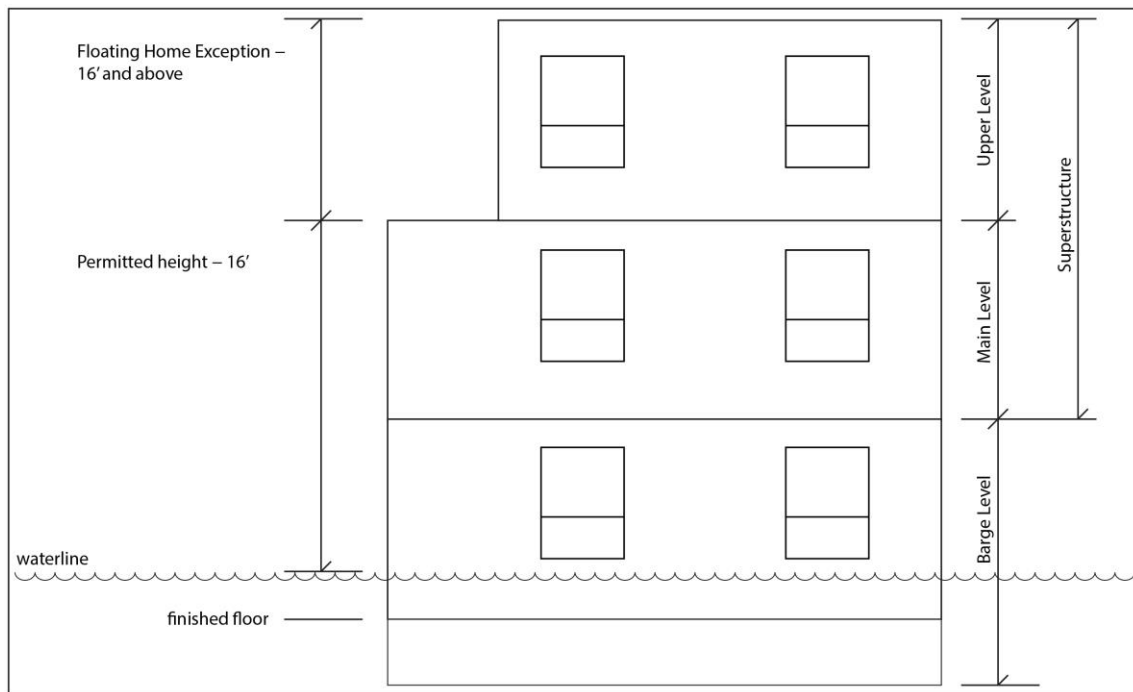
22.32.075 – Floating Homes

This Section provides standards for the floating homes that may be located within floating home marinas.

- A. Permit requirement.** No person shall, without first securing a permit from the County, move, locate, relocate, transport, or dock a floating home within the unincorporated area of the County.
- B. Standards and criteria.** The following standards apply to floating homes, in addition to those contained in Title 19 (Buildings) of the County Code.
1. **Floating home size limitations.** Floating homes shall not exceed the following maximum dimensions, except where a Master Plan establishes different dimensional standards or a Floating Home Exception is approved in compliance with Chapter 22.46 (Floating Home Exceptions). Floating homes may vary from the dimensional standards established by a Master Plan with Floating Home Exception approval. Maximum dimensions for length and width shall include the barge or other floatation structure.

- a. **Floor area:** The floor area of any story above the lowest story of the superstructure shall not exceed 80 percent of the story immediately below the second story.
- b. **Height:** 16 feet, measured from the water line at high tide or while the floating home is floating. (See Figure 3-28.)
- c. **Length:** 46 feet.
- d. **Width:** 20 feet.

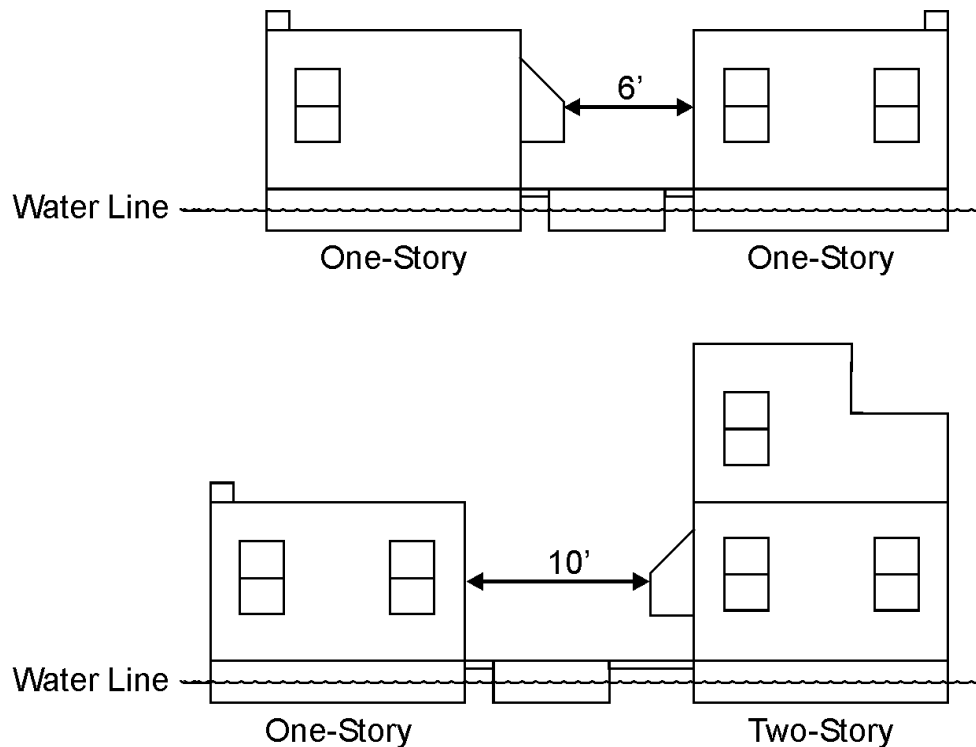
**FIGURE 3-28
FLOATING HOME HEIGHT LIMITATIONS**



2. **Mooring.** All vessels shall be securely and safely moored to ensure that the required space between floating homes is maintained at all times, in compliance with Section 22.32.070.C (Floating Home Marinas – Standards and Criteria). Vessels shall be moored to provide a clear waterway projection between adjoining boats or floating homes of at least six feet on all sides. A clearance of 10 feet shall be maintained when either floating home is in excess of one story in height. These requirements shall not apply between the vessel and the walkway or slip. See Figure 3-29.

Vessels shall be moored so as to allow landward vessels unlimited access. When used, mooring lines shall be of sufficient strength and be installed in a manner that will prevent the floating home from moving more than 12 inches in any lateral direction.

**FIGURE 3-29
FLOATING HOME SETBACKS**



22.32.085 – Single Room Occupancy (SRO)

The standards of this Section shall apply to Single Room Occupancy residential structures (SROs).

- A. **Permitted use, zoning districts.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) Single Room Occupancy (SROs) shall comply with the standards of this Section.
- B. **Permit requirements.** Design Review approval, in compliance with Chapter 22.42 (Design Review), is required for SROs. The following additional findings shall apply.
- C. **Standards.**
 1. **Density.** The residential density of SROs may be allowed up to, but no more than, 30 dwelling units per acre. For the purposes of this calculation, each studio apartment shall be considered one unit.
 2. **Design Characteristics.** An SRO structure shall be subject to the Multi-Family Residential Design Guidelines.
 3. **Rental limitations.** SRO rents shall be limited to affordable housing, as defined in Article VIII (Development Code Definitions).

22.32.095 – Homeless Shelters

This section establishes standards for the County review of homeless shelters, in conformance with State law.

- A. Applicability.** Where allowed by Article II (Zoning Districts and Allowable Land Uses), homeless shelters shall comply with the standards of this Section. Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
- B. Permit requirement.** The use of a homeless shelter shall require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (Homeless Shelter Permits), if it complies with the standards of 22.32.095.C.
- C. Standards.**
 - 1. A homeless shelter shall not provide more than a maximum of 40 beds or serve 40 persons total.
 - 2. The number of parking spaces required on-site for residents shall be based on 25% of the total beds and staff parking shall be the total number of beds divided by 10.
 - 3. Shelters shall provide 5 square feet of interior waiting and client intake space per bed. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.
 - 4. Management. On-site management must be provided during hours of operation.
 - 5. Proximity to other emergency shelters. Emergency shelters shall be at least 300 feet apart.
 - 6. Maximum length of stay. Maximum of 6 months.

22.32.100 – Home Occupations

The following provisions allow for home occupations that are secondary to a residential use, and compatible with surrounding uses. A “Home Occupation” is any use customarily conducted entirely on properties where residences are authorized and carried on only by its residents.

- A. Permit requirement.** A business license shall be obtained/posted in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code for home occupations, which are allowed as accessory uses in all residential zoning districts. Home occupations shall comply with all health, sanitary, and fire codes.
- B. Operating standards.** Home occupations shall comply with all of the following operating standards.
 - 1. **Accessory use.** The home occupation shall be clearly secondary to the full-time residential use of the property, and shall not cause noise, odors, and other activities not customarily associated with residential uses.

2. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public right-of-way or from neighboring properties.
3. **Display, signs.** There shall be no window display or advertising sign(s), other than one name plate not exceeding one square foot in area. There shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises.
4. **Parking.** The use shall not impact the on-street parking in the neighborhood.
5. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials unless specifically approved by the County Fire Department, in compliance with Title 16 (Fire) of the County Code.
6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Director.
7. **Employees.** A home occupation may have a maximum of one nonresident employee, and may only exceed this number with a Conditional Use Permit, in compliance with Chapter 22.48.

C. Prohibited home occupation uses. The following are *examples* of uses that are not incidental to or compatible with residential activities, and are therefore *prohibited* as home occupations:

1. Adult businesses;
2. Dance or night clubs;
3. Mini storage;
4. Storage of equipment, materials, and other accessories for the construction and service trades;
5. Vehicle repair (body or mechanical), upholstery, automobile detailing and painting;
6. Welding and machining;
7. Any use which generates more than one client appointment at a time; and
8. Any other use not incidental to or compatible with residential activities as determined by the Director.

22.32.110 – Mobile Home Parks

This Section applies to areas set aside for mobile home parks in locations that are properly integrated with adjoining neighborhoods, in a way which will ensure the optimum benefit of residents of the mobile home park and of the larger community.

A. Allowable uses. Mobile home parks may include the primary uses normally associated with a mobile home park. The following accessory uses may be established in compliance with the applicable standards of this Development Code:

1. Car washing facilities, for residents, only;
2. Chapel;
3. Coin-operated laundry and dry cleaning facilities, for residents;
4. Home occupations;
5. Management office and maintenance equipment storage;
6. Non-commercial recreation, meeting halls, club houses, etc.;
7. Overnight accommodations, for guests of residents;
8. Storage facilities, for residents, only;
9. Vending machines, for residents, only; and
10. Any other use determined by the Director to be clearly incidental and subordinate to the primary use.

B. Large parks. The following additional accessory uses may be allowed in a mobile home park with over 200 mobile homes:

1. Convenience goods shopping and personal service establishments primarily for residents, only; and
2. One doctor's and one dentist's office.

C. Standards and criteria. Mobile home parks shall comply with the following standards.

1. **Minimum site area:** 10 contiguous acres.
2. **Maximum density.**
 - a. The maximum density for a mobile home park in the RX zoning district shall be set by the Board as part of rezoning to the RX district and simultaneous Master Plan approval (see Section 22.32.110.D (Submission Requirements), below), but shall not exceed the density provided by Section 22.32.110.C.2.b below.

In determining the appropriate density, the Board shall consider any adopted Community Plan or the Countywide Plan, any Master Plan for the area in which the RX zoning district is to be established, existing zoning and development in the area, and any applicable parcel slope.

- b. Maximum density, determined by Master Plan approval, shall not exceed 10 mobile homes of 750 square feet or less in gross floor area per acre or eight mobile homes of more than 750 square feet in gross floor area per acre; or a combination of both.
 3. **Completion of construction.** Prior to occupancy of the first mobile home, not less than 50 mobile home lots shall be prepared and available for occupancy.
 4. **Parking requirements.** The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be provided on, or immediately adjoining to, each mobile home lot, in compliance with Sections 24.04.330 through .400 (Parking and Loading) of the County Code.
 5. **Setbacks.** All structures and mobile homes shall be set back at least 25 feet from all property lines and streets or public rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip, in compliance with Chapter 22.26 (Landscaping).
 6. **County Health requirements.** A County Health Department permit shall be obtained in compliance with Chapter 7.44 (Mobile Home Parks) of the County Code.
 7. **Utilities.** All utilities shall be installed underground. Individual exposed antennae shall not be allowed.
 8. **Height limits.** The maximum height for:
 - a. Mobile homes shall be 15 feet;
 - b. Accessory structures shall be 15 feet; and
 - c. Service facilities shall be 30 feet.
- D. Submission requirements.** In addition to the general submission requirements for Master Plan and Precise Development Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans), a petition for a zoning district change for an RX district and a Master Plan for the mobile home park shall be filed simultaneously with the Agency.
- For the purpose of this Section, the rezoning and the Master Plan shall be considered as one application and shall be considered in compliance with Chapter 22.116 (Development Code, Zoning Map, Community Plan and Countywide Plan Amendments).
- E. Other laws, regulations and ordinances.** All applicable County and State laws and regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Section shall be construed to abrogate, void, or minimize other pertinent requirements of law.

22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts

This Section applies only in those instances where Table 2-1 expressly refers to this Section. The purpose of applying the following standards is to determine whether a specific non-agricultural land use is accessory and incidental to the primary use of land for agricultural production. The intent of these provisions is to ensure that non-agricultural uses do not become the primary use of agricultural land to the detriment of agricultural production.

A. Permitted use, zoning districts. Non-agricultural uses may be allowed as a principally permitted land use in the following zoning districts: A2, A3 to A60, ARP, C-ARP, C-APZ, O-A, and C-OA, and as allowed by Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zone Development and Resource Management Standards) subject to the requirements of this section. This Section does not apply to ARP-1 to ARP-5 zoning districts.

B. Limitations on use:

1. **Accessory use.** In the aggregate, identified non-agricultural uses shall be accessory and incidental to the primary use of the property for agricultural production. The following factors shall be considered in determining whether a property is used primarily for agricultural production:
 - a. The primary use of the property is consistent with the definition of agriculture; and
 - b. The agricultural products produced on site are sold commercially.
2. **Referrals.** In determining whether a non-agricultural use is accessory and incidental to the primary use of the property for agricultural production, the review authority may refer such a question to such individuals or groups with agricultural expertise as appropriate for a recommendation prior to making a determination. When determining whether a property is primarily used for agricultural production, the review authority may consider the following:
 - a. Whether the areal extent of land dedicated to agriculture is sufficient to support agricultural production; and
 - b. Whether the agricultural producer can demonstrate that agricultural products are sold commercially; and
 - c. Whether the agricultural land is used at a level of intensity that is, and the income derived therefrom is, consistent with similar agricultural activities in the County and in the State.

22.32.120 – Residential Accessory Dwelling Units

There are two categories of Accessory Dwelling Units, both with different criteria that apply as indicated below. Except as provided under State law, an Accessory Dwelling Unit may not be sold or otherwise conveyed separately from the primary dwelling unit. Category 1-Statewide Exemption Accessory Dwelling Units can only be rented for terms longer than 30 consecutive days.

A. Category 1-Statewide Exemption. Accessory Dwelling Units in this category shall comply with the criteria listed below.

1. **Single-family Development:**

- a. Consistent with State law, the Accessory Dwelling Unit is contained entirely within the building area of an existing single family dwelling.
- b. Consistent with State law, the Accessory Dwelling Unit is contained entirely within the building area of an existing outbuilding; except that the project may include an addition of not more than 150 square feet of floor area to provide access to the unit, provided the access addition meets minimum rear and side setbacks of four feet.
- c. The Accessory Dwelling Unit does not exceed a floor area of 800 square feet, and has minimum rear and side yard setbacks of four feet; a front yard setback is not required. A detached Accessory Dwelling Unit shall not exceed a height of 18 feet above grade except that two additional feet may be allowed to match the roof pitch of the primary dwelling. An attached Accessory Dwelling Unit shall not exceed the maximum height allowed in the respective zoning district or 25 feet above grade, whichever is greater.
- d. Up to two Category 1 accessory dwelling units are allowed provided that: (1) one unit is either located in an existing or proposed single family dwelling or an existing outbuilding; and (2) one unit is located in a new construction outbuilding.

2. **Multi-family Development:**

- a. Up to two detached Accessory Dwelling Units are allowed provided each unit does not exceed a floor area of 800 square feet, maintains a maximum height of 18 feet above grade and minimum side and rear yard setbacks of four feet; a front yard setback is not required.
- b. Consistent with State law, multiple Accessory Dwelling Units are allowed to be built within those portions of the existing building area of a multi-family dwelling building that are not conditioned to be habitable, such as boiler rooms, storage rooms, passageways, attics, basements, and garages.
- c. At least one Accessory Dwelling Unit is allowed to be built within a multi-family dwelling building, with the maximum allowed in multi-family dwelling buildings of five units or more being 25 percent of the total existing legal units.

An Accessory Dwelling Unit that satisfies all the applicable criteria listed above shall be classified as a Category 1 Accessory Dwelling Unit.

B. Category 2-Permit. Accessory Dwelling Units in this category shall comply with the criteria listed below and shall be subject to Accessory Dwelling Unit Permit approval.

1. An attached Accessory Dwelling Unit contained entirely within an addition to an existing single family residence, or contained partially within a single family residence and partially within an addition to that residence, shall not exceed 50 percent of the floor area of the existing residence, provided it does not exceed the allowable floor area ratio or 1,200 square feet in floor area, whichever is more restrictive. However, a one bedroom unit that is up to 850 square feet shall be allowed and a two or more bedroom unit that is up to 1,000 square feet shall be allowed, notwithstanding any floor area restrictions.

2. A detached Accessory Dwelling Unit shall not exceed a floor area of 1,200 square feet provided it would not exceed the allowable floor area ratio. However, a detached one bedroom unit that is up to 850 square feet shall be allowed and a detached two or more bedroom unit that is up to 1,000 square feet shall be allowed, notwithstanding any floor area restrictions.
3. An Accessory Dwelling Unit in a conventional zoning district shall comply with all development standards for that district and is located within any applicable building envelopes. However, a one bedroom unit that is up to 850 square feet shall be allowed and a two or more bedroom unit that is up to 1,000 square feet shall be allowed, notwithstanding any floor area restrictions.
4. An Accessory Dwelling Unit in a Planned zoning district shall comply with all the development standards for the R1:B3 zoning district, except that a numerical development restriction established by a Master Plan shall govern where applicable, and the unit shall be located within any applicable building envelopes. However a one bedroom unit that is up to 850 square feet shall be allowed and a two or more bedroom unit that is up to 1,000 square feet shall be allowed, notwithstanding any floor area restrictions.

An Accessory Dwelling Unit that satisfies all the applicable criteria listed above shall be classified as a Category 2 Accessory Dwelling Unit.

22.32.125 – Residential Junior Accessory Dwelling Units

A property owner may voluntarily have existing building area recognized as a Junior Accessory Dwelling Unit if it meets all of the following eligibility criteria:

- A. The unit shall be no more than 500 square feet in size and contained entirely within a single-family dwelling structure.
- B. The unit shall have a kitchenette but shall not have a kitchen.
- C. The unit shall have a separate entrance from the main entrance to the building, with an interior entry to the main living area if the unit does not contain a separate bathroom. The unit may include a second interior doorway for sound attenuation.
- D. The unit shall be the only junior accessory dwelling unit on the property.
- E. The property shall be owner occupied, except that owner occupancy is not required if the owner is a government agency, land trust, or housing organization.
- F. The property owner has recorded a deed restriction, which shall run with the land, that stipulates the following:
 1. A prohibition on the sale of the unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 2. A restriction on the size and attributes of the unit that conforms to this section.

A copy of the recorded deed restriction must be provided to the agency.

22.32.130 – Residential Accessory Uses and Structures

When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements), specific residential accessory uses and structures are subject to the provisions of this Section. Residential accessory uses include any use customarily related to a residence, including swimming pools, workshops, studios, storage sheds, greenhouses, and garages.

- A. General requirements.** All residential accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Section for specific uses.
- 1. Relationship of accessory use to primary use.** Residential accessory uses and structures shall be incidental to the primary or conditionally permitted use. Accessory uses and structures shall not be allowed until a primary or conditionally permitted use or structure has been established on the site, except as provided for in Section 22.20.120.
 - 2. Attached structures.** A residential accessory structure that is attached to a primary structure shall comply with all requirements of this Development Code applicable to the primary structure, including setbacks, height, and floor area ratio.
- B. Tennis and other recreational uses.** Private non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use may be established with Design Review approval, in compliance with Chapter 22.42, and are subject to the following requirements:
- 1. Fencing.** Court fencing shall be subject to the height limits of Section 22.20.050 (Fencing and Screening Standards).
 - 2. Lighting.** Court lighting may be prohibited, as a condition of the Design Review approval. If allowed, the court lighting may be installed with a height not exceeding 10 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property.
- C. Vehicle storage.** The storage of vehicles, including incidental restoration and repair, shall be in compliance with Section 22.20.090.F (Restrictions on the Use of Front Yard Setbacks in Residential Districts), and Chapter 7.56 (Abandoned Vehicles) of the County Code.
- D. Workshops or studios.** A residential accessory structure intended for engaging in artwork, crafts, handcraft manufacturing, mechanical work, etc. may be constructed or used as a workshop or studio in a residential zoning district solely for: non-commercial hobbies or amusements; maintenance of the primary structure or yards; artistic endeavors (e.g., painting, photography or sculpture); maintenance or mechanical work on vehicles owned or operated by the occupants; or other similar purposes.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

- E. Room rentals.** Room rentals in single family dwellings shall be limited to three or fewer individual bedrooms.
- F. Residential Accessory Dwelling Units.** Residential Accessory Dwelling Units are subject to Section 22.32.120 (Residential Accessory Dwelling Units) and Chapter 22.56 (Accessory Dwelling Unit Permits) of this Development Code.

22.32.150 – Residential Requirements in Commercial/Mixed Use Districts

This section applies to development projects that include new non-residential floor area in the C1, CP, AP, and H1 zoning districts.

A. Development standards.

1. For lots larger than 2 acres in size, at least 50% of the new floor area shall be developed for new housing.

For lots 2 acres and less in size, at least 25% of the new floor area shall be developed for new housing.

2. The combined residential and commercial floor area ratio shall not exceed the floor area ratio that is established in the Countywide Plan land use designation. The floor area ratio limit does not apply to affordable housing projects.

For projects consisting of moderate income housing, the FAR may only be exceeded in areas that meet the County's vehicle level of service standard.

3. Required housing shall be provided at a minimum size of 220 square feet and a maximum size of 1,000 square feet per unit.
4. The maximum residential density shall not exceed one unit per 1,450 square feet of lot area (30 units per acre).
5. For properties within the area covered by the Tamalpais Area Community Plan, the residential units on sites developed pursuant to this section shall not result in more than 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update (November 6, 2007). The 100-unit cap includes any applicable density bonus.

The affordable housing requirements contained in Chapter 22.22 (Affordable Housing Regulations) apply to the proposed development.

B. Permit requirement. Residential development required in commercial areas is subject to Chapter 22.42 (Design Review). The following additional findings shall apply:

1. The site design is compatible with the adjacent community and incorporates design elements such as vertical mix of uses and usable common/open space areas, where appropriate.

2. The residential uses should be designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

C. Exemptions.

1. For lots larger than two acres in size, renovations and additions not resulting in more than 2,000 square feet of new floor area shall be exempt from the requirements of this section.
2. For lots two acres and less in size, renovations and additions not resulting in more than 1,000 square feet of new floor area shall be exempt from the requirements of this section.
3. Projects developed under the Countywide Plan's Housing Overlay Designation program are subject to separate standards established in the Countywide Plan and are therefore exempt from the requirements of this section.
4. The residential requirements are only applicable to the extent that the projected afternoon (PM) peak-hour traffic impacts of the proposed development shall not be greater than such impacts for the maximum non-residential development permissible on the site under the Countywide Plan land use designation.

D. Waivers.

The review authority may grant a waiver to the development standards if one or more of the following criteria is met:

1. The applicant shows that the waiver is necessary to make the neighborhood serving retail development project economically viable, based upon appropriate financial analysis and documentation. The full cost of the county's review of any required pro forma data shall be borne by the applicant.
2. The applicant proposes to include either a greater number of affordable housing units than required per Chapter 22.22 or the same number of required units that are affordable at a lower income level.
3. Application of requirements of this Chapter would have an adverse impact on any real property that is listed in the California Register of Historic Resources.

22.32.160 – Service Stations/Mini-Markets

The retail sales of food and beverage products and other general merchandise in conjunction with a motor vehicle service station is allowed subject to Use Permit approval, in compliance with Chapter 22.48 (Conditional Use Permits), and the following standards.

A. Sales area. The maximum allowable floor area for retail sales shall be 175 square feet or 15 percent of the total floor area of the structure whichever is greater. These area limitations may be increased through Use Permit approval provided that the following findings are made:

1. Retail sales shall be subordinate to the primary motor vehicle service station use(s).

2. The proportion of retail sales to total floor area of the structure(s) shall be limited to an amount that is reasonable to allow sales of a limited number of items for the convenience of travelers as permitted by Subsection B, below.
 3. The size, extent and operation of retail sales shall not conflict with the predominant character of the area surrounding the service station.
 4. The size, extent, and operation of retail sales shall not cause a significant increase in traffic and noise in the area surrounding the service station.
- B. Allowed products.** Retail sales of non-automotive products shall be limited to items for the convenience of travelers, including film, personal care products, and packaged food and beverage items.
- C. Signs.** No exterior signs are allowed to advertise specific items for sale. All on-site signs shall be in compliance with Chapters 22.28 (Signs) and Title 5, Chapter 5.40 (Posting of Gasoline Prices) of the County Code.
- D. Parking.** On-site parking shall comply with Sections 24.04.330 through .400 (Parking and Loading) of the County Code, and shall include sufficient spaces for all employees on a single shift.
- E. Restrooms.** Restrooms shall be provided and available to the public.
- F. Self-service stations.** Establishment of self-service stations or the conversion of existing full-service stations to self-service stations shall require an additional finding by the Zoning Administrator, that the establishment of a self-service station will not adversely affect public health, safety, and welfare by either diminishing the availability of minor emergency help and safety services, including minor motor vehicle repair and public restrooms, or discriminating against individuals needing refueling assistance.

22.32.162 – Slaughter Facilities, Mobile

This Section establishes standards for the operations of mobile slaughter facilities for commercial purposes.

- A. Limitations on use.** Mobile slaughter facilities shall be allowed only where a primary permitted or conditionally permitted agricultural use exists and is operational on the lot.
- B. Setback requirements.** Mobile slaughter facilities shall be set back a minimum of 100 feet from all property lines and rights-of-way.
- C. Limitations on duration.** A mobile slaughter facility shall not operate on a single property for more than three consecutive days per week and 12 days per calendar month unless authorized to exceed this duration with a Temporary Use Permit.

22.32.163 – Poultry Processing Facilities

This Section establishes standards for the operations of poultry processing facilities to slaughter poultry, including rabbits, for commercial purposes.

- A. All poultry slaughtered must have been raised on the same site as the facility or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator.
- B. The indoor area used for the poultry slaughter operation shall not exceed of 5,000 square feet.
- C. The poultry processing operation shall not exceed the slaughter of 20,000 animals per year.

22.32.165 – Telecommunications Facilities

This Section establishes permit requirements and standards for the development and operations of telecommunications facilities to the extent permitted by State and Federal law and in compliance with the Marin County Telecommunications Facility Policy Plan except where the Marin County Telecommunications Facility Policy Plan conflicts with this Section, State law, or Federal law. If conflict occurs between the requirements of the Marin County Telecommunications Facility Policy Plan and this Section, State law, or Federal law, the requirements of this Section, State law, or Federal law shall control.

- A. **Permit requirements.** Telecommunications facilities are allowed in all zoning districts, subject to the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2 with the following exceptions:
 - 1. An eligible facility request for a modification to an existing wireless tower or base station that does not include a substantial change to the tower or base station's physical dimensions shall not require discretionary review and shall be approved.
 - 2. Applications for eligible facility requests shall only be required to provide documentation that is reasonably related to determining whether the request is consistent with Federal requirements for eligible facility requests.
- B. **Permit waivers.** A wireless telecommunications facility may be eligible for a waiver of the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2. Permit waivers are separate from the permit exemptions identified in the Telecommunications Facilities Policy Plan and are not required for eligible facility requests described in Subsection A.1. It is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this section. The Director shall waive the permit requirements if a facility is co-located on or adjoining an existing telecommunications facility; the existing telecommunication facility has a certified environmental impact report or adopted negative declaration or mitigated negative declaration; the existing facility has incorporated the required mitigation measures; and the new equipment or structures do not constitute a substantial change in the project or new information as outlined in Public Resources Code Section 21166.
- C. **Permit review.** Permit applications for telecommunications facilities shall be reviewed as follows:

1. Eligible facility requests described in Subsection A.1 shall be approved within 60 days of application filing unless the applicant and the County mutually agree to additional time or the County provides notice to the applicant in writing within 30 days of the initial filing that identifies the application as incomplete and specifically delineates all missing information. Completeness reviews for subsequent submittals shall be based solely on the applicant's failure to supply the missing information identified within 30 days of initial filing. The County shall review subsequent submissions within 10 days for completeness. Determination of incompleteness tolls or temporarily stops the 60 day time limit.
2. All other telecommunications facilities applications shall be approved or denied within 150 days of application filing and shall be processed as required by the California Government Code. Determination of incompleteness tolls or temporarily stops the 150 day time limit.
3. If a decision on a telecommunication facility application is not issued in conformance with the timelines referred to in this section, then that application is deemed denied by operation of Federal law. Otherwise, if a telecommunications facilities application is denied, the reason(s) for denial shall be in writing and supported by substantial evidence. Reason(s) for denial shall be provided at essentially the same time as the denial.

D. Electromagnetic fields. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

E. Development standards. The development standards for telecommunications facilities are identified in the policies and programs of the Marin County Telecommunications Facilities Policy Plan, as may be updated from time to time.

22.32.168 – Tidelands

This section applies to Master Plan, Design Review, Site Plan Review, and Tentative Map applications in tidelands.

- A. Prohibitions.** It is unlawful for any person, firm, corporation, or public agency to allow, cause, or do any of the following on any of the tidelands without first obtaining any required land use permits from the County:
1. Construct, deposit, or dump within, or fill with dirt, earth, garbage, mud, refuse, or any other material;
 2. Dredge, excavate, or remove any dirt, earth, gravel, mud, sand, or any other material; and/or
 3. Place or construct any breakwater, bulkhead, pier, wall, or other structure.

B. Exemptions. The following shall be exempt from the provisions of this Section:

1. **Emergency work.** Emergency work immediately necessary to prevent, or to minimize, imminent damage to land or improvements from floodwaters, as determined by the Director. The emergency work shall be reported to the Agency, on the next business day following commencement of the work, and confirmed in writing, within 10 days after the start of the work;
2. **Maintenance of existing legal structures.** Any maintenance work to legal structures which existed prior to the effective date of this Development Code;
3. **Minor/incidental work.** Any structure, fill, or excavation of the tidelands which the Director finds to be minor or incidental, including maintenance dredging;
4. **Work approved by land use permit.** Any structure, fill, or excavation which has been approved as part of an application, action or permit by the Director, Zoning Administrator, Commission, or Public Works Director.
5. **Work behind secured existing dikes.** Any structure, fill, or excavation which is behind secured dikes, and which is normally not subject to tidal action by virtue of the dike, or which is only temporarily under tidal action due to defective tide gates; and
6. **Creeks, estuaries and rivers.** Any structure, fill or excavation in creeks, estuaries, and rivers that are subject to tidal action and located upstream from certain defined points, as follows:
 - a. **Coyote Creek:** State Highway No. 1 Bridge; and
 - b. **Corte Madera Creek:** Downstream end of concrete channel.

C. Criteria for Tidelands Development. The Review Authority may only approve or conditionally approve a land use permit for tidelands development in conformance with all of the following criteria:

1. The encroachment into the tidelands is the minimum necessary to achieve the intent of this Section and the purpose of the proposed work.
2. The proposed fill, excavation, or construction will not unduly or unnecessarily:
 - a. Inhibit navigation;
 - b. Inhibit access to publicly owned tidelands;
 - c. Cause, or increase the likelihood of, water pollution;
 - d. Cause, or increase the likelihood of, flooding of adjoining parcels;
 - e. Destroy, or accelerate the destruction of, habitats essential to species of fish, shellfish, and other wildlife of substantial public benefit;

- f. Interfere with, or detract from, public viewsheds toward the water, particularly on natural features of visual prominence;
 - g. Conflict with the scenic beauty of the shoreline due to bulk, mass, color, form, height, illumination, materials, or the extent and design of the proposed work;
 - h. Create a safety hazard in connection with settlement of fill or earthquakes; or
 - i. Reduce natural waterways by eroding banks, or causing sedimentation or siltation.
3. The proposal is consistent with public trust policies for tidelands areas.
4. New public benefits will be created offsetting some of the impacts that may be caused by implementation of the proposal; however, this criterion is not applicable when either of the following circumstances exists:
 - a. The application covers lands wholly above the mean high tide; or
 - b. The size or potential uses of the parcel are so limited that creation of a new public benefit would be infeasible, and where the amount and effect of structures, fill, or excavating, are minimal.
5. These public benefits may be realized when one or more of the following are included in the proposed development application:
 - a. Development of new recreational opportunities;
 - b. Provision of new public access to the water;
 - c. Enhancement of shoreline appearance;
 - d. Establishment of water transportation;
 - e. Facilities for land or air transportation, where all other alternatives have been exhausted;
 - f. Construction of water-oriented industry or development of marine food supplies;
 - g. Habitat replacement and restoration; or
 - h. Other benefits considered by the Review Authority to be of comparable importance.
6. The proposed fill, excavation, or construction will not adversely affect the existing public rights on the property.

22.32.170 – Tobacco Retail Establishments

This Section establishes permit requirements and standards for the development and operation of tobacco retail establishments.

- A. Permit requirements.** Notwithstanding any provision of this title, a significant tobacco retailer may be established in the following zoning districts subject to securing a Use Permit or Master Plan where required: C1, CP, OP, H1, IP, C-H1, or C-CP.
- B. Development standards.** No significant tobacco retailer shall be located within 1,000 feet from a parcel occupied by the following uses:
1. Public or private kindergarten, elementary, middle, junior high or high schools;
 2. Licensed child day-care facility or preschool other than a small or large family day-care home;
 3. Public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds or basketball courts);
 4. Youth or teen center;
 5. Public community center or recreation center;
 6. Arcade;
 7. Public park;
 8. Public library; or
 9. Houses of worship conducting youth programs or youth oriented activities.
- C. Exceptions.** Notwithstanding any other provisions of this code, nothing in this section shall prohibit the County from approving any of the uses specified above in Subsection B, if they are subsequently proposed to be located within 1,000 feet of an existing significant tobacco retailer, if the appropriate decision-making body finds that the establishment of such uses is necessary to protect the public, health, safety, and welfare, or other substantial governmental interest is thereby served.

22.32.180 – Wind Energy Conversion Systems (WECS)

This Section establishes permit requirements for planned zoning districts and non-planned zoning districts and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity.

- A. Permit requirements.** Small and Medium Wind Energy Conversion Systems (WECS) are allowed in all zoning districts, except the RF (Floating Home Marina) zoning district, subject to the following general requirements. Large WECS are allowed only in agricultural zoning districts (A3-A60, ARP, APZ) with a minimum lot size of 20 acres, subject to the following general requirements.
1. **Planned Zoning Districts.**
 - a. Small WECS in the APZ zoning district and Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS, located in parcels with a minimum lot size of one acre in the ARP zoning district and all other planned zoning districts that are not identified in Section 22.32.180.A.1.b are allowed as a ministerial permit subject to

the development standards in Section 22.32.180.B.1 and Section 22.32.180.B.5 (Table 3-12).

- b. Small Roof-Mounted and Small Non-Grid-Tied Agricultural WECS located in parcels that are less than one acre in the ARP zoning district and all other Small WECS in planned zoning districts that are not identified herein or in Section 22.32.180.A.1.a shall require Design Review approval subject to the development standards in Section 22.32.180.B.2 and Section 22.32.180.B.5 (Table 3-12).
- c. Medium WECS, located in planned zoning districts, shall require Design Review approval, subject to the development standards in Section 22.32.180.B.3 and Section 22.32.180.B.5 (Table 3-12).
- d. Large WECS, located in planned zoning districts, shall require the approval of a Master Plan and Precise Development Plan subject to the development standards and requirements outlined in Section 22.32.180.B.4 and Section 22.32.180.B.5, unless the Master Plan and Precise Development Plan requirements are waived in compliance with Section 22.44.040 (Waiver of Master Plan/Precise Development Plan Amendments) and a Use Permit and Design Review are required instead.

2. Conventional Zoning Districts.

- a. Small WECS, located in conventional agricultural zoning districts and Small Roof-Mounted and Small Non-Grid Tied Agricultural WECS located in parcels with a minimum lot size of one acre in conventional non-agricultural zoning districts, are allowed as a ministerial permit subject to the development standards outlined in Section 22.32.180.B.1 and Section 22.32.180.B.5 (Table 3-12).
- b. Small WECS, located in parcels that are less than one acre in all other conventional non-agricultural zoning districts and Small Freestanding WECS in conventional agricultural zoning districts that are not identified herein or in Section 22.32.180.A.2.a shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.2 and Section 22.32.180.B.5 (Table 3-12).
- c. Medium WECS, located in conventional zoning districts, shall require Design Review approval subject to the development standards outlined in Section 22.32.180.B.3 and Section 22.32.180.B.5 (Table 3-12).
- d. Large WECS, located in conventional zoning districts, shall require Use Permit and Design Review approval subject to the development standards outlined in Section 22.32.180.B.4 and Section 22.32.180.B.5 (Table 3-12).

3. **Summary of Permit Requirements.**

**TABLE 3-11
WECS PERMIT REQUIREMENTS**

Parcel Size (Acres)	Small					Medium	Large	
	Roof-Mounted		Non-Grid-Tied Agricultural Uses			Freestanding	Freestanding	Freestanding
	<1	≥1	<1	≥1 – <10	≥10	Not applicable	Not applicable	≥20
RF (Floating Home Marina) Zoning District	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
A3-A60 Zoning Districts	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Design Review ²	Use Permit/Design Review ⁴
APZ Zoning District	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Ministerial ¹	Design Review ²	Master Plan/PDP ^{3, 4}
ARP Zoning District	Design Review ²	Ministerial ¹	Use Permit/Design Review ²	Design Review ²	Ministerial ¹	Design Review ²	Design Review ²	Master Plan/PDP ^{3, 4}
A2 and all Other Zoning Districts	Design Review ²	Ministerial ¹	Use Permit/Design Review ²	Design Review ²	Ministerial ¹	Design Review ²	Design Review ²	Not Allowed

Notes:

- (1) Exceptions to standards in Table 3-12 shall be considered through the Design Review Process.
- (2) Exceptions to standards in Table 3-12 shall be considered through the Use Permit Process.
- (3) If Master/Precise Development Plan requirement is waived, Use Permit and Design Review will be required.
- (4) Exceptions to standards in Table 3-12 shall be considered through the permit process.

- 4. **Time limits.** The approval for a Large WECS shall be granted for a term of not less than 10 years, except that an approval shall lapse if a Large WECS becomes inoperative or abandoned for a period of more than one year. The approval for a Small or Medium WECS shall be for an indefinite period, except that an approval shall lapse if a Small or Medium WECS becomes inoperative or abandoned for a period of more than one year.
- 5. **Applicability.** In addition to the provisions of Section 22.32.180, all other applicable provisions of this Development Code shall apply to a new WECS land use. In the event there is any conflict between the provisions of this section and any other provision of this Development Code, the more restrictive provision shall apply.
- 6. **Meteorological towers (Met Towers).** For the purpose of the Wind Energy Conversion System Ordinance, meteorological towers are those towers which have been temporarily installed to measure wind speed and directions plus other data relevant to siting WECS. Installations of temporary (up to one year) meteorological towers shall be considered through the Temporary Use Permit process pursuant to Chapter 22.50 (Temporary Use Permits).

B. Development standards.

1. **Small WECS (Ministerial).** A Building Permit for a Small WECS located in an agricultural zoning district pursuant to this Section shall be issued by the Agency Director upon submission of a Building Permit application containing the information specified in applicable sections of this Development Code and a determination by the Agency Director that the proposed use and development meets the development standards in Section 22.32.180.F and Sections 22.32.180.G.1, G.2, G.5, G.6, G.7, and G.9.a. Before issuance of a building permit, the County shall record a notice of decision against the title of the property stipulating that the WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year.
2. **Small WECS (Discretionary).**
 - a. Small WECS shall be subject to the development standards in Section 22.32.180.B.5 (Table -12). Exceptions to the standards in Section 22.32.180.B.5 (Table 3-12) for Small WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
 - b. Small WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
3. **Medium WECS.**
 - a. Medium WECS shall be subject to the development standards in Section 22.32.180.B.5 (Table 3-12). Exceptions to the standards in Section 22.32.180 B.5 (Table 3-12) for Medium WECS shall be considered through the Use Permit process pursuant to Chapter 22.48 (Use Permits).
 - b. Medium WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
4. **Large WECS.**
 - a. Large WECS shall be subject to the development standards in Section 22.32.180.B.5 (Table 3-12). Exceptions to the standards in Section 22.32.180 B.5 for Large WECS shall be considered through the Master Plan process pursuant to Chapter 22.44 (Master Plans and Precise Development Plans) or Use Permit process pursuant to Chapter 22.48 (Conditional Use Permits).
 - b. Prior to approval, Large WECS are subject to submittal of a comprehensive WECS Environmental Assessment prepared by a qualified consultant approved by the Marin County Environmental Coordinator. The WECS Environmental Assessment shall be prepared in consultation with the County to determine the development capabilities and physical and policy constraints of the property. The WECS Environmental Assessment shall include a mapped inventory and data base of the biological and physical characteristics of the project area. The WECS Environmental Assessment shall include a mapped delineation of the project site's sensitive environmental areas including, but not necessarily limited to: earthquake fault zones, geological hazardous areas, wetlands, watercourses and water bodies, prime agricultural lands, special status species habitats, prominent ridgelines, view corridors, and wind zones. The WECS Environmental Assessment shall include a

Bird and Bat Study, as defined in Section 22.32.180.G.9. Based upon the findings, constraints, conclusions and recommendations of the WECS Environmental Assessment, specific requirements for siting and design shall be identified.

- c. Large WECS shall comply with the development standards and requirements contained in Section 22.32.180.C through Section 22.32.180.H.
 - d. The maximum number of Large WECS that is allowed per parcel shall be established through the permit process.
5. **Development Standards** are outlined in Table 3-12 below.

**TABLE 3-12
WECS DEVELOPMENT STANDARDS**

	Small			Medium			Large	
	Roof-Mounted	Non-Grid-Tied Agricultural Uses		Freestanding	Freestanding			Freestanding
Total Height	≤ 10 feet (above roof line)	≤ 40 feet	> 40 – ≤ 100 feet	≤ 40 feet	> 40 – ≤ 100 feet	> 100 – ≤ 150 feet	> 150 – ≤ 200 feet	> 200 feet
Min. Height of Lowest Position of Blade Above Grade	Not applicable	15 feet	15 feet	15 feet	15 feet	30 feet	30 feet	30 feet
Max. Rotor Blade Radius (HAWT)/ Max. Rotor Blade Diameter (VAWT)	7.5 feet/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height/5 feet	0.5 x tower height	0.5 x tower height	0.5 x tower height	Project specific
Min. Setback from Tip of Blade to Property Line	0.5 x total height	0.5 x total height	0.5 x total height	0.5 x total height	1 x total height	1.5 x total height	2 x total height	2 x total height
Max. Units/Parcel	1	1	1	1	2	2	2	Project specific
Min. Unit Separation	Not applicable	Not applicable	Not applicable	Not applicable	1 x tower height	1 x tower height	1 x tower height	Project specific
Min. Setback from Habitable Structures	Not applicable	1 x total height	1 x total height	1 x total height	1 x total height	1 x total height	1 x total height	2 x total height
Min. Setback from Prominent Ridgeline	Not applicable	Not applicable	Minimum of 300 feet horizontally or 100 feet vertically	Not applicable	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically	Minimum of 300 feet horizontally or 100 feet vertically

- C. Public notice.** Where required, a Notice of the required application(s) shall be provided in compliance with Section 22.118.020 (Notice of Hearing or Administrative Action).

Notice of a discretionary permit application for any WECS within five miles of Federal, State, or regional park property shall be provided to the superintendent of the appropriate park.

D. Site and design requirements:

1. **General standards.** No Small, Medium, or Large WECS or supporting infrastructure shall be allowed:
 - a. Within five times the total height or 300 feet, whichever is greater, of a known nest or roost of a listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat ‘species of special concern’ (unless siting of the WECS preceded nest or roost establishment) based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9 (Application submittal requirements).
 - b. Within five times the total height or 300 feet, whichever is greater, of a known or suspected avian migratory concentration point based on the findings and conclusions of the required Bird and Bat Study as defined in Section 22.32.180 G.9.
 - c. Within 1.5 times the total height or 100 feet, whichever is greater, of a Stream Conservation Area (SCA), a Wetlands Conservation Area (WCA), a State or Federal listed special status species habitat area, a designated archaeological or historical site, or a water course, wetland, pond, lake, bayfront area habitat island, or other significant water body with suitable avian habitat based on the findings and conclusions of Bird and Bat Study as defined in Section 22.32.180 G.9.
 - d. Where prohibited by any of the following:
 - i. The Alquist-Priolo Earthquake Fault Zoning Act.
 - ii. The terms of any conservation easement or Williamson Act contract.
 - iii. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

E. Appearance and visibility:

In addition to any conditions which may be required by Master Plan and Precise Development Plan or Design Review and Use Permit approvals, Small, Medium, and Large WECS shall comply with the following design standards:

1. WECS shall be located downslope a minimum of 300 feet horizontally or 100 feet vertically, whichever is more restrictive, from a visually prominent ridgeline, unless it can be demonstrated through submittal of a County accepted Wind Measurement Study that no other suitable locations are available on the site. If this is the case, then the Wind Study will be one amongst all other standards that would be evaluated in considering whether and where the WECS application should be approved within the ridge setbacks.

2. WECS shall be designed and located to minimize adverse visual impacts from public viewing places, such as roads, trails, scenic vistas, or parklands and from adjacent properties.
3. No wind turbine, tower, or other component associated with a WECS may be used to advertise or promote any product or service. Brand names or advertising associated with any WECS installation shall not be visible from offsite locations. Only appropriate signs warning of the WECS installation are allowed.
4. Colors and surface treatments, materials and finishes of the WECS and supporting structures shall minimize visual disruption. Exterior materials, surfaces, and finishes shall be non-reflective to reduce visual impacts.
5. Exterior lighting on any WECS or associated structure shall not be allowed except that which is specifically required in accordance with Federal Aviation Administration (FAA) regulations. Wind tower and turbine lighting must comply with FAA requirements and be at the lowest intensity level allowed.
6. WECS shall be located in a manner which minimizes their visibility from any existing Federal parklands.
7. All new electrical wires and transmission lines associated with WECS shall be placed underground except for connection points to a public utility company infrastructure. This standard may be modified by the Director if the project area is determined to be unsuitable for undergrounding of infrastructure due to reasons of excessive grading, biological impacts, or similar factors.
8. Construction of on-site access routes, staging areas, excavation, and grading shall be minimized. Excluding the permanent access roadway, areas disturbed due to construction shall be re-graded and re-vegetated to as natural a condition as soon as feasibly possible after completion of installation.
9. All permanent WECS related equipment shall be weather-proof and tamper-proof.
10. If a climbing apparatus is present on a WECS tower, access control to the tower shall be provided by one of the following means:
 - a. Tower-climbing apparatus located no closer than 12 feet from the ground;
 - b. A locked anti-climb device installed on the tower; or
 - c. A locked, protective fence at least six feet in height that encloses the tower.
11. WECS shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
12. Latticed towers shall be designed to prevent birds from perching or nesting on the tower.
13. The use of guy wires shall be avoided whenever feasible. If guy wires are necessary, they shall be marked with bird deterrent devices as recommended by the U S Fish and Wildlife Service or the California Department of Fish and Game.

- F. Noise.** Small, Medium, and Large WECS shall not result in a total noise level that exceeds 50 dBA during the daytime (7:00 AM to 10:00 PM) and 45 dBA during the nighttime (10:00 PM to 7:00 AM) as measured at any point along the common property lines of adjacent properties except during short-term events such as utility outages, severe weather events, and construction or maintenance operations, as verified by specifications provided by the manufacturer.
- G. Application submittal requirements.** Small, Medium, and Large WECS permit applications shall include, but may not be limited to, the following information:
1. A plot plan of the proposed development drawn to scale showing:
 - a. Acreage and boundaries of the property;
 - b. Location of all existing structures, their use and dimensions within five times the height of the proposed WECS;
 - c. Location within a distance of five times the total height of the proposed WECS of all wetlands, ponds, lakes, water bodies, watercourses, listed State or Federal special status species habitats, habitat islands, and designated archaeological or historical sites;
 - d. Location of all proposed WECS and associated structures, and their designated use, dimensions, and setback distances;
 - e. Location of all areas to be disturbed by the construction of the proposed WECS project including access routes, trenches, grading and staging areas; and
 - f. The locations and heights of all trees taller than 15 feet within five times the height of the proposed WECS and the locations, heights, and diameters (at breast height) of all trees to be removed.
 2. Elevations of the components of the proposed WECS.
 3. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including, but not limited to, over-speed protection devices and methods to prevent public access to the structure.
 4. A post-installation erosion control, revegetation, and landscaping plan.
 5. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), the International Building Code (IBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC or IBC requirements for wind exposure D, the UBC or IBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.
 6. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
-

7. Written evidence that the electric utility service provider that serves the proposed site has been informed of the owner's intent to install an interconnected customer-owned electricity generator, unless the owner does not plan, and so states so in the application, to connect the system to the electricity grid.
8. **Wind Measurement Study.** A wind resource assessment study, prepared by a qualified consultant approved by the Marin County Environmental Coordinator, may be required. The study shall be performed for a minimum 6-month period during prime wind season, at the proposed site prior to the acceptance of an application. The study may require the installation of a meteorological tower, erected primarily to measure wind speed and directions plus other data relevant to appropriate siting. The study shall include any potential impacts on, or in conjunction with, existing WECS within a minimum of two miles of the proposed WECS site.
9. **Bird and Bat Study.** Before issuance of County building or planning permit approvals:
 - a. All WECS projects shall require the submittal of a Bird and Bat Study prepared by a qualified consultant approved by the Marin County Environmental Coordinator using the "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development" (California Energy Commission and California Department of Fish and Game), or any superseding State or Federal Guidelines, the State Natural Diversity Data Base, Partners in Flight Data Base, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and field data and counts from local environmental groups. The Bird and Bat Study shall identify any listed State or Federal threatened or endangered species, California Department of Fish and Game designated bird or bat 'species of special concern', or raptors found to nest or roost in the area of the proposed WECS site. The study shall identify periods of migration and roosting and assess pre-construction site conditions and proposed tree removal of potential roosting sites. The Community Development Agency will maintain an inventory of all Bird and Bat Studies that are filed pursuant to the requirements of the WECS ordinance on the Agency's website. If the Bird and Bat Study for a proposed ministerial Small WECS project finds that there is a potential for impacts to any listed State or Federal threatened or endangered species or California Department of Fish and Game designated bird or bat 'species of special concern' found to nest or roost in the area of the proposed WECS site, the project will become discretionary and require a Resource Management and Contingency Plan as described in G.9.b. below.
 - b. Small, Medium, and Large WECS projects shall require the Bird and Bat Study to include a Resource Management and Contingency Plan to: (1) provide for pre-approval and post-construction monitoring and reporting; and (2) provide mitigation to reduce bird and bat mortality rates, if necessary.
10. **Visual Simulations.** Visual simulations taken from off-site views, including from adjacent properties, as determined by the Community Development Agency shall be submitted showing the site location with the proposed WECS installed on the proposed site.
11. **Project-Specific Acoustical Analysis.** A project-specific acoustical analysis may be required that would simulate the proposed WECS installation to assure acceptable noise

levels and, if necessary, provide measures to comply with applicable County noise standards.

H. Post approval requirements. Small, Medium, and Large WECS permit applications shall be subject to the following:

1. A post-construction avian and bat monitoring program may be required of the owner during periods of nesting, roosting, foraging, and migration. The application of this requirement shall be in accordance with criteria established by a governmental agency, such as the U. S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Game (CDFG), or by PRBO Conservation Science. The required monitoring program shall be conducted by a professional biologist or an ornithologist approved by the Marin County Environmental Coordinator. Monitoring protocol shall be utilized as set forth in the “California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development” (California Energy Commission and California Department of Fish and Game). Operation of a WECS determined to be detrimental to avian or bat wildlife may be required to cease operation for a specific period of time or may be required to be decommissioned.
2. Before issuance of a building permit, the owner/operator of any discretionary WECS shall enter into a WECS Decommissioning and Reclamation Plan and Agreement with the County, outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use if it remains inoperable for a period of more than one year . The owner/operator shall post suitable financial security as determined by the County in order to guarantee removal of any WECS that is non-operational or abandoned. The plan must include in reasonable detail how the WECS will be dismantled and removed. The WECS must be dismantled and removed from the premises if it has been inoperative or abandoned for a period of more than one year. The WECS Decommissioning and Reclamation Plan (Plan) shall include removal of all equipment and may require removal of all foundations and other features such as fencing, security barriers, transmission lines, disposal of all solid and hazardous waste in accordance with local, State and Federal regulations, and access roads to the satisfaction of the Director. The Plan shall include restoration of the physical state as existed before the WECS was constructed, and stabilization and re-vegetation of the site as necessary to minimize erosion. The owner/operator, at his/her expense shall complete the removal within 90 days following the one-year period of non-operation, useful life, or abandonment, unless an extension for cause is granted by the Director or a plan is submitted outlining the steps and schedule for returning the WECS to service to the satisfaction of the Director. The WECS Decommissioning and Reclamation Plan Agreement shall be recorded by the Community Development Agency against the title of the property.
3. Any encumbrances placed on a parcel or parcels due to the installation of a WECS system shall remain in effect for as long as the WECS is on the site, and these encumbrances shall hold equal weight and be cumulative with respect to other limitations on the development of the parcel or parcels. Such encumbrances may not be the basis for granting variances or any other exception to the Marin County Development Code or Marin Countywide Plan regardless of any other additional development constraints imposed on the parcel or parcels. It is the owner’s due diligence responsibility to ensure the siting of the WECS will not impose future development restrictions that are unacceptable to the owner.

4. Construction monitoring of individual projects may be required to include, but not be limited to, surveys and/or inspections as needed, to ensure on-site compliance with all permit requirements, until implementation of requirements is complete.
5. Upon the completion of construction and before final inspection, solid and hazardous wastes, including, but not necessarily limited to, packaging materials, debris, oils and lubricants, shall be removed promptly from the site and disposed of in accordance with all applicable County, State and Federal regulations. No hazardous materials shall be stored on the WECS site.

22.32.184 – Senate Bill 9 Housing Development

This section applies to development authorized under California Senate Bill 9 (SB 9) of 2021 and subsequent amendments. Regulations for urban lot splits authorized under SB 9 are provided in section 22.80.064 rather than in this section.

The standards and requirements enumerated below apply to the development of residential units proposed under the provisions of SB 9 and this section. If the project is ineligible for SB 9 processing because it does not meet the required standards, the applicant may elect to submit an application for the applicable discretionary approval.

A housing development is eligible for SB 9 processing if it satisfies all of the requirements enumerated below.

- A. The housing development contains no more than two primary units per lot, which are either attached or detached. A housing development contains two residential units if the development proposes no more than two new units (including just one unit on a vacant lot) or if it proposes to add one new unit to one existing unit.
- B. The site of the housing development is within a single family residential zoning district.
- C. The site of the housing development is located within a legal lot wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- D. The development is not located on a site that is any of the following:
 1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a

local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

4. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
6. Within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to the site. A development may be located on a site described in this subparagraph if either of the following are met:
 - a. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the County.
 - b. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to the site.
8. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and

Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

9. Lands under conservation easement.
- E.** The proposed housing development would not require demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 3. Housing that has been occupied by a tenant in the last three years.
- F.** The lot subject to the proposed housing development is not a lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- G.** The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.
- H.** The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- I.** Notwithstanding the governing zoning district for the property, the development standards of the R2 zoning district (Two Family, Residential) apply unless the development qualifies for an exception as described in subsection J below. In addition, except as provided in subsection J below, the maximum floor area of any newly constructed primary residential unit authorized under this section shall not exceed 1,200 square feet, the residential units are not allowed to be built within a Stream Conservation Area or Wetland Conservation Area, and the development shall not entail the removal of protected or heritage trees, except in conformance with Development Code Chapter 22.62 (Tree Removal Permits).
- J.** Notwithstanding subsection I above, the County shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two primary units or that would physically preclude either of the two units from being at least 800 square feet in floor area. Such units are subject to minimum front yard setbacks of 25 feet and minimum side and rear yard setbacks of four feet.

No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

- K.** The County shall require that a rental of any unit created pursuant to this ordinance be for a term longer than 30 days. A deed restriction shall be recorded against the property providing future owners with constructive notice of this restriction.

- L.** The County shall not allow the creation of an Accessory Dwelling Unit as part of the development subject to this section and SB 9 if the lot on which the development is to occur was created by an Urban Lot Split approval under section 22.80.064 and SB 9 (both the authority contained with Government Code section 65852.21 related to development projects and the authority in Government Code section 66411.7 related to urban lot splits).

CHAPTER 22.34 – TRANSFER OF DEVELOPMENT RIGHTS

Sections:

- 22.34.010 – Purpose of Chapter
- 22.34.020 – Applicability of TDR Provisions
- 22.34.030 – TDR Process
- 22.34.040 – TDR Development Design

22.34.010 – Purpose of Chapter

This Chapter provides for a transfer of development rights (TDR) process that can allow the relocation of potential development from areas where environmental or land use impacts could be severe, to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

22.34.020 – Applicability of TDR Provisions

- A. The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to Master Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans).
- B. The owners of properties adjacent to an application for a TDR may participate on a voluntary basis.
- C. The properties covered in the application shall be subject to the provisions of the Countywide Plan, the Local Coastal Program or a Community Plan policy that recommends TDR as an implementation measure.
- D. The properties covered in the application shall be located within the A3 to A60, ARP, C-ARP, or C-APZ zoning districts.

22.34.030 – TDR Process

The number of residential dwelling units allowed on one property (the donor property) may be transferred and built on another property (the receiving property), resulting in a higher density of development than that normally allowed on the receiving property by the applicable zoning district, as provided by this Section.

- A. **Approval process.** The use of TDR requires Master Plan approval, in compliance with Chapter 22.44 (Master Plans and Precise Development Plans).
- B. **Findings.** Approval of a TDR application shall require that the review authority first make the following findings, in addition to the findings required for a Master Plan as provided in Subsection A. (Approval process), above:
 1. TDR is necessary to conserve the site from which the density is proposed to be transferred.

2. The site receiving the density can accommodate it.
3. The proposed TDR is consistent with any TDR criteria established in the Countywide Plan, the Local Coastal Program, a Community Plan policy that recommends TDR as an implementation measure, or zoning district identified in Section 22.34.020.D (Applicability of TDR Provisions), above.

C. Conservation easements or restrictions. A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the Master Plan and which restrict the future development or division of the donor property in compliance with those conditions.

The conservation easements or restrictions shall be recorded against the donor property prior to the recording of a parcel map or final map or the issuance of construction permits for the receiving property.

22.34.040 – TDR Development Design

- A. Density bonuses.** Density bonuses shall be considered if the proposed TDR meets the criteria contained in the Countywide Plan, the Local Coastal Program, or a Community Plan.
- B. Clustering.** Clustering shall be considered when applying for a TDR. Generally, structures should be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and sound intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. In areas with wooded hillsides, a greater scattering of structures may be preferable to save trees and minimize visual impacts.

The prominence of construction can be minimized by placing structures so that they will be screened by existing vegetation, wooded areas, rock outcroppings and depressions in the topography. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

ARTICLE IV

Land Use and Development Permits

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CHAPTER 22.40 – APPLICATION FILING AND PROCESSING, FEES

Sections:

- 22.40.010 – Purpose of Chapter
- 22.40.020 – Review Authority for County Land Use and Zoning Decisions
- 22.40.030 – Application Submittal and Filing
- 22.40.040 – Establishment of Application Fees
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- 22.40.055 – Review of Previously Denied Applications for Discretionary Permits
- 22.40.060 – Environmental Review
- 22.40.070 – Staff Report and Recommendations for Discretionary Permits
- 22.40.080 – Post Approval

22.40.010 – Purpose of Chapter

This Chapter provides procedures and requirements for the preparation, submission, filing, and initial processing of development applications, land use permits, and other entitlements required by this Development Code. The procedures and requirements for the preparation, submission, and filing of applications established by the Subdivision Map Act are contained in Article VI (Subdivisions).

22.40.020 – Review Authority for County Land Use and Zoning Decisions

State law (Government Code Sections 65900 et seq.) provides authority for the County to establish procedures to ensure that the purposes of this Development Code are achieved. Table 4-1 (Review Authority) identifies the County official or authority responsible for reviewing and making recommendations and decisions on each type of discretionary permit, entitlement, or amendment, as well as the proper authority to administer appeals.

In any case where a project involves applications for more than one entitlement, and entitlements require review and approval by different review authorities, all entitlements shall be reviewed and decided upon by the highest Review Authority. For example, where a project involves applications for a Use Permit (normally approved by the Zoning Administrator), and a Tentative Map proposing five or more parcels (normally approved by the Planning Commission), both applications shall be reviewed and decided by the Planning Commission.

**TABLE 4-1
REVIEW AUTHORITY FOR DISCRETIONARY APPLICATIONS**

Type of Permit or Decision	Role of Review Authority			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Coastal Permit, Administrative	Decide		Appeal Action	Appeal Action
Coastal Permit, Public Hearing	Recommend	Decide	Appeal Action	Appeal Action
Community or Countywide Plan Amendment	Recommend		Recommend	Decide
Design Review	Decide		Appeal Action	Appeal Action
Development Code Amendment	Recommend		Recommend	Decide
Floating Home Exception	Decide		Appeal Action	Appeal Action
Interpretations	Decide		Appeal Action	Appeal Action
Lot Line Adjustment	Decide		Appeal Action	Appeal Action
Master Plan	Recommend		Recommend	Decide
Precise Development Plan	Decide		Appeal Action	Appeal Action
Sign Review	Decide		Appeal Action	Appeal Action
Site Plan Review	Decide		Appeal Action	Appeal Action
Temporary Use Permit	Decide		Appeal Action	Appeal Action
Tentative Map	Recommend	Decide	Appeal Action	Appeal Action
Tree Removal Permit	Decide		Appeal Action	Appeal Action
Use Permit	Recommend	Decide	Appeal Action	Appeal Action
Variance	Decide		Appeal Action	Appeal Action
Zoning Map Amendment	Recommend		Recommend	Decide

Notes:

1. "Recommend" means that the Review Authority makes a recommendation to the decision-making body; "Decide" means that the Review Authority makes the final decision on the matter; "Appeal Action" means that the Review Authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 22.114 (Appeals).
2. In any case where a project involves applications for more than one entitlement, and entitlements require review and approval by different review authorities, all entitlements shall be reviewed and decided upon by the highest Review Authority.
3. In some circumstances, the adopted fee schedule may indicate a specific level of permit with terms such as "minor", "regular", or "major". These terms are used for the purpose of establishing fees but do not change the underlying permit type or findings necessary for approval.

22.40.030 – Application Submittal and Filing

A. Applicability. This Section shall apply to the submission and processing of the following development applications:

1. Discretionary Permit Applications

- a. Design Reviews;
- b. Floating Home Exceptions;
- c. Master Plans;
- d. Temporary Use Permits;
- e. Tentative Maps and Vesting Tentative Maps;
- f. Lot Line Adjustments;
- g. Site Plan Reviews;
- h. Tree Removal Permits;
- i. Use Permits;
- j. Variances; and
- k. Sign Reviews.

2. Ministerial Planning Decisions.

- a. Certificates of Compliance
- b. Homeless Shelter Permits
- c. Residential Accessory Dwelling Unit and Junior Accessory Dwelling Unit Permits
- d. Sign Permits
- e. Use Permit Renewals
- f. Urban Lot Split Compliance Reviews
- g. Housing Development Regulation Compliance Reviews
- h. Permit exemptions

B. Eligibility for submittal of an application. Development applications may be made only by an owner or lessee of real property, an agent of the owner or lessee, or a person who has entered into a contract to purchase or lease real property contingent on the ability to obtain

certain development approvals under this Development Code. All ownership interests shall be parties to the application.

- C. **Required contents.** Each development application and other matters pertaining to this Development Code shall be submitted by an eligible person to the Agency. The application shall be made on the County application form available from the Agency's public information counter, and shall include all required fees, plans, reports, and other information listed on the Agency's published submittal requirements. Additional information may be required.
- D. **Application complete.** A development application shall be considered complete and filed for processing when it has been determined to be complete in compliance with Section 22.40.050 (Initial Application Review for Discretionary Permits) and 22.40.052 (Initial Application Review for Ministerial Planning Permits).

22.40.040 – Establishment of Application Fees

The Board shall establish a schedule of fees for the processing of the development applications, permits, amendments, and other matters pertaining to this Development Code. The Board may change or modify the schedule of fees from time to time. The processing of an application filed in compliance with this Development Code shall not commence until all required fees and deposits have been received by the Agency.

22.40.050 – Application Review for Discretionary Permits and Accessory Dwelling Unit Permits

- A. **Applicability.** This Section shall apply to the types of Discretionary Permits listed in Section 22.40.030 (Application Submittal and Filing) and Accessory Dwelling Unit Permits.
- B. **Processing of an application.** All discretionary permit and accessory dwelling unit permit applications submitted to the Agency, in compliance with this Development Code, shall be initially processed as described below. More than one application may be required for proposed projects requiring more than one type of entitlement or approval. Applications for projects that are undergoing litigation shall only be processed once litigation is complete.
 - 1. **Referral of application.** A discretionary permit or accessory dwelling unit permit application submitted, in compliance with this Development Code, may be referred to any public agency or other organization that may be affected by, or have an interest in, the proposed land use or development project. The purpose of the referral is to provide other public agencies and organizations the opportunity to provide their comments on aspects of the proposed project which are of concern or interest. Recommended conditions of approval from referral agencies will be considered when making a decision on a development application.

The referral shall be made at the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law.

Examples of agencies and organizations which often receive referred applications for comment are fire protection districts, the County Open Space District, the Department of Public Works, the Department of Environmental Health, utility and public service agencies, school districts, the Army Corps of Engineers, the California Department of

Fish and Game, local advisory design review boards, the cities and towns of Marin, and other community associations.

2. **Completeness review.** Within 30 days of receiving a discretionary permit or accessory dwelling unit permit application(s) for processing, the Agency shall review the application(s) for completeness and accuracy of required information before it is accepted as being complete and officially filed. See Section 22.40.030.C (Application Submittal and Filing – Required contents) for further information.
3. **Completeness determination.** A discretionary permit or accessory dwelling unit permit application will be deemed to be complete when the applicant has submitted all of the information and fees required by the Agency for completeness. This determination shall be made by the Agency, within 30 days; otherwise, the application will be deemed complete. The determination of completeness for a discretionary permit application that requires a legislative action shall be made within 30 days after action on the legislative decision by the Marin County Board of Supervisors. A determination of completeness for environmental review purposes may precede legislative actions in compliance with the California Environmental Quality Act.

When an application is determined to be incomplete, the applicant may complete and resubmit the application, and the Agency shall make a determination of the completeness of the resubmitted application within 30 days. The time used by the applicant to submit the additional required information shall not be considered part of the time within which the determination of completeness shall occur. The time available to the applicant for submittal of additional information is limited by Section 22.40.050.B.5 (Initial Application Review – Expiration of application), below.

This section is intended to carry out Government Code Section 65943, and nothing precludes the applicant and the County from mutually agreeing to an extension of any time limit provided by Government Code 65943. This section does not apply when preempted by other Federal or State laws or regulations; in those situations, the timelines specified by the Federal or State laws or regulations shall govern.

4. **Notification of applicant.** The Agency shall inform the applicant in writing within 30 days following the submission of the application(s) that:
 - a. The application is complete and has been accepted for filing; or
 - b. The application is incomplete and that additional information, as specified in writing, shall be provided by the applicant.
 - c. When applications involving the State Density Bonus Law (Government Code Section 65943) are deemed complete and accepted for filing, the Agency shall inform the applicant of the following:
 - i. The amount of density bonus for which the application is eligible;
 - ii. If the applicant requests a parking ratio as permitted in subdivision (p) of Government Code Section 65943, the parking ratio for which the applicant is eligible.

- iii. If the applicant requests incentives or concessions or waivers or reductions of development standards, whether the applicant has provided adequate information for the County to make a determination as to those incentives, concessions, waivers or reductions of development standards.
5. **Expiration of application.** If the information required by the Agency, for completeness review, is not submitted within the time limits listed below, the discretionary permit or accessory dwelling unit permit application shall expire unless the applicant requests an extension prior to the expiration date, and the Director grants the extension.
 - a. **General time limit.** An incomplete discretionary permit or accessory dwelling unit permit application shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions, not to exceed one year. This time limit shall not apply to Section 22.40.050.B.5.b (Initial Application Review for Discretionary Permits – Enforcement cases) below.
 - b. **Enforcement cases.** An incomplete discretionary permit application, submitted to resolve a code enforcement matter, shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions not to exceed a total of 90 days. See Chapter 22.122 (Enforcement of Development Code Provisions) for further information.
 6. **Time extension request.** The applicant may request additional time to submit the information required by the Agency to determine completeness of the application. The applicant shall request an extension, in writing to the Director, prior to the expiration of the time limit for completeness, as stated in Section 22.40.050.B.5 (Initial Application Review – Expiration of application), above.
 7. **Resubmittal after expiration of application.** In the event that a discretionary permit or accessory dwelling unit permit application expires, the applicant may submit a new application, and all required fees, to the Agency in compliance with this Development Code, and the application review process will begin again.
 8. **Summary denial.** In those instances where a discretionary application is subject to environmental review, but is not consistent with the mandatory findings for approval, a summary denial of the project may be issued before conducting environmental review.
 9. **Additional information required for environmental review.** After a discretionary permit application has been determined to be complete, the Agency may require the applicant to submit additional information necessary to conduct environmental review of the project, in compliance with Section 22.40.060 (Environmental Review), below.

22.40.052 – Application Review for Ministerial Planning Permits

- A. **Applicability.** This Section shall apply to the types of Ministerial Planning Permits listed in Section 22.40.030 (Application Submittal and Filing).
- B. **Processing of an application.** All ministerial planning permit applications submitted to the Agency, in compliance with this Development Code, shall be initially processed as described below. More than one application may be required for proposed projects requiring more than

one type of entitlement or approval. Applications for projects that are undergoing litigation shall only be processed once litigation is complete.

1. **Referral of application.** A ministerial planning permit application submitted, in compliance with this Development Code, may be referred to any public agency or other organization that may be affected by, or have an interest in, the proposed land use or development project. The purpose of the referral is to provide other public agencies and organizations the opportunity to provide their comments on aspects of the proposed project which are of concern or interest. Recommended conditions of approval from referral agencies will be considered when making a decision on a development application.

The referral shall be made at the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law.

2. **Completeness review.** After receiving a ministerial planning permit application(s) for processing, the Agency shall review the application(s) for completeness and accuracy of required information before it is accepted as being complete and officially filed. See Section 22.40.030.C (Application Submittal and Filing – Required contents) for further information.
3. **Completeness determination.** A ministerial planning permit application that requires a ministerial decision will be deemed to be complete when the applicant has submitted all of the information and fees required by the Agency for completeness.

When a ministerial planning permit application is determined to be incomplete, the applicant may complete and resubmit the application, and the Agency shall make a determination of the completeness of the resubmitted application. The time used by the applicant to submit the additional required information shall not be considered part of the time within which the determination of completeness shall occur. The time available to the applicant for submittal of additional information is limited by Section 22.40.052.B.7 (Initial Application Review for Ministerial Planning Permits – Resubmittal after expiration of application), Resubmittal after expiration of application, below.

4. **Notification of applicant.** The Agency should inform the applicant in writing following review of a submitted ministerial planning permit application(s) that:
 - a. The application is complete and has been accepted for filing; or
 - b. The application is incomplete and that additional information, specified in the written notice, shall be provided by the applicant.
5. **Expiration of application.** If the information required by the Agency, for completeness review, is not submitted within the time limits listed below, the ministerial planning permit application shall expire unless the applicant requests an extension prior to the expiration date, and the Director grants the extension.
 - a. **General time limit.** An incomplete ministerial planning permit application shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions, not to exceed one year. This time limit shall not apply to Section 22.40.052.B.5.b (Initial Application

Review for Ministerial Planning Permits – Enforcement cases) below.

- b. **Enforcement cases.** An incomplete ministerial planning permit application, submitted to resolve a code enforcement matter, shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions not to exceed a total of 90 days. See Chapter 22.122 (Enforcement of Development Code Provisions) for further information.
6. **Time extension request.** The applicant may request additional time to submit the information required by the Agency to determine completeness of the application. The applicant shall request an extension, in writing to the Director, prior to the expiration of the time limit for completeness, as stated in Section 22.40.052.B.5 (Initial Application Review Ministerial Planning Permits – Expiration of application), above.
7. **Resubmittal after expiration of application.** In the event that a ministerial planning permit application expires, the applicant may submit a new application, and all required fees, to the Agency in compliance with this Development Code, and the development review process will begin again.
8. **Timing of Decisions.** If any discretionary permits are required for a project in addition to a ministerial planning permit, then the ministerial planning permit shall not be issued until final decisions on all discretionary permits have been rendered and their applicable appeal periods have elapsed.
9. **Decision.** The Director shall make all determinations regarding ministerial planning permits. The Director's determinations regarding ministerial planning permits are not appealable.

22.40.055 – Review of Previously Denied Applications for Discretionary Permits

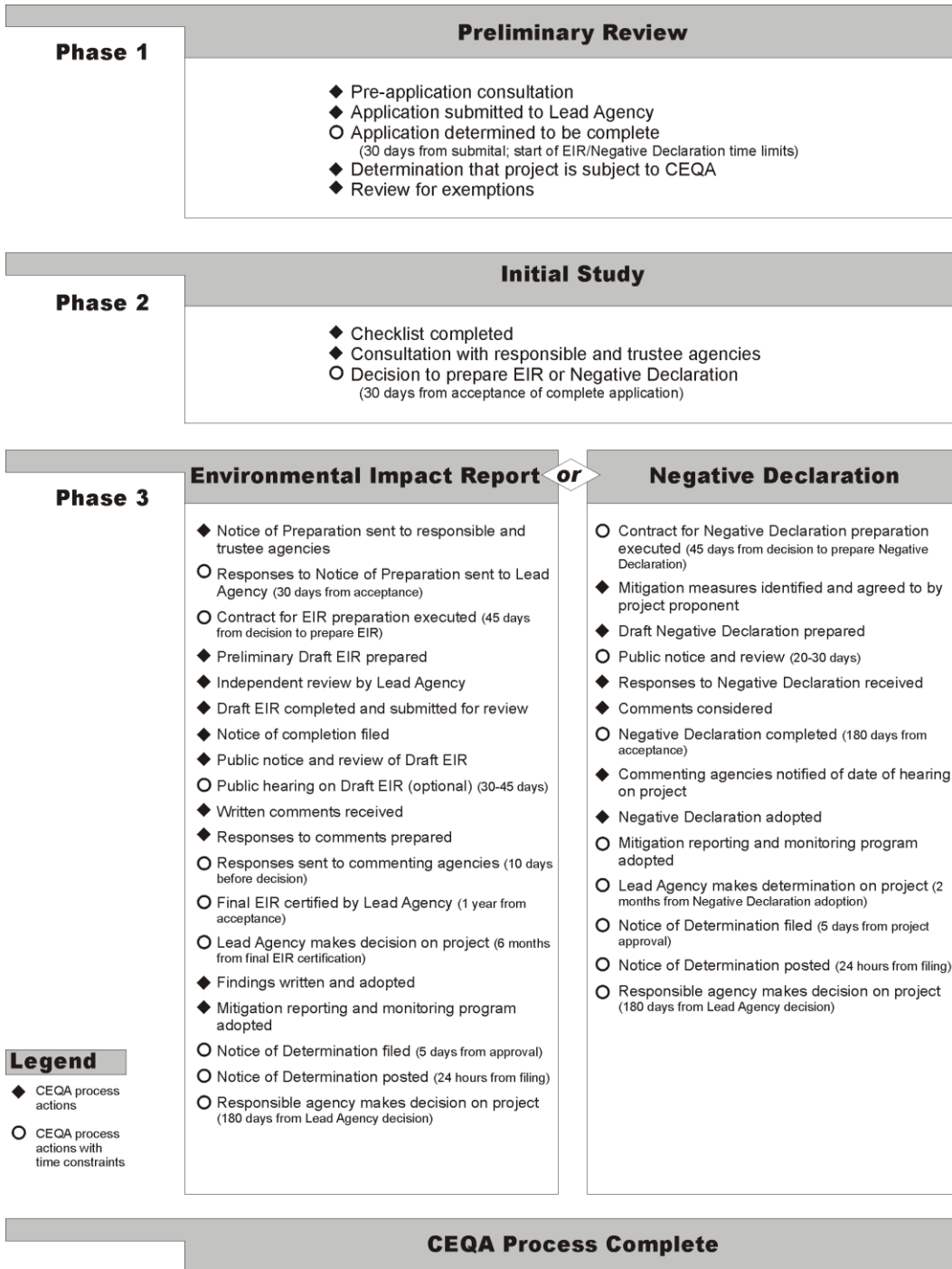
- A. **Applicability.** This Section shall apply to development applications listed in Section 22.40.030 (Application Submittal and Filing) that have previously been denied.
- B. **Review Eligibility.** All permit applications submitted to the Agency, in compliance with this Development Code, that are substantially the same as an application that was previously denied, as determined by the Director, shall not be processed within six months of the date of final action.
- C. **Processing of a previously denied application.** All permit applications submitted to the Agency, in compliance with this Development Code, shall be processed in accordance with Section 22.40.040 (Establishment of Application Fees) and 22.40.050 (Initial Application Review).

22.40.060 – Environmental Review

- A. **Review procedures.** After the Agency has accepted an application for filing, the proposed project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) and the County Environmental Impact Report Guidelines. See Figure 4-1 (Review Authority).

- B. Environmental determinations.** Environmental determinations shall be made by the Director in compliance with the County Environmental Impact Report Guidelines and the California Environmental Quality Act.
- C. Expiration of application subject to environmental review.** When a funding request is sent to an applicant to pay for the costs of environmental review, the funding shall be submitted within thirty days of the request or the project application shall expire. A one-time extension of up to 90 days for the submittal of funds may be granted by the Director before the application expires.

**FIGURE 4-1
REVIEW AUTHORITY FOR ENVIRONMENTAL DETERMINATIONS**



Legend

- ◆ CEQA process actions
- CEQA process actions with time constraints

SOURCE: CEQA Deskbook

22.40.065 – Limit on Public Hearings

Consistent with California Government Code Section 65905.5, if a proposed project that is subject to the Housing Accountability Act complies with the applicable objective Countywide Plan and zoning standards in effect at the time the application is deemed complete, then the County shall not conduct more than five public hearings in connection with the approval of the project subsequent to the application being deemed complete.

"Hearing" includes any public hearing, workshop, or similar meeting conducted by the county with respect to the proposed project, whether by the legislative body of the County, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the County, or any committee or subcommittee thereof. "Hearing" does not include a hearing to review a legislative approval required for a proposed project, including, but not limited to, a Countywide Plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative action.

22.40.070 – Staff Report and Recommendations for Discretionary Permits

- A. Staff evaluation.** The Agency staff shall review all discretionary applications submitted in compliance with this Article to determine whether or not they comply and are consistent with the provisions of this Development Code, other applicable provisions of the County Code, and the Countywide Plan and Community Plans. Agency staff shall provide a recommendation to the Director, Zoning Administrator, Commission, and/or Board, as applicable, on whether the application should be approved, approved subject to conditions, or denied.
- B. Decision or Staff Report.** The Director shall prepare a written Decision for administrative actions for which the Director has final authority. When the Director does not have final authority, the Director shall prepare a written report for recommendations to the Zoning Administrator, Commission, and the Board. The decision or report shall include:
1. A decision or recommendation for approval, approval with conditions, or denial of the application, where appropriate.
 2. Findings of fact regarding the development project's consistency with the Countywide Plan, any applicable Community or land use plan, and those findings specifically identified for each planning permit. In those instances when decisions are being issued administratively, summary findings may suffice for minor projects.
 3. Pursuant to the California Housing Accountability Act, the agency shall not disapprove a project that is subject to the Housing Accountability Act, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless first making written findings, based upon a preponderance of the evidence in the record, as required by Govt. Code 65589.5:
 4. Information on how the decision may be appealed to a higher decision making authority.

- C. **Report distribution.** A staff report shall be furnished to the applicants at the same time as it is provided to the Zoning Administrator, members of the Commission, and/or Board, and any interested parties, prior to a hearing on the application.

22.40.080 – Post Approval

After an entitlement or development permit application is approved, the entitlement is subject to the expiration, extension, performance guarantee, and other applicable provisions of Chapter 22.70 (Permit Implementation, Time Limits, Extensions).

CHAPTER 22.42 – DESIGN REVIEW

Sections:

- 22.42.010 – Purpose of Chapter
- 22.42.020 – Applicability
- 22.42.025 – Exemptions from Design Review
- 22.42.048 – Design Review Waiver
- 22.42.050 – Application, Filing, Processing, and Review
- 22.42.055 – Project Review Procedures
- 22.42.060 – Decision and Findings

22.42.010 – Purpose of Chapter

This Chapter provides procedures for Design Review for proposed discretionary development throughout the unincorporated areas of the County. Design Review consists of a review of plans and proposals for land use and design of physical improvements in order to implement the goals of the Countywide Plan and is intended to ensure that:

- A. Sound and creative design principles are used by applicants in designing proposed projects, which will result in high quality site planning and architectural design, and the innovative use of materials, construction methods, and techniques;
- B. Site planning, building design, and construction practices promote resource conservation through climate responsive design, use of renewable energy and resources, and cost effective use of resource conserving materials where practicable and feasible;
- C. The natural beauty of the County, and the public's ability to use and enjoy it, are preserved and encouraged;
- D. The design of the built environment respects and preserves the natural beauty of the County and the environmental resources found within;
- E. The exterior appearance of proposed structures, along with their associated landscaping, parking, signs, etc. is compatible and harmonious with the design, scale, and context of surrounding properties;
- F. The development of vacant properties which adjoin paper streets is undertaken in such a way as to minimize the impacts associated with the development; and
- G. Conflicts between land uses are eliminated, environmental values of the site are preserved, and adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.

22.42.020 – Applicability

New structures and exterior physical improvements, as well as additions, extensions, and exterior changes of or to existing structures and/or relocation of physical improvements, for either a single or multiple contiguous lots, as described in Subsections A through E below, shall be subject to Design

Review, except as otherwise provided in Section 22.42.025 (Exemptions from Design Review) and 22.42.048 (Design Review Waivers).

- A. **Planned Zoning Districts (combining coastal zones included).** Residences, non-residential structures, accessory structures, agricultural structures, and other physical improvements in all Planned zoning districts.
- B. **Conventional Zoning Districts.** Residential buildings and additions to floor area in Conventional zoning districts on a lot that would contain more than 3,500 square feet of floor area with the proposed development and/or where the proposed development of primary structures would be greater than 30 feet in height or 16 feet in height for residential detached accessory structures. Non-residential structures and other physical improvements in all conventional zoning districts.
- C. **Permit Waivers.** Any waiver or exception to a standard specifically identified in this Development Code as being subject to this Chapter as well as Variance waivers identified in Chapter 22.54 (Variances).
- D. **Substandard Building Sites.** Where a vacant legal lot is proposed for single-family residential development, and when the lot is at least 50 percent smaller in total area than required for new lots under the applicable zoning district or slope regulations, in compliance with Section 22.82.050 (Hillside Subdivision Design Standards), whichever is more restrictive, the proposed development shall be subject to the requirements of this Chapter. In these instances, any exemption from Design Review provided by Section 22.42.025 (Exemptions from Design Review) shall be void and setback requirements shall be waived. The subsequent development and physical improvements of these properties shall continue to be subject to the requirements of this Chapter.
- E. **Lots Served by Paper Streets.** The development of a vacant lot served only by a paper street shall be subject to the requirements of this Chapter where required by a Community Plan pursuant to a resolution adopted by the Board of Supervisors.
- F. **Deviations in the Form Based (FB) Combining District.** As specified in Section 22.14.100, deviations to the provisions of the Marin County Form Based Code.

22.42.025 – Exemptions from Design Review

Development and physical improvements listed below in Subsections A to T are exempt from Design Review.

- A. **Single-family Additions and Residential Accessory Structures in Planned Districts.** Single-family residential additions and residential accessory structures on a lot with existing and proposed floor area not exceeding 3,500 square feet in a Planned District (see Chapter 22.16 Discretionary Development Standards) that meet the standards in Tables 4-2 and 4-3. This exemption does not apply if work authorized under a previous Design Review has not received approval of a final inspection from the Building and Safety Division.

TABLE 4-2
STANDARDS FOR EXEMPTION FROM DESIGN REVIEW FOR ONE-STORY
ADDITIONS TO SINGLE-FAMILY RESIDENCES AND FOR DETACHED ACCESSORY
STRUCTURES IN PLANNED DISTRICTS

Standards		One-Story Single-family Additions and Detached Accessory Structure
Max. increase in floor area		750 sq. ft. or 20% of the existing floor area, whichever is less
Max. total floor area		3,500 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive
Max. height	Single-family Addition	20 ft. or the coastal zoning height standards, whichever is more restrictive
	Detached Accessory Structure	16 ft.
Min. lot area		Not applicable
Min. setbacks		5 ft. on lots up to 6,000 sq. ft. 6 ft. on lots up to 7,500 sq. ft. 10 ft. on lots up to 10,000 sq. ft. 15 ft. on lots > 10,000 sq. ft. (Or the required setbacks in a Community Plan, Master Plan, or subdivision, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)		Outside of a Stream Conservation Area and Wetland Conservation Area

**TABLE 4-3
STANDARDS FOR EXEMPTION FROM DESIGN REVIEW FOR MULTI-STORY
ADDITIONS TO SINGLE-FAMILY RESIDENCES IN PLANNED DISTRICTS**

Standards	Multi-Story Single-family Addition
Max. increase in floor area	750 sq. ft. or 20% of the existing floor area, whichever is less
Max. total floor area	3,000 sq. ft.
Max. height (Multi-story Additions)	30 ft. in non-coastal zone; 25 ft. in coastal zone or the coastal zoning height standards, whichever is more restrictive; 20 ft. in stepback zone (See SFR Design Guideline B-1.1)
Min. lot area	Not Applicable
Min. setbacks	5 ft. for lots up to 6,000 sq. ft. 6 ft. for lots up to 7,500 sq. ft. 10 ft. for lots up to 10,000 sq. ft. 15 ft. for lots > 10,000 sq. ft. (Or the required setbacks in a Community Plan, Master Plan, or subdivision, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)	Outside of a Stream Conservation Area and Wetland Conservation Area

- B.** Agricultural accessory structures that comply with the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan, and that are 300 feet or more from a property line of an abutting lot in separate ownership, and which are at least 300 feet from a street. The minimum setback to qualify for an exemption is reduced to 50 feet for an agricultural accessory structure that does not exceed 2,000 square feet in size, and to 25 feet for an agricultural accessory structure for retail sales of agricultural products that does not exceed 500 square feet in size. This exception does not apply to facilities for processing of agricultural products.
- C.** In the A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones, open fencing, such as wood post and welded wire mesh, on lots greater than 20,000 square feet. The fencing shall be limited to eight feet in height above grade, be located outside of any required front or street side yard setback, and comply with the standards in Chapter 13.18 (Visibility Obstructions) of the County Code.
- D.** In Planned Districts, fences or screening walls that comply with the fence standards in Section 22.20.050 (Fencing and Screening Standards). In addition, the following standards must be met:
1. For purposes of compliance with Section 22.20.050, the front and street side yards shall be no less than ten feet for lots up to one acre and fifteen feet on lots greater than one acre.

2. Fences or walls proposed within the front and street side yards or on the property line defining such yards are limited to six feet in height with the entire section or portion of the fence or wall above four feet in height limited to a surface area that is at least 50% open and unobstructed by structural elements.
 3. Fences and screening walls located outside the front and street side yards are limited to six feet in height.
- E.** In the A, A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones, bridges that comply with the height limits and standards specified in Section 22.20.055 (Bridge Standards).
- F.** In Planned Districts, attached front and rear yard porches having setbacks of at least ten feet.
- G.** In Planned Districts, attached or detached decks not exceeding a maximum height of five feet above grade (excluding hand railings and other safety features) and having setbacks of at least five feet.
- H.** In Planned Districts, replacing existing authorized driveways and widening driveways to meet minimum Title 24 or fire code standards (retaining walls must comply with Section 22.20.090(C)(6) (Setback requirements and exceptions), in addition to other applicable standards). This exemption excludes relocation of existing driveways.
- I.** In Planned Districts, construction of new retaining walls that comply with the standards in Section 22.20.052 (Retaining Wall Standards), and in all zoning districts, replacement of existing retaining walls.
- J.** The installation of power generators that do not exceed a height of four feet above grade and have a minimum front yard setback of 25 feet and minimum side and rear yard setbacks of 10 feet, provided they are not developed on a property with multiple primary units.
- K.** Swimming pools and spas that do not exceed a height of thirty inches above grade (including integrated retaining walls) and have setbacks of at least 10 feet.
- L.** In Planned Districts, new and replacement skylights, doors, and windows (including bay windows), and similar attached architectural features.
- M.** Changes to any approved exterior color or material, unless review is required by prior conditions of Design Review or other discretionary permit approval.
- N.** Signs subject to the regulations of Chapter 22.28 (Signs) and Chapter 22.60 (Permits for Displays and Signs).
- O.** Additions up to 500 square feet, exterior remodeling, and site improvements to commercial, industrial, and institutional properties that the Director determines to be minor and incidental in nature and which are in compliance with the purpose of this chapter.
- P.** Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1) and B (category 2).
- Q.** Other work that the Director determines to be minor and incidental in nature, and which is in compliance with the purpose of this Chapter.

- R. Repair or in-kind reconstruction work on legal structures.

22.42.048 – Design Review Waiver

Design Review shall be waived for eligible projects and the project shall instead be subject to the requirements of Chapter 22.52 - Site Plan Review. Only those projects that comply with the criteria below are eligible for Design Review waiver.

- A. The project is limited to single family residential development, including associated accessory structures.
- B. The project is not located within an area governed by a Master Plan, unless that Master Plan provides for Site Plan Review.
- C. The development would meet the standards for height and setbacks established by the R1:B3 zoning district and Chapter 22.20.
- D. The development would not exceed a floor area of 3,500 square feet
- E. The development would not exceed a floor area ratio of 30 percent.
- F. The development would not occur in a Ridge and Upland Greenbelt Area.

22.42.050 – Application, Filing, Processing, and Noticing

- A. **Purpose.** This Section provides procedures for filing, processing, and noticing of Design Review applications.
- B. **Filing and processing.** All Design Review applications shall be completed, submitted, and processed in compliance with Chapter 22.40 (Application Filing and Processing, Fees) and Section 22.40.050 (Initial Application Review for Discretionary Permits).

Design Review application forms are available at the Agency's public service counter.

- C. **Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Design Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of any Design Review application.
- D. **Applicability to approved projects.** On conventionally-zoned lots, where new or additional floor area previously approved without Design Review had not received a final inspection by the Building and Safety Division, and where the scope of work is proposed to be modified to include additional floor area that would trigger Design Review pursuant to Section 22.42.020.B or 22.42.020.D, the scope of the Design Review shall include all new or additional floor area that has not received a final inspection.

22.42.055 – Project Review Procedures

- A. **Design Review Procedures.** The Director shall approve, conditionally approve, or deny all Design Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections B and C, below.

- B. Zoning Administrator review.** When the Design Review application is associated with a permit application that requires a public hearing, the Design Review action may be taken by the Zoning Administrator.
- C. Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Design Review application to the Planning Commission for a final action.

22.42.060 – Decision and Findings

The Review Authority shall issue the decision and the findings upon which the decision is based. The Review Authority may approve or conditionally approve an application only if all of the following findings are made:

- A.** The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.
- B.** The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.
- C.** The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.
- D.** The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.
- E.** The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

CHAPTER 22.44 – MASTER PLANS AND PRECISE DEVELOPMENT PLANS

Sections:

- 22.44.010 – Purpose of Chapter
- 22.44.020 – Applicability
- 22.44.030 – Exemption from Master Plan and Master Plan Amendments
- 22.44.040 – Waiver of Master Plan Amendment and Precise Development Plan Amendment
- 22.44.050 – Application Filing, Processing, and Review
- 22.44.060 – Master Plan Content
- 22.44.070 – Action on Master Plan and Master Plan Amendment Applications
- 22.44.080 – Master Plan Rescission Applications

22.44.010 – Purpose of Chapter

This Chapter provides procedures for the filing, processing, and adoption of Master Plans. These procedures are intended to:

- A. Align with California State Law governing common interest developments;
- B. Allow for phased developments;
- C. Establish site specific development criteria to ensure that development enhances or is compatible with the surrounding neighborhood character;
- D. Promote clustering of structures to preserve open land areas and avoid environmentally sensitive areas;
- E. Protect natural resources, scenic quality, and environmentally sensitive areas.

22.44.020 – Applicability

This Chapter applies to all existing Master Plans and Precise Development Plans, to Planned Developments in Planned zoning districts, and to subdivisions in Planned zoning districts that are subject to Final Maps. Master Plans or Master Plan amendments, as appropriate, are required for these types of projects unless they are exempt or waived by the provisions of this Chapter.

22.44.030 – Exemptions from Master Plans and Master Plan Amendments

The following types of development are exempt from the requirements of a Master Plan or Master Plan amendment:

- A. Affordable housing, except where an applicable Community Plan or community based visioning plan approved by the Board contains policies that directly require Master Plans for development on specific properties.

- B. For non-residential development, a change in use where the proposed use is allowed as a permitted use in the zoning district, as identified with “P” in the land use tables in Article II (Zoning Districts and Allowable Land Uses) provided there is no increase in building area.
- C. Development that the Director determines is minor and incidental to a principally permitted use on the site.

22.44.040 – Waiver of Master Plan Amendment and Precise Development Plan Amendment

In response to a proposal to deviate from the standards of a Master Plan adopted prior to January 1, 2017, the requirement for a Master Plan amendment is waived for an eligible project provided it meets the waiver criteria listed below, and the project shall instead be subject to a Conditional or Master Use Permit and/or Design Review, in compliance with Chapters 22.48 (Conditional Use Permit) 22.49 (Master Use Permit), 22.42 (Design Review) and this Section.

All Precise Development Plan amendments are subject to Chapter 22.42 (Design Review), since the Precise Development Plan is an antiquated entitlement.

In order for the requirements of a Master Plan amendment to be waived, a project that is eligible for waiver must meet the following criteria:

1. Be consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program.
2. Be designed so that potential impacts can be properly addressed through Use Permit and/or Design Review procedures, in compliance with Chapters 22.48 (Conditional Use Permits) or 22.49 (Master Use Permits) and 22.42 (Design Review).
3. Not involve a Transfer of Development Rights.

22.44.050 – Application Filing, Processing, and Review

- A. **Filing.** An application for a Master Plan shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Master Plan application forms are available online and at the Agency's public service counter.

1. **Area covered by plan.** The area of the Master Plan shall include at least all contiguous properties under the same ownership. The area covered by a proposed plan may also include multiple ownerships.
2. **Processing.** A Master Plan may be reviewed in conjunction with other land use permits, with only a Master Use Permit, or the Agency may require that a Master Plan be approved before reviewing any other land use permit applications.
3. **Development Agreement.** A Master Plan may be approved in conjunction with a Development Agreement (Govt. Code 65865)

4. **Application materials.** Applications for Master Plan or Master Plan amendment approval shall include the information and materials required by Section 22.40.030 (Application Submittal and Filing).

- B. Project review procedure.** Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter and with the Countywide Plan and Community or Specific Plans.

22.44.060 – Master Plan Content

- A.** A new Master Plan shall set forth criteria for future development. Such criteria may be required to include the following:

1. Density, lot areas and dimensions.
2. Development areas, open space areas, and environmental buffers.
3. Site planning, circulation and parking.
4. Areas of grading, storm water management, and landscaping.
5. Structure height, building and floor area, floor area ratio, lot coverage, and setbacks.
6. Architectural and site design.

- B.** A new Master Plan shall establish clear and unambiguous review procedures for future development, including:

1. Development subject to ministerial review to ensure compliance with established Master Plan criteria.
2. Development subject to discretionary review to ensure compliance with established Master Plan criteria.
3. Procedures to deviate from established Master Plan criteria.

- C.** Master Plan amendments shall be reviewed on the basis of the proposed revisions, and need not establish new development criteria or review procedures for future development.

22.44.070 – Action on Master Plan and Master Plan Amendment Applications

- A. Master Plan and Master Plan amendment adoption:**

1. **Action by Commission.** The Commission may recommend approval, conditional approval, or denial of an application. The Commission's actions may specify any condition which is likely to benefit the general welfare of future residents in the development and the purposes of the district, or mitigate any impacts which may result from implementation of the development.
2. **Action by Board.** The Board may approve, conditionally approve, or deny the Master Plan as recommended by the Commission. Any modification of the plan may be referred

back to the Commission. The decision is a legislative act and shall be adopted by ordinance.

When a Master Plan is processed concurrently with any other permit or entitlement, the Board shall be the final authority on all associated permits and entitlements.

3. **Findings for Master Plans and Master Plan amendments.** Master Plan and Master Plan amendment applications may only be approved or conditionally approved when they are consistent with the findings listed below.
 - a. The Master Plan or Master Plan amendment is consistent with the goals, policies, objectives, and programs of the Countywide Plan and any applicable Community Plan.
 - b. The Master Plan or Master Plan Amendment is suitable for the site, and the future development would be able to conform to the Discretionary Development Standards.
 - c. The proposed Master Plan or Master Plan amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

- B. **Notice of action and/or hearing date.** Public hearings on a proposed Master Plan or Master Plan amendment applications shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of an application. In addition to the requirements of Chapter 22.118 (Notice, Public Hearings, and Administrative Actions), where a Master Plan or an amendment to a Master Plan is proposed, a public notice may be mailed or delivered at least 10 days prior to the decision to all owner(s) of real property that comprise the area encompassed by the Master Plan that is the subject of the amendment.

22.44.080 – Master Plan Rescission Applications

A. Master Plan Rescission:

1. **Action by Commission.** The Commission may recommend approval, conditional approval, or denial of an application to rescind a vested Master Plan.
2. **Action by Board.** The Board may approve, conditionally approve, or deny an application to rescind a vested Master Plan as recommended by the Commission. The decision is a legislative act and shall be adopted by ordinance.

- B. **Notice of action and/or hearing date.** Public hearings on a proposed Master Plan rescission application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of an application. In addition to the requirements of Chapter 22.118 (Notice, Public Hearings, and Administrative Actions), a public notice may be mailed or delivered at least 10 days prior to the decision to all owner(s) of real property that comprise the area encompassed by the Master Plan that is the subject of the amendment.

CHAPTER 22.46 – FLOATING HOME EXCEPTIONS

Sections:

22.46.010 – Purpose of Chapter

22.46.020 – Applicability

22.46.030 – Application Filing, Processing, and Review

22.46.040 – Decision and Findings

22.46.010 – Purpose of Chapter

This Chapter provides procedures for Floating Home Exceptions, which are intended to allow for exceptions from the strict application of the standards for maximum floor area, setback, height, length, and width standards for floating homes.

22.46.020 – Applicability

This Chapter shall apply to floating homes, where allowed by Article II (Zoning Districts and Allowable Land Uses), and in compliance with Section 22.32.075 (Floating Homes). This chapter does not apply to Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).

22.46.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Floating Home Exception Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Floating Home Exception Permit application forms are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Floating Home Exception Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.

- C. Review Authority.** The Director may approve, approve with conditions or deny a Floating Home Exception Permit application for the following:

1. Floor Area;
2. Length;
3. Width;
4. Height; and
5. Setbacks (spacing and mooring requirements).

- D. Notice of action and/or hearing date.** The Director may act on Floating Home Exception administratively without holding a public hearing.

22.46.040 – Decision and Findings

The Review Authority shall issue the decision and the findings upon which the decision is based. The Review Authority may approve, conditionally approve, or deny an application.

- A. Findings.** The Director may approve, or conditionally approve a Floating Home Exception Permit only if all of the following findings are made:
1. The requested exception will not adversely or substantially diminish:
 - a. Light and ventilation to floating homes berthed adjacent to the proposed floating home; and
 - b. Existing views and/or view corridors enjoyed by owners or tenants of neighboring or adjoining floating homes and floating home sites. The term "neighbor" is not to be construed to mean the owners or occupants of land-based properties or improvements.
 2. The size of the requested exception is:
 - a. Comparable and compatible with the size of neighboring floating homes; and
 - b. Will not encroach into any right-of-way, fairway, adjoining berth or any required open space.
 3. The requested exception is the minimum necessary to satisfy the objectives sought by the owner and/or builder of the floating home.
 4. The requested exception will not result in any detriment to other floating homes in the immediate vicinity of the proposed floating home.
 5. The exception will not result in public health and safety hazards, including applicable fire safety standards.

CHAPTER 22.48 – CONDITIONAL USE PERMITS

Sections:

- 22.48.010 – Purpose of Chapter
- 22.48.020 – Applicability
- 22.48.030 – Application Filing, Processing, and Review
- 22.48.040 – Decision and Findings
- 22.48.050 – Post Approval

22.48.010 – Purpose of Chapter

This Chapter provides procedures for Conditional Use Permits, where required by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zones – Development and Resource Management Standards), which are intended to allow for an activity or use that is unique or whose effects on the surrounding environment cannot be determined prior to being proposed for a particular location.

22.48.020 – Applicability

This Chapter shall apply to all conditional land use activities identified in Article II (Zoning Districts and Allowable Land Uses), and Article V (Coastal Zones – Permit Requirements and Development Standards), as applicable.

22.48.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Conditional Use Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Conditional Use Permit application forms are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Conditional Use Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Hearings and notice.** Public hearings on a proposed Conditional Use Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

The Zoning Administrator shall hold a public hearing, or the Director shall refer the application to the Commission for a public hearing, in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). This hearing shall include a review of the configuration, design, location, and potential impacts of the proposed use.

22.48.040 – Decision and Findings

After a public hearing, the Review Authority shall record and file the decision and the findings upon

which the decision is based. The Review Authority may approve a Conditional Use Permit application, with or without conditions, only if all of the following findings are made:

- A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.
- B. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.
- C. That granting the Conditional Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

22.48.050 – Post Approval

The following shall apply subsequent to the approval of a Conditional Use Permit application. These procedures are in addition to those identified in Section 22.40.080 (Post Approval) and Chapter 22.70 (Permit Implementation, Time Limits, Extensions).

- A. **Conditional Use Permit to run with the land.** A Conditional Use Permit granted in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of: the site, business, service, use, or structure that was the subject of the permit application.
- B. **Changes to conditions and standards.** The review authority may approve minor changes to required conditions and operating standards of an approved Conditional Use Permit, in compliance with the provisions of this Chapter and Section 22.70.060 (Changes to an Approved Project).
- C. **Time Limits.** Notwithstanding any other provisions of this Development Code, a Conditional Use Permit shall expire if the use ceases to operate for a five-year period or greater, unless a Use Permit Renewal is granted to extend that period of time.

CHAPTER 22.49 – MASTER USE PERMITS

Sections:

- 22.49.010 – Purpose of Chapter
- 22.49.020 – Applicability
- 22.49.030 – Application Filing, Processing, and Review
- 22.49.040 – Decision and Findings
- 22.49.050 – Post Approval

22.49.010 – Purpose of Chapter

This Chapter provides procedures for Master Use Permits, where a Use Permit is required by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zones – Development and Resource Management Standards), which are intended to allow for activities and uses that are unique and whose effects on the surrounding environment cannot be determined prior to being proposed for a particular location. A Master Use Permit is a type of Conditional Use Permit that allows for multiple conditional land use activities on a single site or in a single Master Plan area.

22.49.020 – Applicability

This Chapter shall apply to all circumstances where multiple conditional land use activities identified in Article II (Zoning Districts and Allowable Land Uses), and Article V (Coastal Zones – Development and Resource Management Standards), as applicable, are proposed on a single site or in a single Master Plan area.

22.49.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Master Use Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Master Use Permit application forms are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Master Use Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Hearings and notice.** Public hearings on a proposed Master Use Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

The Zoning Administrator shall hold a public hearing, or the Director shall refer the application to the Commission for a public hearing, in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). This hearing shall include a review of the configuration, design, location, and potential impacts of the proposed use.

22.49.040 – Decision and Findings

After a public hearing, the Review Authority shall record and file the decision and the findings upon which the decision is based. The Review Authority may approve a Master Use Permit application, with or without conditions, only if all of the following findings are made:

- A. The proposed uses are allowed, as conditional uses, within the subject zoning district and comply with all of the applicable provisions of this Chapter.
- B. The design, location, size, and operating characteristics of the proposed uses are compatible with the existing and future land uses in the vicinity.
- C. That granting the Master Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

22.49.050 – Post Approval

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The following shall apply subsequent to the approval of a Master Use Permit application. These procedures are in addition to those identified in Section 22.40.080 (Post Approval) and Chapter 22.70 (Permit Implementation, Time Limits, Extensions).

- A. **Master Use Permit to run with the land.** A Master Use Permit granted in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of: the site, businesses, services, or uses that were the subject of the permit application.
- B. **Changes to conditions and standards.** The review authority may approve minor changes to required conditions and operating standards of an approved Master Use Permit, in compliance with the provisions of this Chapter and Section 22.70.060 (Changes to an Approved Project).
- C. **Time Limits.** Notwithstanding any other provisions of this Development Code, authorization for uses allowed by a Master Use Permit shall expire for any of the uses that cease to operate for a five-year period or greater, unless a Use Permit Renewal is granted to extend that time.

CHAPTER 22.50 – TEMPORARY USE PERMITS

Sections:

- 22.50.010 – Purpose of Chapter
- 22.50.020 – Applicability
- 22.50.030 – Application Filing, Processing, and Review
- 22.50.040 – Allowable Temporary Uses
- 22.50.050 – Development Standards
- 22.50.060 – Decision and Findings
- 22.50.070 – Post Approval

22.50.010 – Purpose of Chapter

This Chapter establishes procedures for allowing short-term uses which may not meet the normal development or use standards applicable to the subject zoning district, but which may be acceptable because of their temporary nature.

This Chapter provides a review process for a proposed use to ensure that basic health, safety, and general community welfare standards are met. This Chapter also provides a process for Agency approval of a suitable temporary use with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

22.50.020 – Applicability

This Chapter shall apply to all land use activities in all zoning districts defined in Article II (Zoning Districts and Allowable Land Uses), and Article V (Coastal Zones – Development and Resource Management Standards).

22.50.030 – Application Filing, Processing, and Review

- A. Filing.** Application for a Temporary Use Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Temporary Use Permit application forms are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Temporary Use Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Notice of action.** An administrative decision on a proposed Temporary Use Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Decisions).

22.50.040 – Allowable Temporary Uses

The following temporary uses may be allowed subject to the issuance of a Temporary Use Permit. Uses that do not fall into the categories listed below shall comply with the use and development standards and permit requirements that otherwise apply to the subject site.

- A. Holiday product sales lots.** Lots used for the sale of seasonal holiday products, and the establishment of an accessory temporary residence and/or security trailer on the sales lots may be approved when needed for the provision of security.

A permit shall not be required when the temporary sales lot is used in conjunction with an established commercial business which has been issued a valid County Business License, provided that the activity does not consume more than 15 percent of the total parking spaces on the site and does not impair vehicle access.

Examples of temporary holiday sales lots are Christmas tree lots, pumpkin patches, and other seasonal holiday products. The uses may be located on vacant parcels or within existing parking lots.

- B. Mobile home used as a temporary residence.** A mobile home may be approved as a temporary residence when a valid Building Permit for a new residence is in effect. Two years after the date of issuance of the residential Building Permit, and/or two months after the final inspection of the single-family residence constructed pursuant to the residential building permit, the mobile home shall be removed from the project site, unless the Temporary Use Permit specifies a different time frame.

- C. Temporary construction yards and on-site storage containers.** An off-site temporary construction yard may be approved when the temporary construction yard is needed in conjunction with the construction of an approved development project. The temporary location of a storage container on the site of a construction project may be approved to securely store furniture, tools or construction materials.

A temporary construction yard or location of a storage container may be approved in conjunction with other development permits when at least one of the following conditions exist:

1. When a valid Building or Grading Permit is in effect, and the construction or remodeling of a development project is taking place; or
2. When an applicant can demonstrate that a temporary construction yard or storage container is needed on a short term basis while permanent site work is being conducted.

- D. Temporary office.** A temporary office may be approved as an accessory use, or as the first phase of a development project.

- E. Temporary caregiver quarters.** Recreational vehicles temporarily located on a property zoned for single-family residential use and exclusively used to house dedicated caregivers for property occupants who need medical care and assistance with daily activities due to old age, disease, or disability. A Temporary Use Permit issued for this type of use shall not have a maximum term exceeding one year.

- F. Fuels management.** Temporary livestock grazing may be approved on a short term basis in any zoning district as a means of managing vegetation for fire protection purposes.
- G. Temporary operations or events.** Short term operations or events may be approved as a modification to an existing legal or legal non-conforming use for a trial period as a means of evaluating the appropriateness of allowing the operations to continue for a longer duration or events to occur on a regular basis pursuant to a Use Permit approval.
- H. Temporary real estate office.** A temporary real estate office may be approved within the area of an approved residential development project only for the sale of homes and/or lots.
- I. Temporary work trailers.** A trailer, coach, or mobile home may be approved as a temporary work site for employees of a business when at least one of the following conditions exist:
 1. When a valid Building Permit is in effect, and the construction or remodeling of a permanent residential, commercial, or industrial structure is taking place; or
 2. When an applicant can demonstrate that a temporary trailer is needed on a short-term basis.
- J. Temporary retail establishments and restaurants.** Retail establishments and restaurants that will operate on a short-term basis.
- K. Educational Tours.** Educational tours in ARP zoning districts may be subject to a Temporary Use Permit as indicated in Section 22.32.065.
- L. Similar temporary uses.** Other temporary uses which, in the opinion of the Director, are similar to and compatible with the zoning district and surrounding land uses may be approved. The maximum time period for which these types of uses shall be allowed will depend upon the particular circumstances involved.

22.50.050 – Development Standards

Standards for floor areas, heights, landscaping, off-street parking areas, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject site (see Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Regulations)) shall be used as a guide for determining the appropriate development standards for temporary uses. However, the Director may authorize variation from the specific standards, as deemed appropriate in the Temporary Use Permit.

22.50.060 – Decision and Findings

The Director may approve or conditionally approve a Temporary Use Permit, only if the proposed temporary use is in compliance with Section 22.50.040 (Allowable Temporary Uses), above, and if all of the following findings are made:

- A.** The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

- B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- C. Approved measures for removing the use and restoring the site will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by this Development Code.

In order to make the determinations and findings listed above, the Review Authority shall take into consideration the temporary nature of the requested land use activity.

22.50.070 – Post Approval

The following shall apply subsequent to the approval of a Temporary Use Permit application. These procedures are in addition to those identified in Section 22.40.080 (Post Approval) and Chapter 22.70 (Permit Implementation, Time Limits, Extensions).

- A. **Condition of site following temporary use.** Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. A bond may be required prior to initiation of the use to ensure cleanup after the use is finished.
- B. **Time limits.** The Notice of Decision for a Temporary Use Permit shall specify the permit duration. However, Temporary Use Permits may only be approved for a maximum of two years. Temporary Use Permits may not be renewed, but a new Temporary Use Permit may be issued for the same use on the same site.

CHAPTER 22.51 – USE PERMIT RENEWALS

Sections:

- 22.51.010 – Purpose of Chapter
- 22.51.020 – Applicability
- 22.51.030 – Application Filing, Processing, and Review
- 22.51.040 – Decision and Findings
- 22.51.050 – Post Approval

22.51.010 – Purpose of Chapter

This Chapter establishes procedures for renewing vested Use Permits.

22.51.020 – Applicability

This Chapter shall apply to all renewals of vested Use Permits. Vested Use Permits remain in full force and effect until such time as they are revoked pursuant to Chapter 22.120 (Use Permit Revocations). Use Permits that are granted in perpetuity do not require renewal.

22.51.030 – Application Filing, Processing, and Review

- A. Filing.** Application for a Use Permit Renewal shall be submitted, filed, and processed in compliance with and in the manner described for ministerial planning permits in Chapter 22.40 (Application Filing and Processing, Fees).

Use Permit Renewal application forms are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Use Permit Renewal application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter. The Director may require a condition compliance review to determine whether the use has been conducted in conformance with the conditions of the original Use Permit approval.

22.51.040 – Decision and Findings

The Director may approve or conditionally approve a Use Permit Renewal, only when the following finding can be made:

- A.** The approved use will be continued in substantial conformance with the original Use Permit.

The Director may impose such additional conditions of approval as are necessary to determine that the renewal is consistent with the finding above and may impose another limited term on the Use Permit. All the conditions of approval imposed by the original Use Permit shall continue to apply after a Use Permit has been renewed and do not need to be referenced in the decision on the Use Permit Renewal.

22.51.050 – Post Approval

The following shall apply subsequent to the approval of a Use Permit Renewal application. These procedures are in addition to those identified in Sections 22.40.080 (Post Approval), and 22.48.050 (Use Permit Post approval) and Chapter 22.70 (Permit Implementation, Time Limits, Extensions).

- A. Use Permit Renewal to run with the land.** A Use Permit Renewal granted in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of: the site, business, service, use, or structure that was the subject of the permit application.
- B. Time Limits.** Notwithstanding any other provisions of this Development Code, a renewed Use Permit shall expire if the use is abandoned or ceases to operate for a two-year period or greater.

CHAPTER 22.52 – SITE PLAN REVIEW

Sections:

- 22.52.010 – Purpose of Chapter
- 22.52.020 – Applicability
- 22.52.030 – Site Plan Review Exemptions
- 22.52.040 – Application Filing, Processing, and Review
- 22.52.050 – Decision and Findings

22.52.010 – Purpose of Chapter

This Chapter provides procedures for Site Plan Review consisting of a review of site plans for the arrangement and design of physical improvements in order to implement the goals of the Countywide Plan and is intended to ensure that:

- A. Sound and creative design principles are used by applicants in designing proposed projects, which will result in high quality site planning;
- B. The natural heritage and beauty of the County will be preserved and adverse physical effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.

22.52.020 – Applicability

The provisions of this Chapter apply under any of the following circumstances:

- A. Proposed development would increase the lot coverage above 75 percent on a single family residential lot.
- B. Site Plan Review was required by a Master Plan, Design Review Waiver, or as a mitigation measure for a previous planning permit approval.
- C. The construction of any new driveway that exceeds a length of 250 feet in the A2, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts.
- D. All development and improvements on lots accessed by paper streets, without regard to the size of the lots or the applicable zoning district.
- E. In those instances where a vacant legal lot of record in the Countywide Plan's City-Centered, Baylands, or Inland Rural Corridor is proposed for development, except for those activities, uses of land, and other improvements subject to the SGV combining district in Subsection F, below, any proposed development within the Countywide Plan's Stream Conservation Area that adjoins a mapped anadromous fish stream and tributary shall be subject to Site Plan Review as provided by this chapter if the lot is zoned A, A-2, RA, H1, O-A, RR, RE, R1, R2, C-1, A-P, or VCR, including all combining zoning districts. Development includes all physical improvements, including buildings, structures, parking and loading areas, driveways, retaining walls, fences, and trash enclosures. The determination of the applicability of this requirement shall be based on the streams and tributaries shown on the map entitled "Marin County

Anadromous Fish Streams and Tributaries," which is maintained and periodically updated by the Community Development Agency.

- F.** In those instances where an activity, use of land, or other improvement subject to the SGV combining district located within the Stream Conservation Area would:
1. Entail grading or otherwise expose soil;
 2. Increase lot coverage or surface runoff;
 3. Remove vegetation or woody riparian vegetation; or
 4. Alter the bed, bank, or channel of any stream.
- G.** In those instances where development subject to the SGV combining district located outside the Stream Conservation Area would:
1. Create new roads or driveways; or
 2. Create or replace 500 square feet or more of lot coverage.
- H.** Any development seaward of the mean higher high tide, any increase of lot coverage within a tidelands area, and all docks and piers.

22.52.030 – Site Plan Review Exemptions

The following types of development are exempt from Site Plan Review:

- A.** Development outside of the SGV combining district that is subject to Design Review or Variance requirements.
- B.** Floating homes.
- C.** Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).
- D.** Signs.
- E.** The following types of development subject to the SGV combining district:
1. Removal of dead, invasive, or exotic vegetation, including leaf litter, except for woody debris located below the stream top of bank. Consultation with the County, California Department of Fish and Wildlife, and/or Marin Municipal Water District is required prior to removal of any woody debris below the stream top of bank.
 2. Removal or trimming of pyrophytic combustible live trees and/or vegetation consistent with Chapter 22.62 (Tree Removal Permits) and Title 16 – Provision 16.16.040, including tanoak, California bay laurel, and Douglas fir tree species.

Removal of any live tree or vegetation that is greater than six inches in diameter at breast height and below the top of bank is not exempt, unless the tree or vegetation presents an immediate hazard to public safety.

3. Planting of non-pyrophytic native vegetation.
4. Voluntary creek restoration projects consistent with and authorized under the Marin Resource Conservation District's Permit Coordination Program.
5. Repair and maintenance, including the replacement, of existing degraded septic systems that incorporate Marin County Stormwater Pollution Prevention Program (MCSTOPPP) minimum erosion and sediment controls and best management practices.
6. Subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use.
7. Development that is permitted pursuant to Chapter 11.08 (Watercourse Division or Obstruction).

22.52.040 – Application Filing, Processing, and Review

- A. Filing.** An application for a Site Plan Review shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Site Plan Review application forms are available online and at the Agency's public service counter.

- B. Site Plan Review Procedures.** The Director shall approve, conditionally approve, or deny all Site Plan Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections D and E, below.
- C. Zoning Administrator review.** When the Site Plan Review application is associated with a permit application that requires a public hearing, the Site Plan Review action may be taken by the Zoning Administrator.
- D. Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Site Plan Review application to the Planning Commission for a final action.
- E. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Site Plan Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.52.050 – Decision and Findings

The Review Authority may only approve or conditionally approve an application if all of the following findings are made:

- A.** The development would be consistent with all the site development criteria established in the Discretionary Development Standards.
- B.** The development would be consistent with any applicable site development criteria for specific land uses provided in Section 22.30.045, Chapter 22.32 and special purpose combining districts provided in Chapter 22.14 of this Development Code.
- C.** The development would employ best management practices for drainage and storm water management.
- D.** The development would hold ground disturbance to a minimum and every reasonable effort would be made to retain the natural features of the area, such as skyline and ridge tops, rolling land forms, knolls, significant native vegetation, trees, rock outcroppings, shorelines, streambeds and watercourses.
- E.** If substantial ground disturbance is entailed in the development, the site would be adequately landscaped with existing or proposed vegetation at project completion.
- F.** Development within the Stream Conservation Area in the SGV combining district would not:
 - 1. Adversely alter hydraulic capacity;
 - 2. Result in a net loss in habitat acreage, value, or function; and/or
 - 3. Degrade water quality.

CHAPTER 22.54 – VARIANCES

Sections:

- 22.54.010 – Purpose of Chapter
- 22.54.020 – Applicability
- 22.54.030 – Application Filing, Processing, and Review
- 22.54.040 – Exemptions
- 22.54.045 – Waivers
- 22.54.050 – Decision and Findings

22.54.010 – Purpose of Chapter

This Chapter provides procedures for the adjustment from the development standards of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

The power to grant Variances does not extend to land use regulations; flexibility in use regulations is provided in Chapter 22.48 (Conditional Use Permits).

22.54.020 – Applicability

The provisions of this Chapter shall apply to all development which does not comply with the standards of this Development Code. A Variance may be granted to vary or modify the strict application of the regulations or provisions contained in this Development Code. Variances cannot be granted for relief from use limitations and minimum lot size and density requirements. Variances provide relief from standards relating to height, floor area ratio, and setbacks.

22.54.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.54.050 (Decision and Findings).

Variance applications are available online and at the Agency's public service counter.

- B. Project review procedure.** Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Action on Variances.** Decisions on Variances may be issued by the Director, in compliance with this Chapter, or referred to the Commission for action.
- D. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Variance application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.54.040 – Exemptions

- A. Reconstruction of legal or legal non-conforming structures that were damaged or destroyed by a natural disaster is exempt from Variance requirements.
- B. Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3). Further, a floor area ratio standard may be exceeded to allow up to a 1,000 square foot Accessory Dwelling Unit, if that unit is within an addition built entirely underneath and within the footprint of an existing single-family dwelling.

22.54.045 – Waivers

A Variance requirement shall be waived and the project shall instead be subject to Chapter 22.42 - Design Review, provided it meets one of the following criteria:

- A. The cubical contents of the structure may only be increased with minor dormers and bay windows that provide headroom or for projects that are addressed in this Waivers section.
- B. In situations where development is proposed within the footprint of a legal or legal non-conforming building, the floor area ratio may increase by an amount not to exceed 35 percent or 300 square feet, whichever is more restrictive, except that such area limitations do not apply to circumstances in flood zones that are addressed below in Section 22.54.040.C.
- C. In situations where development is proposed within the footprint of a legal or legal non-conforming building, the floor area ratio may increase above 30 percent if the increase in floor area is due to a Federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Floor area underneath the proposed additions does not qualify for this exemption.
- D. Existing legal non-conforming setbacks may be maintained if a structure is being raised to conform to a Federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Development underneath the proposed additions does not qualify for this exemption.
- E. The height of a roof of an existing primary structure that encroaches into a required setback is being lowered by any height or is being raised by not more than three feet in height above the existing roof, or to a maximum of 30 feet above grade, whichever is more restrictive.
- F. Detached accessory structures, retaining walls, fences and screening walls, and primary agricultural structures that would otherwise need to meet height and setback requirements, may vary from those requirements.
- G. Primary residential buildings exceeding a height of 30 feet but not exceeding a height of 35 feet above grade in conventional districts.

Roof decks above a lower level of a residence may encroach by as much as 10 feet into a front or rear yard setback, four feet beyond the standard projection allowed in Table 3-1 of Section 22.20.090.

22.54.050 – Decision and Findings

The Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with State law (Government Code Section 65906). The Review Authority may approve an application, with or without conditions, only if all of the following findings are made:

- A. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
- B. Granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
- C. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.
- D. Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

CHAPTER 22.56 – RESIDENTIAL ACCESSORY DWELLING UNIT PERMITS

Sections:

22.56.010 – Purpose of Chapter

22.56.020 – Applicability

22.56.030 – Application Filing, Processing, and Review of Accessory Dwelling Units

22.56.040 – Decision and Findings for Accessory Dwelling Units

22.56.010 – Purpose of Chapter

This Chapter establishes a procedure to allow accessory dwelling units.

22.56.020 – Applicability

The provisions of this Section shall apply to Accessory Dwelling Units in the unincorporated portions of the County.

22.56.030 – Application Filing, Processing, and Review of Accessory Dwelling Unit Permits

- A. Filing.** Application for an Accessory Dwelling Unit Permit shall be submitted, filed, and processed in compliance with and in the manner described for ministerial planning permit applications in Chapter 22.40 (Application Filing and Processing, Fees).

Accessory Dwelling Unit Permit applications are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Accessory Dwelling Unit Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter, and the findings specified for Accessory Dwelling Units. Once a decision has been rendered on an Accessory Dwelling Unit Permit application, notice of that decision shall be referred to any special districts or County agencies that provide services to the subject property.

- C. Action on Accessory Dwelling Unit Permit.** The Director shall approve or deny an Accessory Dwelling Unit Permit within 60 days of finding the application complete. A denial of an Accessory Dwelling Unit Permit shall be accompanied by a list of items that are defective or deficient, and a description of how the application can be remedied by the applicant.

22.56.040 – Decision and Findings for Accessory Dwelling Units

The Director may only approve or conditionally approve an application for an Accessory Dwelling Unit if the project is consistent with all of the applicable standards listed in Section 22.32.120.

CHAPTER 22.59 – HOMELESS SHELTER PERMITS

Sections:

22.59.010 – Purpose of Chapter

22.59.020 – Applicability

22.59.030 – Application Filing, Processing, and Review

22.59.040 – Decision and Findings for Homeless Shelter Permits

22.59.010 – Purpose of Chapter

This Section establishes permit requirements for the County review of any facility proposed for use as a homeless shelter.

22.59.020 – Applicability

Where allowed by Article II (Zoning Districts and Allowable Land Uses), homeless shelters shall comply with the standards of Section 22.32.095 (Homeless Shelters). Homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

22.59.030 – Application Filing, Processing, and Review

- A. Filing.** Application for a Homeless Shelter Permit shall be submitted, filed, and processed in compliance with and in the manner described for ministerial permits in Chapter 22.40 (Application Filing and Processing, Fees).

Homeless Shelter Permit applications are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Homeless Shelter Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and findings of this Chapter.

22.59.040 – Decision and Findings for Homeless Shelter Permits

The Director may approve or conditionally approve a Homeless Shelter Permit if it complies with standards as set forth in Chapter 22.32.095, and complies with all standards established by the County Fire Department or local Fire Protection District as applicable.

CHAPTER 22.60 – PERMITS FOR SIGNS

Sections:

- 22.60.010 – Purpose
- 22.60.020 – Applicability
- 22.60.030 – Master Sign Program Procedures
- 22.60.040 – Sign Review Procedures
- 22.60.050 – Sign Permit Procedures
- 22.60.060 – Temporary Sign Permit Procedures
- 22.60.070 – Appeal Procedures
- 22.60.080 – Expiration and Extension

22.60.010 – Purpose

This Chapter establishes the permitting requirements for permanent and temporary signs to ensure compliance with the applicable provisions of this Development Code.

22.60.020 – Applicability

A. Sign Authorization. Before a sign is erected, moved, altered, replaced, suspended, displayed, or attached to a surface, whether permanent or temporary, appropriate authorization from the Director is required, unless otherwise specified in this Chapter. This Chapter establishes four types of procedures for the review and approval of a new sign:

1. **Master Sign Program.** A Master Sign Program is a discretionary planning permit that may be issued by the Director, in compliance with this Chapter, or referred to the Commission for action.

A Master Sign Program is required for the installation of signs that do not comply with the standards specified in 22.28.040 – General Standards for Permanent Signs By Use or 22.28.050 – Standards for Specific Sign Types on any lot with four or more businesses or tenant spaces, unless signs that deviate from the standards are being proposed to be mounted on the primary entrance elevation for only one of the individual tenant spaces. A Sign Program may be requested by an applicant for a lot with fewer than four businesses or tenant spaces, but it is not required.

The Master Sign Program shall detail the standards for signs to be installed on the property in the future with ministerial Sign Permit approval, rather than detailing the design of particular individual signs.

2. **Sign Review.** Sign Review is a discretionary planning permit that may be issued by the Director, in compliance with this Chapter, or referred to the Commission for action. Sign Review is required for the following signs:
 - a. Signs that do not comply with the standards specified in 22.28.040 – General Standards for Permanent Signs By Use or 22.28.050 – Standards for Specific Sign Types, and;
 - b. Freestanding signs;

- c. Internally illuminated signs.
3. **Sign Permit.** A ministerial Sign Permit issued in compliance with the requirements of Section 22.60.050 (Sign Permit Procedures) is required for the following signs:
 - a. All signs as specified in Section 22.28.040.A (General Standards for Permanent Signs by Use) unless specifically exempted in Section 22.60.020.B (Exemptions) or a Sign Review is required as identified in Chapter 22.28 (Signs);
 - b. All signs authorized in a Sign Program.
 4. **Temporary Sign Permit.** A ministerial Temporary Sign Permit issued in compliance with the requirements of Section 22.60.060 (Temporary Sign Permit Procedures) is required for the following temporary signs as identified in Section 22.28.060 (Temporary Sign Standards):
 - a. A wall banner displayed for more than a maximum of 30 days per year; and
 - b. Another authorized type of temporary sign displayed for more than 100 days per year.

B. Exemptions. The provisions of this Chapter do not apply to the following signs:

1. Any sign, posting, notice or similar signs placed, installed or required by law by the County, or a Federal or State governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including but not limited to, the following:
 - a. Emergency and warning signs necessary for public safety or civil defense;
 - b. Traffic and parking signs erected and maintained by an authorized public agency or approved by an authorized public agency;
 - c. Signs required to be displayed by law;
 - d. Numerals and lettering identifying the address from the street to facilitate emergency response and compliant with County requirements;
 - e. Signs directing the public to points of interest; and
 - f. Signs showing the location of public facilities.
2. Official flags of national, state, or local governments, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction may be displayed as provided in compliance with the law that adopts or regulates its use. No more than three flags must be displayed per property except on federal holidays.
3. Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebration, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.

4. Signs or displays that are not visible beyond the boundaries of the lot upon which they are located or from any right-of-way or access easement, and temporary signs located within County Facilities.
5. Business information signs. Non-illuminated signs which provide business information including, but not limiting to credit card acceptance, business hours, open/closed, or menus provided signs do not exceed an aggregate six square feet in sign area and do not violate the provisions of this Chapter.
6. Signs neatly and permanently affixed on a vehicle, provided such vehicles are not used as parked or stationary outdoor display signs, unless displayed in a prohibited location (see Section 22.28.030.A). Such signage must not be a banner, board, paper, or any temporary sign and must not substantially project or deviate from the vehicle profile.
7. Signs that constitute an integral part of a vending machine or similar facilities located outside of a business.
8. Historical plaques erected and maintained by nonprofit organizations, memorials, building cornerstones and erection date stones.
9. Business Name and Address on an Entry Door. Name of a business, address information, and/or contact information displayed on an entry door, not exceeding two square feet in area.
10. Nonstructural modifications and maintenance:
 - a. Changes to the face or copy of changeable copy signs;
 - b. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted sign from one business to another with no structural or lighting modifications to the sign; and
 - c. The normal repair and maintenance of conforming or legal nonconforming signs, except as identified in Section 22.28.060 (Nonconforming Signs).

22.60.030 – Master Sign Program Procedures

- A. Application requirements.** An application for a Master Sign Program must be filed on the form(s) provided by the Agency, together with all required fees and all other information and materials. The Master Sign Program shall detail the standards for signs to be installed on the property in the future with ministerial Sign Permit approval.
- B. Findings and decision.** The Review Authority shall approve, conditionally approve, or deny the Master Sign Program application only after the following findings are made:
 1. If applicable, exceeding the General Standards for Permanent Signs By Use (22.28.040) and/or the Standards for Specific Sign Types (22.28.050) is necessary to overcome a visibility disadvantage caused by an unfavorable orientation of the front wall to the public right-of-way or by an unusually large setback.

2. The signs would be in proper scale with the uses and structures on the property and in the surrounding community.
3. The colors, contrast, typography, and materials used for the signs would be simple and attractive and compliment the architectural design found on the property and in the surrounding community.
4. The location and appearance of the signs would be compatible with other signs in the vicinity and the character of the surrounding community.
5. The Master Sign Program would result in signs that are visually related or complementary to each other, what they identify, and the uses and development on the site and in the surrounding community.

22.60.040 – Sign Review Procedures

- A. Application requirements.** An application for a Sign Review must be filed on the form(s) provided by the Agency, together with all required fees and all other information and materials specified by the application requirements list provided by the Agency.
- B. Findings and decision.** The Review Authority shall approve, conditionally approve, or deny the application only after the following findings are made:
 1. Exceeding the General Standards for Permanent Signs By Use (22.28.040) and/or the Standards for Specific Sign Types (22.28.050) is necessary to overcome a visibility disadvantage caused by an unfavorable orientation of the front wall to the public right-of-way or by an unusually large setback.
 2. The sign would be in proper scale with the uses and structures on the property and in the surrounding community
 3. The colors, contrast, typography, and materials used for the sign would be simple and attractive and compliment the architectural design found on the property and in the surrounding community.
 4. The location and appearance of the sign would be compatible with other signs in the vicinity and the character of the surrounding community.

22.60.050 – Sign Permit Procedures

- A. Application requirements.** An application for a ministerial Sign Permit must be filed on the form(s) provided by the Agency, together with all required fees and all other information and materials specified by the application requirements list provided by the Agency.
- B. Review and Approval.** After a Sign Permit application is deemed complete, the Director shall approve, conditionally approve, or deny the application. The Director may approve a Sign Permit application, with or without conditions, only after finding that the sign complies with the standards of Chapter 22.28 (Signs), any applicable Master Plan, and any applicable Sign Program.

22.60.060 – Temporary Sign Permit Procedures

- A. Temporary Sign Permit Requirement.** Temporary wall banner signs displayed for more than 30 days per year and other authorized temporary signs displayed for longer than 100 days per year require Temporary Sign Permit approval.
- B. Duration of Temporary Sign Permit.**
1. A Temporary Sign Permit for a wall banner is valid for an additional 30 consecutive days beginning with the date of issuance.
 2. A Temporary Sign Permit for all other authorized temporary signs described in Section 22.28.060 (Temporary Sign Standards) is valid for an additional 100 consecutive days beginning with the date of issuance.
- C. Review and Approval.**
1. **Application requirements.** An application for a Temporary Sign Permit must be filed on the form(s) provided by the Agency, together with all required fees and all other information and materials specified by the application requirements list provided by the Agency.
 2. **Findings and decision.** After a Temporary Sign Permit application is deemed complete, the Director shall approve, conditionally approve, or deny the application. The Director may approve a Sign Permit application, with or without conditions, only after finding that the temporary sign complies with the standards of Chapter 22.28 (Signs).

22.60.070 – Appeal Procedures

A decision of the Director on a Master Sign Program or Sign Review may be appealed in compliance with Chapter 22.114 (Appeals).

22.60.080 – Expiration and Extension

Authorization for all signs for which Master Sign Program, Sign Review, Sign Permit, or Temporary Sign Permit have been issued in compliance with this Chapter are subject to the expiration and extension provisions of Chapter 22.70 (Permit Implementation, Time Limits, Extensions).

CHAPTER 22.62 – TREE REMOVAL PERMITS

Sections:

22.62.010 – Purpose of Chapter

22.62.020 – Applicability

22.62.030 – Application, Filing, Processing, and Noticing

22.62.040 – Exemptions

22.62.050 – Decision and Findings for a Tree Removal Permit

22.62.010 – Purpose of Chapter

The purpose of this chapter is to establish regulations for the preservation and protection of native trees in the unincorporated areas of Marin County by limiting tree removal in a manner which allows for reasonable use and enjoyment of such property and to establish a procedure for processing Tree Removal Permits.

22.62.020 – Applicability

This Chapter applies only to “protected and heritage trees” as defined in Article VIII (Definitions) on improved and unimproved lots as defined in Article VIII in the non-agricultural unincorporated areas of Marin County. Protected and heritage trees may be removed in specific circumstances as stated in Section 22.62.040 (Exemptions) without triggering a requirement for a permit. Woodlands shall be managed and trees shall be preserved or replaced in compliance with Chapter 22.27 (Native Tree Protection and Preservation).

22.62.030 – Application, Filing, Processing, and Noticing

- A. Purpose.** This Section provides procedures for filing, processing, and noticing of Tree Removal Permit applications.
- B. Filing and processing.** All Tree Removal Permit applications shall be completed, submitted, and processed in compliance with Chapter 22.40 (Application Filing and Processing, Fees) and Section 22.40.050 (Initial Application Review for Discretionary Permits).

Tree Removal Permit applications are available online and at the Agency's public service counter.

- C. Notice of action.** Administrative decisions on a proposed Tree Removal Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.62.040 – Exemptions

The removal of any protected or heritage tree on a lot is exempt from the requirements of this Chapter if it meets at least one of the following criteria for removal:

- A. The general health of the tree is so poor due to disease, damage, or age that efforts to ensure its long-term health and survival are unlikely to be successful;
- B. The tree is infected by a pathogen or attacked by insects that threaten surrounding trees as determined by an arborist report or other qualified professional;
- C. The tree is a potential public health and safety hazard due to the risk of its falling and its structural instability cannot be remedied;
- D. The tree is a public nuisance by causing damage to improvements, such as building foundations, retaining walls, roadways/driveways, patios, sidewalks and decks, or interfering with the operation, repair, or maintenance of public utilities;
- E. The tree has been identified by a Fire Inspector as a fire hazard;
- F. The tree was planted for a commercial tree enterprise, such as Christmas tree farms or orchards;
- G. Prohibiting the removal of the tree will conflict with CC&R's which existed at the time this Chapter was adopted;
- H. The tree is located on land which is zoned for agriculture (A, ARP, APZ, C-ARP or C-APZ) and that is being used for commercial agricultural purposes. (This criterion is provided to recognize the agricultural property owner's need to manage these large properties and continue their efforts to be good stewards of the land.);
- I. The tree removal is by a public agency to provide for the routine management and maintenance of public land or to construct a fuel break;
- J. The tree removal is on a developed lot and: 1) does not exceed two protected trees within a one-year timeframe; 2) does not entail the removal of any heritage trees; and 3) does not entail the removal of any protected or heritage trees within a Stream Conservation Area or a Wetland Conservation Area.

It is recommended that a property owner obtain a report from a licensed arborist or verify the status of the tree with photographs to document the applicability of the criteria listed above to a tree which is considered for removal in compliance with this section.

22.62.050 – Decision and Findings for a Tree Removal Permit

In considering a Tree Removal Permit application, the Director may only grant approval or conditional approval based on a finding that removal of the tree(s) is necessary for the reasonable use and enjoyment of land under current zoning regulations and Countywide Plan and Community Plan (if applicable) policies and programs, taking into consideration the following criteria:

- A. Whether the preservation of the tree would unreasonably interfere with the development of land;
- B. The number, species, size and location of trees remaining in the immediate area of the subject property;

- C.** The number of healthy trees that the subject property can support;
- D.** The topography of the surrounding land and the effects of tree removal on soil stability, erosion, and increased runoff;
- E.** The value of the tree to the surrounding area with respect to visual resources, maintenance of privacy between adjoining properties, and wind screening;
- F.** The potential for removal of a protected or heritage tree to cause a significant adverse effect on wildlife species listed as threatened or endangered by State or Federal resource agencies in compliance with the California Environmental Quality Act (CEQA);
- G.** Whether there are alternatives that would allow for the preservation of the tree(s), such as relocating proposed improvements, use of retaining walls, use of pier and grade beam foundations, paving with a permeable substance, the use of tree care practices, etc.

CHAPTER 22.64 – HOUSING DEVELOPMENT REGULATION COMPLIANCE REVIEW

Sections:

- 22.64.010 – Purpose of Chapter
- 22.64.020 – Applicability
- 22.64.030 – Application Filing
- 22.64.040 – Application Review for Type 1 Projects (Form Based)
- 22.64.050 – Application Review for Type 2 Projects (SB 9)
- 22.64.060 – Application Review for Type 3 Projects (SB 35)

22.64.010 – Purpose of Chapter

This Chapter establishes procedures for various types of Housing Development Regulation Compliance Reviews (Housing Compliance Reviews) that provide for ministerial review of housing development project applications.

22.64.020 – Applicability

There are three distinct types of Housing Compliance Review applications, which apply as described below:

- A. Type 1.** Development proposed in the Form Based (FB) combining district, under the regulations of the Marin County Form Based Code.
- B. Type 2.** Development proposed under the statutory authority of Senate Bill 9 (2021, as subsequently amended). Urban lot split applications are reviewed under the Urban Lot Split provisions in section 22.80.064.
- C. Type 3.** Development proposed under the statutory authority of Senate Bill 35 (2018, as subsequently amended).

Application of the Housing Compliance Review preempts the application of discretionary development entitlements. Specific procedures for reviewing these three types of applications are provided in this Chapter. All of these types of review are ministerial in nature and shall conform to the requirements of Development Code Section 22.40.052 for ministerial planning permit reviews, except for those deviations specifically established in this Chapter.

22.64.030 – Application Filing

An application for a Housing Compliance Review shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Housing Compliance Review application forms are available online and at the Agency's public service counter.

22.64.040 – Application Review for Type 1 Projects (Form Based)

The Director may only approve or conditionally approve an application for a Type 1 Housing Compliance Review if the project is consistent with all of the applicable standards in the Marin County Form Based Code. Deviations from these standards are subject to Design Review (Chapter 22.42), or the Exceptions process for civil engineering standards (Chapter 24.15) related to parking and access improvements.

22.64.050 – Application Review for Type 2 Projects (SB 9)

The Director may only approve or conditionally approve an application for a Type 2 Housing Compliance Review if the project is consistent with all of the applicable standards in Section 22.32.184 (Senate Bill 9 Development Standards).

The County shall only deny a Type 2 Housing Compliance Review application that is otherwise eligible for SB 9 processing if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

22.64.060 – Application Review for Type 3 Projects (SB 35)

All sites for Type 3 (SB 35) projects are governed by the FB (Form Based) Combining District. The Planning Commission is the Review Authority for Type 3 (SB 35) projects, and the Planning Commission may only approve or conditionally approve an application for a Type 3 Housing Compliance Review if the project is consistent with all of the applicable standards in the Marin County Form Based Code.

Type 3 (SB 35) applications are subject to the mandatory procedures provided below.

- A. Preliminary Application Filing.** An applicant shall file a notice of intent to submit an SB 35 Housing Compliance Review application in the form of a preliminary application consistent with Government Code Section 65941.1. Complete Building Permit applications for the project shall be submitted concurrently with the Preliminary Application.

An applicant for an SB 35 housing development project shall be deemed to have submitted and filed a preliminary application upon providing all of the following information about the proposed project to the County:

1. The specific location, including parcel numbers, a legal description, and site address, if applicable.
2. The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.
3. A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

4. The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.
5. The proposed number of parking spaces.
6. Any proposed point sources of air or water pollutants.
7. Any species of special concern known to occur on the property.
8. Whether a portion of the property is located within any of the following:
 - a. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.
 - b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - c. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply: 1) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses (this section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5); or 2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.
 - d. A special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.
 - e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
 - f. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.
 - g. Any historic or cultural resources known to exist on the property.
 - h. The number of proposed below market rate units and their affordability levels.

- i. The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.
- j. Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.
- k. The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.
- l. The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied, and the income levels of any existing tenants.
- m. A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
- n. The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

B. Timeline. Within 180 calendar days after filing a preliminary application, an applicant shall submit a formal Senate Bill 35 application, provided scoping consultation has concluded consistent with Subsection C, below.

C. Scoping Consultation

1. Upon receipt of the preliminary application, the County shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that should be noticed. The County shall provide a formal notice of the applicant's intent to submit a formal application to each required California Native American tribe within 30 days of preliminary application submittal. The formal notice shall be consistent with Government Code Section 65913.4(b).
2. If, within 30 days of receipt of the formal notice, any California Native American tribe that was formally noticed accepts the invitation to engage in scoping consultation, the County shall commence scoping consultation within 30 days of receiving that response.
3. The scoping consultation shall be conducted consistent with Government Code Section 65913.4(b). If, after scoping consultation is concluded, a development is not eligible for Senate Bill 35 streamlining, the County shall provide written documentation as required by Government Code Section 65913.4(b) to the applicant and any California Native American tribe that is a party to that scoping consultation.
4. Tribal consultation concludes either 1) upon documentation of an enforceable agreement regarding the treatment of tribal resources at the project site (Government Code section 65913.4(b)(2)(D)(i)), or 2) one or more parties to the consultation, acting in good faith and after a reasonable effort, conclude that a mutual agreement cannot be achieved (Government Code section 65913.4(b)(2)(D)(ii)).

D. Formal Application. If the development remains eligible to apply under Senate Bill 35 after scoping consultation consistent with Government Code Section 65913.4(b) has concluded, an applicant may file a formal Senate Bill 35 application for compliance review.

E. Compliance Review

1. **Scope of Review.** The County’s scope of review is limited to all of the provisions contained in this Development Code, Government Code Section 65913.4(a), and the objective standards in the Marin County Form Based Code.

2. **Public Oversight and Application Review Timelines.** The final review of a formal application shall be done by the Planning Commission during a hearing to determine if the application complies with all of the provisions contained in this Development Code, Government Code Section 65913.4(a), and standards of the Marin County Form Based Code, and shall occur within the following timeframes:

- a. Within 90 calendar days of formal application submittal for applications that include 150 or fewer housing units.
- b. Within 180 calendar days of formal application submittal for applications that include 151 or more housing units.

3. **Compliance Determination.**

a. **Compliant Application.** If the application complies with all of the provisions contained in this Development Code, Government Code Section 65913.4(a), and all applicable objective standards in the Marin County Form Based Code, the County shall complete any application review, Planning Commission hearing and any subdivision approval within the timeframes listed in Subsection E.2.

b. **Non-Compliant Application.** If the application does not demonstrate compliance with all of the provisions contained in this Development Code, Government Code Section 65913.4(a), and all applicable objective standards, then the Planning Commission shall provide the applicant with written documentation of which standards the development conflicts with and an explanation of the reasons the development conflicts with each standard. If the application can be brought into compliance with minor changes to the proposal, the Planning Commission may, in lieu of making the detailed findings referenced above, allow the development proponent to correct any deficiencies within the timeframes for determining project consistency specified in C.(2) above.

c. **Resubmitted Application.** If the project was found to be non-compliant, the applicant may resubmit a corrected application for Senate Bill 35 streamlined processing, and the County shall review it for compliance.

d. **Project Ineligible.** If the project is ineligible for Senate Bill 35 streamlined processing, the applicant may elect to submit an application for the applicable discretionary approval.

F. Decision on Project

1. **Project Approval and Findings.** The Planning Commission is the review authority for Type 3 Housing Compliance Review applications. The Planning Commission shall approve the application if it finds that the proposed development is compliant with all of the provisions contained in this Development Code, Government Code Section 65913.4(a), and all applicable objective standards of the Marin County Form Based Code.
2. **Conditions of Approval.** The Planning Commission may impose conditions of approval provided those conditions of approval are objective and broadly applicable to development within the County.

G. Post-decision Procedures.

1. **Subsequent Permits.** Any necessary subsequent permits shall be issued on a ministerial basis subject to applicable objective standards. If a public improvement is necessary to implement a development subject to this Section, and that public improvement is located on land owned by the County, the County shall process any approvals needed as required by Government Code Section 65913.4(h).
2. **Post-Approval Modifications.**
 - a. **Post-Approval Modification Request.** An applicant or the County may request a modification to an approved development if that request is made prior to the issuance of the final building permit.
 - b. **Applicability of Objective Standards to Modifications.** The County shall only apply objective standards in effect when the original application was submitted, except that objective standards adopted after the date of original submittal may be applied when: 1) the total number of residential units or total square footage of construction changes by 15 percent or more; or 2) when the total number of residential units or total square footage of construction changes by five percent or more, and it is necessary to subject the development to an objective standard beyond those in effect when the application was submitted in order to mitigate or avoid a specific adverse impact upon public health or safety, for which there is no feasible alternative method to satisfactorily mitigate or avoid. Objective building standards contained in the California Building Code, as adopted by the County, shall be applied to all modifications.
 - c. **Post-Approval Modification Review Timeframe and Decision.** The County shall determine if the modification is consistent with objective planning standards and issue a decision on the applicant's modification request within 60 days after submittal unless a new Type 3 Housing Development Review application is required, in which case a decision shall be made within 90 days.
3. **Expiration.** An application approved consistent with this section shall remain valid for three years; however, an application approval shall not expire if the development includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making at or below 80 percent of the area median income consistent with Government Code Section 65913.4(e).

4. **Extension.** At the discretion of the Director, a one-year extension may be granted consistent with Government Code Section 65913.4(e).

CHAPTER 22.70 – PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS

Sections:

- 22.70.010 – Purpose of Chapter
- 22.70.020 – Effective Date of Permits
- 22.70.030 – Deadline for Action
- 22.70.040 – Performance Guarantees
- 22.70.050 – Time Limits and Extensions
- 22.70.060 – Changes to an Approved Project

22.70.010 – Purpose of Chapter

This Chapter provides procedures for the implementation or vesting of the permits and entitlements required by this Development Code, including time limits and procedures for extensions of time. Time limits and extension criteria for Tentative Maps are found in Article VI (Subdivisions), beginning with Section 22.84.120 (Tentative Map Time Limits).

22.70.020 – Effective Date of Permits

- A. Final determinations adopted by resolution by the Director, Zoning Administrator, or Commission (e.g., Design Reviews, Floating Home Exceptions, Use Permits, Variances), shall become effective on the 9th business day following the date of application approval by the appropriate Review Authority, provided that no appeal of the Review Authority's action has been submitted, in compliance with Chapter 22.114 (Appeals).
- B. Final determinations adopted by resolution by the Board shall become effective immediately.
- C. Final determinations adopted by ordinance by the Board (e.g., Master Plans, Development Code, Zoning Map and Countywide Plan amendments), shall become effective on the 31st day following the date of approval by the Board.

22.70.030 – Deadline for Action

The Director, Zoning Administrator or Commission shall make an initial decision on a quasi-judicial discretionary permit within 60 days after the application is determined to be complete, or the appropriate time period in compliance with the CEQA time limit requirements, or the appropriate time limit otherwise established by any State or Federal Law, or the application shall be deemed approved, subject to the noticing requirements of Government Code Section 65956. A one-time extension for a period not to exceed an additional 90 days may be provided upon mutual agreement by the Director and the applicant (Government Code 65957).

Any permit application deemed approved in compliance with State law (Government Code 65956) shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant prior to the issuance of any construction permit or the establishment of a land use not requiring a construction permit.

Deadlines for action and results of inaction are modified for telecommunications projects by Federal law and in accordance with Section 22.32.165 (Telecommunications Facilities).

22.70.040 – Performance Guarantees

A permit applicant may be required by conditions of approval, or by action of the review authority, to provide adequate security, in a form acceptable to the Director, to guarantee and/or monitor the faithful performance of and compliance with any/all conditions of approval imposed by the review authority on the permit.

22.70.050 – Time Limits and Extensions

A. Time limits, vesting. Unless conditions of approval establish a different time limit, any permit or entitlement not vested within three years of the date of approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained a Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a Parcel or Final Map.

B. Extensions of time. Upon request by the applicant, the Director may extend the time for an approved permit to be vested.

1. **Filing.** The applicant shall file a written request for an extension of time with the Agency, at least 10 days prior to the expiration of the permit, together with the filing fee required by the County Fee Ordinance.
2. **Review of extension request.** The Director shall determine whether the permit holder has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish, with substantial evidence, that the permit should not expire. The Director may instead refer the extension request to the Commission for review.
3. **Action on extension.** If the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Director may extend the permit for a maximum period of three years following the original expiration date. If the approval was granted concurrently with a Tentative Map, the maximum amount of time extensions would be determined by Section 22.84.140 (Extensions of Time for Tentative Maps).

When granting an extension, the Director may make minor modifications to the approved project if it is found that there has been a change in the factual circumstances surrounding the original approval.

4. **Hearing on extension.** If the Director finds that significant policy questions are at issue, the Director may refer the application to the Commission for a public hearing in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).
5. **Coordination of expiration date among multiple permits.** If a Building Permit, or other permit, is issued during the effective life of the entitlement or development application approval, the expiration date of the entitlement or development application

approval shall be automatically extended to coincide with the expiration date of the Building Permit or permit.

22.70.060 – Changes to an Approved Project

Development or a new land use authorized in compliance with this Development Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

An applicant shall propose changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either prior to or after construction or establishment and operation of the approved use.

- A.** The Director may authorize changes to an approved site plan, architecture, or the nature of the approved use if the changes:
 - 1. Are consistent with all applicable provisions of this Development Code;
 - 2. Do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report for the project;
 - 3. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the Review Authority in the approval of the permit; and
 - 4. Do not result in a significant expansion of the use.
- B.** Changes to the project involving features described in Section 22.70.060.A.2 and A.3 (Changes to an Approved Project), above, shall only be approved by the review authority through a new permit application processed in compliance with this Development Code.

ARTICLE V

Coastal Zones – Development and Resource Management Standards

IMPORTANT NOTE TO READER:

Article V was approved by the Marin County Board of Supervisors on June 24, 2003 and later updated on June 13, 2006, as part of this Development Code. However, the provisions of this Development Code shall not be used as the standard of review for property or development proposals located within the coastal zone until approved by the California Coastal Commission, except for those Development Code sections listed below:

1. Section 22.20.040 (Outdoor Construction Activities)
2. Chapter 22.22 (Affordable Housing Regulations)
3. Section 22.32.050 (Child Daycare Facilities)
4. Section 22.32.120 (Residential Accessory Dwelling Units)
5. Chapter 22.56 (Residential Accessory Dwelling Unit Permits)

Except as provided above, development located within the coastal zone will continue to be regulated by relevant provisions of Titles 20 (Coastal Zoning Code) and 22 (Subdivisions) of the Marin County Code that were in effect prior to the August 25, 2003, effective date of this Development Code.

Where a conflict exists between Title 20 and this Development Code, the former shall prevail until Article V and other relevant sections of the Development Code are approved by the Coastal Commission.

Copies of Titles 20 and 22 are available for public inspection and purchase at the Marin County Community Development Agency Planning Division, Room 308, Civic Center, San Rafael.

ARTICLE VI

Subdivisions

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CHAPTER 22.80 – SUBDIVISION MAP APPROVAL REQUIREMENTS

Sections:

- 22.80.010 – Title
- 22.80.020 – Purpose of Article
- 22.80.030 – Applicability
- 22.80.040 – Exemptions from Subdivision Approval Requirements
- 22.80.050 – Review Authority for Subdivision Applications
- 22.80.060 – Exceptions to Subdivision Standards
- 22.80.064 – Urban Lot Splits Under Senate Bill 9
- 22.80.070 – Notice of Judicial Challenge

22.80.010 – Title

This Article is and may be cited as the Marin County Subdivision Ordinance.

22.80.020 – Purpose of Article

The regulations in this Article are intended to supplement, implement, and work with the Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the Map Act). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of applications, and the review, approval, and construction of proposed subdivisions.

22.80.030 – Applicability

The Map Act and this Development Code require that the subdivision of an existing parcel into two or more proposed parcels be first approved by the County. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map or Final Map to complete the subdivision process. The Tentative Map review process is used to evaluate the compliance of the proposed subdivision with the standards of this Development Code, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

- A. Tentative Map requirements.** Pursuant to Map Act Section 66426, a Tentative and Final Map are required for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any of the following occurs:
1. The original, unsubdivided parcel contains less than five acres, each proposed parcel abuts upon a maintained public street, and no dedications or improvements are required by adopted County Plans or Codes.
 2. Each parcel created by the division has a gross area of 20 acres or more and has approved access to a maintained public street.

3. The parcel(s) have approved access to a public street which comprises part of a tract of land zoned for industrial or commercial development, and which has County approval for street alignments and widths.
4. Each parcel has a minimum gross area of 40 acres.
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Map Act Section 66418.2

A Parcel Map shall be required instead of a Final Map when a Final Map is not required for the reasons listed in 1 through 5 above.

B. Parcel and Final Map requirements. A Parcel or Final Map shall be required as follows:

1. **Parcel Map.** The filing and approval of a Parcel Map (Chapter 22.86 (Parcel Maps and Final Maps)) shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Chapter 1, Article 2 of the Map Act, except for the following subdivisions:
 - a. **Public agency or utility conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines based on substantial evidence that public policy necessitates a Parcel Map in an individual case; or
 - b. **Rail right-of-way leases.** Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
 - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 22.86.030 (Waiver of Parcel Map).
2. **Final Map.** The filing and approval of a Final Map (Chapter 22.86) shall be required for a subdivision of five or more parcels; except where a Parcel Map without a Tentative Map is instead required by Subsection A. above (Tentative Map Requirements).

C. Conflicts with Map Act. In the event of any perceived conflicts between the provisions of this Article and the Map Act, the Map Act shall control.

22.80.040 – Exemptions from Subdivision Approval Requirements

As provided by Article 1, Chapter 1 of the Map Act, the following subdivisions do not require the filing or approval of Tentative, Parcel or Final Maps.

- A. Agricultural leases.** Leases of agricultural land for the cultivation of food or fiber, or the grazing or pasturing of livestock.
- B. Boundary line agreements.** Boundary line or exchange agreements to which the State Lands Review Authority or a local agency holding a trust grant of tide and submerged lands is a party.

- C. Wireless telecommunication antenna facilities.** The leasing or licensing of a portion of a parcel, or the granting of an easement, Use Permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Public Utilities Code Section 234, exclusively for the placement and operation of wireless telecommunications transmission facilities, including antenna support structures, microwave dishes, structures to house wireless telecommunications transmission equipment, power sources, and other incidental equipment.
- D. Cemeteries.** Land dedicated for cemetery purposes under the Health and Safety Code.
- E. Commercial/industrial financing or leases.** The financing or leasing of:
1. Offices, stores or similar spaces within commercial or industrial buildings; existing separate commercial or industrial buildings on a single parcel; or
 2. Any parcel or portion of a parcel, in conjunction with the construction of commercial or industrial buildings on the same site, if Article II or Article V of this Development Code (Zoning Districts and Allowable Land Uses) requires a Use Permit for the project, or Chapter 22.42 requires Design Review.
- F. Condominium conversions.** The conversion of:
1. A community apartment project or a stock cooperative to condominiums, if the conversion satisfies the requirements of Map Act Sections 66412.g or 66412.h, respectively; or
 2. The conversion of certain mobile home parks to condominiums as provided by Map Act Section 66428.b.
- G. Lot Line Adjustments.** A Lot Line Adjustment processed in compliance with Chapter 22.90 (Lot Line Adjustments).
- H. Mineral leases.** Mineral, oil or gas leases.
- I. Public agency or utility conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way.
- J. Rail right-of-way leases.** Short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, unless the Director determines in an individual case, based on substantial evidence, that public policy necessitates the application of the subdivision regulations of this Development Code to the short-term lease.
- K. Small, removable commercial buildings.** Subdivisions of four parcels or less for the construction of removable commercial buildings having a floor area of less than 100 square feet.
- L. Residential financing or leases.** The financing or leasing of: apartments, or similar spaces within apartment buildings, mobile home parks or trailer parks; or "granny" units or residential second units in compliance with Government Code Sections 65852.1 or 65852.2, respectively.

- M. Separate assessments.** Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- N. Wind energy conversion systems (WECS).** The leasing of, or granting of an easement to a parcel or portion of a parcel in conjunction with the financing, installation, and sale or lease of a WECS.

22.80.050 – Review Authority for Subdivision Applications

The Review Authority is the individual or body identified by this Development Code as having the responsibility and authority to approve or deny land use permit and subdivision applications. The Review Authority for Tentative Maps, Parcel and Final Maps, Lot Line Adjustments, Certificates and Conditional Certificates of Compliance, parcel Mergers and Unmergers, and Reversions to Acreage in compliance with this Article, is determined by Section 22.40.020 (Review Authority for County Land Use and Zoning Decisions), and the provisions of this Article.

22.80.060 – Exceptions to Subdivision Standards

An exception to any provision of this Article may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify provisions of the Map Act.

- A. Application.** An application for an exception shall be submitted on forms provided by the Agency together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.
- B. Filing and processing.** A request for an exception may be filed with the Tentative Map application to which it applies, or after approval of the Tentative Map. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time. An exception shall not be considered as Tentative Map approval and shall not extend the time limits for expiration of the map established by Section 22.84.130 (Expiration of Approved Tentative Map).
- C. Approval of exception.** The Review Authority shall not grant an exception unless all the following findings are first made:
 1. There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location, or surroundings.
 2. The exception does not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.
 3. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zoning district and denied to the proposed subdivision.
 4. Granting the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located.

5. The exception is consistent with the Marin Countywide Plan, or any applicable Community Plan or Specific Plan.

In granting an exception, the Review Authority shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts.

22.80.064 – Urban Lot Splits Under Senate Bill 9

Conformance with the provisions of this section shall be ensured by requiring any project proponent seeking approval for an urban lot split that is subject to the terms of this section to obtain approval of an “Urban Lot Split Compliance Review” (Lot Split Review) prior to applying for their Parcel Map.

The review of such an application shall conform to the requirements of Development Code Section 22.40.052 for ministerial planning permit reviews. The Planning Division shall issue a ministerial approval, approval with conditions, or denial of a Lot Split Review based on the project’s conformance with the objective standards and requirements provided for in this section and any applicable requirements of the Subdivision Map Act.

The procedures, standards, and requirements enumerated below apply to urban lot splits proposed under the provisions of SB 9 of 2021 and this section. If the project is ineligible for SB 9 processing because it does not meet the required standards, the applicant may elect to submit a discretionary Tentative Map application.

- A. Notwithstanding any other provision of this section, the County shall ministerially approve an urban lot split only if the County determines that the urban lot split meets all of the following requirements:
 1. The lot split subdivides an existing lot to create no more than two new lots of approximately equal lot area provided that one lot shall not be smaller than 40 percent of the lot area of the original lot proposed for subdivision.
 2. Both newly created lots are no smaller than 1,200 square feet.
 3. The lot being subdivided meets all the following requirements:
 - a. The lot is located within a single-family residential zone.
 - b. The lot subject to the proposed urban lot split is located within a legal lot wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
 4. The lot split is not located on a site that is any of the following:
 - a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated

for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

- b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- d. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- f. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the County.
 - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section

60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to that site.

- h. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - i. Lands under conservation easement.
5. The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. A lot or lots on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - d. Housing that has been occupied by a tenant in the last three years.
 6. The lot is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
 7. The lot has not been established through prior exercise of an urban lot split as provided for in this section.
 8. Neither the owner of the lot being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent lot using an urban lot split as provided for in this section.
- B.** An application for a Lot Split Review for an urban lot split shall be approved in accordance with the following requirements:
1. The County shall approve or deny an application for an urban lot split ministerially without discretionary review.

2. The County shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.
 3. Notwithstanding Subdivision Map Act Section 66411.1, the County shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the lots being created as a condition of approving a Lot Split Review for an urban lot split pursuant to this section.
- C.** Notwithstanding the governing zoning district for the property, the development standards of the R2 zoning district (Two Family, Residential) apply unless the development qualifies for an exception as described in subsection D below.
- D.** Notwithstanding subsection C above, the County shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two primary units or that would physically preclude either of the two units from being at least 800 square feet in floor area. Such units are subject to minimum front yard setbacks of 25 feet and minimum side and rear yard setbacks of four feet.

No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

- E.** Notwithstanding subsection A. above, the County shall deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- F.** In addition to any standards established in accordance with this section, the County shall require that the project satisfy the following requirements when considering an application for an Urban Lot Split Review:
1. Easements required for the provision of public services and facilities.
 2. Both lots adjoin a public right-of-way, except that if a lot is already developed with a residence it can adjoin a private street.
- G.** The County shall require that the uses allowed on a lot created by this section be limited to residential uses.

The County shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

- H.** This requirement shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

- I. The County shall require that a rental of any unit on a lot created pursuant to this section be for a term longer than 30 days. A deed restriction shall be recorded against the property providing future owners with constructive notice of this restriction.
- J. The County shall not require, as a condition for ministerial approval of a Lot Split Review, the correction of nonconforming zoning conditions.

22.80.070 – Notice of Judicial Challenge

At least 30 days before filing any judicial action or proceeding to attack, review, set aside, void or annul the decision of the Review Authority concerning a Tentative, Parcel or Final Map, or any of the proceedings, acts or determinations taken, done or made before this decision, or to determine the reasonableness, legality or validity of any condition of approval, written notice shall be served upon the Review Authority detailing the nature of the conduct or action intended to be challenged. This Section is not intended to extend the statute of limitations provided in Map Act Section 66499.37.

CHAPTER 22.82 – SUBDIVISION DESIGN STANDARDS

Sections:

- 22.82.010 – Purpose of Chapter
- 22.82.020 – Clustering Required in Planned Districts
- 22.82.025 – Density Range
- 22.82.030 – Drainage Facilities
- 22.82.040 – Energy Conservation
- 22.82.050 – Hillside Subdivision Design
- 22.82.060 – Roadway Landscaping
- 22.82.070 – Lot Configuration and Minimum Area
- 22.82.080 – Roads, Sidewalks, Pathways, Driveways
- 22.82.090 – Utilities

22.82.010 – Purpose of Chapter

This Chapter provides standards for subdivision design, consistent with the policies of the Marin Countywide Plan and the requirements of the Map Act.

22.82.020 – Clustering Required in Planned Districts

Proposed subdivisions within the planned zoning districts should be designed to cluster proposed structures in compliance with Article V and Section 22.08.040 (Agricultural District Development Standards).

22.82.025 – Density Range

As a general rule, the residential density established by the zoning for a property shall be used to calculate the maximum number of residential lots potentially resulting from a subdivision. However, the maximum number of residential lots allowed for proposed subdivisions shall be modified based on a calculation of the net lot area of the original lot, except for proposed lots dedicated to affordable housing. In some cases, this means that properties in zoning districts allowing multiple units per lot will have a higher number of potential residential units than the potential number of residential lots allowable based on the net lot area.

In addition, the maximum number of residential units for any properties or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD_AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water or sewer services, as long as the development complies with the California Environmental Quality Act, and all other applicable policies in the Countywide Plan including those governing environmental protection.

Residential densities shall be construed as maximums, but not entitlements.

22.82.030 – Drainage Facilities

Subdivision drainage facilities shall be designed and constructed in compliance with Title 24, Sections 24.04.520 (Drainage Facilities) et seq. of the County Code.

22.82.040 – Energy Conservation

The design of a subdivision for which a Tentative and Final Map are required by this Article shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1.

22.82.050 – Hillside Subdivision Design

- A. Purpose.** The provisions of this Section are intended to ensure the creation of suitably designed and developed parcels in all hillside areas of the County.
- B. Applicability.** All parcels created within zoning districts which establish minimum lot area requirement, shall be related to the natural ground slope as provided by this Section. This section shall also apply in determining minimum lot size requirements for the purposes of compliance with Chapter 22.92 (Merger of Parcels).
- C. General requirements.** Proposed subdivisions shall be designed so that each parcel complies with the minimum lot area requirements of this Chapter, in addition to the minimum lot area requirements of Article II (Zoning Districts and Allowable Land Uses) and Article V established for each zoning district. All parcels created after the effective date of this Development Code shall be related to the natural ground slope as provided by this Section. In the event of conflict between these provisions and applicable minimum lot area standards of Articles II or V, the larger minimum lot area standards shall be required where a minimum lot area applies.
1. **Measurement of slope.** The average slope of a lot expressed as a percent is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent

I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot intervals, etc.)

L = The sum of the length of the contour lines in feet

A = The area of the lot in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

2. **Minimum lot area based on slope.** The minimum lot area requirements established by Table 6-1 (Minimum Lot Area Based on Slope) shall apply to all parcels in the unincorporated area of the County, unless any of the lot-slope requirements of Subsection D below (Special Area Lot Size/Slope Requirements) apply. The natural ground slope calculation of a site shall be rounded up to the nearest whole number shown on Table 6-1 (Minimum Area Based on Slope).
3. **Lot design.** Unconventional lot design to meet lot-slope requirements shall not be permitted. All lots shall be developable, buildable, and reasonably accessible. Lots shall not be created which are impractical for improvement due to steepness of terrain, location of water courses, inability to handle waste disposal, or other natural or manmade physical conditions.

TABLE 6-1
MINIMUM LOT AREA BASED ON SLOPE

Natural Ground Slope (%)	Minimum Lot Area (sq. ft.)
0 - 6	See Zoning Map
7	7,667
8	7,849
9	8,086
10	8,376
11	8,719
12	9,117
13	9,572
14	10,088
15	10,670
16	11,324
17	12,053
18	12,865
19	13,763
20	14,752
21	15,836
22	17,016
23	18,293

Natural Ground Slope (%)	Minimum Lot Area (sq. ft.)
24	19,667
25	21,136
26	22,693
27	24,331
28	26,041
29	27,808
30	29,616
31	31,446
32	33,272
33	35,067
34	36,798
35	38,428
36	39,915
37	41,212
38	42,265
39	43,016
40 or greater	43,560

- D. Special area lot size / slope requirements.** The following slope-based minimum lot area requirements for new subdivisions apply only in the Community Plan areas and other specific areas noted, instead of the requirements of Subsection C.2 above (Minimum Lot Area Based on Slope).

**TABLE 6-2
SPECIAL AREA LOT SIZE/SLOPE REQUIREMENTS**

Location	Average Natural Lot Slope	Minimum Lot Area
Sleepy Hollow	15% or less	15,000 sq. ft.
	More than 15%	15,000 sq. ft., plus 1,000 sq. ft. for each additional one percent of slope over 15%, to a maximum of 45,000 sq. ft.
Indian Valley	Less than 10%	1.0 acres
	10% to 20%	1.5 acres
	More than 20%	2.0 acres

22.82.060 – Roadway Landscaping

Subdivision landscaping to enhance the natural environment and appearance of the subdivision shall, at a minimum, be designed and constructed in compliance with Title 24, Sections 24.04.750 et seq. (Trees and Landscaping) of the County Code.

22.82.070 – Lot Configuration and Minimum Area

Proposed subdivisions shall be designed so that all lots are in compliance with all applicable minimum lot area requirements of this Development Code, except when the project entails subdivision allowed by Government Code Section 51230.2. Lots should be designed with configurations that ensure each property owner can easily understand parcel boundaries, and to respect environmental and topographic conditions of the site. Irregular lot configurations that are designed solely to meet minimum lot area standards based on the lot-slope requirements contained in Section 22.82.050 (Hillside Subdivision Design) shall not be permitted. Lots shall not be approved unless they are developable, buildable, and reasonably accessible. Lots shall not be created which are impractical for improvement, due to steepness of terrain, location of water courses, inability to handle waste disposal, or other natural or manmade physical conditions. In addition to the provisions of this Chapter, lot design shall comply with those standards established by:

- A.** Article II (Zoning Districts and Allowable Land Uses);
- B.** Article V (Coastal Zones –Development and Resource Management Standards);
- C.** The Zoning Maps (Section 22.06.030 (Zoning Map Adopted)); and
- D.** Title 24, Chapter 24.07 (Lots) of the County Code.

22.82.080 – Roads, Sidewalks, Pathways, Driveways

Subdivision roadways, sidewalks, pedestrian and multipurpose pathways, and individual driveways shall be designed and constructed in compliance with all applicable provisions of the County Code, including:

- A. Title 24, Sections 24.04.020 et seq. (Roads);
- B. Title 24, Sections 24.04.235 et seq. (Driveways);
- C. Title 24, Sections 24.04.430 et seq. (Sidewalks and Pedestrian Paths); and;
- D. Title 24, Sections 24.04.510 (Multipurpose Pathways).

22.82.090 – Utilities

Subdivision utilities shall comply with Title 24, Sections 24.04.840 et seq. (Utilities) of the County Code. Utilities to serve proposed development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development, or the environmental benefit of allowing utilities to be placed above ground outweighs potential visual impacts.

CHAPTER 22.84 – TENTATIVE MAPS

Sections:

- 22.84.010 – Purpose of Chapter
- 22.84.020 – Tentative Map Preparation, Application Contents
- 22.84.030 – Tentative Map Application Filing and Initial Processing
- 22.84.035 – Tentative Map Waiver
- 22.84.040 – Tentative Map Public Hearings
- 22.84.050 – Tentative Map Review
- 22.84.060 – Findings for Approval or Denial of Tentative Map
- 22.84.070 – Conditions of Approval
- 22.84.090 – Changes to Approved Tentative Map or Conditions
- 22.84.100 – Completion of Subdivision Process
- 22.84.110 – Vesting Tentative Maps
- 22.84.120 – Tentative Map Time Limits
- 22.84.130 – Expiration of Approved Tentative Map
- 22.84.140 – Extensions of Time for Tentative Maps
- 22.84.150 – Applications Deemed Approved

22.84.010 – Purpose of Chapter

This Chapter provides requirements for the preparation, filing, review, and approval or denial of Tentative Maps and Vesting Tentative Maps, in compliance with the Map Act.

22.84.020 – Tentative Map Preparation, Application Contents

Tentative Map submittals shall include all information required by the Map Act, the information and other materials required by the Tentative Map Preparation and Contents instruction list provided by the Agency, a preliminary soils report if required by Section 22.100.040 (Soils Reports), and all information required by Title 23, Section 23.09.036 (Floodplain Management – Standards for Subdivisions) of the County Code.

22.84.030 – Tentative Map Application Filing and Initial Processing

Tentative Map applications shall be prepared, filed with the Agency, and processed in compliance with this Chapter, and Map Act Sections 66452 et seq.

- A. General filing and processing requirements.** Tentative Map applications shall be submitted to the Agency for processing, be reviewed for completeness and accuracy, referred to affected agencies, reviewed in compliance with the California Environmental Quality Act (CEQA), and evaluated in a staff report as provided by Chapter 22.40 (Application Filing and Processing, Fees).

- B. Transmittal to affected agencies.** In addition to the procedures outlined in Chapter 22.40 (Application Filing and Processing, Fees), a Tentative Map application shall be transmitted to the agencies outlined in this Subsection, as well as any other County department, State or Federal agency, or other individual or group that the Director believes may be affected by the subdivision, or may have useful information about issues raised by the proposed subdivision. The transmittal shall include a copy of the proposed Tentative Map.
1. **Time limits.** As required by Map Act Sections 66453 through 66455.7, transmittal shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 22.40.050.B.2 (Initial Application Review – Completeness Review). An agency wishing to respond to a transmittal shall provide the Agency with its recommendations within 15 days after receiving the Tentative Map application.
 2. **Required transmittals.** The Director shall transmit Tentative Map applications for review and comment to each of the following agencies which will be expected to provide service to the proposed subdivision.
 - a. **Caltrans.** The California Department of Transportation shall be transmitted:
 - (1) Any Tentative Map located within an area shown on a territorial map filed with the County in compliance with Map Act Section 66455.
 - (2) Any Tentative Map that includes a proposed public school site located within two miles of an airport runway, as described in Section 39005 of the California Education Code. In these cases, the time for receipt of comments by the County shall be 35 days instead of the 15 days specified by this Subsection B.1 above (Time Limits).
 - b. **Environmental Health Services.** Environmental Health Services shall be transmitted any Tentative Map application that proposes sewage disposal or water supply by other than public sewer or water systems.
 - c. **Fire departments.** County fire protection agencies including the County Fire Department, the various county fire protection districts and the California Department of Forestry shall be transmitted any Tentative Map within their respective local responsibility areas or State responsibility areas.
 - d. **Incorporated cities and other local agencies.** Incorporated cities and other local agencies, including community services districts, shall be transmitted any Tentative Map application that is located within the area shown on a territorial map filed with the County in compliance with Map Act Section 66453, and within any sphere of influence they have established outside of their official boundaries.
 - e. **Public utilities, water and sewer agencies.** Public utility companies and other service agencies which will be expected to provide service to the proposed subdivision, including providers of water, sewer, gas, electrical, telephone, and cable television services, shall be transmitted any Tentative Map within their respective jurisdictions.
 - f. **Public Works Department.** The Public Works Department shall be transmitted all Tentative Maps for review and comment regarding proposed easements, public improvements, streets, and other relevant issues.

- g. **School districts.** Tentative Maps shall be transmitted to the governing board of any elementary, high school, or unified school district within which the property to be subdivided is located.
- h. **State Department of Education.** The State Department of Education shall be transmitted any Tentative Map that includes a proposed public school site.

Along with the subdivision application transmittal, the Agency shall include notification that if no written response to the transmittal is received within 15 calendar days of receipt by the agency, the Agency shall presume that no recommendations or comments are forthcoming.

22.84.035 – Tentative Map Waiver

- A. For any subdivision where a parcel map is required, a written application may be made to the Director requesting a waiver of the Tentative Map for all or part of the proposed subdivision. The written application shall state in detail the basis for the waiver requested. Such a waiver may be granted by the Director upon finding that:
 - 1. The proposed subdivision meets all requirements of the State Subdivision Map Act and any applicable provisions of this title;
 - 2. The proposed subdivision does not increase the number of lots on the property except in conformance with Section 22.84.035.B and meets all requirements of Title 22 of the Marin County Code;
 - 3. Adequate public notice of the proposed subdivision has been given; and
 - 4. A Parcel Map or Final Map will be required, except when a Certificate of Correction is filed to modify a map that was previously recorded.
- B. Tentative Map waivers may also be granted for Environmental Subdivisions that meet all the criteria and requirements of Map Act Section 66418.2. Such a waiver for an Environmental Subdivision may be granted by the Director upon finding that:
 - 1. The proposed subdivision meets all requirements of the State Subdivision Map Act and any applicable provisions of this title;
 - 2. Adequate public notice of the proposed subdivision has been given; and
 - 3. A Parcel Map or Final Map will be required.

22.84.040 – Tentative Map Public Hearings

Public hearings are required by this Development Code for a Tentative Map or an appeal of a Tentative Map decision. The hearing shall be scheduled and conducted in compliance with this Section, in addition to public notice being provided in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

- A. **Scheduling of hearing, decision.** A public hearing on a Tentative Map or appeal shall be scheduled, and a decision shall be reached, within the following time limits.

1. **Tentative Map.** A hearing on a Tentative Map shall be scheduled and action shall be taken on the map within 50 days after an environmental impact report is certified or a negative declaration is approved for the Tentative Map. In the case of a Tentative Map which does not require an environmental impact report or negative declaration, a hearing shall be scheduled and action taken on the map within 50 days after the subdivision application is determined to be complete, in compliance with Section 22.40.050 (Initial Application Review).
 2. **Appeals.** A hearing on an appeal (Chapter 22.114 (Appeals)) shall be held within 30 days after the filing of the appeal, or if there is no regular meeting within the next 30 days, the hearing shall be held at the next regular meeting or within 60 days, whichever period is shorter.
- B. Distribution of staff report.** The staff report on the Tentative Map shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion (Section 22.88.030 (Condominium Conversions))) at least 10 days before any hearing or action on the Tentative Map by the Review Authority.

22.84.050 – Tentative Map Review

After completion of a staff report and recommendations on the Tentative Map application, the Director shall refer a Tentative Map to the Review Authority for action.

- A. Hearing and review.** The Review Authority shall:
1. Conduct a public hearing on a proposed Tentative Map that has been scheduled and provided public notice in compliance with Section 22.84.040 (Tentative Map Public Hearings); and
 2. Review and evaluate each Tentative Map with respect to the following information and issues:
 - a. Its compliance and consistency with applicable provisions of this Development Code and other applicable County ordinances, the Marin Countywide Plan, any applicable Community Plan or Specific Plan, and the Map Act;
 - b. The staff report (Section 22.40.070), and recommendations from any agency providing comments on the Tentative Map in compliance with Section 22.84.030.B (Transmittal to Affected Agencies);
 - c. The information provided by an initial study or environmental impact report (Section 22.40.060 (Environmental Review)); and
 - d. Any public testimony received.
- B. Approval or denial of Tentative Maps.** In the case of a Tentative Map proposing four or fewer parcels, the Review Authority may approve or deny the Tentative Map as follows:

1. Within 50 days after an environmental impact report is certified or a negative declaration is approved for the Tentative Map, the Review Authority shall approve, conditionally approve or deny the Tentative Map.
2. Approval or conditional approval of a Tentative Map shall be granted only after the Review Authority has made all findings required by Section 22.84.060 (Findings for Approval or Denial of Tentative Map). The Review Authority may impose conditions of approval in compliance with Section 22.84.070 (Conditions of Approval).
3. The decision of the Review Authority on a Tentative Map may be appealed in compliance with Chapter 22.114 (Appeals).

22.84.060 – Findings for Approval of Tentative Map

In order to approve a Tentative Map, or a Parcel Map when no Tentative Map is required, the Review Authority shall first make the findings listed below. In determining whether to approve a Tentative Map, the Review Authority shall apply only those ordinances, policies, and standards in effect at the date the Agency determined that the application was complete in compliance with Section 22.40.050 (Initial Application Review), except where the County has initiated Marin Countywide Plan, Community Plan, or Development Code changes, and provided public notice as required by Map Act Section 66474.2.

- A. Required findings for approval.** The Review Authority may approve a Tentative Map, or Parcel Map when no Tentative Map is required, only when it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all of the findings below, as required by Map Act Section 66474. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.
1. The proposed subdivision including design and improvements is consistent with the Marin Countywide Plan and any applicable Community Plan or Specific Plan.
 2. The site is physically suitable for the type and proposed density of development.
 3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat.
 4. The design of the subdivision and type of improvements is not likely to cause serious public health or safety problems.
 5. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision. This finding may be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

6. The proposed subdivision is consistent with the Subdivision Design Standards contained in Chapter 22.82 of this Development Code, all other applicable provisions of this Development Code, and any other applicable provisions of the County Code, and the Map Act.

B. Supplemental findings. In addition to the findings required for approval of a Tentative Map by Subsection A. above (Required Findings for Approval), the following findings are also required when they are applicable to the specific subdivision proposal.

1. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map, where road improvements are required (see Section 22.82.080 (Roads, Sidewalks, Pathways, Driveways)).
2. Any findings required by Sections 22.88.030 (Condominium Conversions) for condominium conversions.

C. Findings for waiver of Parcel Map. If waiver of a Parcel Map has been requested with the Tentative Map application, the Review Authority shall determine whether the findings required by Section 22.86.030 (Waiver of Parcel Map) can also be made.

22.84.070 – Conditions of Approval

Along with the approval of a Tentative Map, the adoption of conditions of approval shall occur in compliance with this Section, provided that all conditions shall be consistent with the requirements of the Map Act.

A. Mandatory conditions. The Review Authority shall adopt conditions of approval that will:

1. Require that parcels, easements or rights-of-way be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision. Easements for public utilities shall be limited to those needed to provide service to present and future development;
2. Mitigate or eliminate environmental problems identified through the environmental review process, or require redesign of the subdivision as a prerequisite to the approval of the Tentative Map;
3. Carry out the specific requirements of Chapters 22.82 (Subdivision Design Standards), 22.98 (Dedications, Reservations, Easements), and 22.100 (Subdivision Improvements and Agreements);
4. Secure compliance with the requirements of this Development Code, the Marin Countywide Plan, any applicable Community Plan and Specific Plan, and public service or utility District; and
5. Require that any designated remainder parcels not be subsequently sold unless (a) a Certificate or Conditional Certificate of Compliance (Chapter 22.96 (Certificates of Compliance)) is obtained before recordation of a Parcel or Final Map, or (b) a

development approval as specified by Map Act Section 66499.34 is granted for the parcel, or (c) the parcel is further subdivided in compliance with this Development Code.

B. Additional conditions. Additional conditions may be required as follows:

1. The dedication of land or payment of fees in lieu thereof, or a combination of both for park or recreation purposes as provided by Section 22.98.040 (Parkland Dedication and Fees) and the Map Act;
2. The waiver of direct access rights to any existing or proposed streets;
3. The dedication of additional land for bicycle paths, local transit facilities, (e.g., bus turnouts, benches, shelters, etc.), sunlight easements, and school sites, as provided by Map Act Chapter 4, Article 3;
4. The reservation of sites for public facilities (e.g., fire stations, libraries, and other public uses) as provided by Chapter 4, Article 4 of the Map Act;
5. Time limits or phasing schedules for the completion of conditions of approval, when deemed appropriate; or
6. Any other conditions deemed necessary by the Review Authority to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with the Countywide Plan, an applicable Community Plan or Specific Plan, County ordinances or State law.

22.84.090 – Changes to Approved Tentative Map or Conditions

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map as provided by this Section. Minor amendments to approved Tentative Maps, including modifications to additional information required to be filed or recorded with the Parcel or Final Map (e.g. changes to building setback lines), may be processed as Tentative Map Waivers, pursuant to Section 22.84.035 of this Development Code. Changes to a Parcel or Final Map after recordation are subject to Section 22.86.080 (Corrections and Amendments to Recorded Maps).

A. Limitation on allowed changes. Changes to a Tentative Map that may be requested by a subdivider in compliance with this Section include major adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D below (Findings for Approval). Other changes shall require the filing and processing of a new Tentative Map.

B. Application for changes. The subdivider shall file an application for a Tentative Map Amendment or Waiver and filing fee with the Agency, using the forms furnished by the Agency, together with the following additional information:

1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
2. Any additional information deemed appropriate by the Agency.

- C. Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. Findings for approval.** The Review Authority shall not modify the approved Tentative Map or conditions of approval unless it shall first find that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Subsections 22.84.060.A (Required Findings for Approval) and 22.84.060.B (Supplemental Findings) can still be made:
1. There was a material mistake of fact in the deliberations leading to the original approval.
 2. There has been a change of circumstances related to the original approval.
 3. A serious and unforeseen hardship has occurred, not due to any action of the Applicant.
- E. Effect of changes on time limits.** Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 22.84.130 (Expiration of Approved Tentative Map).

22.84.100 – Completion of Subdivision Process

- A. Compliance with conditions, improvement plans.** After approval of a Tentative Map in compliance with this Chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans in compliance with Chapter 22.100, before constructing any required improvements.
- B. Conforming Tentative Map and condition compliance review.** After approval of a Tentative Map but before filing check prints of a Parcel Map or Final Map with the County Surveyor, the subdivider shall submit a conforming Tentative Map showing any modifications made by the conditions of Tentative Map approval, together with any required supplemental information sheets, draft easements, maintenance agreements, agricultural or other contracts, or other information that is required by the conditions of the Tentative Map approval to the Director for a ministerial conformance review and determination. Tentative Maps approved under the provisions of section 22.80.064 (Urban Lot splits under Senate Bill 9) are not subject to this requirement.
- C. Parcel or Final Map preparation, filing and recordation.** Where a Parcel or Final Map is required by this Article or the Map Act, the map shall be filed and recorded as follows.
1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 22.86 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 22.86.030 (Waiver of Parcel Map).
 2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded in compliance with Chapter 22.86 (Parcel Maps and Final Maps), to complete the subdivision.

22.84.110 – Vesting Tentative Maps

This Section establishes procedures to implement the Vesting Tentative Map requirements of State law, Sections 66498.1 et seq. of the Map Act.

- A. Applicability.** Whenever this Development Code requires that a Tentative Map be filed, a Vesting Tentative Map may instead be filed, provided that the Vesting Tentative Map is prepared, filed and processed in compliance with this Section.
1. A Vesting Tentative Map may be filed for residential and non-residential developments.
 2. If a subdivider does not seek the rights conferred by this Section, the filing of a Vesting Tentative Map is not a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction; however, nothing in this Section shall be construed to eliminate the need for a subdivider to obtain land use permit or subdivision approval in compliance with the other applicable provisions of this Development Code, or building, grading or other construction permit approval in compliance with Title 19 (Building Regulations) of the County Code.
- B. Procedures for processing a Vesting Tentative Map.** A Vesting Tentative Map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner as described by this Chapter for a Tentative Map, except as follows.
1. **Application content.** The Vesting Tentative Map shall be prepared with the words "Vesting Tentative Map" printed conspicuously on its face, and as required by Sections 22.84.020 et seq.
 2. **Findings for approval.** The approval of a Vesting Tentative Map shall not be granted unless the Review Authority first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for Tentative Map approval by Section 22.84.060 (Findings for Approval of Tentative Map).
 3. At the time a Vesting Tentative Map is filed for any project requiring Design Review pursuant to the provisions of Section 22.42.020 (Applicability), Design Review approval shall be obtained by the subdivider prior to or concurrent with the approval of the Vesting Tentative Map, and no Vesting Tentative Map shall be approved unless and until the Review Authority first finds that the proposed project meets the standards for Design Review approval contained in Section 22.42.060. This requirement may be waived upon application to the Director.
- C. Expiration of Vesting Tentative Map.** An approved Vesting Tentative Map shall be subject to the same time limits for expiration as are established for Tentative Maps by Sections 22.84.120 et seq. (Tentative Map Time Limits).
- D. Changes to approved map or conditions.** The subdivider may apply for an amendment to the Vesting Tentative Map or conditions of approval at any time before the expiration of the Vesting Tentative Map. The amendment request shall be considered and processed as a new application, in compliance with this Section.

E. Development rights vested.

1. The approval of a Vesting Tentative Map shall confer a vested right to proceed with development of the subdivided lots in substantial compliance with the ordinances, policies and standards (excluding fees) in effect at the time a complete Vesting Tentative Map application is filed, as described in Section 66474.2 of the Map Act.
2. If Map Act Section 66474.2 is repealed, approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the Vesting Tentative Map is approved.
3. Subsequent land use permits, building permits, extensions of time or other entitlements filed on parcels created by the subdivision may be conditioned or denied if:
 - a. A failure to do so would place the residents of the subdivision or the immediate area in a condition dangerous to health or safety; or
 - b. The condition or denial is required in order to comply with State or Federal law.
4. The fees charged for building or land use permits, filed after the approval of a Vesting Tentative Map shall be those applicable at the time the permit applications are filed, including any related utility or development impact fees (e.g., sewer/water hookup fees, traffic mitigation fees, etc.). Application contents shall be as required by this Development Code at the time the application is filed.

F. Duration of vested rights. The development rights vested by this Section shall expire if a Parcel Map or Final Map is not approved before the expiration of the Vesting Tentative Map as provided by Sections 22.84.120 et seq. (Tentative Map Time Limits). If the Parcel or Final Map is approved and recorded, the development rights shall be vested for the following time periods, in compliance with Map Act Section 66498.

1. An initial time period of no more than two years from the date of recordation of the Parcel or Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.
2. The initial two years shall be automatically extended by any time used by the County for processing a complete application for a Grading Permit or for design or architectural review, if said processing exceeds 30 days from the date the complete application is filed.
3. The subdivider may apply for a one-year extension at any time before the initial two years expire. Application for an extension shall be submitted to the Agency and shall be accompanied by the required fee. The Review Authority may approve or deny a request for extension. If the extension is denied, the subdivider may appeal to the Board in compliance with Chapter 22.114 (Appeals).
4. If the subdivider submits a complete application for a Building Permit during the periods of time specified in Subsections F.1 and F.2 above (Duration of Vested Rights), the vested rights shall continue until the expiration of the Building Permit, or any extension of that permit.

22.84.120 – Tentative Map Time Limits

The processing of a Tentative Map shall be completed, and an approved Tentative Map shall be subject to the time limits for expiration and procedures for extension as provided by Sections 22.84.130 through 22.84.150.

22.84.130 – Expiration of Approved Tentative Map

The expiration date of a Tentative Map is determined by Map Act Sections 66452.6, 66452.11, and 66463.5. An approved Tentative Map or Vesting Tentative Map is valid for three years after its effective date. At the end of that time, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related bonds and improvement agreements, have been filed with the County Surveyor in compliance with Chapter 22.86 (Parcel Maps and Final Maps); or
- B. An extension of time has been granted in compliance with Section 22.84.140 (Extensions of Time for Tentative Maps).

A Tentative Map approval shall be deemed to have expired if a Parcel or Final Map has not been filed within the time limits established by this Section or within an extension of time approved in compliance with Section 22.84.140 (Extensions of Time for Tentative Maps). Expiration of an approved Tentative Map or Vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new subdivision application is filed.

22.84.140 – Extensions of Time for Tentative Maps

When a Parcel or Final Map has not been filed within the time limits set by Section 22.84.130 (Expiration of Approved Tentative Map), time extensions may be granted in compliance with this Section. Extension requests shall be in writing and shall be filed with the Agency, at least 10 days prior to the expiration of the approval or previous extension, together with the required filing fee.

- A. **Tentative Maps.** The Director may grant a maximum of two, three-year extensions to the initial time limit only after making all of the following findings:
 1. There have been no changes to the provisions of the Marin Countywide Plan, any applicable Community Plan or Specific Plan, the Local Coastal Program, or this Development Code applicable to the project since the approval of the Tentative Map.
 2. There have been no changes in the character of the site or its surroundings that affect how the policies of the Marin Countywide Plan, Community Plan or Specific Plan, or other standards of this Development Code apply to the project.
 3. There have been no changes to the capacities of community resources, including water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

Denial of a requested extension by the Review Authority may be appealed in compliance with Chapter 22.114 (Appeals).

- B. **Tentative Maps with multiple Final Maps.** Where a subdivider is required to expend more than \$125,000 on improvements as specified in Map Act Section 66452.6 and multiple Final

Maps are filed covering portions of a single approved Tentative Map, each filing of a Final Map shall extend the expiration of the Tentative Map by an additional three years from the date of its expiration, or the date of the previously filed Final Map, whichever is later. Provided that the total of all extensions shall not extend the approval of the Tentative Map more than 10 years from its original approval.

- C. Vesting Tentative Maps.** The Review Authority may grant a maximum of six years to the initial time limit in compliance with Subsection A above (Tentative Maps). Any rights conferred by Section 22.84.110 (Vesting Tentative Maps) shall expire if a Final Map is not approved and filed.

22.84.150 – Applications Deemed Approved

Any subdivision application deemed approved in compliance with Section 65956 of the Government Code or Map Act Sections 66452 et seq., shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the subdivider before any Building Permits or other land use entitlements are issued. A Parcel or Final Map filed for record after the automatic approval of its Tentative Map shall remain subject to all the mandatory requirements of this Development Code and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

CHAPTER 22.86 – PARCEL MAPS AND FINAL MAPS

Sections:

- 22.86.010 – Purpose of Chapter
- 22.86.020 – Parcel and Final Map Application Filing and Processing
- 22.86.030 – Waiver of Parcel Map
- 22.86.040 – Parcel Map Review and Approval
- 22.86.050 – Final Map Review and Approval
- 22.86.060 – Supplemental Information Sheets
- 22.86.070 – Recordation of Maps
- 22.86.080 – Corrections and Amendments to Recorded Maps

22.86.010 – Purpose of Chapter

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with Map Act Chapter 3, Articles 4 and 5 (commencing with Sections 66456 and 66463, respectively). Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

22.86.020 – Parcel and Final Map Application Filing and Processing

- A. When required.** When required by Sections 22.80.030 (Applicability) and 22.84.100 (Completion of Subdivision Process), a Parcel or Final Map shall be prepared, filed, and processed in compliance with this Section.
- B. Form and content, fees.** Parcel Maps and Final Maps shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State. Parcel and Final Map submittals shall include all information required by the Map Act (Sections 66444 et seq. for Parcel Maps, and 66433 et seq. for Final Maps), the application forms, all information and other materials prepared as required by the Parcel and Final Map Preparation and Contents instruction list, provided by the Agency, and the required filing fee.
- C. Prefiling of check prints.** Before filing a Parcel or Final Map as provided by this Section, the subdivider shall submit to the County Surveyor four check prints of the proposed map, with a preliminary title report no more than six months old, traverse sheets in a form and containing the information required by the County Surveyor, and the Parcel or Final Map filing fee. The check prints and accompanying information shall be processed as follows:
 - 1. Referral.** The County Surveyor shall forward a copy of a Parcel or Final Map check print to the Director, who shall determine whether the Parcel or Final Map check print conforms substantially to the Tentative Map previously approved for the same project.
 - 2. County Surveyor review.** The County Surveyor shall determine whether the Parcel or Final Map check print complies with all applicable provisions of this Development Code and the Map Act, and all applicable Tentative Map conditions of approval imposed by the Department of Public Works.

3. **Director review.** The Director shall examine the check print to determine that it is in substantial conformance with the approved Tentative Map and in compliance with all applicable Tentative Map conditions of approval, and within 10 days from receipt of the check print shall certify to the County Surveyor its conformance, or advise the subdivider and County Surveyor of any errors or omissions.
 4. **Notification of subdivider.** When the County Surveyor has received a confirmation from the Director stating that the Parcel Map is in substantial conformance with the approved Tentative Map and has determined that the map is in compliance with Subsection A.2 above (County Surveyor Review), the County Surveyor shall notify the subdivider.
- D. Filing with County Surveyor.** After notification from the County Surveyor in compliance with Subsection C.4 above (Notification of Subdivider), a Parcel or Final Map, together with all data, information and materials required by Subsection B above (Form and Content, Fees) shall be submitted to the County Surveyor before the expiration of the applicable Tentative Map. The Parcel or Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Development Code and the Map Act.
- E. Multiple Parcel or Final Maps.** The subdivider may file multiple Parcel or Final Maps on the approved Tentative Map if the subdivider either included a statement of intention with the Tentative Map or, if after the filing of the Tentative Map, the Director approved the request.

22.86.030 – Waiver of Parcel Map

A subdivider may request waiver of a Parcel Map, and the Review Authority may grant the waiver in compliance with this Section and Map Act Section 66428.b.

- A. When waiver is allowed.** Waiver of a Parcel Map may be requested by a subdivider and granted by the Review Authority for a subdivision that results in the creation of only two parcels, and the boundaries of the original parcel have been previously surveyed and a map recorded, and are certain as to location.
- B. Application processing and approval.** A request for waiver of a Parcel Map shall be submitted with the Tentative Map application, together with the required filing fee. The waiver request shall be processed and acted upon concurrently with the Tentative Map application. The Review Authority may grant a requested waiver if:
1. The proposed Tentative Map satisfies all findings required for approval by Section 22.84.060 (Findings for Approval of Tentative Map); and
 2. The proposed subdivision complies with all applicable requirements of this Development Code and the Map Act as to lot area, improvement and design, drainage, flood control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.
- C. Expiration of waiver.** An approved waiver of a Parcel Map shall be subject to the same time limits and opportunities for extension of time as the accompanying Tentative Map, in compliance with Sections 22.84.130 (Expiration of Approved Tentative Map) and 22.84.140

(Extensions of Time for Tentative Maps), and Subsection D following (Completion of Subdivision).

D. Completion of subdivision. A subdivision for which a Parcel Map has been waived shall be completed by the subdivider satisfying all conditions of approval, and by then filing and obtaining approval of a certificate of completion in compliance with this Section.

1. **Preparation and filing of certificate.** The subdivider shall submit an application for a certificate of completion to the County Surveyor for review and approval, including the following information:

- a. A diagram or exhibit illustrating the configuration and dimensions of the parcels described in the legal descriptions submitted with the certificate of completion;
- b. A statement signed by the subdivider under penalty of perjury that no change in the ownership of the subject property has occurred since the submittal of the title report with the Tentative Map application. If a change in ownership has occurred, the subdivider shall submit a new title report issued within 60 days before the filing of the certificate of completion application;
- c. A statement by a registered civil engineer, licensed land surveyor, or title company verifying that any required access easements extend to a publicly maintained road;
- d. A certificate of completion in the form required by the County Surveyor, prepared for recording, including:
 - (1) A list of all requirements imposed as conditions of approval of the Tentative Map, including any requirements for the construction of off-site and on-site improvements;
 - (2) A statement signed by the owner under penalty of perjury attesting that all of the conditions of approval of the Tentative Map have been met or provided for under the terms of an acceptable subdivision agreement secured by appropriate surety as prescribed by the Map Act;
 - (3) A legal description of each parcel created in substantial conformance with the approved Tentative Map, prepared by a registered civil engineer or licensed land surveyor; and
- e. Any required recordation fees.

2. **Review and approval of certificate.** The County Surveyor shall review, approve or deny, and complete the processing of a certificate of completion by examining the materials submitted and performing other investigations as necessary to ensure that the following requirements are satisfied:

- a. All record title owners have consented to the subdivision.
- b. The certificate of completion accurately describes the conditions of approval, and that the conditions of approval have been satisfactorily completed.

- c. The legal descriptions on the certificate are accurate, and are in substantial conformance with the approved Tentative Map.

If the County Surveyor is satisfied that the certificate of completion and materials submitted with it comply with the above requirements, the County Surveyor shall place an endorsed approval upon the face of the certificate and shall forward it to the County Recorder. Upon recording, the subdivision shall be deemed completed, and the parcels created by the subdivision may be conveyed or otherwise transferred.

22.86.040 – Parcel Map Review and Approval

A Parcel Map shall be reviewed and approved as follows, in compliance with Map Act Sections 66463 et seq. A Parcel Map for which no Tentative Map was required by Section 22.80.030 (Applicability) shall also comply with Section 22.84.060 (Findings for Approval or Denial of Tentative Maps).

- A. Transmittal to, and certification by Director.** Within three days of the filing of a Parcel Map in compliance with Section 22.86.020.D (Parcel and Final Map Application Filing and Processing - Filing with County Surveyor) the County Surveyor shall transmit the Parcel Map and accompanying materials to the Director. The Director shall sign the Parcel Map and return it to the County Surveyor, or notify the Surveyor that the map is incorrect.
- B. County Surveyor approval and certification.** Where the Director and County Surveyor have determined that the Parcel Map is correct, the County Surveyor shall sign and seal the Parcel Map and shall forward the map to the County Recorder; provided that the Board has executed any required improvement agreement in compliance with Section 22.100.060 (Improvement Agreements and Security). The recording fee shall be paid to the County Recorder by the subdivider.
- C. Denial of map:**
 - 1. **Criteria for denial.** A Parcel Map shall be denied only for failure to meet or perform requirements or conditions that were applicable to the subdivision at the time of approval of the Tentative Map. This Section shall not be construed to require denial of a map when the failure of the map is the result of a technical or inadvertent error which in the opinion of the County Surveyor does not materially affect the validity of the map.
 - 2. **Notification of subdivider.** If the map has not been certified as correct by the Director or County Surveyor, the Surveyor shall return the Parcel Map and accompanying materials to the subdivider within three days after a response from the Director. If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data.

22.86.050 – Final Map Review and Approval

Final Maps shall be reviewed, and approved or denied in compliance with this Section, and Map Act Sections 66456 et seq.

- A. Certifications.** After determining that the Final Map is technically correct in compliance with Section 22.86.020 (Parcel and Final Map Application Filing and Processing), the Director

shall sign the map, and the County Surveyor shall execute the County Surveyor's certificate on the map in compliance with Map Act Section 66442, and shall forward the Final Map to the Board for action.

- B. Review and approval by Board.** The Board shall approve or deny the Final Map at its next regular meeting after the County Clerk receives the map, but in no event longer than 50 days after the County Surveyor receives the Final Map from the subdivider, unless that time limit is extended with the mutual consent of the County Surveyor and the subdivider.
- 1. Criteria for approval.** The Board shall approve the Final Map by resolution if it conforms to all provisions of this Development Code, and all the requirements of the Map Act that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
 - 2. Waiver of errors.** The Board may approve a Final Map that fails to meet any of the requirements of this Development Code or the Map Act applicable at the time of approval of the Tentative Map, when the Board finds that the failure of the map is a technical or inadvertent error which, in the determination of the Board does not materially affect the validity of the map.
 - 3. Approval by inaction.** If the Board does not approve or deny the map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements and rulings, it shall be deemed approved, and the County Clerk shall certify its approval on the map.
- C. Map with dedications.** If a dedication or offer of dedication is required on the Final Map, the Board shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map.
- D. Map with incomplete improvements.** If improvements required by this Development Code, conditions of approval or by law have not been completed at the time of approval of the Final Map, the Board shall require the subdivider to enter into an agreement with the County as specified in Map Act Section 66462, and Section 22.100.060 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
- E. Transmittal to Recorder.** After action by the Board, and after the required signatures and seals have been affixed, the County Clerk shall forward the Final Map to County Recorder for filing.

22.86.060 – Supplemental Information Sheets

In addition to the information required to be included in Section 22.86.020 (Parcel and Final Map Application Filing and Processing) additional information may be required to be submitted and recorded simultaneously with a Parcel or Final Map as required by this Section.

- A. Preparation and form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 22.86.020 (Parcel Map Filing and Initial Processing).

- B. Content of information sheets.** Supplemental information sheets shall contain the following statements and information:
1. **Title.** A title, including the number assigned to the accompanying Parcel or Final Map by the County Surveyor, and the words "Supplemental Information Sheet;"
 2. **Explanatory statement.** A statement following the title that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
 3. **Location map.** A location map, at a scale not to exceed one inch equals 2,000 feet. The map shall indicate the location of the subdivision within the County;
 4. **Areas subject to flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
 5. **Soils or geologic hazards reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
 6. **Information required by conditions of approval.** Any information required by the Review Authority to be included on the supplemental information sheet(s) because of its importance to potential successors in interest to the property.

22.86.070 – Recordation of Maps

- A. Consent of interested parties.** At the time of filing of a Parcel or Final Map with the County Recorder, the subdivider shall present to the County Recorder evidence that, at the time of filing the map, the parties consenting to the filing are all parties having vested fee interest in the property being subdivided and are parties required to sign the certificate described in Map Act Section 66445.e.
- B. County Recorder action.** The County Recorder shall review and act upon Parcel and Final Maps filed with that office in compliance with Article 6, Chapter 3 of the Map Act and other applicable provisions of State law.
- C. Effect of recorded map.** When a properly endorsed Parcel or Final Map has been filed for record, the subdivision or reversion to acreage shall be deemed complete, and the new parcels may be conveyed or otherwise transferred. The recordation of the map shall have the effect of eliminating any lot lines that existed within the boundaries of the subdivision before approval of the Tentative Map.

22.86.080 – Corrections and Amendments to Recorded Maps

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only in compliance with this Section.

- A. Corrections.** In the event that errors in a Parcel or Final Map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, as provided by Article 7, Chapter 3 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not evident from the Parcel or Final Map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the County Surveyor that does not affect any property right, including lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
- B. Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 22.100.060 (Improvement Agreements and Security), a new Tentative and Parcel or Final Map shall be filed and approved as required by Section 22.80.030 (Applicability). Changes to additional information required to be filed or recorded with the Parcel or Final Map, such as building setback lines, may be processed through the Tentative Map Waiver procedure in Section 22.84.035 (Tentative Map Waiver).

CHAPTER 22.88 – CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

Sections:

- 22.88.010 – Purpose of Chapter
- 22.88.020 – Condominiums
- 22.88.030 – Condominium Conversions

22.88.010 – Purpose of Chapter

This Chapter provides procedures for the creation of condominium subdivisions and the conversion of existing development to condominium, consistent with the policies of the Marin Countywide Plan and the requirements of the Map Act.

22.88.020 – Condominiums

When a residential structure is proposed at the time of construction as a condominium or other common interest development (including a community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351), a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 22.84 (Tentative Maps). Chapter 22.86 (Parcel Maps and Final Maps) determines whether a Parcel or Final Map shall also be filed.

22.88.030 – Condominium Conversions

A condominium conversion is the conversion of real property to a common interest development as defined by Section 1351 of the California Civil Code. A conversion shall require the approval of a Tentative Map, and Parcel or Final Map, except where a Parcel Map, or Tentative and Final Map are waived in compliance with Map Act Sections 66428.b or 66428.1. If a Parcel Map is waived, a Tentative Map shall still be required.

A Tentative Map for a condominium conversion shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 22.84 (Tentative Maps), with the following exceptions.

- A. Application contents.** Condominium conversion applications shall include the same information and materials as Tentative Map applications, and the additional information and other materials prepared as required by the Condominium Conversion Application Contents instruction list, provided by the Agency.
- B. Staff report.** The staff report on the Tentative Map for the condominium conversion (Section 22.40.070 (Staff Report and Recommendations)) shall be provided to the subdivider and each tenant of the subject property at least three days before any hearing or action on the Tentative Map by the review authority.

C. Public notice. The following notice shall be provided in addition to that required by Chapter 22.118 (Notices, Public Hearings, and Administrative Actions):

1. **Tenant notice.** The subdivider shall give notice to all existing or prospective tenants in compliance with Map Act Sections 66452.8 and 66452.9, and shall provide the Agency satisfactory proof that notice was given; and
2. **Public hearing notice.** Notice of the public hearing(s) on the Tentative Map shall be provided to all tenants of the subject property, as required by Map Act Section 66451.3.

D. Approval of conversion, required findings:

1. **Time limit, stock cooperatives.** The approval or denial of the conversion of an existing building to a stock cooperative shall occur within 120 days of the application being found complete in compliance with Section 22.40.050 (Initial Application Review). The 120-day time limit may be extended by mutual consent of the subdivider and the County.
2. **Conversion findings, residential projects.** Approval of a Tentative or Final Map for a subdivision to be created from the conversion of residential real property into a condominium project, community apartment project or stock cooperative shall not be granted unless the findings set forth in Map Act Section 66427.1 are first made, and unless the review authority also finds that the proposed conversion will not:
 - a. Reduce the countywide rental vacancy rate below five percent based on the most recent American Communities Survey data for Marin County; and
 - b. Reduce the ratio of multi-family rental units to less than 25% of the total number of dwelling units in the County, with no replacement rental housing being provided.

In addition to the findings required for approval of a Tentative Map as set forth in this Title, the following findings shall be required for the approval of a Tentative Map for the conversion of residential property:

- c. The review authority shall determine whether the proposed conversion is consistent with the following adopted housing goals:
 - (1) To encourage continuation of social and economic diversity in Marin County communities through a variety of housing types;
 - (2) To expand the supply of decent housing for low and moderate income families;
 - (3) To achieve greater economic balance for Marin by increasing the number of jobs and the supply of housing for people who will hold them.
- d. The review authority may establish reasonable requirements to insure that a percentage of the converted units will be reserved for persons of moderate income. The percentage shall conform to that normally required in new developments.
- e. The review authority shall determine whether the staff report, if any, for a proposed Tentative Map for a condominium conversion has been served on each tenant of the

subject property at least three days prior to any hearing or action on such map by the Commission or Director.

- f. The review authority shall deny the Tentative Map upon finding that:
 - (1) The proposed conversion would reduce the countywide rental vacancy rate below five percent based on the most recent U.S. government postal vacancy survey or county local survey; or
 - (2) The proposed conversion would reduce the ratio of multiple-family units to less than 25 percent of the total number of dwelling units in the county, with no replacement rental housing being provided.

E. Completion of conversion. The filing, approval and recordation of a Parcel Map or Final Map in compliance with Chapter 22.86 (Parcel Maps and Final Maps) shall be required to complete the subdivision process, except where a Parcel Map, or Tentative and Final Map are waived for the conversion of a mobile home park in compliance with Map Act Section 66428.b.

CHAPTER 22.90 – LOT LINE ADJUSTMENTS

Sections:

- 22.90.010 – Purpose of Chapter
- 22.90.020 – Applicability
- 22.90.030 – Adjustment Application and Processing
- 22.90.040 – Decision and Findings
- 22.90.050 – Completion of Adjustment

22.90.010 – Purpose of Chapter

This Chapter provides procedures for the preparation, filing, processing, and approval or denial of Lot Line Adjustment applications, consistent with the policies of the Marin Countywide Plan and the requirements of Map Act Section 66412.d.

22.90.020 – Applicability

As provided by Map Act Section 66412(d), the Lot Line Adjustment procedure is for the purpose of adjusting lot lines between two to four existing adjacent parcels, where land taken from one parcel is added to an adjacent parcel and where no more parcels are created than originally existed. For the purposes of this Chapter, an "adjacent parcel" is one that directly touches at least one of the other parcels involved in the adjustment. Lot line adjustments involving five or more adjacent parcels shall be subject to the requirements of Chapter 22.84 (Tentative Maps).

22.90.030 – Adjustment Application and Processing

A Lot Line Adjustment application shall be prepared, filed and processed as provided by this Section.

- A. Application content.** A Lot Line Adjustment application shall include all information and other materials prepared as required by the Application Submittal Guide provided by the Agency. If a lot was created prior to current subdivision map requirements, a Certificate of Compliance (Chapter 22.96 (Certificates of Compliance)) may be required to document that the parcel is a legal lot of record.
- B. Processing.** Lot Line Adjustment applications shall be submitted to the Agency and shall be processed in compliance with the procedures specified by Chapter 22.40 (Application Filing and Processing). No environmental review (Section 22.40.060, Environmental Review) shall be required, in compliance with Section 15305 of the CEQA Guidelines.

22.90.040 – Decisions and Findings

The Review Authority shall determine whether the parcels resulting from the adjustment will conform with the applicable provisions of this Development Code. The Review Authority may approve, conditionally approve, or deny the Lot Line Adjustment in compliance with this Section. Decisions may be appealed in compliance with Chapter 22.114 (Appeals).

A. Required findings. The Review Authority shall approve the Lot Line Adjustment only if all of the following findings are made:

1. The proposed lot line adjustment is limited to four or fewer existing adjoining lots.
2. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.
3. The proposed lot line adjustment would not result in the creation of additional lots.
4. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).
5. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22 and 24 of the Marin County Code, including those which address minimum lot size, lot design and configuration, street frontage and building setbacks from all property lines.

An adjustment for which any of the above findings cannot be made may instead be resubmitted as a subdivision in compliance with Section 22.80.030 (applicability).

B. Conditions of approval. In approving a Lot Line Adjustment, the Review Authority shall adopt conditions only as necessary to conform the adjustment and proposed parcels to the requirements of this Development Code and Title 19 (Building Regulations) of the County Code, or to facilitate the relocation of existing utilities, infrastructure, or easements.

22.90.050 – Completion of Adjustment

Within three years after approval of a Lot Line Adjustment, the adjustment process shall be completed in compliance with this Section through the recordation of a deed or record of survey, after all conditions of approval have been satisfied.

A. Completion by deed. A Lot Line Adjustment shall not be considered legally completed until either a grant deed or a quit claim deed signed by the record owners has been recorded. The Applicant shall submit deeds to the County Surveyor for review and approval in compliance with Subsection C below (Review and Approval by County Surveyor), before recordation of the grant deed or quit claim deed. The legal descriptions provided in the deeds shall be prepared by a qualified registered civil engineer, or a licensed land surveyor licensed or registered in the State. The Director may record a Certificate of Compliance to confirm the legality of the lot concurrent with, or following the recordation of, the grant deed or quit claim deed.

B. Completion by record of survey. If required by Section 8762 et seq. of the Business and Professions Code, a Lot Line Adjustment shall not be considered legally completed until a record of survey has been checked by the County Surveyor and sent to the County Recorder for recordation. Where not required, a Lot Line Adjustment may also be completed by record of survey in compliance with this Subsection at the option of the Applicant.

C. Requirements for Recordation. Appropriate deeds and exhibits perfecting the approved lot line adjustment shall be recorded with the Marin County Recorder’s Office. Prior to recordation, the following exhibits and materials shall be submitted along with the required fee in one submittal to the Department of Public Works for review and approval:

1. Lot Line Adjustment Recordation Application. A completed “Application for Lot Line Adjustment Recordation” shall contain but not be limited to the following items (additional information may be required):

- a. Legal descriptions and closure calculations of the affected properties for: (1) the transfer portions of the existing parcels; and (2) the resultant parcels. The legal descriptions and closures shall be prepared and stamped/signed by a California Licensed Land Surveyor, or a Registered Civil Engineer authorized by the State of California to perform land surveying.
- b. Lot Line Adjustment plats shall be provided, one each showing existing conditions, transfer parcels, and resulting parcels. The Lot Line Adjustment plats shall be drawn in black ink on sheets with maximum dimensions of 8 1/2” X 11” (for lot line adjustment by deed and plat), or 18” X 26” (for lot line adjustment by deed and record of survey) and shall be prepared and stamped/signed by a Licensed Land Surveyor or a Registered Civil Engineer authorized by the State of California to perform land surveying. The plats must be clear and readable. The following minimum information must be provided on the plats (additional information may be required):
 - (1) Map scale, graphic scale, north arrow, line type legend, vicinity map, basis of bearings, index map for large parcels. The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
 - (2) Adjacent right-of-way widths and street names.
 - (3) The existing and proposed lot layout with labels for each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject properties shall be provided. Use heavy solid lines to depict proposed boundaries and existing boundaries to remain. Use light, dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted lots shall be lettered or numbered consecutively in such a manner that there will be no confusion with the original lots or parcel numbers, (show in a darker, bolder text, e.g., **PARCEL T-1, RESULTANT PARCEL A**, etc.).
 - (4) Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and all existing easements.
 - (5) Gross area before and after the adjustment to the nearest one tenth of an acre.
 - (6) Assessor’s Parcel Number for each property.
 - (7) Lot Line Adjustment planning project number, sheet number and title block with owner and surveyor block filled out.
 - (8) Signature and seal of the surveyor, as well as the date that the plats were signed.
- c. Recent title reports (less than 6 months old) for the affected parcels, as well as copies of current vesting deeds.

- d. Copies of any map, easement, record of survey or any other document that will be necessary to check boundary lines and review the re-tracing of the original parcels.
 - e. Provide a copy of the most recent assessors map book pages(s) covering the entire site and adjoining lots.
 - f. If applicable, the applicant/surveyor/engineer of record shall provide DPW with the name and contact information of the Title Company or Agent assigned for recordation of the lot line adjustment documents.
2. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.
 3. If a Record of Survey map is deemed required pursuant to Section 8762(b) of the Business and Professions Code, the map shall contain the information as required by Section 8764 of said code, in addition to those items noted above.
 4. The completed application shall contain legal descriptions and closure calculations along with a current title report for the affected properties including the final adjusted lots, existing lots, and the portions of those lots proposed for transfer. The legal descriptions and closures shall be prepared, signed and stamped by a licensed land surveyor or a qualified registered civil engineer.
 5. Lot Line Adjustment Map. The Lot Line Adjustment Map shall be drawn in black ink on sheets with maximum dimensions of 8 ½” by 11” or 18” by 26”. The map must be clear and readable. The following information must be provided on the map (additional information may also be required):
 - a. Map scale, north arrow, line type legend, and vicinity map. An index map shall be required for large parcels;
 - b. The location of the project site in relation to existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street;
 - c. Right-of-way widths and street names;
 - d. The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject property. Heavy solid lines to depict proposed boundaries, light solid line to depict existing lot lines and smaller dashed lines to depict easements shall be required. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there shall be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e., PARCEL A, PARCEL T-1);
 - e. Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements;
 - f. Gross area of the lots before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements. (Net area is gross area minus easement area.);

- g. Date of preparation, signature and seal of the surveyor that prepared the map;
- h. Assessor Parcel Numbers (APNs) for the lot subject to the lot line adjustment;
- i. Project number and file number as assigned by the County, sheet number and County title block with owner and engineer information provided; and
- j. The following statement shall be included if applicable (i.e., if property corners are to be set): “Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filed, if required by Section 8762 of the Business and Professional Code, Government Code Section 66412(d); Ops. Cal. Atty. Gen. 231 (1994). If the lot line adjustment affects any public utility easements, the application shall provide verification signed by each of the affected public utilities that they allow the lot line adjustment”.

D. Review and Approval by County Surveyor. The Counter Surveyor shall:

- 1. Examine the deeds to ensure that all record title owners have consented to the adjustment;
- 2. Verify that all conditions of approval have been satisfactorily completed and that the deeds are in substantial compliance with the Lot Line Adjustment as approved by the Review Authority;
- 3. If satisfied that the deeds comply with the above requirements, place an endorsed approval upon the deeds; and
- 4. After approval of the legal descriptions, assemble the deeds and return them to the Applicant for recordation.

E. Expiration. The approval of a Lot Line Adjustment shall expire and become void if the adjustment has not been completed as required by this Section within three years of approval. An extension of up to three additional years may be granted by the Review Authority in compliance with the requirements of Sections 22.84.140.A..

Lot Line Adjustments

MARIN COUNTY CODE – TITLE 22, DEVELOPMENT CODE

22.90.050

CHAPTER 22.92 – MERGER OF PARCELS

Sections:

- 22.92.010 – Purpose of Chapter
- 22.92.020 – Requirements for Merger
- 22.92.030 – Effective Date of Merger
- 22.92.040 – Notice of Intent to Determine Status
- 22.92.050 – Criteria for Unmerger
- 22.92.060 – Determination of Unmerger

22.92.010 – Purpose of Chapter

This Chapter provides procedures for the merger of parcels in compliance with Map Act Sections 66451.11 et seq. The County had a merger ordinance in existence before January 1, 1984.

Where applicable, merger is required to consolidate contiguous parcels in common ownership which were created prior to modern subdivision requirements, and are substandard with respect to current County subdivision standards, including lot area, size, configuration, slope, and/or infrastructure.

22.92.020 – Requirements for Merger

On or after January 1, 1984, when any one of two or more contiguous parcels or units of land, which are held by the same owner or owners, does not conform to the minimum lot area requirements of the applicable zoning district or the minimum lot area requirements based on lot slope (Section 22.82.050 – Hillside Subdivision Design), the contiguous parcels shall merge if required by Subsection A of this Section (Merger Required), except where otherwise provided by Subsection B of this Section (Exemptions from Merger Requirements). Such mergers may be initiated either by the County or by the property owner.

- A. Merger required.** Contiguous, nonconforming parcels held by the same owner or owners shall merge if both of the following requirements are satisfied:
1. At least one of the affected parcels is undeveloped by any structure for which a Building Permit was issued or for which a Building Permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit of land; and
 2. With respect to any affected parcel, one or more of the following conditions exist:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - c. Does not meet current standards for sewage disposal in Title 18 (Sewers) of the County Code;

- d. Does not meet current standards for domestic water supply in Title 7 (Health and Sanitation) of the County Code;
- e. Does not meet slope stability standards. A parcel will be deemed to not meet slope stability standards if more than 50 percent of its gross area is located within slope stability zone 3 or 4 as shown on the latest slope stability maps on file with the Agency;
- f. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability. The standards of access shall be those contained in Title 24 (Improvement and Construction Standards) of the County Code;
- g. Its development would create health or safety hazards; or
- h. Is inconsistent with the Marin Countywide Plan, the Local Coastal Plan or any applicable Community Plan or Specific Plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the Notice of Intent to Determine Status is recorded in compliance with Section 22.92.040 (Notice of Intent to Determine Status).

B. Exemptions from merger requirements. Except as provided in Subsection A above, contiguous nonconforming parcels shall not be required to merge if on or before July 1, 1981, one or more of the contiguous parcels or units of land was:

- 1. Enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code;
- 2. Timberland as defined in Government Code Section 51100.f, or is land devoted to an agricultural use as defined in Government Code Section 51201.b;
- 3. Located within 2,000 feet of the site of an existing commercial mineral resource extraction use, whether or not the extraction was in compliance with a Use Permit issued by the County;
- 4. Located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a Use Permit or other permit authorizing commercial mineral resource extraction had been issued by the County.
- 5. Within the Coastal Zone, and had been identified or designated as being of insufficient size to support residential development and where the identification or designation had either:
 - a. Been included in the Land Use Plan portion of the County's Local Coastal Program; or
 - b. Before adoption of the Land Use Plan by formal action of the California Coastal Commission has been made in compliance with the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation

of a land use plan in compliance with the provisions of the California Coastal Act is based.

- C. Owner-Requested Merger.** Upon written request from the property owner, the Director shall merge two or more contiguous parcels or units of land that do not meet the requirements contained in Section 22.92.020(A)(2) (Requirements for Merger). Owner-requested Mergers are not subject to the requirements of Section 22.92.040 (Notice of Intent to Determine Status) and may be recorded by the County without delay.

The County does not have the authority to unilaterally merge parcels unless they meet the requirements contained in Section 22.92.020 (Requirements for Mergers). Notwithstanding the criteria for non-merger or unmerger, units of real property that are merged through application of this subsection shall not be subsequently unmerged.

- D. Merger due to cessation of agricultural housing.** The conditions of approval for a subdivision as allowed by Government Code Section 51230.2 shall require that all conditions of that Section be implemented.

22.92.030 – Effective Date of Merger

A merger of units of real property becomes effective on the date the Director files a Notice of Merger for record with the County Recorder. A Notice of Merger shall specify the names of the record owners and describe the real property that has merged.

22.92.040 – Notice of Intent to Determine Status

The filing of a Notice of Intent to Determine Status, and a hearing and decision on the status of contiguous parcels with respect to merger shall occur as follows.

- A. Timing and content of notice.** Before recording a Notice of Merger, the Director shall cause to be mailed by certified mail to then current record owners of the property a Notice of Intention to Determine Status, notifying the owners that the affected parcels may be merged in compliance with the requirements of this Chapter, and advising the owners of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice shall also inform the owners that the Commission, Zoning Administrator, or Director is authorized to make a determination of merger or non-merger in compliance with Section 22.92.020 (Requirements for Merger) based on the information available from County records, in the event that a request for hearing is not filed within 30 days of the date of the notice. The Notice of Intention to Determine Status shall be filed for record with the County Recorder on the date that the notice is mailed to the property owner.
- B. Request for hearing.** At any time within 30 days after recording of the Notice of Intent to Determine Status, the owner of the affected property may file a request for a hearing on determination of status with the Director.
- C. Determination of review authority.** When a property owner files a request for a hearing on determination of status, the Zoning Administrator shall conduct the hearing, except that when the Director determines that significant policy questions are at issue, the Director may refer the determination of merger to the Commission for action.

D. Procedure for hearing:

1. Upon receiving a request for a hearing on determination of status, the Director shall set a time, date, and place for a hearing to be conducted by the applicable review authority and shall notify the property owner by certified mail.
2. The hearing shall be conducted no less than 60 days after the Director's receipt of the request for hearing, but may be postponed or continued with the mutual consent of the Director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this Chapter. At the conclusion of the hearing, the review authority shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within 30 days after conclusion of the hearing, in compliance with Section 22.92.030 (Effective Date of Merger).

E. Determination when no hearing is requested. If the owner does not file a request for hearing on determination of status within 30 days of the recording of the Notice of Intent to Determine Status, the Director may make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded in compliance with Section 22.92.030 no later than 90 days after the recording of the Notice of Intent to Determine Status. The 90-day time limit may be extended with the mutual consent of the County and the property owner.

F. Non-merger. A determination of non-merger shall occur as follows:

1. **Action and findings.** The review authority may make a determination of non-merger whether or not the affected property meets the standards of Sections 22.92.020 (Requirements for Merger) or 22.92.050 (Criteria for Unmerger), provided the following findings are made:
 - a. The parcels were created by a record of survey or Parcel or Final Map in accordance with the provisions of the County Code in effect at the time of their creation.
 - b. The unmerger and subsequent development of the individual parcels would not be contrary to the public health, safety or welfare. In making this finding, the review authority shall consider the factors in Section 22.122.050 (Legal Remedies - Development Permits and Approvals Withheld).
2. **Notice of non-merger.** If the review authority determines that the subject property shall not be merged in compliance with Subsections D, E, or F above (Procedure for Hearing, Determination When No Hearing is Requested, and Non-merger, respectively), it shall cause a Release of the Notice of Intent to Determine Status to be recorded in the manner specified in Section 22.92.040 (Notice of Intent to Determine Status), and shall mail a clearance letter to the current record owner.

22.92.050 – Criteria for Unmerger

Any parcels or units of land for which a Notice of Merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984:

A. The parcel met each of the following criteria:

1. Comprised at least 5,000 square feet in area;
2. Was created in compliance with applicable laws and ordinances in effect at the time of its creation;
3. Met current standards for sewage disposal under Title 18 (Sewers) of the County Code;
4. Met current standards for domestic water supply under Title 7 (Health and Sanitation) of the County Code;
5. Met the lot slope density standards of Section 22.82.050 (Hillside Subdivision Design);
6. Had legal access adequate for vehicular and safety equipment access and maneuverability, in compliance with Title 24 of the County Code;
7. Development of parcel would create no health or safety hazards;
8. The parcel would be consistent with the Marin Countywide Plan, the Local Coastal Plan or any applicable Community Plan or Specific Plan, other than a minimum lot size or density standards; and

B. None of the contiguous parcels or units of land on or before July 1, 1981 were:

1. Enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code;
2. Timberland as defined in Section 51100.f of the Government Code, or was land devoted to an agricultural use as defined in Section 51201.b of the Government Code;
3. Located within 2,000 feet of the site of an existing commercial mineral resource extraction use, whether or not the extraction was occurring in compliance with a Use Permit issued by the County;
4. Located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a Use Permit or other permit authorizing commercial mineral resource extraction had been issued by the County; and
5. Within the Coastal Zone, and had been identified or designated as being of insufficient size to support residential development and where the identification or designation had either:
 - a. Been included in the Land Use Plan portion of the County's Local Coastal Program; or
 - b. Before the adoption of the Land Use Plan, been made by formal action of the California Coastal Commission in compliance with the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation

of a land use plan in compliance with the provisions of the California Coastal Act is based

22.92.060 – Determination of Unmerger

A property owner may request, and the review authority shall make a determination whether affected parcels have merged, as follows:

- A. Application.** An application for Determination of Unmerger shall include the forms, other application materials, and fees required by the Agency.
- B. Review authority.** When a property owner files an application for determination of an unmerger, the Zoning Administrator shall conduct the public hearing, except when the Director determines that significant policy questions are at issue, the Director may refer the determination of unmerger to the Commission for action. The Zoning Administrator shall provide 30 days written notice to the owner of the affected parcels of the date and place of the hearing or decision on the determination of merger.
- C. Decision.** The review authority shall make a determination that the affected parcels have merged or, if meeting the criteria of Section 22.92.050 (Criteria for Unmerger), are deemed not to have merged.
- D. Notification to owner.** The owner of the affected parcels shall be notified as follows:
 - 1. Upon a determination that the parcels meet the standards specified in Section 22.92.050 (Criteria for Unmerger), the Director shall issue to the owner and record with the County Recorder a Notice of the Status of the Parcels, which shall identify each parcel and declare that the parcels are unmerged in compliance with this Chapter.
 - 2. Upon a determination that the parcels have merged and do not meet the criteria specified in Section 22.92.050 (Criteria for Unmerger), the Director shall issue to the owner and record with the County Recorder, a Notice of Merger, in compliance with Section 22.92.030 (Effective Date of Merger) unless a prior notice of merger has been recorded.

CHAPTER 22.94 – REVERSIONS TO ACREAGE

Sections:

- 22.94.010 – Purpose of Chapter
- 22.94.020 – Applicability
- 22.94.030 – Application Filing and Processing
- 22.94.040 – Findings for Approval of Reversions
- 22.94.050 – Conditions of Approval for Reversions
- 22.94.060 – Parcel or Final Map Contents

22.94.010 – Purpose of Chapter

This Chapter provides procedures for the process of reversion to acreage, where subdivided real property may be reverted from multiple parcels to a single parcel, consistent with the policies of the Marin Countywide Plan and the requirements of the Map Act. Reversion to acreage may be used to combine subdivision lots which do not meet the requirements for merger.

22.94.020 – Applicability

Subdivided real property may be reverted to acreage as provided by this Chapter and by Map Act Chapter 6, Article 1.

22.94.030 – Application Filing and Processing

Applications for reversion to acreage shall be filed and processed as follows:

- A. Application information – Streets and easements.** The application for reversion shall include evidence of non-use of or lack of necessity for any streets or easements that are to be vacated or abandoned, in addition to the information required by Section 22.40.030 (Application Submittal and Filing).
- B. Filing and processing.** The application shall be prepared, filed, and initially processed as provided by Chapter 22.40 (Application Filing and Processing, Fees), except that no environmental review of a reversion to acreage shall be required, as provided by Section 15305 of the CEQA Guidelines.
- C. Transmittal.** In addition to the procedures outlined in Chapter 22.40 (Application Filing and Processing, Fees), a reversion to acreage shall be referred to the agencies outlined in Section 22.84.030.B (Transmittal to affected agencies).
- D. Completion of process.** A reversion to acreage shall require approval of a Parcel or Final Map, with the procedure the same as that required by Chapter 22.86 (Parcel Maps and Final Maps), except that a public hearing shall be held by the Board on the reversion to acreage before approval or denial of the Final Map.

22.94.040 – Findings for Approval of Reversions

Subdivided property may be reverted to acreage only if the following findings, in addition to determining compliance with Section 22.86.050.B.1 (Criteria for Approval) can be satisfied:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and either,
- B. All owners of an interest in the real property within the subdivision have consented to reversion; or
- C. None of the improvements required to be made have been made within two years from the date the Parcel or Final Map was filed for record, or within the time allowed by an agreement for completion of the improvements, whichever is the later; or
- D. No lots shown on the Parcel or Final Map have been sold within five years from the date the map was filed for record.

22.94.050 – Conditions of Approval for Reversions

As conditions of reversion, the following shall be required:

- A. Dedications or offers of dedication necessary for the purposes specified by Chapters 22.82 (Subdivision Design Standards) and 22.100 (Subdivision Improvements and Agreements).
- B. Retention of all previously paid fees and/or any portion of required improvement security or deposits if necessary to accomplish the purposes of the Map Act or this Development Code.

22.94.060 – Parcel or Final Map Contents

In addition to the information specified by Section 22.86.020 (Parcel and Final Map Application Filing and Processing), the Final or Parcel Map for a reversion to acreage shall also delineate dedications that will not be vacated and dedications that are a condition of reversion.

CHAPTER 22.96 – CERTIFICATES OF COMPLIANCE

Sections:

- 22.96.010 – Purpose of Chapter
- 22.96.020 – Applicability
- 22.96.030 – Application Filing and Processing
- 22.96.040 – Review and Approval

22.96.010 – Purpose of Chapter

This Chapter provides procedures for the filing, processing, and approval or denial of Certificates of Compliance and Conditional Certificates of Compliance, consistent with the policies of the Marin Countywide Plan and the requirements of the Map Act.

22.96.020 – Applicability

A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided.

Section 66499.35 of the Map Act requires the approval of these certificates. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance or Conditional Certificate of Compliance. Contiguous parcels that have been granted Certificates of Compliance or Conditional Certificates of Compliance may still be subject to merger (see Chapter 22.92 (Merger of Parcels)).

22.96.030 – Application Filing and Processing

- A. Application information.** A Certificate of Compliance or Conditional Certificate of Compliance application shall include the form provided by the Agency, the required filing fee, and a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the parcels were created through a recorded subdivision map.
- B. Processing.** Certificate of Compliance and Conditional Certificate of Compliance applications shall be submitted to the Agency and shall be processed in compliance with the procedures for ministerial planning permits specified by Chapter 22.40 (Application Filing and Processing, Fees). No environmental review (Section 22.40.060 (Environmental Review)) shall be required, in compliance with Section 15268.a of the CEQA Guidelines.

22.96.040 – Review and Approval

The processing, review and approval of the application shall occur as follows.

- A. Decision.** The Agency shall prepare a written analysis that will serve as the basis for action by the Review Authority. A single Certificate of Compliance determination shall be issued for each unit of real property determined to be a single legal lot of record. The analysis will:

1. Describe the history of the land division;
2. Determine whether the property was legally created by the division of real property;
3. Reference provisions of State law and County (or earlier County) ordinances applicable to the subdivision at the time the division in question occurred; and
4. Identify conditions of approval where appropriate.

B. Action by Review Authority. The Review Authority shall review all available information and make a determination whether the real property was divided in compliance with the Map Act, this Development Code, and other applicable provisions of the County Code.

1. Upon making the determination that the real property was divided in compliance with the Map Act, this Development Code or applicable previous Ordinances enacted pursuant to the Map Act, and other applicable provisions of the County Code, and was not subsequently merged with contiguous parcels, then the Review Authority shall issue a Certificate of Compliance Determination and cause a Certificate of Compliance to be filed with the County Recorder.
2. Parcels created by antiquated subdivisions may not be determined to be legal lots of record. Further, a parcel may not be determined to be a legal lot of record if it was merged with a contiguous unit of real property and remained merged pursuant to Map Act Section 66451.301.
3. Upon making a determination that the real property does not comply with the provisions of this Development Code or the Map Act, the Review Authority shall grant a Conditional Certificate of Compliance, imposing conditions as provided by Subsection C below (Conditions of Approval).

C. Conditions of approval. If the owners of the property for which a Conditional Certificate of Compliance is being issued are the original subdividers, the Review Authority may impose any conditions that would be applicable to a current subdivision, as provided by the Map Act and this Development Code, regardless of when the property was divided. If the owners had no responsibility for the subdivision that created the parcel, the Review Authority may only impose conditions that would have been applicable at the time the property was acquired by the current owners.

D. Appeal. The conditions imposed by the Review Authority may be appealed in compliance with Chapter 22.114 (Appeals).

E. Completion of process. The Agency shall file either a Certificate of Compliance or a Conditional Certificate of Compliance with the County Recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that either the division complies with the provisions of the Map Act and this Development Code or the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.

- F. Effective date of certificate.** A Conditional Certificate of Compliance or Conditional Certificate of Compliance shall not become effective until the document has been recorded by the County Recorder.

CHAPTER 22.98 – DEDICATIONS, RESERVATIONS, EASEMENTS

Sections:

- 22.98.010 – Purpose of Chapter
- 22.98.020 – Applicability – Required Dedications
- 22.98.030 – Easement Dedications
- 22.98.040 – Parkland Dedications and Fees
- 22.98.050 – Public Access Dedication and Improvement
- 22.98.060 – Reservations of Land
- 22.98.070 – Right-of-Way Dedications
- 22.98.080 – School Site Dedications

22.98.010 – Purpose of Chapter

This Chapter establishes standards for subdivider dedications of land or payment of fees in lieu thereof, in conjunction with subdivision approval, in compliance with the Map Act. These requirements are intended to preserve and enhance habitat, the natural environment, and scenic values of the County and the excellence of residential, commercial, or industrial development. The requirements of this Chapter are consistent with the policies of the Marin Countywide Plan.

22.98.020 – Applicability – Required Dedications

A proposed subdivision shall comply with the requirements of this Chapter for dedications, reservations, or the payment of in-lieu fees. The requirements of this Chapter shall not be construed to create an obligation for the County to maintain park or playground areas.

22.98.030 – Easement Dedications

Wherever the provisions of this Article result in requirements for the dedication of easements to the County for the purposes of common driveways, drainage, pedestrian walkways, bicycle or equestrian paths, slopes, public utilities, emergency access, limiting access to specific streets, or other purposes, the dedications shall comply with all applicable provisions of Title 24, Chapters 24.05 (Easements) and 24.06 (Reserved Strips) of the County Code.

22.98.040 – Parkland Dedications and Fees

- A. Purpose.** This Section provides for the dedication of land and/or the payment of in-lieu fees for park and recreational facilities, in compliance with Map Act Sections 66477, et seq., also known as the Quimby Act.

The primary intent of this Section is to provide land for functional recreation units of local or neighborhood service, including: tot lots, play lots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities that may serve families and senior citizen activities.

B. Applicability.

1. **Dedication and/or fee required.** The subdivider shall be required to dedicate land and/or pay fees in compliance with this Section, as a condition of Tentative Map approval.
2. **Exemptions.** The provisions of this Section do not apply to industrial or commercial subdivisions, condominium or stock cooperative projects that propose the subdivision of air space in an existing apartment building that is more than five years old when no new housing units are added, or to any other subdivisions exempted from these requirements by Map Act Section 66477.
3. **Determination of dedication and/or fee for non-County facilities.** Where park and recreational services are provided by a public agency other than the County, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the County and the public agency.

C. Amount of parkland required. In compliance with Map Act Section 66477.b, three acres of land for each 1,000 persons residing within the County shall be devoted to neighborhood and community park and recreational purposes.

D. Dedication requirement. Dedication shall be required where parks and recreation facilities are designated in the Marin Countywide Plan, Local Coastal Plan, or any Community Plan or Specific Plan, and are to be entirely or partly located within the proposed subdivision. In these cases, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the future residents of the subdivision.

1. **Formula for dedication.** The amount of land to be provided shall be determined by the following formula:

$$\text{Required Acres of Parkland per Dwelling Unit} = 0.003 \text{ Acres per Person} \times \text{Average Number of Persons per Household}$$

Example: A development project proposing 100 dwelling units in an area of the County where the type of dwelling units proposed typically contain an average of 2.4 persons per household, would be required to dedicate 0.0072 acres of land per dwelling (a total of 0.72 acres), or pay an in-lieu fee. (0.003 acres per person x 2.4 persons per dwelling = 0.0072 acres per dwelling) x (100 dwellings in project = 0.72 acres)

2. **Determining average number of persons per household.** The average number of persons per household shall be determined by the Director, using the most recent U.S. Census information regarding household size for Marin County.
3. **Determining number of dwellings.** For the purposes of this Section, the number of dwellings in the subdivision shall be determined as follows, and shall not include dwellings lawfully in place before the date the Tentative Map was approved:
 - a. In areas zoned for one dwelling per parcel, the number of dwellings shall equal the number of parcels shown on the Tentative Map.

- b. When a portion of the subdivision is zoned for multi-family housing, the number of proposed dwellings in the area so zoned shall equal the maximum number of dwellings allowed in that zoning district.
- c. For residential condominiums, the number of dwellings shall be the number of condominium units shown on the Tentative Map.

E. Quality requirements for land dedications. Lands to be dedicated or reserved for park and/or recreational purposes shall, in the opinion of the Director and the Director of Parks and Recreation, be suitable in location, topography, environmental characteristics and development potential for the intended use. Principal consideration shall be given to lands that offer:

- 1. A variety of recreational opportunities for all age groups;
- 2. Recreational opportunities located within walking distance from residents' homes;
- 3. Possibility for expansion or connection with school grounds;
- 4. Integration with hiking, riding, bicycle trails, waterways, and other open space;
- 5. Coordination with other park systems; and
- 6. Access to at least one existing or proposed public street.

F. Improvements required for dedicated lands. The subdivider shall provide the following improvements on lands to be dedicated in compliance with this Section, which shall not be counted toward the requirement for dedication, unless the Director waives such improvements:

- 1. Full street improvements and utility connections including curbs, gutters, street paving, traffic-control devices, street trees and sidewalks to the land that is dedicated. These improvements shall be provided in compliance with applicable Community Plans or Specific Plan unless the requirement for such improvements is waived by the Director.
- 2. Fencing along the property lines of portions of the subdivision contiguous to the dedicated land;
- 3. Improved drainage through the site; and
- 4. Other improvements that the County determines to be essential to the acceptance of the land for recreational purposes.

G. Fees in lieu of dedication. The subdivider shall pay fees in lieu of dedication where there is no park or recreation facility designated in the Marin Countywide Plan, Local Coastal Plan, or applicable Community or Specific Plan to be located within or partly within the proposed subdivision, or the subdivision proposes 50 or fewer parcels. The required fee shall be as determined by the formula in Subsection G.1 following (Formula for Fees).

- 1. **Formula for fees.** The amount of a required in-lieu fee shall be based upon the fair market value of land that would otherwise be required for dedication by Subsection D above (Dedication Requirement), plus 20 percent of the fair market value to be used to partially cover the costs of the off-site improvements that would otherwise have been

required with dedication in compliance with Subsection F above (Improvements Required for Dedicated Lands). The in-lieu fee shall be determined by the following formula as determined by the Director:

$$\text{Fee} = (\text{No. of Dwellings} \times \text{Acres of Parkland per Dwelling} \times \text{FMV per Buildable Acre}) \times 1.20$$

Where:

Acres of Parkland per Dwelling is determined by Subsection D above (Dedication Requirement).

FMV = Fair market value, as determined by Subsection G.2 below (Determination of Fair Market Value).

Buildable Acre = A typical acre of the subdivision, not subject to flooding, easements, excessive slope, or other restrictions.

Example: The development project proposing 100 dwelling units described in the example in Subsection D.1 (Dedication requirement) above, in area where appraisal determined that the fair market value of a buildable acre would be \$150,000, would be required to pay a fee of \$129,600. (100 dwellings x 0.0072 acres of parkland per dwelling x FMV of \$150,000 per acre x 1.20 = \$129,600)

2. **Determination of fair market value.** The County shall determine the fair market value of a buildable acre in the proposed project through a written appraisal prepared and signed by an appraiser acceptable to the County. The cost of the appraisal shall be paid by the subdivider. The appraisal shall be completed immediately before the filing of the Final Map.

The subdivider shall notify the County of the expected filing date at least six weeks before filing of the Final Map. If more than one year elapses before filing the Final Map, the County will prepare a new appraisal and will bill the subdivider for the cost of the reappraisal.

For the purposes of this Chapter, the determination of the fair market value of a buildable acre shall consider, but not necessarily be limited to, the following:

- a. Any conditions of the Tentative Map;
- b. The designations of the site by the Marin Countywide Plan, Local Coastal Plan or applicable Community or Specific Plan;
- c. The zoning district applicable to the site;
- d. Site location and characteristics; and
- e. Off-site improvements facilitating use of the property.

If the subdivider objects to the fair market value determined by the County, the subdivider may appeal the determination to the Board, who shall hear the appeal under the same current rules for local hearings by the California State Board of Equalization hearings, except that the burden of proof shall lie with the subdivider.

3. **Dedication in subdivisions of 50 or fewer parcels.** Nothing in this Section shall prohibit the dedication and acceptance of parkland in subdivisions of 50 or fewer parcels, where the subdivider proposes the dedication voluntarily and the land is acceptable to the County.
4. **Use of fees.** The in-lieu fees collected in compliance with this Section shall be used only for the purpose of acquiring necessary land and developing new parks, or rehabilitating existing park or recreational facilities.

H. Requirement for dedication and fees. In subdivisions of over 50 parcels, the subdivider shall both dedicate land and pay a fee, as follows.

1. When a portion of the land to be subdivided is proposed in the Marin Countywide Plan, Local Coastal Plan or Community Plan or Specific Plan as the site for a park or recreation facility, that portion shall be dedicated for local park purposes. The land to be dedicated shall be subject to the improvement requirements of Subsection F above (Improvements Required for Dedicated Lands). If additional land would have been required for dedication by Subsection D above (Dedication Requirement), a fee, computed in compliance with Subsection G above (Fees In-lieu of Dedication), shall also be paid for the value of any additional land, plus 20 percent toward the costs of off-site improvements.
2. When a major part of the local park or recreation site has already been acquired by the County or other local agency, and only a portion of the land is needed from the subdivision to complete the park site, the remaining portion shall be dedicated for local park purposes.

The subdivider shall also pay a fee in compliance with Subsection G above (Fees In-lieu of Dedication), in an amount equal to the value of the land, plus an additional 20 percent of the value of the land toward the costs of the off-site improvements that would otherwise have been required by Subsection F above (Improvements Required for Dedicated Lands) if the land had been dedicated. The County shall use the fees to improve the existing park and recreation facility, or to improve other local parks and recreation facilities in the area serving the subdivision.

I. Determination of land or fee. In determining whether to accept a land dedication or to require payment of an in-lieu fee, or a combination of both, the Board shall consult with the Commission and the Parks and Recreation Commission, and shall consider the following factors:

1. The natural features, access, and location of land in the subdivision available for dedication;
2. Size and shape of the subdivision and land available for dedication;
3. Feasibility of dedication;
4. Compatibility of dedication with the Marin Countywide Plan, Local Coastal Plan or any applicable Community Plan or Specific Plan.
5. The location of existing and proposed park sites and trailways.

The determination of the Board as to whether land shall be dedicated, or whether a fee shall be paid in lieu thereof, or a combination of both, shall be final.

J. Credit for private open space. Where a proposed subdivision will include private open space, the Board may reduce the area of land or the amount of fees required by this Section, provided that the Board finds that it is in the public interest to do so and that all of the following standards are met. The Board shall consult with the Commission and the Parks and Recreation Commission before determining the extent of any reduction in land to be dedicated or fees to be paid.

1. Any yards, court areas, setbacks, and other open areas required by this Development Code and Title 19 (Building Standards) of the County Code shall not be included in the computation of the private open space.
2. The private park and recreation facilities shall be owned by a homeowners' association that is composed of all property owners in the subdivision. The homeowners' association shall be an incorporated nonprofit organization capable of dissolution only by a 100 percent affirmative vote of the membership, operated under recorded land agreements through which each lot owner is automatically a member, and each lot is subject to a charge or a proportionate share of expenses for maintaining the facilities.
3. The use of the private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the County or its successor.
4. The proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration factors including size, shape, topography, geology, access, and location.
5. Facilities proposed for the open space are in substantial compliance with the provisions of the Marin Countywide Plan, the Local Coastal Plan, or any applicable Community or Specific Plan.
6. Generally, the open space for which credit is given is a minimum of three acres and provides all of the following basic local park elements, or a combination of these and other recreation improvements, that will meet the specific recreation park needs of the future residents of the area:
 - a. Recreational open spaces, generally defined as park areas for active recreational activities (e.g., soccer, golf, baseball, softball, and football) and which have at least one acre of maintained turf with less than five percent slope);
 - b. Court areas, generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games;
 - c. Recreational swimming areas, generally defined as fenced areas devoted primarily to swimming, diving, or both, and which include decks, lawn area, bathhouses, or other facilities, developed and used exclusively for swimming and/or diving. Swimming facilities shall consist of no less than 15 square feet of water surface area for each three percent of the population of the subdivision; and

- d. Recreation buildings and facilities designed and primarily used for the recreational needs of the residents of the subdivision.
7. The credit for private open space shall not exceed 50 percent of the required land dedication or payment of fees.

The determination of the Board as to whether credit shall be granted and the amount of that credit shall be final.

K. Procedure. At the time of approval of the Tentative Map, the Director and/or Commission shall determine the land required for dedication in compliance with Subsection D above (Dedication Requirement). At the time of the filing of the Parcel or Final Map in compliance with this Article, the subdivider shall:

- 1. Dedicate the land as required by the Director and/or Commission; and/or
- 2. Pay the required fees before recordation of the Parcel Map or Final Map.

L. Disposition of land or fees. Land or fees required in compliance with this Section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a community wide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The County or other applicable public agency shall:

- 1. Deposit the fees into a subdivision park trust fund, or other similar fund. Monies in the fund, including accrued interest, shall be expended solely for the acquisition or development of park land or related improvements. The County Treasurer shall report the income, expenditures and status of the County subdivision park trust fund to the Board on an annual basis;
- 2. Develop a schedule in compliance with Map Act Section 66477 specifying how, when, and where it will use the land or fees, or both, to develop park or recreation facilities to serve the residents of the subdivision; and
- 3. Appropriate the collected fees within an annual budget, for a specific project to serve the residents of the subdivision, within five years after receipt of payment, or within five years after Building Permits are issued for one-half of the lots created by the subdivision, whichever occurs later.

If the fees are not so committed, these fees, less an administrative charge, shall be distributed to the then-record owners of the subdivision lots in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

M. Sale of dedicated land. Land dedicated for a local park and/or recreational use may be sold by the Board and the proceeds used to purchase a more suitable site. The land may be sold if circumstances arise in the time between dedication of land for park purposes and the issuance of Building Permits, which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (i.e., receipt of a gift of additional parkland or change in school location, etc.), the land may be sold upon the approval of the Board.

22.98.050 – Public Access Dedication and Improvement

The subdivider may be required to dedicate easements to provide public access to or along the shorelines of public resources, including a public waterway, river or stream, coastline or shoreline lake or reservoir, or other public lands, in compliance with Map Act Sections 66478.1 et seq., or the County's Local Coastal Plan.

22.98.060 – Reservations of Land

As a condition of approval of a Tentative Map, the County may require the subdivider to reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses, in compliance with the standards and formulas in this Chapter.

A. Standards for reservation of land.

1. **Location of land.** Where a park, recreational facilities, fire station, library, or other public use is shown in the Marin Countywide Plan, Local Coastal Plan, or applicable Community Plan or Specific Plan, the subdivider may be required by the County to reserve sites as determined by the County in compliance with the standards in the applicable plan.
2. **Configuration.** The reserved area shall be of a size and shape that will permit the balance of the property to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The land to be reserved shall be in multiples of streets and parcels that will permit an efficient division of the reserved area if it is not acquired within the period determined by Subsection B following (Procedure for Reservation of Land).

B. Procedure for reservation of land. The public agency for whose benefit an area has been reserved shall at the time of approval of the Parcel or Final Map enter into a binding agreement with the subdivider to acquire the reserved area within two years after the completion and acceptance of all improvements, unless a longer time is authorized by mutual agreement.

C. Purchase price of reserved land. The purchase price shall be the market value of the land at the time the Tentative Map is filed, plus the property taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider in maintaining the reserved area, including interest costs incurred on any loan covering the reserved area.

D. Termination of reservation. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in Subsection B above (Procedure for Reservation of Land), the reservation shall automatically terminate.

22.98.070 – Right-of-Way Dedications

As a condition of approval of a Parcel or Final Map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land or easements within the subdivision that are needed for streets or alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. These dedications shall comply with all applicable requirements of Title 24, Chapter 24.05 of the County Code (Easements).

22.98.080 – School Site Dedications

- A. Dedication requirement.** In compliance with Map Act Section 66478, a subdivider may be required to dedicate land as the Review Authority determines to be necessary for adequate elementary school facilities for the residents of the subdivision. Dedication may be required only if the subdivider and/or successors in interest to the property:
1. Have owned the land being subdivided for less than 10 years before filing the Tentative Map; and
 2. Develop, or complete the development, of a subdivision of more than 400 dwelling units within a single school district, within a period of three years or less.
- B. Tentative Map approval.** If the affected school district responds to the referral of the Tentative Map application (Section 22.84.020 (Tentative Map Preparation, Application Contents)) with a report to the County describing the land the district deems necessary and suitable to provide adequate elementary school service to residents of the proposed subdivision, the Review Authority shall require the dedication of land as a condition of approval of the Tentative Map. As required by Map Act Section 66478, the dedication requirement shall not make development of the remaining land held by the subdivider economically unfeasible, or exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.
- C. Timing of dedication.** The required dedication may occur before, concurrently with, or up to 60 days after the filing of a Final Map on any portion of the subdivision. If the school district accepts the dedication, the district shall pay the subdivider the amounts required by Map Act Section 66478, and shall record the certificate required by Map Act Section 66478.
- D. Termination of dedication requirement.** The requirement of dedication shall automatically terminate unless, within 30 days after the requirement is imposed by the Review Authority, the school district makes a binding commitment to the subdivider agreeing to accept the dedication at any time before the construction of the first 400 dwelling units. Upon acceptance of the dedication, the school district shall repay to the subdivider and/or successors the costs specified in Business and Professions Code Section 11525.2.
- E. Judicial review.** Any person who is aggrieved by or fails to agree to the reasonableness of any requirement imposed in compliance with this Section may bring a special proceeding in the Superior Court in compliance with Map Act Section 66499.37.
- F. Reversion of land – Repurchase.** Should the school district find itself unable to accept the dedication for reasons other than specified in the commitment with the subdivider, the dedicated land shall revert to the subdivider. If the dedication is accepted and the school district within 10 years from the date of acceptance offers the property or any substantial part thereof for public sale, the subdivider shall have the first option to repurchase the property for the price paid by the district, plus a sum equal to the amount of property taxes which would have been paid during the period of public ownership.

CHAPTER 22.100 – SUBDIVISION IMPROVEMENTS AND AGREEMENTS

Sections:

- 22.100.010 – Purpose of Chapter
- 22.100.020 – Improvements Required
- 22.100.030 – Subdivision Grading, Erosion and Sediment Control
- 22.100.040 – Soils Reports
- 22.100.050 – Improvement Plans and Inspections
- 22.100.060 – Improvement Agreements and Security
- 22.100.070 – Monuments and Staking

22.100.010 – Purpose of Chapter

This Chapter establishes standards for subdivision improvements, and agreements with the County to guarantee the installation of the improvements.

22.100.020 – Improvements Required

- A. Basic improvement requirements.** The subdivider shall construct all improvements required by this Chapter and Title 24 (Improvement and Construction Standards) of the County Code, any improvements shown on the approved Tentative Map, and any improvements required as a condition of Tentative Map approval.
1. **Design and construction standards.** The design and construction of subdivision improvements shall comply with all applicable provisions of Chapter 22.82 (Subdivision Design Standards), and Title 24 (Improvements) of the County Code.
 2. **Conditions of approval.** The improvement requirements of this Chapter and any other improvements determined by the Review Authority to be necessary in compliance with Sections 22.84.050 (Tentative Map Review) and 22.84.060 (Findings for Approval of Tentative Map), shall each be described in conditions of approval adopted for each approved Tentative Map (Section 22.84.070 (Conditions of Approval)).
 3. **Oversizing of improvements.** The County may require the subdivider to install and dedicate to the public subdivision improvements with additional size, capacity, or number for the benefit of property not within the subdivision, as a Tentative Map condition of approval prerequisite to the approval of a Parcel or Final Map. Where oversizing is required, reimbursement shall be provided as follows:
 - a. **Reimbursement agreement.** The County shall enter into an agreement with the subdivider providing for reimbursement of the portion of the cost of the improvements that is equal to the difference between the amount it would have cost the subdivider to install the improvements to serve the subdivision only, and the actual costs of the improvements, in compliance with Map Act Section 66485 et seq.

3. **Wells or other sources.** Where water is to be supplied by wells, springs or other sources, the purchasers of the properties shall be informed of the water supply in writing. The subdivider shall submit sufficient evidence substantiated by adequate tests and/or engineering data to ensure that adequate water can be obtained for each lot and for fire protection as approved by the Health Officer, and the Fire Chief having jurisdiction. The information provided shall be certified by a professional engineer or geologist.

22.100.030 – Subdivision Grading, Erosion and Sediment Control

All subdivision grading and construction operations shall be conducted to provide proper erosion and sediment control, and shall otherwise comply with all applicable provisions of Title 23, Chapter 23.08 (Excavation, Grading, and Filling), and Title 24, Sections 24.04.620 et seq. (Grading) of the County Code.

22.100.040 – Soils Reports

Geotechnical reports shall be provided by the subdivider as required by this Section.

- A. **Preliminary soils report.** A preliminary geotechnical report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision. The preliminary geotechnical report shall be submitted with the Tentative Map application.

1. **Form of report.** A preliminary geotechnical report may be divided into two parts:
 - a. **Soils reconnaissance.** The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing these hazards and problems.
 - b. **Final soils investigation and report.** This investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage.

The report shall also recommend any required corrective action for the purpose of preventing structural damages to the subdivision improvements and the structures to be constructed on the lots. The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

If the preliminary geotechnical report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, or environmental impacts, a subsequent soils investigation of each lot in the subdivision may be required and submitted to the Department of Public Works before approval of a Parcel or Final Map.

2. **Preliminary soils report waiver.** The preliminary geotechnical report may be waived if the Director of Public Works determines that, due to information the Agency has as to the qualities of the soils of the subdivision, no preliminary analysis is necessary.

B. Final soils report. A final geotechnical report prepared by a registered civil engineer shall be required where a preliminary geotechnical report was required, unless the final report is waived by the Director of Public Works.

1. Two copies of the final geotechnical investigation and report shall be filed with the improvement plans.
2. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary geotechnical report and the specifications for the project.
3. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary geotechnical reports, along with any corrections, additions or modifications not shown on the approved plans.

22.100.050 – Improvement Plans and Inspections

The subdivider shall file with the Department of Public works three complete copies of the subdivision improvement plans, after approval of a Tentative Map, before commencement of any construction work, and before filing a Parcel or Final Map, in compliance with Title 24, Chapter 24.10 (Improvement Plans) of the County Code.

A. Action on improvement plans:

1. **Director of Public Works.** The Director of Public Works shall inspect the improvement plans for compliance with the provisions of this chapter of the Development Code, Title 24 (Improvement and Construction Standards) of the County Code, standard engineering practices, and any other requirements of the County, and shall forward one copy of the improvement plans to the Director.
 - a. Before approval of the improvement plans, the Director of Public Works shall secure from the proper authority written approval of plans and specifications for sewer lines and sewage disposal systems. The Director of Public Works shall further determine that no deviation from the conditions of approval of the Tentative Map has been made, and that the final landscaping plan has been approved.
 - b. The Director of Public Works shall approve or deny the improvement plans in conformance with Section 66456.2 of the Subdivision Map Act.
2. **Community Development Director.** The Director shall approve, with or without conditions, or deny the final landscape plans. The action shall be taken within 10 days after receipt of the improvement plans by the Director of Public Works, and shall be confirmed in writing.

B. Inspections required. The Director of Public Works shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans.

C. Notification. The subdivider shall notify the Director of Public Works upon the completion of each stage of construction as outlined in this Chapter, and shall not proceed with further construction until receipt of authorization from the Director of Public Works.

- D. Inspection fees.** Before recordation of the Final Map, the subdivider shall deposit with the Director of Public Works the inspection fee determined by the Director of Public Works to cover the cost of inspection of required improvements other than utility facilities.
- E. Review and inspection of Sewage facilities.** Where adequate review and inspection is not provided by other agencies, sewage facilities and structures shall be reviewed and inspected by the Health Officer. Costs of review and inspection of sewage facilities incurred by the Health Officer or engineering consultant shall be paid by the subdivider.

22.100.060 – Improvement Agreements and Security

If the County determines that the improvement work required in compliance with this Chapter is not completed satisfactorily prior to the filing of the Parcel or Final Map, the subdivider shall enter into an agreement with the Board, and provide security to guarantee the performance of the terms of the agreement, as follows. The Agreement shall be entered into concurrently with the approval of the map.

- A. Content of Agreement.** The Agreement shall provide for each of the following, where applicable:
1. For the work to be completed within a time specified in the agreement, and shall provide that work not satisfactorily completed within the time limit may be completed by the County or its agent, with all costs paid by the subdivider.
 2. That prior to occupancy of any structure within the subdivision, the required improvements shall be sufficiently completed to render all of the applicable phase of the subdivision safe to occupy, and to complete all applicable mitigations required by a Negative Declaration or Environmental Impact Report, as determined by the Director of Public Works.
 3. At the discretion of the County, for the improvements to be installed in units, for extensions of time under specific conditions, or for the termination of the agreement upon a reversion to acreage of all or part of the subdivision.
 4. That the Agreement shall be secured by a good and sufficient improvement security in an amount determined by the Director of Public Works to be adequate to cover the estimated cost of improvement.
- B. Improvement securities.** Improvement securities shall be provided by the subdivider, as required by this Subsection.
1. **Form of security.** Improvement security shall be provided in one of the following forms:
 - a. Bond or bonds by one or more corporate sureties approved by the Board;
 - b. A deposit, placed with either the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public moneys;
 - c. An instrument of credit from one or more financial institutions, subject to regulation by the State or Federal government, pledging that the funds necessary to carry out

the act or Agreement are on deposit and guaranteed for payment, or a letter of credit issued by the financial institution; or

- d. A lien upon the property to be divided, created by contract between the owner and the County, if the County finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.

Any written contract or security interest in real property entered into as security for performance in compliance with this Section shall be recorded with the County Recorder. From the time of recordation of the written contract or other document creating a security interest, a lien shall attach to the applicable real property and shall have the priority of a judgment lien in an amount necessary to complete the required improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County.

2. **Types of improvement security required.** The following improvement securities may be required as specified in this Chapter.
 - a. **Faithful Performance.** A security in the amount of 100 percent of the total estimated cost of the improvement, or of the act to be performed, conditioned upon the faithful performance of the act or Agreement;
 - b. **Labor and Materials.** A security in the amount of 100 percent of the total estimated cost of the improvements or of the act securing payment, to the contractor, subcontractors, and persons furnishing labor, materials or equipment;
 - c. **Maintenance.** A security in the amount of 10 percent of the total estimated cost of the improvements, or of the act to be performed, or \$1,000, whichever is greater, to serve as a guarantee and warranty of the work for a period of one year following completion thereof against any defective work, labor done, or defective materials furnished;
 - d. **Monuments.** A security in the amount of 100 percent of the total estimated cost of setting monuments guaranteeing the cost of setting the monuments.
3. **Improvement security waiver.** For subdivisions of four lots or less, the requirement of a labor and materials bond and a maintenance bond, specified in Subsections B.2.a and B.2.b above, respectively (Faithful Performance, and Labor and Materials), shall not be required where the required improvements will not be accepted for maintenance by the County.
4. **Security release.**
 - a. The securities described in Subsections B.2.a and B.2.b (Faithful Performance, and Labor and Materials, respectively) shall be released by the Director of Public Works after acknowledging completion of the improvements and commencement of the one-year maintenance period, provided that security specified in Subsection B.2.c (Maintenance) has been furnished.

- b. The security described in Subsection B.2.c shall be released by the Director of Public Works following satisfactory completion of the maintenance period and correction of all deficiencies.
- c. The security specified in Subsection B.2.d (Monuments) shall be released by the Director of Public Works following receipt of a letter from the subdivision engineer or surveyor that all monuments have been set and paid for. If the security is a cash deposit, payment to the engineer or surveyor may be made from the deposit, if so requested by the depositor.

No partial release of any security shall be permitted.

22.100.070 – Monuments and Staking

At the time the survey for the Parcel or Final Map is completed, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code, so that another engineer or surveyor may readily retrace the survey. This requirement may be waived by the County Surveyor as provided in this Chapter.

A. Permanent monuments. Permanent monuments shall be constructed in compliance with the Standard Specifications, Cities, and County of Marin.

- 1. At least two permanent monuments shall be set in each block. They shall be within sight of each other and readily accessible in the street area. These monuments may be either on the street centerline or on a line parallel to and offset from the center property shown and dimensioned on the Parcel or Final Map.
- 2. The requirement for permanent monuments may be waived for subdivisions of four lots or less when, due to the size or configuration of the lots, this requirement would be impractical.

B. Subdivision staking. In making the survey, the engineer or surveyor shall stake all of the following points where a survey stake does not presently exist: all corners and angle points in the exterior boundary of the subdivision, all angle points and curve points in the right-of-way lines of all streets, easements, and/or lands to be dedicated for public use, and all lot corners.

- 1. **Waivers of staking requirements.** The County may waive the above staking requirements in the following circumstances.
 - a. The County Surveyor may waive the requirement of staking all corner and angle points in the exterior boundary of a Parcel or Final Map if conditions warrant waiver; provided that at least one exterior boundary line of the land being subdivided is adequately monumented or referenced and sufficient monumentation exists to determine the location of the lots.
 - b. The requirement to stake the remainder of the parcel, defined as the largest parcel having a gross area of five acres or more for which a Parcel or Final Map is required, may be waived.
- 2. **Stake materials.** Stakes at all corners and angle points in the exterior boundary of the subdivision shall be not less substantial than three-fourths-inch iron pipe or one-half-inch

rebar 18 inches long, driven flush with the ground. Stakes at all other points shall be not less substantial than two-inch by two-inch redwood hubs eight inches long, driven flush with the ground.

3. **Stake marking.** All stakes shall be marked with a tag showing the actual point and the registration number of the engineer or surveyor.

- C. **Inspection and installation.** All monuments shall be subject to the inspection and approval of the County Surveyor. For a subdivision requiring a Final Map, monuments shall either be installed before Final Map recordation, or shall be included as part of the work to be completed under the Agreement and improvement security required by this Chapter, when so noted on the Final Map. All monuments necessary to establish the exterior boundary of a subdivision shall be set or referenced prior to recordation of the Final Map.

ARTICLE VII

Development Code Administration

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CHAPTER 22.110 – ADMINISTRATIVE RESPONSIBILITY

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- 22.110.010 – Purpose of Chapter
- 22.110.020 – Planning Agency Defined
- 22.110.030 – Community Development Director
- 22.110.040 – Zoning Administrator
- 22.110.050 – Planning Commission
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- 22.110.060 – Actions Void

22.110.010 – Purpose of Chapter

This Chapter describes the authority and responsibilities of County staff and officials in the administration of this Development Code. These authorities and responsibilities are in addition to those vested in the Board of Supervisors.

22.110.020 – Planning Agency Defined

As provided by State law (Government Code Section 65100), the Marin County Board of Supervisors, Planning Commission, Zoning Administrator, Community Development Director and Community Development Agency (referred to in this Development Code as the Agency) shall perform the functions of a Planning Agency.

22.110.030 – Community Development Director

- A. Appointment.** The Community Development Director shall be appointed by the Board.
- B. Duties and authority.** The Director shall:
 1. Have the responsibility to perform all of the functions designated by State law (Government Code Section 65103 – Planning Agency Functions);
 2. Have the responsibility and authority to review, approve, conditionally approve, or deny applications for all administrative permits issued by the Agency, including the review of development projects, in compliance with this code and CEQA.
 3. Perform any other responsibilities assigned by the Board;
 4. Delegate the responsibilities of the Director to Agency staff under the supervision of the Director;
 5. Serve in an advisory capacity, in compliance with State law (Map Act Section 66415), where this responsibility is assigned by Article VI (Subdivisions);
 6. Serve as the Zoning Administrator if appointed by the Board of Supervisors; and

7. Make typographical, technical, or format corrections to the Development Code provided the corrections are not of a substantive nature that would warrant consideration by the Planning Commission and the Board of Supervisors.

22.110.040 – Zoning Administrator

- A. Appointment.** The Zoning Administrator shall be appointed by the Board in compliance with State law (Government Code Sections 65900 et seq.).
- B. Duties and authority.** The Zoning Administrator shall:
 1. Perform the duties and functions prescribed in this Development Code, including the review of development projects, in compliance with this Development Code and the California Environmental Quality Act (CEQA);
 2. Perform any other responsibilities assigned by the Community Development Director; and
 3. Appoint deputies to carry out the responsibilities of the Zoning Administrator under the supervision of the Zoning Administrator.
- C. Supervision.** When the Zoning Administrator appoints an Agency staff person as Deputy Zoning Administrator, the staff person shall perform any duties assigned by the Zoning Administrator, in addition to those listed in 22.110.030.B (Duties and authority), above, as appropriate to the personnel title of the designee.

The designee shall be subordinate and directly responsible to the Director and/or any intermediate supervisory Agency staff in the performance of all duties other than those of the Zoning Administrator, but shall not be subordinate to, nor under the direction or control of the Director when performing the duties of the Zoning Administrator.

22.110.050 – Planning Commission

- A. Appointment.** The Commission shall consist of seven members appointed by the Board. Five commissioners shall be representative of the five supervisorial districts. Each Board member may nominate one commissioner for appointment by the Board. The remaining two commissioners shall be appointed and serve at-large.

The terms of the five district commissioners shall be four years and the two at large commissioners shall be two years. Commissioners may be removed at any time during their term by a majority vote of the Board. All vacancies shall be filled for the unexpired term in the same manner as the original appointment.

- B. Duties and authority.** The Commission shall perform the duties and functions prescribed in this Development Code, and recommend to the Board for final determinations on Master Plan applications, Development Code Amendments, Zoning Map Amendments, Countywide Plan Amendments, environmental documents, and other applicable policy or ordinance matters related to the County's planning process.

- C. **Meeting Rules.** The Commission shall conduct and operate its meetings in accord with adopted procedures.

22.110.055 – Design Review Boards

- A. **Appointment.** Design Review Board members shall be appointed by the Board of Supervisors in compliance with State law (Government Code Sections 65900 et seq.).
- B. **Duties and authority.** The Design Review Boards shall carry out the following functions and duties only in an advisory capacity:
1. Advise the County about project compliance with the Countywide Plan, Community Plans and other specific plans, and the Development Code;
 2. Make recommendations to the Agency regarding the adequacy of an application, the appropriate level of environmental review, and the relative merit of development proposals; and
 3. Perform other appropriate responsibilities assigned by the Board of Supervisors and accepted by the Design Review Board.
- C. **Meeting Rules.** The Design Review Boards shall conduct and operate its meetings in accord with adopted procedures.

22.110.060 – Actions Void

Any action by the Agency that is in conflict with any provision of this Development Code shall be void.

CHAPTER 22.112 – NONCONFORMING STRUCTURES, USES, AND LOTS

Sections:

- 22.112.010 – Purpose of Chapter
- 22.112.020 – Nonconforming Structures, Uses, and Lots
- 22.112.030 – Loss of Nonconforming Status
- 22.112.050 – Conformity of Uses Requiring Use Permits
- 22.112.060 – Previous Use Permits in Effect

22.112.010 – Purpose of Chapter

This Chapter provides uniform provisions for the regulation of legal nonconforming structures, land uses, and lots.

Within the zoning districts established by this Development Code, there exist structures, land uses, and lots which were lawful prior to the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code and future amendments, thereof. It is the intent of this Development Code to discourage the expansion of nonconformities, but to permit them to continue to exist and to be maintained and enhanced to protect public safety and property values.

22.112.020 – Nonconforming Structures, Uses, and Lots

Nonconforming uses and structures may continue, subject to the following provisions:

- A. **Nonconforming uses of land.** A nonconforming use of land may be continued, transferred or sold, provided that the use shall not be enlarged, increased, or intensified (e.g., longer hours of operation, more employees, etc.), nor be extended to occupy a greater area than it lawfully occupied prior to becoming a nonconforming use. The nonconforming use may not be relocated to another location on the lot, or moved from the inside to an outside location.
- B. **Nonconforming lots.** Lots that are nonconforming due to substandard lot area shall not be reduced in area in conventional zoning districts.
- C. **Nonconforming structures.** A nonconforming structure may be allowed to continue being used unless the structure is demolished. However, if the nonconforming structure is demolished as a result of a natural disaster its reconstruction shall be allowed as provided for in section 22.112.020.E (Reconstruction after damage or destruction).
 - 1. **Conforming additions.** Additions to a nonconforming structure may be made as long as the additions are in conformance with this Development Code.
 - 2. **Floodplain compliance.** All repairs or alterations to a structure with a legal nonconforming setback in order to raise the structure to an elevation that meets but does not exceed by more than 18 inches the minimum flood elevation standards contained in Marin County Code Chapter 23.09 (Floodplain Management) shall be permitted provided the extent of the nonconformity with regard to the required setback is not

increased, and the maximum height limit for the governing zoning district is not exceeded.

3. **Previously approved projects.** Physical improvements that do not meet the height, setback, or floor area ratio zoning standards codified in Marin County Code Title 22, which were subject to the California Building Code or its antecedents and that received final Building Permit inspection approval, constitute legal nonconforming structures with respect to those zoning standards. Only when evidence demonstrates that the Building Permit applicants or property owners who obtained the Building Permit had actual or constructive knowledge that they were misrepresenting facts critical for Building Permit review will the physical improvements that received final inspection be considered unauthorized with respect to those zoning standards.

D. Nonconforming use of a conforming structure. The nonconforming use of a structure may be continued, transferred, and sold, but not changed, increased, expanded, or intensified (e.g., longer hours of operation, more employees, etc.) Modifications to the nonconforming use of a structure may only occur as follows:

1. **Expansion of use.** The nonconforming use of a portion of a structure may be extended throughout the structure if it does not increase, expand, or intensify the nonconforming use.
2. **Substitution of use.** The nonconforming use of a structure may be changed to a use of the same or more restricted nature if the change does not result in an increase, expansion, or intensification of the nonconforming use as determined by the Director.
3. **Relocation of use.** The nonconforming use of a structure may not be relocated to another location on the parcel, or moved from the inside to an outside location, unless such relocation eliminates or substantially reduces the degree of nonconformity as determined by the Director.

E. Reconstruction after damage or destruction. The reconstruction of a nonconforming structure damaged or destroyed by fire, flood, earthquake or other natural disaster or as the result of an emergency may be allowed, provided that the following requirements are satisfied:

1. There is adequate information available regarding the pre-existing placement, height, bulk, and floor area of the structure to be reconstructed.
2. The extent of the nonconformity is not increased.
3. The structure shall be reconstructed on the same location on the lot (have the same structure footprint).
4. The structure shall be reconstructed with no greater height, bulk, or floor area than the original structure.
5. Reconstruction shall be vested within 24 months of the date of the damage, unless extended by the Director to respond to circumstances outside the property owner's control.
6. Reconstruction shall not adversely affect the public health, safety, and welfare.

22.112.030 – Loss of Nonconforming Status

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year or is moved, the use shall be deemed to have been abandoned, and shall lose its nonconforming status. The one year period of discontinued use may be extended on a case by case basis at the discretion of the Director for reasons beyond the owner's control by up to a maximum of five additional years, based on a written request from the applicant submitted at least 10 business days before the use will otherwise be considered to be abandoned. Without further action by the County, further use of the site or the structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Development Code.

22.112.050 – Conformity of Uses Requiring Use Permits

Any use that exists and was legally established at the time that changes in the Development Code were adopted that allow the use subject to the granting of a Use Permit, shall be deemed a conforming use, but only to the extent that it previously existed (e.g., maintains the same site area boundaries, location, hours of operation, etc.). If the same use is abandoned for a continuous period of one year, the conforming status of the use shall expire, unless the Director approves a longer time period due to circumstances beyond the property owner's control.

22.112.060 – Previous Use Permits in Effect

Any use that exists and was legally established with a Use Permit, issued in compliance with the regulations in effect at the time of application, that is subsequently disallowed by adopted changes in the Development Code may continue, but only in compliance with the provisions and terms of the original Use Permit.

CHAPTER 22.114 – APPEALS

Sections:

- 22.114.010 – Purpose of Chapter
- 22.114.020 – Appeal Subjects and Jurisdiction
- 22.114.030 – Filing of Appeals
- 22.114.040 – Processing of Appeals

22.114.010 – Purpose of Chapter

This Chapter provides procedures by which an applicant or other concerned party may appeal a determination or action by the Agency staff, Director, Zoning Administrator, or Planning Commission.

22.114.020 – Appeal Subjects and Jurisdiction

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows:

- A. General procedure.** A discretionary decision made by the Agency staff, Director, or Zoning Administrator may be appealed to the Planning Commission. A discretionary decision made by the Planning Commission may be appealed to the Board of Supervisors. However, the Director may refer an appeal directly to the Board of Supervisors if necessary to comply with State or Federal law or if the application:
 1. Is consistent with the Countywide Plan, applicable Community Plan and Local Coastal Program, and the Single-family or Multi-family Residential Design Guidelines, as applicable;
 2. Meets all legally-required findings in the Development Code;
 3. Would not raise substantial policy issues or result in community-wide impacts, including community character and traffic congestion; and
 4. Would not result in potentially-significant environmental impacts that would require preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act.
- B. Determinations and decisions that may be appealed.** The following types of actions may be appealed:
 1. Official interpretations of the Development Code issued by the Director pursuant to section 22.02.030;
 2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943). Please refer to Section 22.40.050.B. (Initial Application Review-Processing of an Application) for further information; and

3. Action to approve, approve with conditions, or deny any discretionary zoning or land use permit and/or determinations regarding compliance with the environmental review requirements, pursuant to the California Environmental Quality Act and the County Environmental Impact Review Guidelines, for such permits.

22.114.030 – Filing of Appeals

- A. **Eligibility.** An appeal may be filed by any person affected by a discretionary determination or action, as described in Section 22.114.020.B (Determinations and actions that may be appealed) except that only an applicant may file an appeal on a determination that an application is incomplete. Code enforcement determinations are only appealable to the Code Enforcement Hearing Officer.
- B. **Timing and form of appeal, fees.** All appeals shall be filed with the Agency, in writing on a County appeal application form, prior to the close of the Planning Division’s public service counter on the 8th business day after the decision that is the subject of the appeal, and shall specifically state the pertinent facts of the case and the basis for the appeal. Appeals shall be accompanied by the filing fee set by the fee schedule.

22.114.040 – Processing of Appeals

- A. **Report and scheduling of hearing.** When an appeal has been filed, the Director shall prepare a staff report on the matter, and schedule the matter for a public hearing by the appropriate appeal authority identified in Section 22.40.020 (Review Authority for County Land Use and Zoning Decisions) and as modified by Section 22.114.020.A.
- B. **Action and findings:**
 1. **General procedure.** The appeal authority shall conduct a public hearing in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). At the hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
 - a. The appeal authority may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this Development Code.
 - b. When reviewing a decision on a land use permit the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the bases of the appeal.
 - c. A decision by an appeal authority may also be appealed in compliance with Section 22.114.040.B.3 (Appeals to Board), below, provided that the decision of the Board on an appeal shall be final.
 2. **Appeals to Planning Commission.** The Planning Commission shall determine an appeal of the Director’s or Zoning Administrator’s action no later than its fourth regular

meeting following the date on which the appeal was filed with the Agency. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the full membership of the Commission (i.e., four affirmative votes).

- 3. Appeals to Board.** The Board of Supervisors shall determine an appeal of a decision by the Planning Commission, Zoning Administrator, or Director no later than its eighth regular meeting following the date on which the appeal was filed with the Agency. The action or appellate determination from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the membership of the Board.
 - 4. Failure to Act.** Failure of the appellate body to act within the time specified shall sustain the action being appealed, except that if the project is a wireless facility, failure to act within the time specified shall result in a denial of the application.
 - 5. Tentative Map Appeals.** The timing for consideration of an appeal of a Tentative Map action shall be governed by the requirements of Section 22.84.040 – Tentative Map Public Hearings.
- C. Appeal of completeness.** Any person affected by a determination by the Agency staff that a discretionary permit application together with the submitted materials is not complete, may appeal the determination in compliance with State law (Government Code Section 65943.c (30-day review period)). Such appeals shall bypass the Commission and shall be heard before the Board. The Board shall issue a decision on the appeal within 60 days of the appeal being submitted.
- D. Extensions.** Nothing in this section precludes an applicant and the County from mutually agreeing to an extension of time limits.
- E. Withdrawal of appeal.** After an appeal of a decision has been filed, the appeal shall not be withdrawn except with the consent of the Director.
- F. Judicial challenge.** If the decision is challenged in court, the appellant may be limited to raising only those issues which were raised at the public hearing, or in written correspondence delivered to the Agency, at or prior to the public hearing, in compliance with State law (Government Code Section 65009.b.2).

CHAPTER 22.116 – DEVELOPMENT CODE, ZONING MAP, COMMUNITY PLAN, AND COUNTYWIDE PLAN AMENDMENTS

- 22.116.010 – Purpose of Chapter
- 22.116.020 – Hearings and Notice
- 22.116.025 – Preliminary Hearing
- 22.116.030 – Commission Action on Amendments
- 22.116.040 – Board Action on Amendments
- 22.116.060 – Adoption of Amendments

22.116.010 – Purpose of Chapter

This Chapter provides procedures for the amendment of this Development Code, the official Zoning Map, the Countywide Plan, or Community Plans whenever required by public necessity and general welfare.

22.116.020 – Hearings and Notice

Public hearings shall be set before the Commission and Board upon receipt of a complete application for an amendment or upon initiation by the Board, Commission, or Director, and following Agency review. Public notice of the hearings shall be given in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). However, typographical, technical, or format corrections may be made by the Director administratively without an amendment to the Development Code provided the corrections are not of a substantive nature that would warrant consideration by the Planning Commission and the Board of Supervisors.

22.116.025 – Preliminary Hearing

Prior to commencing environmental review for a complete application for a Countywide Plan and/or Community Plan amendment, the Director may schedule the application for a preliminary hearing by the Planning Commission and the Board of Supervisors. The purpose of the hearing would be to solicit public input and to provide preliminary feedback to the applicant on the merits of the proposed amendments.

22.116.030 – Commission Action on Amendments

The Commission shall make a written recommendation to the Board whether to approve, approve in modified form, or deny the proposed amendment.

22.116.040 – Board Action on Amendments

Upon receipt of the Commission's recommendation, the Board shall approve, approve in modified form or deny the proposed amendment.

If the Board proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation. Failure of the Commission to report within 90 days

after the referral, or within any longer time set by the Board, shall be deemed a recommendation for approval of the modification.

22.116.050 – Adoption of Amendments

Amendments to this Development Code, the official Zoning Map, the Countywide Plan, or Community Plans are adopted by the Board, as follows:

- A. This Development Code and the official Zoning Maps are amended by ordinance; and
- B. The Countywide Plan and Community Plans are amended by resolution.

CHAPTER 22.118 – NOTICES, PUBLIC HEARINGS, AND ADMINISTRATIVE ACTIONS

Sections:

- 22.118.010 – Purpose of Chapter
- 22.118.020 – Notice of Hearing or Administrative Action
- 22.118.030 – Hearing Procedure, Continuances
- 22.118.035 – Notice of Decision-Director
- 22.118.040 – Notice of Decision-Zoning Administrator
- 22.118.050 – Notice of Decision-Commission
- 22.118.060 – Recommendation by Commission
- 22.118.070 – Notice of Decision-Board
- 22.118.080 – Indemnification

22.118.010 – Purpose of Chapter

This Chapter provides procedures for the scheduling and noticing of public hearings before the Zoning Administrator, Commission, and Board. When a public hearing or administrative action is required by this Development Code, public notice shall be given and the hearing shall be conducted in compliance with this Chapter.

22.118.020 – Notice of Hearing or Administrative Action

The public shall be provided notice of public hearings and administrative actions in compliance with State law (the Planning and Zoning Law, Government Code Sections 65000 et seq., Subdivision Map Act, Government Code Sections 66410 et seq., and the California Environmental Quality Act, Public Resources Code 21000 et seq.).

A. Content of notice. Notice of a public hearing or administrative action shall include the following:

1. The date, time, and place of the hearing or action (or date before which a hearing or action will not be taken);
2. The name of review authority and contact information;
3. A general explanation of the matter to be considered; and
4. A general description, in text or by diagram, of the location of the real property that is the subject of the hearing or action.

If a proposed negative declaration or final environmental impact report (EIR) has been prepared for the project, in compliance with the County’s CEQA Guidelines, the hearing notice shall include a statement that the review authority will also consider approval of the proposed negative declaration or certification of the final environmental impact report (EIR).

B. Method of notice distribution for public hearing actions. Notice of a hearing action required by this Title for a permit, permit amendment, appeal, or amendment shall be given as follows, as required by State law including Government Code Sections 65090, 65091, and 65092:

1. Notice shall be published at least once in a local newspaper of general circulation in the County at least 10 days prior to the decision; and
2. Written notice shall be mailed or delivered at least 10 days prior to the decision to the following parties:
 - a. The owner(s) or owner's agent of the property being considered, and the applicant;
 - b. Each local agency expected to provide essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected by the proposed project, unless the local agency has accepted an alternative means of receiving notification through an online method of delivery;
 - c. All owners of real property within 300 feet of the property which is the subject of the public hearing action, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than 20,000 square feet or a maximum density higher than two units per acre;

If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by State law (Government Code Section 65091.a.3);

or

- d. All owners of real property within 600 feet of the property which is the subject of the public hearing action, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of 20,000 square feet or greater, or a maximum density of two units per acre or lower.

If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by State law 22.(Government Code Section 65091.a.3);

and

- e. Any person who has filed a written request for notice with the Director and has paid the annual fee set by the most current County Fee Ordinance for the notice.
3. Notices of merger or unmerger hearings shall follow the procedures set forth in Chapter 22.92 (Merger of Parcels), and the Subdivision Map Act (Govt. Code Sections 66451.10-66451.24).

C. Method of notice distribution for administrative actions. Notice of an administrative action required by this Title for a permit or permit amendment is not required by law but may be given as follows:

1. Written notice maybe mailed or delivered at least 10 days prior to the decision to the following parties:

- a. The owner(s) or owner's agent of the property being considered, and the applicant;
- b. Each local agency expected to provide essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected by the proposed project;
- c. All owners of real property within 300 feet of the property which is the subject of the administrative action, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of less than 20,000 square feet or a maximum density higher than two units per acre;

If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by State law (Government Code Section 65091.a.3);

or

- d. All owners of real property within 600 feet of the property which is the subject of the administrative action, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of 20,000 square feet or greater or allows a maximum density of two units per acre or lower.

If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by State law (Government Code Section 65091.a.3);

and

- e. Any person who has filed a written request for notice with the Director and has paid the annual fee set by the most current County Fee Ordinance for the notice.

D. Site notice. Written notice that an application has been submitted shall be posted in at least one location on or adjacent to the property which is the subject of the permit at least 10 days prior to the public hearing or administrative decision date. The notice shall include contact information for the staff who is assigned to process the application, applicable information that is available online, and a general description, in text or by diagram, of the proposed project and the location of the real property that is the subject of the application,

E. Additional Notice. The Director may provide any additional notice as the Director determines is necessary or desirable, such as posting notices in public locations within a community.

F. Summary Publication. The Director may publish the summary of any ordinance, Development Code, Zoning Map or Countywide Plan Amendment in compliance with State law (Government Code Section 25124).

22.118.030 – Hearing Procedure, Continuances

Hearings shall be held at the date, time, and place, for which notice has been given as required in this Chapter.

The Zoning Administrator, Commission, and Board as applicable, may continue any public hearing to a future specific date at the hearing body's discretion, except that continuances beyond the prescribed final date for action may only be granted with the agreement of the applicant (and non-applicant appellant if the application seeks to resolve a code enforcement case) and that the continuance is clearly announced to all persons attending the hearing prior to the adjournment or recess of the hearing. The public announcement of the continuance shall specify the date, approximate time, and place, to which the hearing will be continued unless public notice of the continued hearing is provided for in accordance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.118.035 –Decision by Director

The Director may issue a written decision or refer the matter to the Commission for determination. If the decision is to be announced at a later date, the Director shall, at the hearing, specify the date on which the decision will be issued. The decision shall contain applicable findings and any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety, and welfare of the County. Following the issuance of the written decision, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application.

22.118.040 --Decision by Zoning Administrator

The Zoning Administrator may announce and issue the decision at the conclusion of a scheduled public hearing, refer the matter to the Commission for determination, or defer action and take specified items under advisement and announce and issue the decision at a later date. The decision shall contain applicable findings and any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety, and welfare of the County. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application.

22.118.050 –Decision by Commission

The Commission may announce and issue the decision at the conclusion of a scheduled public hearing, or defer action and take specified items under advisement and announce and issue the decision at a later date. The decision shall contain applicable findings and any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety, and welfare of the County. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application.

22.118.060 – Recommendation by Commission

After a public hearing on a proposed Master Plan, amendment to this Development Code, the Zoning Map or the Countywide Plan, the Commission shall forward a recommendation, including all required findings, to the Board for final action. Following the hearing, a notice of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

22.118.070 – Decision by Board

For applications requiring Board approval, the Board shall announce and record its decision after the public hearing. The decision shall contain the findings of the Board and any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety, and welfare of the County. The decision of the Board shall be final.

22.118.080 – Indemnification

For applications that are approved by the review authority, the applicant and successors in interest to the project and site shall, and the review authority may require by condition of approval that the applicant and successors in interest to the project and site indemnify, protect, and hold harmless the County, its Board members, employees, and agents, from and against any and all liability, losses, claims, damages, expenses, and costs (including attorney, expert witness and consultant fees, and litigation expenses) that may at any time arise or be set up because of damages to property or personal injury arising out of or in connection with negligent acts by the applicant, successors in interest, and/or the agents or employees of same, except loss or damage that was caused by the negligence or willful misconduct of the County.

CHAPTER 22.120 – USE PERMIT REVOCATIONS

Sections:

- 22.120.010 – Purpose of Chapter
- 22.120.020 – Hearings and Notice
- 22.120.030 – Master Use Permit Revocations
- 22.120.040 – Use Permit Revocation

22.120.010 – Purpose of Chapter

This Chapter outlines requirements for securing revocation or modification of previously approved Use Permits, which were not developed or operated in compliance with the original Use Permit approval.

22.120.020 – Hearings and Notice

The Board of Supervisors shall hold a public hearing in order to revoke or modify any Use Permit granted in compliance with the provisions of this Development Code.

Ten days prior to the public hearing (except for Temporary Use Permits, which require only a 24-hour notice), written notice shall be delivered to the applicant and/or owner of the property for which the Use Permit was granted. Notice shall be mailed, first class postage paid, to the applicant and/or owner, as shown on the County's latest equalized assessment roll.

The notice of the public hearing shall explain the reasons why the review authority has determined that a noncompliance with an approved Use Permit exists, and shall contain information in support of the request to revoke or modify the Use Permit.

22.120.030 – Master Use Permit Revocations

A Master Use Permit can be revoked in its entirety, or one or more specific uses authorized by the Master Use Permit may be individually revoked. When specific uses are individually revoked, the remainder of the uses authorized by the Master Use Permit remain unchanged.

22.120.040 – Use Permit Revocation

A Use Permit may be revoked or modified by the Board of Supervisors if any one of the following findings can be made:

- A. The permit was obtained by misrepresentation or fraud.
- B. One or more of the conditions of the permit have not been met.
- C. The improvement/use allowed by the permit is detrimental to the public interest, health, safety, convenience, or welfare of the County or constitutes a nuisance.

CHAPTER 22.122 – ENFORCEMENT OF DEVELOPMENT CODE PROVISIONS

Sections:

- 22.122.010 – Purpose of Chapter
- 22.122.020 – Sheriff's Duty to Enforce
- 22.122.030 – Violations
- 22.122.040 – Remedies are Cumulative
- 22.122.050 – Legal Remedies
- 22.122.060 – Additional Permit Processing Fees

22.122.010 – Purpose of Chapter

The provisions of this Chapter are intended to ensure compliance with the requirements of this Development Code and any conditions of land use permit or subdivision approval, to promote the County's planning efforts, and for the protection of the public interest, health, safety, convenience, and welfare.

22.122.020 – Sheriff's Duty to Enforce

It is the duty of the Sheriff and the officers of the County herein or otherwise charged by law with the enforcement of this Development Code to enforce the provisions of this Development Code.

22.122.030 – Violations

- A.** Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained, contrary to provisions of this Development Code or any applicable condition of approval, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties specified in this Chapter and Title 1, Chapter 1.05 (Nuisance Abatement) of the County Code.
- B.** When County officials have reason to believe that a condition exists on a premise or property that violates this Development Code, they may inspect to determine whether the premise or property is in compliance with this Development Code.
- C.** Any construction in violation of this Development Code or any condition(s) imposed on a permit may result in the cessation of some or all work through the issuance of an order or notice requiring such construction to cease ("Stop Work Order"). Any violation of this order or notice shall constitute a misdemeanor.

22.122.040 – Remedies are Cumulative

All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of County or State law. Should a person be found guilty and convicted of a misdemeanor for the violation of any provision of this Development Code, the conviction shall not prevent the County from pursuing any other available remedy to correct the violation.

22.122.050 – Legal Remedies

The County may choose to undertake any of the following legal actions to correct and/or abate nuisances and violations of this Development Code:

- A. **Civil actions.** At the request of the Board, the County Counsel may apply to the Superior Court for injunctive relief to terminate a violation of this Development Code.
- B. **Abatement Hearing.** Where any person, firm, or corporation fails to remove a violation after being provided an opportunity to correct or end the violation, the Director may pursue an enforcement action as provided in Title 1, Chapter 1.05 (Nuisance Abatement) of the County Code, including penalties of up to \$2,500 per violation per day.
- C. **Citations.** The Director is authorized to enforce the provisions of this Development Code by the issuance of citations (for either misdemeanors or administrative citations).
- D. **Payment.** The penalties assessed shall be payable to the County of Marin.
- E. **Penalties.** Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
- F. **Recordation of Notice of Violation.** Where any person, firm or corporation fails to remove a violation after being provided an opportunity to correct or end the violation, the Director may pursue recordation of a Notice of Violation as provided in Title 1, Chapter 1.06 (Recordation of Notice of Violation) of the County Code.
- G. **Withholding Permits.** When there is an existing violation on a property, building and other construction permits may be withheld at the Director's discretion until such time as the agency confirms that the violation has been remedied.
- H. **Remedies Cumulative.** The remedies provided by this chapter are cumulative and are in addition to any other remedies available at law or in equity, including withholding the issuance of any building and construction permit.

22.122.060 – Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, enlarges, erects, maintains, or moves any structure without first obtaining a permit required by this Development Code, shall pay the additional permit processing fees established by the County Fee Ordinance for the correction of the violations, before being granted any permit for any structure or use on the subject site.

CHAPTER 22.124 – POST-DISASTER RESPONSE AND RECOVERY

Sections:

- 22.124.010 Purpose
- 22.124.020 Applicability
- 22.124.030 Relationship to the Marin Operational Area Emergency Operations Plan, Emergency Recovery Plan, And Other Organizations
- 22.124.040 Essential Disaster Response and Recovery Services
- 22.124.050 Application Filing
- 22.124.060 Fees and Deferral, Reduction, or Waiver of Fees or Other Submittal Requirements
- 22.124.070 Effect of Disaster Recovery Licenses on Zoning Restrictions
- 22.124.080 Temporary Living Quarters
- 22.124.090 Temporary Commercial and Institutional Facilities
- 22.124.100 Conditions for Disaster Recovery Licenses
- 22.124.110 Suspension or Revocation

22.124.010 – Purpose

It is the purpose and objective of this Chapter to establish temporary regulations in the event of a proclaimed disaster by which the County can take extraordinary actions to protect the public health, safety, and welfare by assisting citizens, businesses, and community organizations, facilitating the speed and effectiveness of disaster response and recovery, and providing pre-disaster planning to implement the Marin Operational Area Emergency Operations Plan, Post-Disaster Housing Annex, and Marin Operational Area Recovery Plan.

22.124.020 – Applicability

This chapter applies to instances where the normal zoning restrictions contained in this Title are to be suspended temporarily to facilitate disaster response and recovery. The provisions of this chapter may be activated by the Director for the whole County or a portion thereof upon the proclamation of a disaster by the County, the State, or the Federal Government relating to the Marin Operational Area or adjoining jurisdictions. The provisions of this chapter shall cease to be applicable to an area two years following the date of the proclamation of a disaster, or as stipulated in an individual Disaster Recovery License issued by the Community Development Agency Director (“Director”).

22.124.030 – Relationship to the Marin Operational Area Emergency Operations Plan, Emergency Recovery Plan, and Other Organizations

In the event of a proclaimed disaster, the Director shall report to the Marin Operational Area Recovery Committee (Recovery Committee) or Director of Emergency Services on all actions taken by the Director regarding disaster recovery operations in the period prior to the Recovery Committee convening, and shall thereafter coordinate with the Recovery Committee in implementing the Marin Area Emergency Operations Plan.

In the event of a proclaimed disaster, the Director shall report to the Post-Disaster Housing Task Force (Task Force) on all housing-related actions taken by the Director in the period prior to the Task Force convening, and shall thereafter coordinate with the Task Force in implementing the Housing Annex Action Items of the Marin Operational Area Emergency Operations Plan.

The Director shall also coordinate with other governmental and non-governmental organizations involved with disaster response and recovery, including periodic reports to the Board of Supervisors on actions taken pursuant to the Director's disaster response authority.

22.124.040 – Essential Disaster Response and Recovery Services

Essential disaster response and recovery services provided by the Federal Government, the State, the County or non-governmental organizations coordinated by the County, or special districts within the County, are temporarily exempt from zoning restrictions contained in this Title for up to two years following a proclaimed disaster and from Disaster Recovery License requirements.

22.124.050 – Application Filing

A Disaster Recovery License application is required for any temporary use described herein and shall be made to the Director in the form of a written application, together with fees, plans, and other submittal materials deemed necessary.

22.124.060 – Fees and Deferral, Reduction, or Waiver of Fees or Other Submittal Requirements

Review fees for Disaster Recovery Licenses shall be based on the Community Development Agency Planning Division's standard hourly rate, unless the Board adopts special fees for those applications. The Board of Supervisors or Director is authorized to temporarily defer, reduce, or waive fees and other applications and materials as may otherwise be required for Disaster Recovery Licenses if said deferral, waiver, or reduction is deemed necessary to secure disaster-damaged structures and property against further damage or to protect adjoining structures or property. The Director must be notified of such repairs or other work within 10 days, and regular permits with fees may subsequently be required.

22.124.070 – Effect of Disaster Recovery Licenses on Zoning Restrictions

Valid disaster Recovery Licenses temporarily suspend and supersede the normal zoning restrictions contained in this Development Code.

22.124.080 – Temporary Living Quarters

A Disaster Recovery License may authorize the installation and use of temporary living quarters in any zoning district, including both housing and campgrounds, for those needing shelter because they were dislodged by the disaster or are responding to the disaster. Temporary living quarters may only be allowed when necessary to support an orderly recovery from the disaster consistent with implementation of the Marin Operational Area Emergency Operations Plan and Emergency Recovery Plan.

22.124.090 – Temporary Commercial and Institutional Facilities

A Disaster Recovery License may authorize those temporary commercial and institutional facilities in any zoning district when necessary to support an orderly recovery from the disaster consistent with implementation of the Marin Operational Area Emergency Operations Plan and Emergency Recovery Plan.

22.124.100 – Conditions for Disaster Recovery Licenses

In granting any Disaster Recovery License the Director may designate conditions of approval which, in his or her opinion, are necessary to substantially secure the objectives of the regulation or provision under which such Disaster Recovery License is granted. Such conditions of approval may include, but are not necessarily limited to, the period for which the Disaster Recovery License is valid, restrictions on the types and operational parameters of approved temporary uses, measures necessary to protect public health and safety, and the posting of a completion bond or other guarantee satisfactory to the Director, to cover the cost of the removal of the temporary use, cleaning, or restoration of the site after termination of the Disaster Recovery License. A decision by the Director to grant or not grant a Disaster Recovery License, and any conditions attached to an approval therein, shall be considered a ministerial action.

22.124.110 – Suspension or Revocation

The Director may suspend or revoke any Disaster Recovery License granted if the Director finds that the temporary use bears no significant relation to the recovery of the areas adversely impacted by the disaster, the conditions pertaining to the Disaster Recovery License have been violated, or that the living quarters or facilities are resulting in potential health and safety hazards.

ARTICLE VIII

Development Code Definitions

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CHAPTER 22.130 – DEFINITIONS

Sections:

22.130.010 – Purpose of Chapter

22.130.020 – Applicability

22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

22.130.030 – Definitions of Specialized Terms and Phrases

Definitions are listed in alphabetical order.

A. Definitions, "A."

Accessory Dwelling Unit. A residential dwelling unit, which is accessory to a primary dwelling unit, that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall provide permanent provisions for living, sleeping, eating cooking, sanitation, and independent exterior access, on the same lot as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (1) an efficiency unit as defined in Section 17958.1 of the California Health and Safety Code and (2) a manufactured home as defined in Section 18007 of the California Health and Safety Code. Category 1-Statewide Exemption ADUs are those that meet the standards of Section 22.32.120(A). Category 2-Permit ADUs are those that meet the standards of Section 22.32.120(B).

Accessory Dwelling Unit, Attached. An Accessory Dwelling Unit contained entirely within an addition to an existing legal primary dwelling.

Accessory Dwelling Unit, Detached. An Accessory Dwelling Unit contained entirely within a detached accessory structure (outbuilding).

Accessory Retail Uses (land use). This land use consists of the retail sale of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, for the purpose of serving employees or customers, and is not visible from a public street. These uses include pharmacies, gift shops, food service establishments within hospitals, convenience stores and food service establishments within hotels, and office and industrial complexes.

Accessory Structure, Detached. There are two types of accessory structures: (1) buildings, and (2) affixed improvements including fences, retaining walls, septic systems, utility lines, outdoor appliances, back-up generators, propane tanks, fountains and other water features. A structure is considered to be accessory when it is secondary and incidental to, and commonly associated with the primary structure or use.

A detached accessory building lacks any type of substantial physical connection with the primary structure with roofs between the primary building and the accessory building separated by a horizontal distance of at least five feet. If the roofs are separated by a horizontal distance of less than five feet, then the buildings are considered attached.

Accessory structures that are not buildings are always considered detached regardless of the degree of proximity and physical connection, provided they are located outside of the building footprint.

Acres, Gross and Net. See "Lot Area."

Adult Day Program (land use). This land use consists of a non-medical community based facility that provides a program of care to people 18 years of age or older in need of personal care services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. The facility cannot be open more than 16 hours per day and must be licensed by the California Department of Social Services as an Adult Day Program. Physician's care and skilled nursing care services are not included in this land use.

Adult Entertainment Establishment (land use). This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive Housing, and Single Room Occupancy (SRO) consistent with qualifying income requirements.

Affordable Housing Impact Fee. A fee, initially set by the Board of Supervisors and subject to adjustments, assessed for residential development that is not part of a subdivision. The payment of any applicable fees shall be due prior to issuance of Certificate of Occupancy.

Affordable Ownership Cost. The cost at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 35 percent of household income adjusted for household size. Inclusionary housing income ranges and associated sales price requirements are:

Income Category	Income Range	Sales Price Level
Very Low Income	30-50% AMI	n/a
Low Income	50-80% AMI	65% AMI
Moderate Income	80-120% AMI	100% AMI
Middle Income	120-150% AMI	135% AMI

2. For affordable housing that qualifies a project for a state density bonus, consistent with Government Code Section 65915, annual housing costs cannot exceed the following:
 - (a) For moderate income households: housing cost shall not be less than 28 percent of the gross income of the household or exceed the product of 35 percent of 110 percent of area median income, adjusted for household size.

- (b) For low income households: 30 percent of 70 percent of area median income, adjusted for household size.
- (c) For very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of household income. Inclusionary housing income ranges and associated rental level requirements are:

Income Category	Income Range	Rent Level
Very Low Income	30-50% AMI	50% AMI
Low Income	50-80% AMI	65% AMI
Moderate Income	80-120% AMI	100% AMI
Middle Income	120-150% AMI	n/a

2. For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:
 - (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.
 - (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.
 - (c) for extremely low income households: 30 percent of 30 percent of area median income, adjusted for household size.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Agency. The Marin County Community Development Agency.

Agriculture (land use). The breeding, raising, pasturing, and grazing of livestock, for the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; and the planting, raising, harvesting and producing of agricultural, aquacultural, horticultural and forestry crops.

Agricultural Accessory Activity (land use). This land use consists of accessory activities customarily incidental to agricultural operations, and which involve agricultural products produced only on-site or elsewhere in Marin County, including:

- corn shelling
- custom milling of flour, feed and grain
- drying of corn, rice, hay, fruits, and vegetables
- sorting and packaging of fruits and vegetables
- grain cleaning and grinding
- hay baling and cubing
- pre-cooling and packaging of fresh or farm dried fruits and vegetables
- tree nut hulling and shelling
- preparation and packaging of animal byproduct (such as eggs and wool) produced on-site

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of “Crop Production”.

Agricultural Accessory Structures (land use). This land use consists of agricultural worker housing or an uninhabited structure for the storage of farm animals, implements, supplies or products, that contains no residential use, is not accessory to a residential use, and with the exception of retail sales structures, agricultural accessory structures are not open to the public and include:

- agricultural worker housing
- barns
- coops
- corrals
- grain elevators
- facilities for milking
- fences
- pens
- silos
- stables
- facilities for cleaning, drying, pre-cooling, and packaging of fruits and vegetables produced on-site
- greenhouses
- utility facilities
- other similar structures

Does not include commercial greenhouses (which are under "Plant Nurseries") or structures for agricultural processing activities (which are under "Agricultural Processing") or retail sales of agricultural products. Wind machines for water pumping or other conversion of wind energy to mechanical or thermal power are included under the definition of "Wind Energy Conversion Systems" (WECS).

Agricultural District or Zone. Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

Agricultural Processing (land use). This land use consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- processing of milk
- food oil production, including olive oil
- shellfish processing
- wine production

Also includes structures used in connection with the above activities.

Agricultural Worker. An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

Agricultural Worker Housing. Any attached and detached dwelling unit used to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

Airpark (land use). This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

Alley. A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Anadromous Fish. Species of fish that mature in the ocean and migrate into streams to spawn.

Animal Sales Lot. See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

Antennas. See "Telecommunications Facilities."

Antiquated Subdivision. A subdivision recorded before January 1, 1930.

Apartment. See "Multi-Family Housing."

Appealable Area. The areas described by Public Resources Code Sections 30519.b and 30603.a.1 and .a.2, within which a County decision to approve a development may be appealed to the California Coastal Commission.

Appeals Area Maps. The official maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission.

Applicant. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

Approval. An official sanction that includes both approval and approval with conditions.

Aquaculture (land use). This land use consists of the raising and harvesting of aquatic organisms, including shellfish, mollusks, crustaceans, kelp, and algae.

Arborist. An arborist is 1) a person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) such other qualified professionals who the Director determines has gained through experience the qualifications to identify, remove or replace trees.

Area Median Income. Median income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Applicable schedule to be applied is at the discretion of the Director.

Ark. Any vessel, boat, craft, or structure originally designed to float that is now permanently grounded or supported by a foundation or piling.

Assessor's Parcel. A unit of real property recognized by the Marin County Assessor's Office for tax purposes, mapped and assigned an Assessor's Parcel Number by the Assessor's Office.

Auto, Mobile Home, Vehicle, Parts Sales (land use). This land use consists of the retail sale and/or rental of the following (vehicles may be new or used):

- automobiles
- recreational and utility trailers
- boats
- repair shops with new car
- campers
- snowmobiles
- dealerships
- tires
- golf carts
- trucks
- jet skis
- vans

- mobile homes
- motorcycles
- motorized farm equipment
- vehicle accessories
- vehicle parts

Does not include: bicycle and moped sales (see "Retail Stores, General Merchandise"); tire recapping establishments (see "Repair and Maintenance – Vehicle"); businesses dealing exclusively in used parts, (see "Recycling, Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Automatic Teller Machine (ATM) (land use). This land use consists of machines used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Development Code.

Automobile Repair. See "Repair and Maintenance, Vehicle."

Automobile Dismantling Yard. See "Recycling, Scrap, and Dismantling Yards."

Avian Migratory Concentration Point. Avian migratory concentration point refers to both the place of departure and the destination of birds from one region to another, especially as a result of seasonal or periodic movement in order to breed, seek food, or to avoid unsuitable weather conditions.

B. Definitions, "B."

Bankfull. Indicates the height (or stage) of a stream that just filled the stream channel.

Banks and Financial Services (land use). This land use consists of financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

Bars and Drinking Places (land use). This land use consists of the sale of alcoholic beverages for on-site consumption, not as part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

Base Flood Elevation (BFE). The elevation of the 100-year flood level as determined by statistical analysis for each local area and as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps (FIRMs). This elevation is the basis of the insurance and floodplain management requirements of the National Flood Insurance Program.

Basement. A story which is partly or completely below grade.

Bay Window. A windowed enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of a building for each story or extend more than 30 inches from the exterior wall.

Bed and Breakfast Inns (land use). This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

Below Market Rate. Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

Beverage Production (land use). This land use consists of manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk processing; see "Food Products." May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Drinking Places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Block. A group of lots surrounded by streets or roads, or streets or roads and railroad right-of-way, mean high tide line or unsubdivided acreage.

Blue Line Stream. A watercourse shown as a blue line (perennial or intermittent) on the most recent applicable USGS topographic quadrangle map.

Board, Board of Supervisors. The Board of Supervisors of the County of Marin, State of California.

Board, Board of Commissioners of the Housing Authority. The Board of Commissioners of the Housing Authority of the County of Marin, State of California.

Broadcasting Studios (land use). This land use consists of commercial and public communications facilities entirely within buildings, including radio and television broadcasting and receiving stations and studios. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

Buffer Zone. An area which separates one land use from another, for purposes of safety, environmental protection or compatibility.

Building. Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

Building Area. The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures.

Building Element: Any uninterrupted flat surface finished with a single material to which a sign may be mounted, excluding the background to a sign.

Building Envelope. An area of real property identified for the construction of buildings.

Building, Main. See "Structure, primary."

Building Material Stores (land use). This land use consists of the retail sale of lumber and other large building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "Retail Stores, General Merchandise," even if they sell some building materials.

Building Site. A lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards.

Bulk. Total interior cubic volume as measured from the exterior surfaces of the structure.

Business Day. Any day that the Planning Division's public service center is staffed and open to the public.

Business Support Services (land use). This land use consists of establishments located primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc. Examples of these services include:

- blueprinting
- business equipment repair services (except vehicle repair, see "Repair and Maintenance – Vehicle")
- commercial art and design (production)
- computer-related services (rental, repair)
- copying, quick printing, and blueprinting services
- equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")
- equipment repair services where repair occurs on the client site
- film processing laboratories
- graphic design
- janitorial services
- mail advertising services (reproduction and shipping)
- outdoor advertising services
- photocopying
- photofinishing
- secretarial and personnel services
- security services
- soils and materials testing laboratories
- window cleaning

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures" (land use).

California Environmental Quality Act (CEQA). A State law originally enacted in 1970, which requires public agencies to document and consider the environmental effects of a proposed action, before a decision is issued. See California Public Resources Code Sections 21000 et seq.

Campground (land use). This land use consists of land that is used or intended for camping, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites. See also "Recreational Vehicle Parks."

Camping (land use). This land use consists of inhabiting or staying overnight in the outdoors in the open or in a tent, tarpaulin, hammock or other minimal shelter.

Car Deck. See "Parking Structure."

Cargo Container. A portable, rectangular metal storage container, generally with a height greater than five feet and with doors on one end, designed to be transported on trucks, rail cars, or ships, individually or stacked.

Carport. See "Parking Structure."

Cemeteries, Columbariums and Mortuaries (land use). This land use consists of internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

CEQA. See California Environmental Quality Act (CEQA).

Certificate of Compliance. A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code.

Chemical Products (land use). This land use consists of the manufacture of chemicals and other products created predominantly by chemical processes. This definition includes the manufacture of three general classes of products: (1) basic chemicals, such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption, such as drugs and cosmetics, or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses included in the Retail Trade Group on the land use and permit tables.

Chicken Coop. A structure designed to completely enclose chickens on all sides as well as below and above.

Child Care Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school age childcare centers.

Child Day-Care Facilities (land use). This land use consists of the provision of nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day-Care Center (land use).** This land use consists of commercial or non-profit child day-care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day-care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.
2. **Large Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight to 14 children. Children under the age of 10 years who reside in the home count as children served by the day-care facility.
3. **Small Family Day-Care Home (land use).** This land use consists of a day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day-care facility.

Churches. See "Religious Places of Worship."

Clothing Products (land use). This land use consists of the manufacture of clothing, and the fabrication of products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail Stores, General Merchandise") are instead included under "Personal Services." See also, "Textile and Leather Products."

Coastal Act. The California Coastal Act of 1976, enacted by the legislature in response to the 1972 ballot initiative known as Proposition 20. The Coastal Act requires local jurisdictions to adopt and maintain Local Coastal Plans (LCPs) and implementing ordinances consistent with its provisions. Article V (Coastal Zones – Permit Requirements and Development Standards) of this Development Code comprises the implementing ordinances of the Marin County LCP.

Coastal Commission. The California Coastal Commission as established by the California Coastal Act of 1976.

Coastal Dependent Use. Any development or use that requires a site on, or adjacent to the ocean to function.

Coastal Permit. A discretionary land use permit that may be granted in compliance with Article V (Coastal Zones – Permit Requirements and Development Standards), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

Coastal Zone. The portions of the California Coastal Zone established by the California Coastal Act of 1976, and as defined by Section 30103 of the Public Resources Code, within Marin County.

Coastal Zoning Districts. Any of the coastal zoning districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including:

C-ARP (Coastal, Agricultural Residential Planned)	C-CP (Coastal, Planned Commercial)
C-APZ (Coastal, Agricultural Production Zone)	C-H1 (Coastal, Limited Roadside Business)
C-RA (Coastal, Residential Agricultural)	C-VCR (Coastal, Village Commercial Residential)
C-R1 (Coastal, Single-Family Residence)	C-OA (Coastal, Open Area)
C-R2 (Coastal, Two-Family Residence)	C-RMPC (Coastal, Residential Multiple Planned Commercial)
C-RMP (Coastal, Residential Multiple Planned)	C-RCR (Coastal, Resort Commercial Recreation)
C-RSP (Coastal, Residential Single-Family Planned)	

C-RSPS (Coastal, Residential Single-Family Planned, Seadrift Subdivision)

Co-Located. A telecommunications facility site where a structure contains antennas for more than one telecommunications service or service providers.

Combining District. A combining district is a supplementary zoning designation that is applied to property in addition to a primary zoning district to highlight special regulations that apply to properties within the combining district. The combining districts established by Section 22.06.020 (Zoning Districts Established), include -B (Minimum Lot Size), and -BFC (Bayfront Conservation).

Commercial District or Zone. Any of the commercial zoning districts established by Sections 22.06.020 (Zoning Districts Established), or Article V (Coastal Zones – Permit Requirements and Development Standards) including:

VCR (Village Commercial/Residential)	RCR (Resort and Commercial Recreation)
RMPC (Residential/Commercial Multiple Planned)	C-VCR (Coastal, Village Commercial/Residential)
C1 (Retail Business)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
CP (Planned Commercial)	C-H1 (Coastal, Limited Roadside Business)
AP (Administrative and Professional)	C-CP (Coastal, Planned Commercial)
OP (Planned Office)	C-RCR (Coastal, Resort and Commercial Recreation)
H1 (Limited Roadside Business)	

Commercial Gardening (land use). This land use consists of small-scale truck gardening, tree farming, and other similar agricultural production activities, where products are sold off-site.

Commercial Parking and Vehicle Storage (land use). This land use consists of service establishments in the business of storing operative cars, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. Includes sites where vehicles are stored for rental or leasing. All principal uses are considered to include any customer or public use off-street parking required by this Development Code. Does not include dismantling yards; see "Recycling, Scrap and Dismantling Yards."

Commercial Solar Facility. Photovoltaic solar electric panels, as well as appurtenant structures and facilities, designed to provide energy for off-site use such as through a feed-in tariff. Only those solar facilities that provide more than 125 percent of the power used on-site as determined by industry averages for a particular use or utility averages are considered commercial solar facilities.

Commission. See "Planning Commission."

Common Interest Development. A condominium, community apartment project, planned development or stock cooperative, as provided by California Civil Code Section 1351, where individually-owned housing units are located together on a parcel or within a building that is owned in common by all owners of individual units.

Community Apartment Project. A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon; as defined in Business and Professions Code Section 11004 and Civil Code Section 1351(d).

Community Centers (land use). This land use consists of multi-purpose meeting and recreational facilities, typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden (land use). This land use consists of public or private gardening for non-commercial neighborhood or community use where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops.

Community Garden, Market (land use). This land use consists of public or private gardening for commercial uses (i.e., produce grown is intended to be sold for profit or commercial gain) where there is usually a formal or informal sharing of cultivation and maintenance responsibilities. Unlike parks and playgrounds, where plantings are often ornamental and ecological, community gardens emphasize planting of vegetables and agricultural crops. This excludes gardens where the produce is explicitly used for non-commercial or community use (see “Community Garden”). While this use does not include more intensive commercial gardening activities included in “Commercial Gardening”, it includes on-site sales.

Community Plan. A planning document which sets forth goals, objectives, policies, and programs to address specific issues related to a particular unincorporated community. Community Plans are considered part of the Marin Countywide Plan.

Completeness Determination. The review of a land use permit application and all supporting materials to determine whether the submittal includes all information and materials required by the Agency.

Concrete, Gypsum, and Plaster Products (land use). This land use consists of the manufacture of bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Conditions, Covenants, and Restrictions (CC&Rs). A declaration recorded with the title to a parcel that may establish private provisions governing how a property shall be held, conveyed, encumbered, leased, rented, used, occupied, and/or improved. CC&Rs are not administered or enforced by the County.

Condominium. As defined by Civil Code Section 1351.f, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within the boundaries may be filled with air, earth, or water, or any combination, and need not be physically attached to any land except by easements for access and, if necessary, support.

Construction Equipment Sales (land use). This land use consists of the retail sale or rental of heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

Construction Yard (land use). This land use consists of the outdoor storage of vehicles and large equipment, or other materials commonly used in the construction business; storage of scrap materials used for repair and maintenance of construction equipment; and buildings or structures for uses including offices and repair facilities.

Contiguous Properties. For the purposes of Chapter 22.92 (Merger of Parcels), all adjoining land owned or controlled by the applicant, the property lines of which touch or join at more than one point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land owned by the applicant.

Conventional District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Planned District" provided by this Chapter. The conventional districts include:

A (Agriculture and Conservation)

C-R2 (Coastal, Residential, Two-Family)

A2 (Limited Agriculture)	VCR (Village Commercial/Residential)
RA (Residential, Agricultural)	C1 (Retail Business)
C-RA (Coastal, Residential, Agricultural)	AP (Administrative and Professional)
RR (Residential, Restricted)	H1 (Limited Roadside Business)
RE (Residential, Estate)	C-VCR (Coastal, Village Commercial/Residential)
R1 (Residential, Single-Family)	C-H1 (Coastal, Limited Roadside Business)
C-R1 (Coastal, Residential, Single-Family)	OA (Open Area)
R2 (Residential, Two-Family)	C-OA (Coastal, Open Area)
	PF (Public Facilities)

Cottage Industry (land use). This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- antique repair and refinishing
- batik and tie dyeing
- catering
- ceramics
- dress making, cloth decoration, etc.
- furniture and cabinet making, other woodworking
- jewelry making
- painting and sculpture
- photography
- sewing
- weaving
- other handcrafts

County. The County of Marin, State of California, referred to in this Development Code as "the County."

County Boundary. The boundary of the unincorporated limits of the County of Marin.

County Code. The Marin County Code.

Countywide Plan. The Marin Countywide Plan, including all of its elements and amendments, and all Community Plans, as adopted by the Board of Supervisors under the provisions of the Government Code (Sections 65300 et seq.), and referred to in this Development Code as the "Countywide Plan."

Countywide Plan Land Use Element. The Land Use Element of the Countywide Plan is comprised exclusively of the Community Development and Planning Areas sections.

Coverage. See "Lot Coverage."

Crop Production (land use). This land use consists of commercial agricultural field and orchard uses, including production of:

- field crops
- flowers and seeds
- fruits
- ornamental crops
- tree nuts
- trees and sod

- grains
- melons
- vegetables

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop harvesting, and sales in the field not involving a permanent structure.

D. Definitions, "D."

Deck. An open platform without a roof.

Dairy Operations (land use). This land use consists of specialized and intensive commercial animal facilities for the raising and keeping of dairy animals, including facilities for milking.

Demolition. The act of tearing down, removing, or replacing an existing building, structure, or other physical improvement. For structures other than buildings (e.g. fences, retaining walls), removal of more than 75 percent of the length or area of the structure shall be considered demolition. For buildings, cumulative removal or substantial modification of more than 75 percent of the linear sum total of a building's exterior walls, counted for all stories, shall be considered demolition of the building. Modification of improvements is considered to be substantial when the work makes structural modifications to the exterior walls of buildings in accordance with the California Building Code, including new shear walls over existing framing and/or the substitution or replacement of existing framing materials. The installation of interior drywall and in-kind replacement of exterior material treatment (e.g., stucco for stucco), regardless of color, is considered substantial modification only when structural modifications are included. The replacement of doors and windows and in-kind barge replacements for floating homes are not considered to be substantial modifications.

Density. The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

Density Bonus. A density increase over the otherwise allowable maximum residential density as of the date of application, or if elected by the applicant, a lesser percentage of density increase including no increase in density.

Design Review. See Chapter 22.42 (Design Review).

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

"Development" does not mean a "change of organization", as defined in California Code Section 56021 or a "reorganization", as defined in California Code Section 56073.

Development Code. The Marin County Development Code, Title 22 of the Marin County Code, referred to herein as "this Development Code."

Development Permit. See "Land Use Permit."

Development Project. (Non-Coastal) Any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

Development Standard. A site or construction condition including a height limitation, a setback requirement, a floor area ratio, an on-site open space requirement, a parking ratio that applies to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

Diameter at Breast Height (DBH). DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

Disabled. A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

Discretionary Permit. A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Reviews, Floating Home Exceptions, Master Plans and Precise Development Plans, Use Permits, Sign Reviews, Temporary Use Permits, Tentative Maps, Site Plan Reviews, and Variances. See also "Ministerial Permit."

Discretionary Project. A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. Section 21065(c).

Dock. A structure extending alongshore or out from the shore into a body of water, to which boats may be moored.

Dripline. A vertical line extending from the outermost edge of the tree canopy to the ground.

Drive-in and Drive-thru Sales (land use). This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

Drive-in and Drive-thru Services (land use). This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance – Vehicle").

Driveway. A vehicular access across private property, extending from an improved street to a building site.

Dwelling, or Dwelling Unit. A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly.

E. Definitions, "E."

Easement, Conservation or Scenic. A grant of partial title from a landowner to a public or nonprofit agency for the purpose of protecting on-site environmental resources or scenic features by limiting the future development of the property.

Educational Tours (land use). Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources.

Electrical and Electronic Equipment, Instruments (land use). This land use consists of the manufacture of manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy. Examples of these products include:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Electric Vehicle Charging Station. Any level of electric vehicle supply equipment, including solar energy systems and electrical equipment cabinets, built in compliance with Article 625 of the California Electrical Code, that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Employee Housing. An accessory residential dwelling unit located in a commercial building on a parcel having a primary commercial land use and occupied by an employee of the commercial use on the same property or a family member who is actively engaged in such commercial use.

Environmental Impact Report (EIR). An informational document in compliance with the California Environmental Quality Act (CEQA). Please refer to CEQA Section 21061 for a complete definition of an EIR.

Environmental Impact Statement (EIS). An informational document that analyzes a project's significant environmental effects and identifies mitigation measures and reasonable alternatives, in compliance with the National Environmental Policy Act (NEPA).

Equestrian Facilities (land use). This land use consists of the commercial keeping of horses, donkeys, and mules in facilities, including:

- horse ranches
- boarding stables
- riding schools and academies
- horse exhibition facilities
- pack stations

This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Noncommercial facilities of this type are included in the definition of "Agricultural Accessory Structures." This land use does not include the boarding of up to five horses on property in the ARP, C-ARP and C-APZ zones as indicated in Standard 5 of Table 3-7 (General Requirements for the Keeping of Large Animals).

Estuarine Habitats. A habitat made up of a mixture of fresh and salt waters.

Exotic Animals. Non-domesticated animals that are carnivorous, poisonous, or not native to North America, commonly displayed in zoos as per Chapter 8.04 of the Marin County Code.

F. Definitions, "F."

Family. One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

Farm Equipment and Supplies Sales (land use). This land use consists of the retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm Worker Housing. See "Agricultural Worker Housing."

Farmer's Markets (land use). This land use consists of the temporary and/or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot, or a public right-of-way (where authorized by encroachment permit).

Feasible. That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Final Map. A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3.

Fire Inspector. A person empowered by the chief of a fire department to inspect property for fire safe landscape, wildland management or fire protection.

Fish Hatcheries and Game Reserves (land use). This land use consists of commercial fish hatcheries, rearing ponds, aquaculture, fish and game preserves, and game propagation. (See "Mariculture" for shellfish, kelp, algae, etc.)

Flag lot. See "Lot or Parcel."

Floating Home (land use). This land use consists of any boat, craft, living accommodation, or structure supported by means of floatation, designed to be used without a permanent foundation, that is used or intended for human habitation.

Floating Home Exception Permit. See Chapter 22.46 (Floating Home Exceptions).

Floating Home Fairway. An area of water within a floating home marina that is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways.

Floating Home Marina (land use). This land use consists of a facility that contains one or more berthing spaces for floating homes.

Floor Area. Except as specified by the Tamalpais Area Community Plan, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic area that can be converted to habitable area with an interior remodel, but excluding:

1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. For single-family residential structures, the first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable area;
3. For single-family residential structures, the first 540 square feet of garage areas primarily designed for parking four-wheeled vehicles;
4. For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;

5. Chimney area that projects beyond an exterior building wall;
6. Bay windows.

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the “footprint” (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50 percent open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be converted to habitable area with an interior remodel includes: (1) enclosed unconditioned and unimproved areas that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

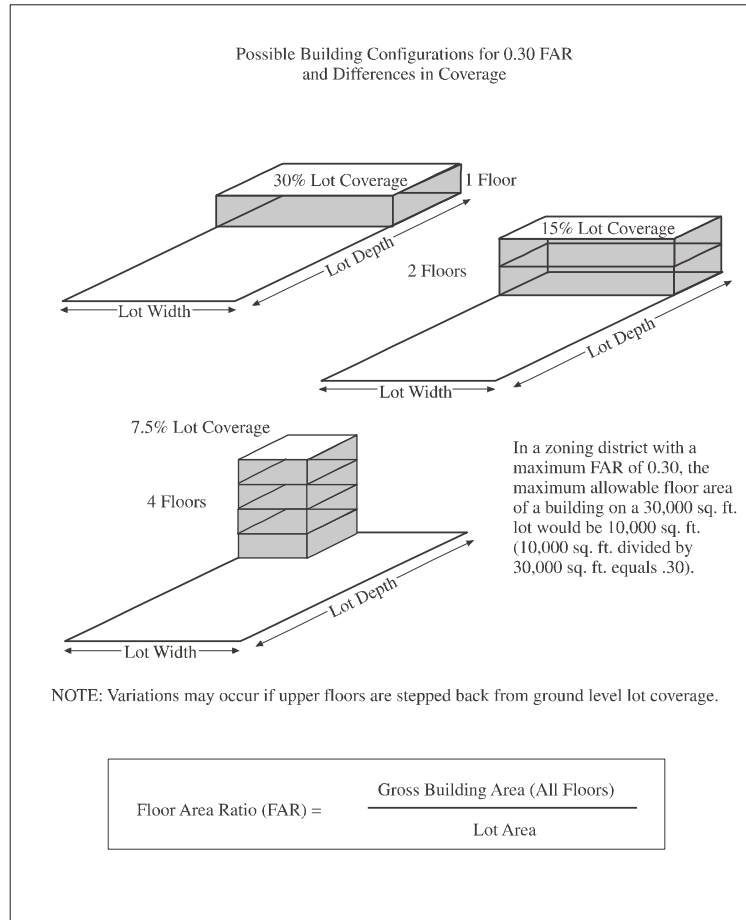
Accessory Dwelling Units (ADU) are included in the floor area calculation; however, the floor area of a proposed ADU is calculated after the floor area is calculated for existing and other proposed development for the purpose of determining permit thresholds.

In the A3 to A60 zoning districts on lots one acre and larger, agricultural accessory structures and structures used for agricultural processing and retail sales uses are not included in the floor area calculation.

Floor Area Ratio (FAR). The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 8-1 (Floor Area Ratio).

FIGURE 8-1

FLOOR AREA RATIO



Food Preparation Facilities. See “Kitchen”.

Food Products (land use). This land use consists of the manufacture of or processing foods for human consumption, and certain other related products. Examples of the products included in this land use are:

- bakery products
- candy, sugar and confectionery products
- catering services separate from stores or restaurants
- dairy products
- fats and oil products
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- miscellaneous food item preparation from raw products

Does not include: bakeries which sell all products on site (see "Retail Stores, General Merchandise"); beer brewing as part of a brew pub, bar or restaurant (see "Bars and Drinking Places"); beverage production other than dairy products (see "Beverage Production"); slaughterhouses and rendering plants (see "Slaughterhouses and Rendering Plants"); or operations on crops after harvest (see "Agricultural Processing Uses").

Footprint. The horizontal surface area covered by a structure.

Form Based Code. The objective standards for multifamily housing development, which are incorporated by reference in their entirety into this Development Code.

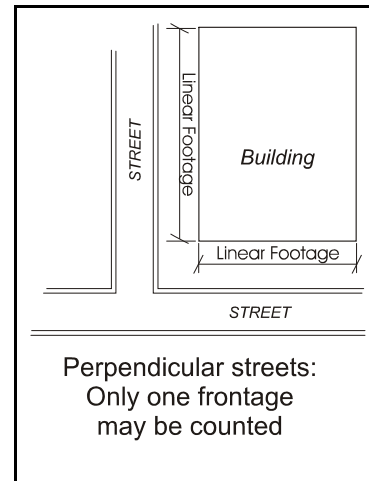
Front Wall. The wall of the building or other structure nearest the street upon which the building faces.

Front Wall (Signs). For the purposes of Chapter 22.28 (Signs), the front wall is the wall of a structure that contains the primary entrance or entrances to the premises. If there are entrances in more than one wall, the longest of the walls in which primary entrances are located shall be the front wall. The front wall includes not only the wall itself, but all doors, windows, and other openings and projections. See Figure 8-2.

Frontage. See "Lot Frontage."

Fuel and Ice Dealers (land use). This land use consists of the retail sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

**FIGURE 8-2
WALL FRONTAGE**



Furniture and Fixtures Manufacturing (land use). This land use consists of the manufacture of products including:

- bedsprings and mattresses
- drapery hardware
- household appliances
- lockers
- office furniture
- partitions
- shades
- shelving
- store furniture
- window blinds
- wood and metal household furniture

Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products."

Furniture, Furnishings and Equipment Stores (land use). This land use consists of the retail sale of products including:

- draperies
- floor coverings
- furniture
- glass and chinaware
- home furnishings
- home sound systems
- large musical instruments
- lawn furniture
- movable spas and hot tubs
- office furniture
- other household electrical and gas appliances
- outdoor furniture
- refrigerators
- stoves
- televisions

G. Definitions, "G."

Garage, Carport, or Car Deck. See "Parking Structure."

General Plan. See "Marin Countywide Plan."

Glass Products (land use). This land use consists of the manufacture of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Goat Shed. A structure designed to completely enclose goats on all sides, as well as below and above.

Golf Courses/Country Clubs (land use). This land use consists of golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

Grade. The ground elevation used as the basis for measurement of allowed structure height. Grade shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure. In those instances where a structure, or a portion of a structure, is seaward of the mean high tide line then mean sea level shall be treated as grade in that location.

Grantee/Grantor Index. The index to real property transfer transactions maintained by the Marin County Recorder.

Group Homes (land use). This land use consists of a dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; rehabilitation centers; self-help group homes. Medical care may be provided in conjunction with group homes that provide alcoholism or drug abuse recovery or treatment services. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services – Extended Care."

Guest House (land use). This land use consists of a detached structure accessory to a primary residence that has a bathroom, and that contains more than 400 square feet of floor area that is subject to building permit requirements under a residential occupancy code. To be a guest house, the structure cannot contain kitchens.

Guy Wires. Wires used to secure wind turbines or towers that are not self-supporting.

H. Definitions, "H."

Habitat. The physical location or type of environment in which an organism or biological population lives or occurs.

Habitat Island. A habitat island refers to an isolated area of land generally surrounded by water that provides valuable foraging and roosting habitat for resident and migratory birds and wildlife, particularly during winter and early spring months.

Handcraft Industries, Small-Scale Manufacturing (land use). This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

Harbors (land use). This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

Hardscape Shoreline Protection. Also referred to as grey infrastructure, hardscape shoreline protection improvements are physical features engineered, designed and constructed to provide shoreline protection with hard materials such as concrete, rock, and steel, and without relying on biological components for their primary functions.

Hazardous Waste Facility. A State-licensed facility for the temporary storage and/or processing of hazardous waste.

Health/Fitness Facilities (land use). This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

Health Officer. The Marin County Health Officer.

Height, Structure. The vertical distance from grade to the highest point of a structure. The maximum height of buildings located in areas subject to tidal action shall be measured from Mean Sea Level. Section 22.20.060 (Height Measurement and Height Limit Exceptions) explains how this Development Code requires structure height to be measured.

Heritage Tree. See "Protected Tree and Heritage Tree."

Highway. State Route 1, State Route 101, Panoramic Highway, and State Route 131.

Historic Area. Areas mapped and described as historic areas in the Local Coastal Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

Historic Lot. A unit of real property that was formerly a legal lot of record.

Historic Structure. As determined by the Local Coastal Plan, any building constructed prior to 1930, including any accessory structures on a site.

Holiday Product Sales. See "Outdoor Retail Sales, Temporary."

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or within an accessory building located on the same site as the dwelling, employing the occupant of the

dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

Homeless Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

Horizontal Axis WECS. A horizontal-axis wind turbine (HAWT) is an energy conversion system whose rotor axis is substantially parallel to the wind flow. The main rotor shaft and electrical generator is at the top of a tower and must be pointed into the wind.

Horses, Donkeys, Mules, Ponies (land use). This land use consists of the raising or keeping of horses, donkeys, mules, and/or ponies for domestic/recreational or agricultural purposes.

Hotel or Motel (land use). This land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Income. The gross annual household income considering household size, income of all wage earners, elderly or family members with disabilities, and all other sources of household income.

Household Pets (land use). This land use consists of the keeping of cats, dogs, and other domesticated animals, determined by the Director to be comparable based on factors including size, sanitation requirements, odor, noise, etc., accessory and incidental to a residential use.

Housing Authority. The Marin County Housing Authority, a nonprofit public corporation.

Housing Costs. The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

Housing Development. A development of five or more residential units, including mixed-use developments. Also included in this definition are a subdivision or common interest development consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling.

Housing Director. The Executive Director of the Marin County Housing Authority.

Housing Project. A development of housing units at one location, including all units for which permits have been applied for or approved within a 12-month period.

HUD. The United States Department of Housing and Urban Development, or its successor.

Hunting and Fishing Clubs – Private (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by the property owner(s) and their guests without a fee being charged.

Hunting and Fishing Clubs – Public (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by guests or members of the public for a fee.

I. Definitions, "I."

Impoundments and Diversions. Impoundments and diversions refers to alterations in stream flows through holding or diverting water supply.

Including. Means "including but not limited to . . ."

Inclusionary Unit/Lot. A dwelling unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low, or low income households, as specified, or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

1. Moderate income, 80 to 120 percent of area median income;
2. Low income, 50 to 80 percent of area median income.
3. Very low income, under 30 to 50 percent of area median income.
4. Extremely low income, 30 percent and less of the area median income.

Income Restricted Housing. Dwelling units with a long-term income restriction which restricts occupancy to households at or below a specific income.

Indoor Recreation Centers (land use). This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- bowling alleys
- card rooms
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades
- ice skating and roller skating rinks
- pool and billiard rooms

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

Infant. An infant is a child less than 12 months of age.

Initial Study. A preliminary analysis to determine whether an Environmental Impact Report (EIR) or a Negative Declaration must be prepared, and to identify any significant environmental effects that are to either be mitigated or further analyzed.

In-Kind Reconstruction. Reconstruction resulting in the same outward appearance and at least equivalent functional utility as the original structure. The location, footprint, and physical dimensions must substantially conform to the original structure to meet this definition.

In-Lieu Fee. A fee paid to the County by developers in-lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland. Inclusionary in-

lieu fees, initially set by the Board of Supervisors and subject to adjustments, are assessed for residential lot creation, multifamily subdivision, and multifamily rental development. The payment of any applicable fees shall be due prior to issuance of Certificate of Occupancy.

Institutional Structure, or Use. A publicly-owned structure accommodating a public facility; or a private structure designed and operated as a church, hospital, school, or similar facility.

J. Definitions, "J."

Junior Accessory Dwelling Unit (Land Use). A type of Accessory Dwelling Unit that is no more than 500 square feet in size, has a kitchenette but not a kitchen, is contained entirely within a single family dwelling, and has been certified as a Junior Accessory Dwelling Unit by the Director.

Junk. Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

Junk Yard (land use). This land use consists of outdoor storage occupying an area of 200 square feet or more, or the storage of junk in any yard adjoining a street, for collecting and assembling, storing, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. In no case shall the stored junk exceed a height of five feet.

K. Definitions, "K."

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets at least four months of age or older, except for household pets in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

Kitchen. Kitchens include a stove, oven, refrigerator, sink, counters, and cabinets, and may include a microwave, hot plate, and other appliances.

Kitchenette. A cooking facility with appliances, and a food preparation counter with a sink and storage cabinets that are a reasonable size in relation to the size of the unit. Kitchenettes are not considered kitchens.

L. Definitions, "L."

Land Use. The purpose for which land or a building thereon is occupied.

Land Use Permit. Any of the entitlements/approvals described by Article IV (Land Use and Development Permits), including Design Review, Floating Home Adjustment Permits, Use Permits, Temporary Use Permits, Tidelands Permits, Variances, Master Plans, or Precise Development Plans.

Landscaped Area. The entire planting area within a parcel affected by new plantings and supporting irrigation, excluding building footprints, paved driveways, parking areas, decks, patios, walkways and undisturbed natural areas. Water features are included in the landscaped area.

Large Family Day Care Home (land use). See "Child Day Care Facilities."

Laundries and Dry Cleaning Plants (land use). This land use consists of service facilities engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

LCP. See "Local Coastal Program."

Lead Agency. The public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

Legal Lot of Record. A parcel is considered to be a legal lot of record if it was created in conformance with any of the following criteria:

1. **Recorded subdivision.** The lot was created through a subdivision Final Map or Parcel Map recorded on or after January 1, 1930. Antiquated subdivisions may not be deemed to have created lots. A lot created on a subdivision Final Map or Parcel Map recorded before January 1, 1930 may be considered a legal lot if it has been reconveyed subsequently with references made to the original subdivision Final Map or Parcel Map.

In instances when a deed that created a lot by conveyance listed multiple antiquated lot numbers consistent with the original Parcel Map or Final Map, the entirety of the areas covered by such lot numbers is considered a single legal lot of record, except for those individual antiquated lots that met the zoning and subdivision standards that were in effect at the time the initial conveyance legally created them.

2. **Individual lot legally created by deed.** The lot was legally created by deed in compliance with the zoning and subdivision requirements that applied at the time of creation.
3. **Government conveyance.** The lot was created by conveyance to a governmental entity.

Notwithstanding A through C above, when historic lots were merged by agency action or pursuant to applicable State law, the merged historic lots comprise a single legal lot of record.

Libraries and Museums (land use). This land use consists of public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Liquor Store (land use). A retail store offering beer, wine, and/or distilled spirits for off-premise consumption which either devotes 20% or more of the floor area or display area to, or derives 75% or more of gross sales receipts from, the sale of these products.

Livestock Operations, Grazing (land use). This land use consists of the raising or keeping of cattle, or other animals of similar size, where feed is provided primarily by grazing when on-site resources are available. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies").

Livestock Operations, Large Animals (land use). This land use consists of the raising or keeping of cattle, goats, ostriches, sheep, hogs, or other farm or exotic animals of similar size, in corrals or other similar enclosures. Does not include the keeping of horses, donkeys, mules, or ponies, (see "Horses, Donkeys, Mules and Ponies") or the grazing or pasturing of large animals on open rangeland (see "Livestock Operations, Grazing"). See also, "Dairy Operations."

Livestock Operations, Sales/Feed Lots, Stockyards (land use). This land use consists of specialized and intensive commercial animal facilities including animal sales yards, stockyards, and cattle feedlots. Feedlots are any site where cattle are held or maintained for the purposes of feeding/fattening, for market or milking, and where at least 60 percent of the feed is imported or purchased. Does not include slaughterhouses or rendering plants; see "Slaughterhouses and Rendering Plants." See also, "Dairy Operations."

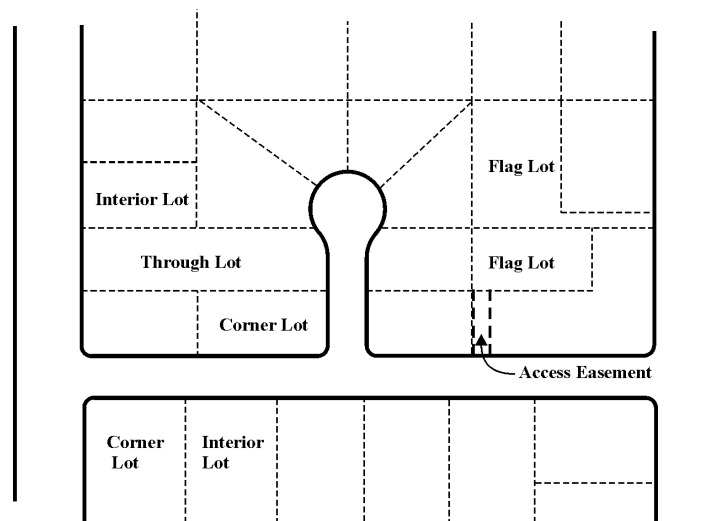
Livestock Operations, Small Animals (land use). This land use consists of the raising or keeping of up to 12 fowl and/or 12 rabbits or similar animals. Does not include hog raising, dairying or the raising or keeping for commercial purposes of cattle, horses, or similar livestock, as determined by the Director; see "Livestock Operations, Large Animals."

Local Coastal Program (LCP). The Marin County Local Coastal Program, Units I and II, prepared and adopted in compliance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

Lot. A legal lot of record. Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee or by means of an access easement.
3. **Interior Lot.** A lot abutting only one street.
4. **Through Lot.** A lot with frontage on two generally parallel streets.

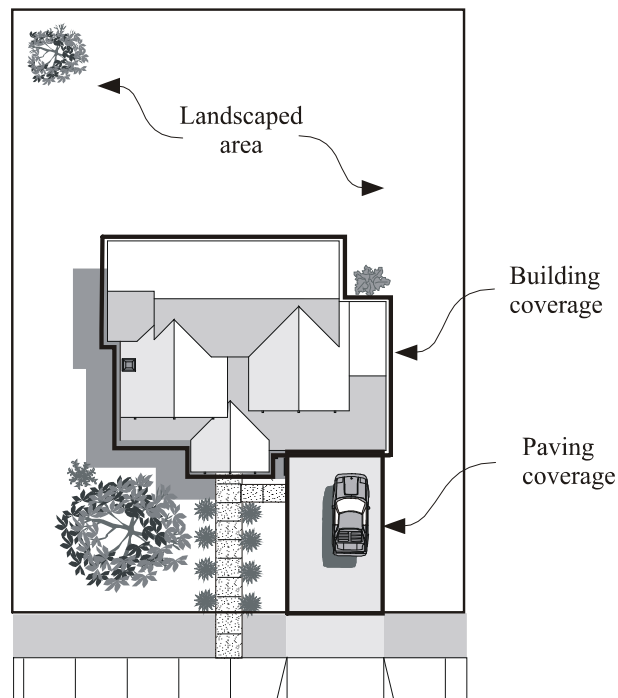
**FIGURE 8-3
LOT TYPES**



Lot Area. Lot area is the total area included within the lot lines of a lot, exclusive of adjacent street or paper street rights of way and any portion of the property located below mean high tide that is subject to tidal action.

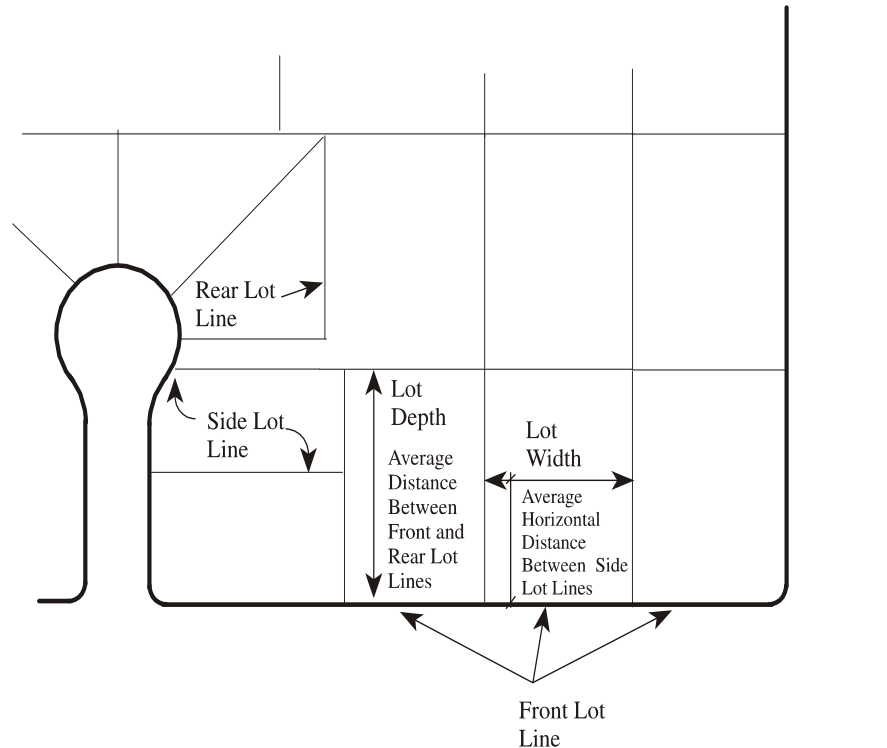
Lot Coverage. Lot coverage is the percentage of total site area occupied by buildings and other structures, impervious paving and other hard surfaces that have a water runoff factor of 0.5 or more according to the Bay Area Storm Water Management Agencies Association guidelines. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. See Figure 8-4 (Lot Coverage).

**FIGURE 8-4
LOT COVERAGE**



Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**FIGURE 8-5
LOT LINES AND LOT FEATURES**



Lot Frontage. The boundary of a lot adjacent to a public or private street right-of-way.

Lot Line, or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-5 (Lot Lines and Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line bounding the street to which the property is addressed and the street from which access is taken. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The average horizontal distance between the side lot lines. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Income. See "Income Qualifying Household."

Lower Income Households. Persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. Lower income households include very low income households, as defined in Health and Safety Code Section 50105, and extremely low income households, as defined in Health and Safety Code Section 50106.

Lumber and Wood Products (land use). This land use consists of the manufacture, processing, and sale of milled forest products, including rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing (land use). This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

- bulldozers
- carburetors
- construction
- conveyors
- cranes
- die casting
- dies
- dredging
- engines and turbines
- farm and garden
- food products manufacturing
- gear cutting
- heating, ventilation, air conditioning
- industrial trucks and tractors
- industrial furnaces and ovens
- industrial molds
- laundry and dry cleaning
- materials handling
- mining
- oil field equipment
- paper manufacturing
- passenger and freight elevators
- pistons
- printing
- pumps
- refrigeration equipment
- textile manufacturing

Map Act. See "Subdivision Map Act."

Mariculture (land use). This land use consists of the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

Marin Countywide Plan. The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

Marinas (land use). This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

Master Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Maximum Allowable Residential Density. The maximum allowable gross residential density under the zoning and Land Use element of the Countywide Plan, or if a range of density is permitted, the maximum density for the specific zoning range and Land Use element of the Countywide Plan applicable to the project. If the density under the zoning is inconsistent with the density under the Land Use element of the Countywide Plan, the Countywide Plan density shall prevail.

Medical Services – Clinics and Laboratories (land use). This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices

- out-patient care facilities
- other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services – Extended Care (land use). This land use consists of the provision of nursing and health-related care as a principal use, with in-patient beds. This land use includes: convalescent and rest homes; extended care facilities; and skilled nursing facilities that are licensed or supervised by any Federal, State, or local health/welfare agency. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facilities," and "Group Homes."

Medical Services – Hospitals (land use). This land use consists of the provision of diagnostic services and extensive medical treatment, including surgical and other related services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care services. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Membership Organization Facilities (land use). This land use consists of permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- country clubs (golf courses separately defined)
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

Metal Fabrication, Machine and Welding Shops (land use). This land use consists of the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

- blacksmith and welding shops
- sheet metal shops
- machine shops and boiler shops

Meteorological Tower (Met Tower). For the purpose of the Wind Energy Conversion System Ordinance, meteorological towers are those towers which have been temporarily installed to measure wind speed and directions plus other data relevant to siting WECS.

Mezzanine. An intermediate floor placed within any story or room. If the total floor area of a mezzanine is more than one-third of the total floor area of the room, it shall be considered an additional story.

Mineral Resource Extraction (land use). This land use consists of the extraction from the ground of hydrocarbons, gravel, or sand resources, or other commercial surface mining or underground mining and processing activity. Oil and gas well drilling, geothermal wells, production operations and related facilities are not permitted.

Mini Mart. A convenience retail store on the site of a service station, which typically sells food products and other products serving the needs of travelers.

Miniature Goat. Those types of goats commonly known as Pygmy, Dwarf, and Miniature Goats.

Ministerial Permit. A permit granted to a project after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, Certificate of Compliance, Accessory Dwelling Unit Permit, Final Map approval, and Building Permits. See also "Discretionary Permit."

Minor. Any person under 18 years of age.

Mixed Use. An existing or proposed development that includes more than one type of land use.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home Park (land use). This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Moor. The fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

Motel. See "Hotel or Motel."

Multi-Family Dwellings (land use). This land use consists of the development of any structure designed for human habitation that has been divided into two or more legally created independent living quarters, including supportive housing, as defined in California Government Code Section 65650. Accessory Dwelling Units and Junior Accessory Dwelling Units are not considered in the calculation of the number of units for this definition and do not convert a single-family residential development into a multi-family residential development.

Mutual Water Company. A State-licensed water purveyor providing domestic water to multiple residences, where the owners of property being served are shareholders in the company.

N. Definitions, "N."

Native Tree. Any tree in the list “Trees Native to Marin County,” maintained and provided by the Department.

Native Tree Removal. Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes “removal of a tree.” Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

Natural Disaster. Any situation in which the force or forces which destroyed a structure were beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

Nature-Based Shoreline Protection. Nature-based shoreline protection improvements, also called living shorelines, are physical landscape features that are created and evolve over time through the actions of environmental processes, or features that mimic characteristics of natural features but are created by engineering and construction (in concert with natural processes) to provide shoreline protection and other ecosystem services. Nature-based protection includes tidal marsh restoration and enhancement, off-shore island preservation and enhancement, ecotone levees, beach enhancement, and other methods of slowing water movement and increasing filtration.

Nature Preserves (land use). This land use consists of sites with environmental resources intended to be preserved in their natural state.

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Negative Declaration. A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

Net Lot Area. The baseline area of a lot used for calculating maximum subdivision potential, and calculated by taking the area of the whole lot and subtracting the following:

1. Any areas seaward of mean high tide.
2. Any areas within a Stream Conservation Area or Wetland Conservation Area.

The resulting area is the net lot area.

No Net Loss of Habitat. Complete replacement of habitat of equivalent acreage, value, and function on the same site on which habitat will be displaced by the project, except that offsite mitigation of habitat loss may be allowed under a County approved mitigation program. Complete replacement means replacement with native vegetation at a 2:1 ratio, which is monitored for a period of no less than five years to ensure effective replacement.

Nonconforming Lot. A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

Nonconforming Structure. A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

Nonconforming Use. A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.

Non-Residential, Mixed Use, and Residential Care Facility Affordable Housing Fees. Fees, initially set by the Board of Supervisors and subject to adjustments, are assessed for non-residential, mixed use, and residential care facilities. The payment of any applicable fees shall be due prior to issuance of Certificate of Occupancy.

O. Definitions, "O."

Oak Woodland Management Guidelines. The Oak Woodland Management Guidelines adopted by the Board and on file with the Agency.

Objective Standards. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

Occupancy. The use or operation of a site or structure for an approved land use.

Off-Road Vehicle Courses (land use). This land use consists of areas set aside for the use of off-road vehicles, including dirt bikes, motorcycles, and four-wheel drive vehicles. Does not include sports assembly facilities (see "Sports Facilities and Outdoor Public Assembly"), or simple access roads that are usable only by four-wheel or two-wheel drive vehicles in conjunction with a permitted land use.

Off-Site Product. A product that is produced on property other than the site where it is offered for sale.

Offices, Business (land use). This land use consists of the provision of direct services to consumers. This land use includes establishments such as insurance agencies, real estate offices, and post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals").

Does not include: medical offices (see "Medical Services – Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Professional (land use). This land use consists of professional or government offices including:

- accounting, auditing and bookkeeping services
- advertising agencies
- architectural, engineering, planning and surveying services
- attorneys
- counseling services
- court reporting services
- data processing and computer services
- detective agencies and similar services
- educational, scientific and research organizations
- employment, stenographic, secretarial and word processing services
- government offices including agency and administrative office facilities
- management, public relations and consulting services
- photography and commercial art studios
- writers and artists offices outside the home

Does not include: medical offices (see "Medical Services – Clinics and Laboratories") or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Offices, Property Management (land use). This land use consists of accessory offices on the site of an apartment complex, mobile home park, or commercial facility, for the purpose of providing tenant services.

Offices, Temporary (land use). This land use consists of a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Offices, Temporary Real Estate (land use). This land use consists of the temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

On-Site Product. A product that is produced on the same property where it is offered for sale.

Open Water. In conjunction with a Floating Home Marina, a privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways.

Organizational Houses (land use). This land use consists of residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses.

Original Lot. A contiguous area of real property under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

Outbuilding. See definitions for “Accessory Structures, Detached” and “Building”.

Outdoor Commercial Recreation (land use). This land use consists of facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

- amusement and theme parks
- drive-in theaters
- go-cart and miniature auto race tracks
- golf driving ranges separate from golf courses
- health and athletic club outdoor facilities
- miniature golf courses
- skateboard parks
- swim and tennis clubs
- tennis courts
- water slides
- ZOOS

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, fast-food restaurants, video game arcades, etc. Spectator facilities are included in the definition of "Sport Facilities and Outdoor Public Assembly."

Outdoor Retail Sales and Activities (land use). This land use consists of the outdoor retail sale or rental of autos and other vehicles and equipment, lumber, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary (land use). This land use consists of the temporary outdoor retail sales activities, examples of which include:

- Christmas trees, pumpkins or the sale of other seasonal items
- semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
- sidewalk or parking lot sales longer than one weekend
- retail sales in temporary locations outside the public right-of-way

Farmer's markets are separately defined.

P. Definitions, "P."

Paper Products (land use). This land use consists of the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products such as paper bags, boxes, envelopes, wallpaper, etc.

Paper Street. Any street, road, or public vehicular access, or portion thereof, shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding “driveways”, as previously defined.

Parcel. A unit of real property.

Parcel Map. The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required by Article VI (Subdivisions) of this Development Code to complete a subdivision of four or fewer lots.

Parking Structure. Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;
2. A carport is an attached or detached accessory structure, which is enclosed on no more than two sides and has no vehicle/garage door;
3. A car deck is an unenclosed and uncovered platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

Parks and Playgrounds (land use). This land use consists of public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Golf Courses/Country Clubs," "Outdoor Commercial Recreation," and "Sport Facilities and Outdoor Public Assembly."

Passageway. A pathway that is unobstructed clear to the sky and extends from the street to one entrance of an accessory dwelling unit.

Paving and Roofing Materials (land use). This land use consists of the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Products."

Pier. A platform supported on pillars or girders leading out from the shore into a body of water, often used as a landing stage for boats.

Permitted Use. A land use allowed by Article II (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code.

Person. Any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Personal Services (land use). This land use consists of the provision of non-medically related services. Examples of facilities included in this land use include: beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Pipelines and Utility Lines (land use). This land use consists of transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Public Utility Facilities").

Planned Development. As defined by Civil Code Section 1351(k), a development having either or both of the following features: (1) The common area is owned either by an association or in common by the owners of the separate interests; (2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned lot, parcel, or area in compliance with Civil Code Section 1367. Does not include a community apartment project, condominium or stock cooperative, which are each separately defined.

Planned District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)	RMPC (Residential/Commercial Multiple Planned)
ARP (Agricultural, Residential Planned)	CP (Planned Commercial)
C-ARP (Coastal, Agricultural, Residential Planned)	OP (Planned Office)
RSP (Residential, Single-Family Planned)	RCR (Resort and Commercial Recreation)
C-RSP (Coastal, Residential, Single-Family Planned)	C-RCR (Coastal, Resort and Commercial Recreation)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
RMP (Residential, Multiple Planned)	C-CP (Coastal, Planned Commercial)
C-RMP (Coastal, Residential, Multiple Planned)	IP (Industrial, Planned)
RX (Residential, Mobile Home Park)	RF (Floating Home Marina)
RF (Residential, Floating Home Marina)	

The designation of certain planned zoning districts includes a numerical suffix on the zoning map, which indicates the maximum residential density.

Planning Commission. The Marin County Planning Commission, appointed by the Board of Supervisors as provided by Government Code Section 65101, and Title 2 of the Marin County Code, referred to throughout this Development Code as the "Commission."

Plant Nurseries (land use). This land use consists of the commercial production of ornamental plants and other nursery products, grown under cover or outdoors. May include establishments engaged in the sale of such products, and commercial scale greenhouses. The sale of house plants or other nursery products is also included under "Retail Stores, General Merchandise." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Products (land use). This land use consists of the manufacture of rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales."

Playground. See “Parks and Playgrounds.”

Pocket Neighborhood. The type of clustered residential development described in the Multifamily Residential Design Guidelines or the Form Based Code, as applicable.

Porch. A deck with a roof, which is attached to a building.

Poster Board. A sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events.

Potbellied Pig. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*).

Poultry Processing Facility (Land Use). This land use consists of facilities permanently installed on a site engaged in slaughtering poultry for meat to be sold.

Precise Development Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Premise(s). The site of a land use or activity subject to the requirements of this Development Code.

Primary Structure. See "Structure, primary."

Primary Zoning District. One of the agricultural, residential, commercial, or special purpose zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), that is applied to a site by the Zoning Map in addition to one or more of the combining districts established by Section 22.06.020.

Printing and Publishing (land use). This land use consists of printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other "quick printing" services; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Private Residential Recreation Facilities (land use). This land use consists of privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

Private Road. A street or right-of-way owned and maintained by a private person(s) or entity(ies).

Project. See "Development, or Project."

Property Line. See "Lot Line or Property Line."

Proposed Parcel(s). Each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

Proposed Dwelling. A new dwelling that is the subject of a permit application that meets all requirements for permitting, including zoning requirements.

Proposed Single Family Dwelling. See “Proposed Dwelling” and “Single Family Dwelling”.

Protected Tree and Heritage Tree. Any one of the following as indicated in the table below:

Common Name	Botanical Name	Protected Size Diameter at Breast Height	Heritage Size Diameter at Breast Height
Arroyo willow	<i>S. lasiolepis</i>	6 inches	18 inches
Big-leaf maple	<i>Acer macrophyllum</i>	10 inches	30 inches
Bishop pine	<i>Pinus muricata</i>	10 inches	30 inches
Blue oak	<i>Q. douglasii</i>	6 inches	18 inches
Box elder	<i>A. negundo var. californicum</i>	10 inches	30 inches
California bay	<i>Umbellularia californica</i>	10 inches	30 inches
California black oak	<i>Q. kelloggii</i>	6 inches	18 inches
California buckeye	<i>Aesculus californica</i>	10 inches	30 inches
California nutmeg	<i>Torreya californica</i>	10 inches	30 inches
Canyon live oak	<i>Q. chrysolepis</i>	6 inches	18 inches
Chaparral oak	<i>Q. wislizeni</i>	6 inches	18 inches
Coast live oak	<i>Quercus agrifolia</i>	6 inches	18 inches
Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches
Giant Chinquapin	<i>Castanopsis chrysophylla</i>	10 inches	30 inches
Hawthorn	<i>Crataegus douglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpus betuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Oak	<i>Q. parvula var. shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinus latifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches
Pacific madrone	<i>Arbutus menziesii</i>	6 inches	18 inches
Pacific yew	<i>Taxus brevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucus callicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches
Sargent cypress	<i>Cupressus sargentii</i>	6 inches	18 inches
Scouler's willow	<i>S. scouleriana</i>	6 inches	18 inches
Service-berry	<i>Amelanchier alnifolia</i>	10 inches	30 inches
Shining willow	<i>S. lucida ssp. lasiandra</i>	6 inches	18 inches
Silk tassel	<i>Garrya elliptica</i>	10 inches	30 inches
Sitka willow	<i>S. sitchensis</i>	6 inches	18 inches
Tanbark oak	<i>Lithocarpus densiflorus</i>	10 inches	30 inches
Valley oak	<i>Q. lobata</i>	6 inches	18 inches
Wax myrtle	<i>Myrica californica</i>	10 inches	30 inches
White alder	<i>Alnus rhombifolia</i>	10 inches	30 inches

Public Right of Way. A street that has been accepted or is being maintained by the State, the County, or a city, and provides unrestricted vehicular access to the public.

Public Road. A street or highway owned and maintained by the County, a City, the State, or the Federal government.

Public Safety/Service Facilities (land use). This land use consists of facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and civic buildings.

Public Utility Facilities (land use). This land use consists of fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- corporation and maintenance yards
- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Definitions, Q

22.130.030

Q. Definitions, "Q."

Quarry. See "Surface Mining."

R. Definitions, "R."

Racially Concentrated Area of Affluence (RCAA). RCAAs, as defined by the California Department of Housing and Community Development (HCD), are “neighborhoods where the population is disproportionately white and affluent.” The location of RCAAs are defined by HCD. The term was developed to express the continuum of segregation in communities. It represents the opposite of the Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) metric developed by the U.S. Department of Housing and Urban Development.

Recreation, Passive. A type of recreation that does not require the use of organized play areas.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a privately owned site used, or intended to be used, by those inhabiting a recreational vehicle. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards."
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on

a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
5. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

6. **Scrap and Dismantling Yards.** See "Junk Yard."

Referral. Any transmittal, notification, posting, consultation, request for or distribution of information, initiated by the Agency to communicate with other agencies, organizations, groups or the public that pertains to a proposed project.

Regulatory Agreement. A written agreement between the County of Marin and the Developer that ensures the continued affordability of the housing at issue by imposing certain rules and regulations on the operation and maintenance of the site and restricting the rent and/or sale of the housing to Income Qualifying Households at an affordable rental level or sale price. The specific terms of each Regulatory Agreement depend on the circumstances of the property and/or development project at issue and are subject to approval by the County. Each Regulatory Agreement will be recorded against the property at issue to ensure that the requirements in such agreement binds all successors in interest with respect to such property.

Religious Places of Worship (land use). This land use consists of religious facilities operated by organizations for worship, or the promotion of religious activities, including:

- churches
- synagogues
- mosques
- religious schools

Includes accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Does not include other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), which are defined under their respective activities.

Religious Residential Retreat (land use). This land use consists of convents, monasteries, and other facilities where members of religious organizations set themselves apart from the external community for short- or long-term periods to participate in worship and other religious activities.

Repair and Maintenance – Consumer Products (land use). This land use consists of the repair of consumer products as the principal business activity. Examples of establishments included in this land use are: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include shoe repair (see "Personal Services"), or businesses serving the repair needs of heavy equipment (see "Business Support Services").

Repair and Maintenance – Vehicle (land use). This land use generally consists of the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major and minor facilities. Major vehicle repair facilities deal with entire vehicles. Minor facilities specialize in limited aspects of repair and maintenance (i.e., muffler and radiator shops, quick-lube, etc.).

Includes tire recapping establishments. Does not include automobile parking (see "Commercial Parking and Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto, Mobile home, Vehicle and Parts Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling, Scrap and Dismantling Yards."

Resale Controls. Legal restrictions by which the price of affordable housing will be controlled to ensure that the units remain affordable to extremely low, very low, low or moderate-income households, as applicable, over a specified period of time.

Research and Development (land use). This land use consists of scientific research, and the design, development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development.

Residence. See "Dwelling, or Dwelling Unit."

Residential Accessory Dwelling Unit (land use). This land use consists of a second permanent dwelling that is accessory to a primary dwelling on the same site. A residential accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, food preparation, and sanitation. The primary criterion for defining an accessory dwelling unit shall be the existence of separate kitchen. Also see Junior Accessory Dwelling Unit.

Residential Accessory Uses and Structures (land use). This land use consists of and includes any use that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following accessory structures, and other similar structures and uses normally associated with a residential use of property:

- garages
- storage sheds
- gazebos
- studios
- greenhouses
- swimming pools
- spas and hot tubs
- workshops

Also includes community gardens and the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Care Facilities (land use). This land use consists of a dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This land use includes licensed senior care facilities. For purposes of calculating residential densities, a unit that contains a food preparation area is not counted as a separate residential unit if meal service is provided at least twice a day as part of the residential care component.

Residential District or Zone. This designation includes any of the residential zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), including:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single-Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RSP (Residential, Single-Family Planned)	C-R2 (Coastal, Residential, Two-Family)
R2 (Residential, Two-Family)	C-RMP (Coastal, Residential, Multiple Planned)
RMP (Residential, Multiple Planned)	
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	

Restaurant (land use). This land use consists of the retail sale of prepared food and beverages for on-site consumption. This Development Code distinguishes between restaurants (including cafes and coffee shops) designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

Restaurant, Fast Food (land use). This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

Resubdivision. Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments).

Retail Stores, General Merchandise (land use). This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- | | |
|---|--|
| - artists' supplies | - hardware |
| - auto parts (not repair or machine shops) | - hobby materials |
| - bakeries (retail only) | - jewelry |
| - bicycles | - luggage and leather goods |
| - books | - musical instruments, parts and accessories |
| - cameras and photographic supplies | - newsstands |
| - clothing and accessories | - orthopedic supplies |
| - department stores | - pet stores |
| - drug and discount stores | - religious goods |
| - dry goods | - shoe stores |
| - fabrics and sewing supplies | - small wares |
| - florists and houseplant stores | - specialty shops |
| - garden supply stores and sale of houseplants and nursery products | - sporting goods and equipment |
| - general stores | - stationery |
| - grocery stores | - toys and games |
| | - variety stores |

Retail Stores, Visitor/Collector (land use). This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

Retreat Rate. The rate at which wave action and other erosion processes will cause a coastal bluff to erode.

Review Authority. The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, or Community Development Director, where designated by this Development Code as having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

Ridge and Upland Greenbelts. The uppermost portions of hills, and the wooded hillsides identified in the Environmental Quality Element of the Marin Countywide Plan.

Right-to-Farm Ordinance. An ordinance that was adopted in compliance with the Marin Countywide Plan for the purpose of protecting existing or future agricultural uses.

Riparian. Associated with or dependent upon a river, stream, or other water body.

Riparian Habitats. Areas of riparian vegetation that are characterized by plant species that occur along and adjacent to fresh water courses, including perennial and intermittent streams, lakes, springs, and other bodies of fresh water. Riparian habitats include transitional zones between land and water and are distinguished by characteristic woody trees and shrubs, a variety of important ecological functions, and generally high wildlife habitat values.

Riparian Vegetation. Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. *Woody riparian vegetation* includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. *Herbaceous riparian vegetation* includes grasses, sedges, rushes and forbs- broad leafed plants that lack a woody skeleton.

Room Rental (land use). This land use consists of the rental of individual bedrooms within a dwelling or accessory structure. This use is subordinate to the primary residential use of the property.

Rotor Blade. The part of a wind turbine that interacts with wind to produce energy. It consists of the turbine's blades and the hub to which the blades attach.

Rural Recreation (land use). This land use consists of facilities for outdoor recreational activities including: outdoor archery, pistol, rifle, and skeet shooting ranges and clubs; rodeo facilities; guest ranches; and health resorts including outdoor hot springs or hot tub facilities. Hunting and fishing clubs are separately defined.

S. Definitions, "S."

Sale of Agricultural Products (land use). This land use consists of retail sales of agricultural products. Includes seasonal structures, such as roadside stands, which are open structures for retail sales, and permanent structures for year-round sales. Does not include hay, grain and feed sales; see "Farm Equipment and Supplies."

SCA. See "Stream Conservation Area."

Schools (land use). This land use consists of public and private educational institutions, including:

- boarding schools
- business, secretarial, and vocational schools
- community colleges, colleges and universities
- elementary, middle, and junior high schools
- establishments providing courses by mail
- high schools
- military academies
- professional schools (law, medicine, etc.)
- seminaries/religious ministry training facilities
- pre-schools

Also includes specialized non-degree granting schools offering instruction in:

- art
- ballet and other dance
- computers and electronics
- drama
- driver education
- language
- music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Includes child day-care facilities where authorized by the same type of land use permit required for the school itself.

Scrap. See "Junk."

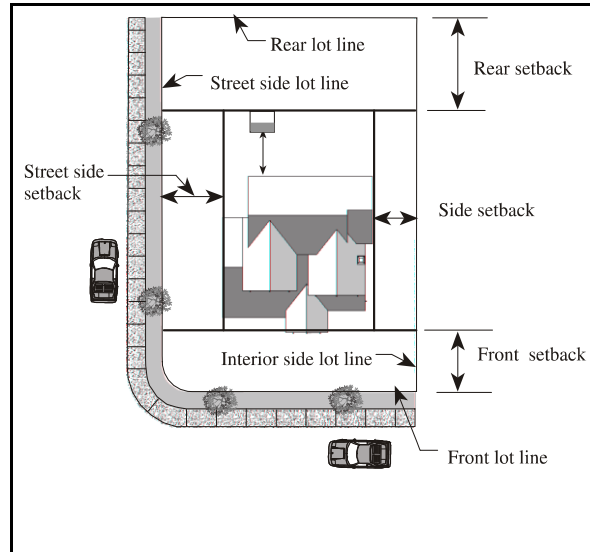
Second Hand Stores (land use). This land use consists of the purchase and retail sale of used products, including books, clothing, furniture and household goods. The sale of antiques is included under "Retail Stores, Visitor/Collector." The sale of cars and other used vehicles is included under "Auto, Mobile Home, Vehicle and Parts Sales."

Sensitive Habitat. Stream Conservation Areas and Wetland Conservation Areas. (See Environmentally Sensitive Habitat Area for properties in the coastal zone.)

Septic System. An on-site sewage disposal system consisting of a septic tank, and a soil infiltration leach field, evapotranspiration mound, or other approved disposal facility.

Setback. The distance by which a structure is required to be separated from a boundary line, measured perpendicular to the boundary line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.

**FIGURE 8-6
SETBACKS**



Service Station (land use). This land use consists of the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Shopping Center (land use). This land use consists of structures with six or more independently operated retail uses whose combined gross floor area totals at least 20,000 square feet, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing rights of reciprocal parking and access.

Sign. A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, A-frame. A portable, and self-supporting sign used for advertising purposes, constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top (Syn. Sandwich Board Sign).

Sign, Abandoned. Any lawfully erected sign that, for a period of 90 days or more, no longer advertises or identifies an ongoing business, activity, product, service, or other use available on the premise where the sign is located.

Sign Area. Sign area consists of the message, background and any frame or outline and does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape

which encompasses the total message. The area of a conic, cylindrical, spherical or multi-faced sign shall be its maximum projection on the vertical plane (e.g., for a two-faced sign, only one side shall be measured).

Sign, Awning. Any sign copy that is printed, painted or affixed to an awning.

Sign, billboard A permanent structure for the display of off-premises advertising.

Sign, building mounted. A sign attached to or painted on the wall of a building or an element or structure attached to the building, such as an awning or canopy.

Sign, canopy. A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

Sign, changeable copy. A sign that is designed so that characters, letters, numbers or illustrations can be manually changed or rearranged without altering the face or surface of the sign.

Sign copy. All portions of a sign displaying a message, including text and symbols, not including the supporting structure or base of a sign.

Sign, directory. A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business center.

Sign, electronic message center. A sign or portion of a sign that is capable of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity by electronic or automatic means.

Sign, feather or vertical. A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, freestanding. A sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Sign, fuel pump topper. A sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, illegal. Any sign erected without complying with all ordinances and regulations in effect at the time of its construction and erection or use.

Sign, inflatable. A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable signs or devices are restrained, attached, or held in place by a cord, rope, cable, or similar method. Includes air-activated graphics which are designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Sign, internally illuminated. Any sign in which the source of light is entirely enclosed within the sign and not directly visible.

Sign, nonconforming. Any permanent or temporary sign, including its physical structure and supporting elements, which was lawfully erected and maintained in compliance with all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of Chapter 22.28 (Signs).

Sign, off-premises. Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated or sold by the owner of said sign or property

for the purpose of conveying a message.

Sign, permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign Program. A coordinated design plan of one or more signs for an individual business, a multi-tenant business center, or other site that specifies the number, size, description, and location of all signs located or to be located on the parcel or business site.

Sign, projecting. A sign attached to, and extending from, a building or other structure.

Sign, roof. A sign constructed upon or over a roof or placed so that any portion of the sign extends above the roof line.

Sign, suspended. A sign that is suspended from the underside of an eave, canopy, awning, arcade, or other covered walkway.

Sign, temporary. A sign which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.

Sign, vehicle. Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

Sign, wall. A sign attached to, painted on, connected to, erected against the wall, parapet, or fascia of a building or structure with the exposed face of the sign in a plane parallel to the vertical face of the building or structure.

Sign, wall banner. A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure other than a flag pole with cord, rope, cable, or a similar method. This definition does not include a flag.

Sign, window. A temporary or permanent sign placed on or behind a window, not including merchandise included in window displays. Window signs do not include common wall windows on the inside of a building not visible by the general public from any public right-of-way or any public area.

Sign, yard. Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, not including banners.

FIGURE 8-7 SIGNS



Significant Tobacco Retailer. Any tobacco retailer engaged in the sale and/or distribution of tobacco products or paraphernalia to the general public, excluding wholesale businesses, that either devotes 20% or more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

Single-Family Dwellings (land use). This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (UBC), and mobile homes/manufactured housing on permanent foundations and agricultural worker housing.

Single-Family Residential Zoning District. A zoning district listed in Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones – Permit Requirements and Allowable Land Uses) which allows single-family dwellings, but not two-family or multi-family dwellings. These zoning districts include:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RSP (Residential, Single-Family Planned)	A2B (Agriculture, Limited)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

Single Room Occupancy (SRO). A multiple-tenant residential building, in which four or more studio apartments that do not have kitchens are rented as affordable housing on at least a monthly basis. One common kitchen may be provided for an SRO.

Site. A lot or parcel, or adjoining lots or parcels under single ownership or single control, which is considered a unit for the purposes of development or other use.

Site Assessment. An analysis of the environmental setting of developed or undeveloped land, including but not limited to sensitive wildlife habitats and sensitive resources, such as baylands, wetlands, stream and riparian systems, and special status species and species of concern. A site assessment may also include findings regarding potential environmental effects resulting from a development application, and recommendations for measures that may avoid or minimize such effects.

Site Coverage. See "Lot Coverage."

Skilled Nursing Facility. A medical care facility providing care for people with physical or mental disabilities, where care is less than that provided by a hospital or other acute care facility. See "Medical Services – Extended Care."

Slaughter Facilities, Mobile. A self-contained facility engaged in slaughter that can travel from site to site.

Slope. The average slope of a lot expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

- S = The average slope of natural ground expressed as a percent
- I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)
- L = The sum of the length of the contour lines expressed in feet
- A = The area of the lot expressed in square feet

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

Slope Ordinance. Minimum lot area requirements established based on slope. See Section 22.82.050 (Hillside Subdivision Design).

Small Family Day-Care Homes (land use). See "Child Day-Care Facilities."

Solar Energy System. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

1. A structural design feature of a building, including either of the following:
 2. Any design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- A. Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

Commercial Solar Facilities are defined separately and are not included in this definition as a solar energy system.

Solid Waste. Unwanted materials discarded by the occupants of homes and businesses, which may include recyclable materials.

Special Purpose District or Zone. Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities), and OA (Open Area), and the C-OA (Coastal, Open Area) zone as defined in Article V (Coastal Zones – Permit Requirements and Development Standards).

Specific Plan. A detailed plan for the systematic implementation of the general plan, for all or part of the area covered by the general plan, as authorized by Government Code Sections 65450 et seq.

Sport Facilities and Outdoor Public Assembly (land use). This land use consists of indoor and outdoor facilities for spectator-oriented sports and other outdoor public assembly facilities for such activities as outdoor theater productions and concerts. These facilities include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports facilities that are considered commercial.

Standard Management Practices. Method or techniques maintained by the Community Development Agency for the protection of hydrological processes, stream and riparian habitat, and water quality to avoid or minimize impacts to salmonids within the Stream Conservation Area within San Geronimo Valley.

State. The State of California.

Stealth Design. A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment.

Stock Cooperative. A development defined by the Business and Professions Code, Section 11003.2 and the Civil Code, Section 1351.m, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

Stone and Cut Stone Products (land use). This land use consists of the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Stop Work Order. A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

Storage, Accessory (land use). This land use consists of the storage of various materials in support of a residential, commercial, or industrial land use on the same site, where the primary use of the site is not a storage facility.

Storage, Personal Storage Facility (land use). This land use consists of a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story (floating home). That portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

Stream. A natural or once natural flowing open drainage channel with an established bed and bank. These consist of perennial, intermittent, and ephemeral streams, including open waterways that have been restored, modified, or channelized, but do not include ditches, culverts, or other above- or below-ground conduits constructed specifically for storm drainage function. Perennial and intermittent streams, shown as solid or dashed blue lines (or purple lines) on the most recent appropriate USGS data, and ephemeral streams as defined below, are subject to Stream Conservation Area protection policies. See “Stream Conservation Area (SCA).”

Stream, Ephemeral. A watercourse that carries only surface runoff and flows during and immediately after periods of precipitation.

Stream, Intermittent. A watercourse that is temporally intermittent or seasonal and that flows during the wet season, continues to flow after the period of precipitation, and ceases surface flow during at least part of the dry season. Intermittent streams are typically shown as a dashed blue line on USGS data.

Stream, Perennial. A watercourse that flows throughout the year (except for infrequent or extended periods of drought), although surface water flow may be temporarily discontinuous in some reaches of the channel, such as between pools, typically shown as a solid blue line on USGS data. (Perennial streams can be spatially intermittent but flow all year.)

Stream Conservation Area. An area designated by the Marin Countywide Plan along all natural watercourses shown as a solid or dashed blue line on the most recent appropriate USGS topographic quadrangle map, or along all watercourses supporting riparian vegetation for a length of 100 feet or more, and/or supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. See Marin Countywide Plan policy BIO-4.1.

The Stream Conservation Area is a buffer established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams.

The Stream Conservation Area encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent wetlands, and supersedes buffer standards defined for Wetland Conservation Areas.

The Stream Conservation Area consists of the watercourse itself between the stream tops of banks and a strip of land extending laterally outward on each side from the top of bank that is the width greater of either:

1. 50 feet landward from the outer edge of woody riparian vegetation associated with the stream; and/or
2. 100 feet landward from the top of bank. Within the SGV combining district, the Stream Conservation Area is measured from the centerline of the swale for ephemeral streams with no clear top of bank as shown in Figure 8-9.

An additional buffer may be required based on the results of a site assessment to protect riparian habitat.

The Stream Conservation Area applies to ephemeral streams that:

1. Support riparian vegetation for a length of 100 feet or more; and/or
2. Supports special-status species and/or sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream.

Except for ephemeral streams within the SGV combining district, a minimum 20-foot buffer should be required for those ephemeral streams that do not meet these criteria. In the SGV combining district, the Stream Conservation Area applies to all ephemeral streams as mapped on the most recent appropriate USGS National Hydrography Dataset.

FIGURE 8-8
TYPICAL CROSS SECTION OF A STREAM CONSERVATION AREA

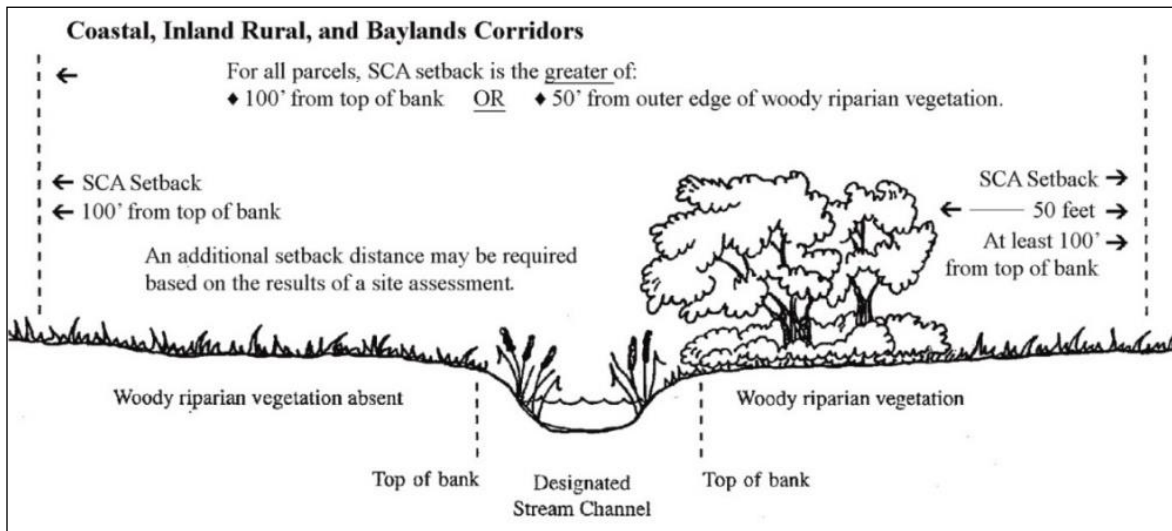


FIGURE 8-9
 BUFFER MEASUREMENT FOR EPHEMERAL STREAMS IN SAN GERONIMO VALLEY

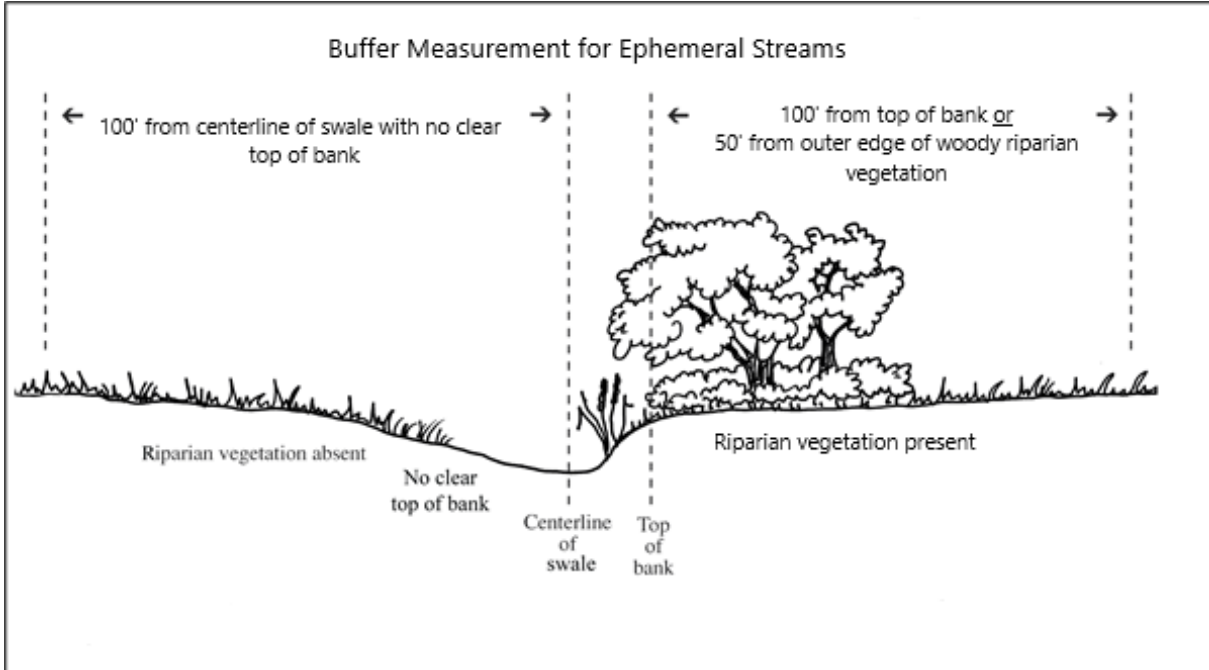
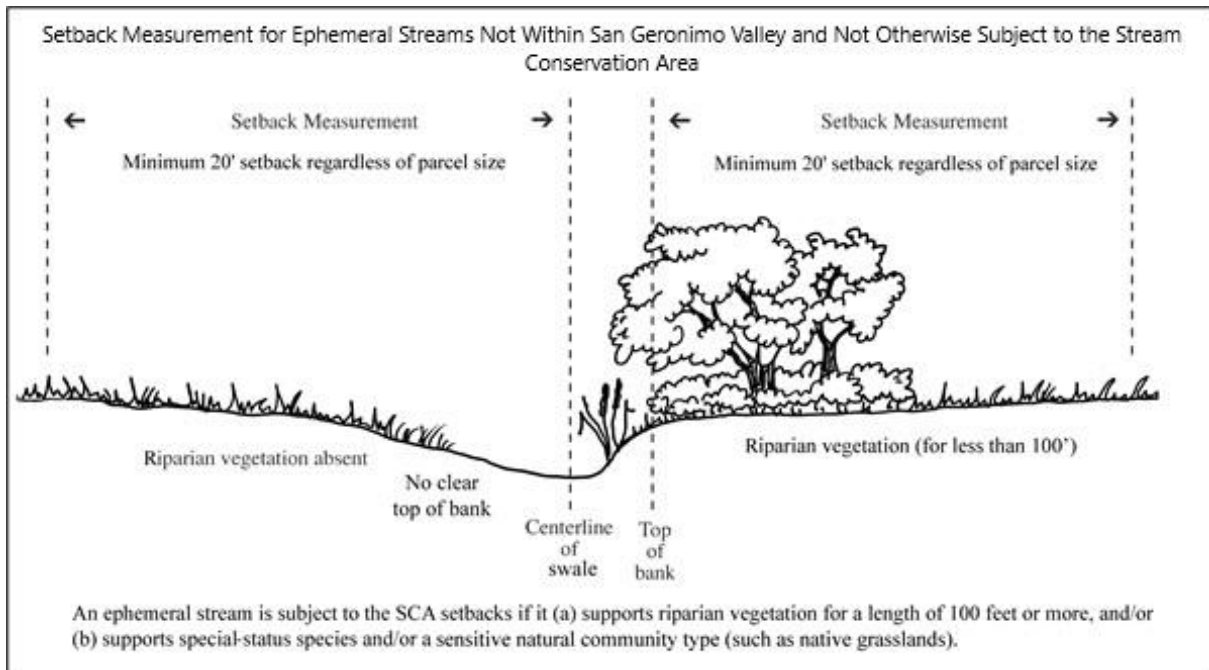


FIGURE 8-10
 SETBACK MEASUREMENT FOR EPHEMERAL STREAMS NOT WITHIN SAN GERONIMO VALLEY AND NOT OTHERWISE SUBJECT TO THE STREAM CONSERVATION AREA



Street. A public right-of-way or access normally used for vehicular traffic, excluding vehicular driveways serving a single lot or parcel and trails or paths used for pedestrian access purposes only.

Structural Alterations. Any change in the supporting members of a building, including bearing walls, columns, beams or girders.

Structural Clay and Pottery Products (land use). This land use consists of the manufacture of brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Cottage Industries," "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term "structure" includes "buildings." Examples of structures include:

- residence/guest house
- garage/carport/car deck
- swimming pool/spa
- barn
- arbor/gazebo
- retaining wall
- fence/trellis

Structure, Accessory. See "Accessory Structures."

Structure, Primary. A structure in which the principal use of the site is conducted. On sites with multiple structures, the Director shall determine which is the primary structure based on zoning, use, floor area, owner occupancy, etc.

Studios for Art, Dance, Music, Photography, etc. (land use). This land use consists of the provision of individual and group instruction and training in: the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; and martial arts training studios.

Subdivider. A person, firm, corporation, partnership or association, a governmental agency, public entity or public utility, or the grantor to any such agency, entity, utility or subsidiary, who proposes to subdivide real property for themselves or for others, except employees and consultants or these persons or entities acting in this capacity.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Marin County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1351.f of the Civil Code, and a community apartment project, as defined in Section 1351.d of the Civil Code.

Subdivision Map. A Tentative, Parcel or Final Map, as described in Article VI (Subdivisions).

Subdivision Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Superstructure (floating home). The portion of a floating home or ark above the lowest deck or the level of floatation.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Health and Safety Code Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community per Health and Safety Code Section 50675.14(b).

Surface Mining. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

T. Definitions, "T."

Telecommunications Facilities (land use). This land use consists of public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations and equipment, including:

- cellular telephone and personal communications services (PCS) facilities, and enhanced specialized mobile radio facilities
- commercial earth stations for satellite-based communications
- data network communications facilities
- radio and television broadcast facilities, including ham radio facilities
- telephone and telegraph microwave facilities

Includes antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they are situated. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

Telecommunications Facilities, Base Station. Structures other than wireless towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time the relevant application is filed, even if the structure was not built for the sole or primary purpose of providing such support.

Telecommunications Facilities, Eligible Facility Request. Any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Telecommunications Facilities, Substantial Change. A substantial change for telecommunications facilities is defined as any one of the following:

- For wireless towers outside of public rights-of-way, it increases the height by more than 20 feet or 10%, whichever is greater; for those wireless towers in the rights-of-way and for all base stations, it increases the height of the wireless tower or base station by more than 10% or 10 feet, whichever is greater.
- For wireless towers outside of public rights-of-way, it protrudes from the edge of the wireless tower more than 20 feet, or more than the width of the wireless tower structure at the level of the appurtenance, whichever is greater; for those wireless towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet.
- It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
- It entails any excavation or deployment outside the current site of the wireless tower or base station.
- It would defeat the existing concealment elements of the wireless tower or base station.
- It does not comply with conditions associated with the prior approval of the wireless tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

Telecommunications Facilities, Wireless Tower. Any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities.

Temporary Construction Yard. A site for the storage of construction materials other than the construction site.

Temporary Mobile Home (land use). This land use consists of a mobile home used as a temporary residence during the construction of a permanent residence on the same site.

Temporary Use Permit. A discretionary land use permit that may be granted in compliance with Chapter 22.50 (Temporary Use Permits), which authorizes a specific use of land on a specific site for a limited time, subject to compliance with any conditions of approval imposed on the permit.

Tennis and Other Recreational Uses (land use). Non-commercial recreational facilities constructed for private use on residential properties. See also “Hotel or Motel”, “Outdoor Commercial Recreation”, Private Residential Recreational Facilities, and “Sport Facilities and Outdoor Public Assembly”.

Tentative Map. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

Textile and Leather Products (land use). This land use consists of any of the following manufacturing activities:

- coating, waterproofing, or otherwise treating fabric
- dyeing and finishing fiber, yarn, fabric, and knit apparel
- manufacture of knit apparel and other finished products from yarn
- manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- manufacturing of woven fabric, carpets and rugs from yarn
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, and twine cordage
- upholstery manufacturing

Theaters and Meeting Halls (land use). This land use consists of indoor facilities for public assembly and group entertainment, other than sporting events, including:

- civic theaters, meeting halls and facilities for "live" theater and concerts
- exhibition and convention halls
- meeting halls for rent
- motion picture theaters
- public and semi-public auditoriums
- similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Sport Facilities and Outdoor Public Assembly."

Tidelands. All land and water areas that are below, or were at any time within a preceding 12-month period below the Mean High Tide line, and to contiguous land between that line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer.

Areas behind secured dykes, which is normally not subject to tidal action by virtue of the dyke, are not considered tidelands.

Timber Harvesting. The cutting of timber and/or removal of forest products for commercial purposes, together with all the work incidental to those operations, including road building, tree marking, hazard reduction, etc.

Tobacco Paraphernalia. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

Tobacco Products. Any substance containing any tobacco leave, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

Tobacco Retailer. Any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

Total Height (System Height). The total WECS height is the height from natural grade to the fixed portion of the tower and includes the highest vertical length of any extensions above grade, such as the rotor blades when being operated.

Tower. The tower is the support structure, including guyed monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a wind energy system.

Tower Height (WECS). The tower height is the height from natural grade to the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blade.

Transfer of Development Rights (TDR). The process established by Chapter 22.34 (Transfer of Development Rights), which allows some or all of the number of dwelling units potentially allowed by the zoning applicable to a "donor" site, to be transferred and built on another "receiving" site, in addition to the number of units potentially allowed by the zoning of the receiving site.

Transit Stations and Terminals (land use). This land use consists of passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelter (land use). This land use consists of a small-scale covered waiting area for busses, taxis, and rail/mass transit stops.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code Section 50675.2(h).

Trash Full Capture System. Any device or series of devices that traps and retains all particles that are five millimeters or greater, and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour, storm in the tributary drainage catchment area.

Two-Family Dwelling (land use). This land use consists of detached residential structures under single ownership containing two dwellings. This land use does not include residential accessory dwelling units, which are separately defined.

U. Definitions, "U."

Unincorporated Community. A concentration of structures and population within the unincorporated areas of the County identified by the Countywide Plan as a community.

Urbanized Area. An urbanized area or urban cluster, as designated by the United States Census Bureau.

Use. The purpose for which land or a building thereon is designed, or for which it may be occupied. Each business, administrative, professional, industrial, or other establishment, which is separate from another establishment, both in fact and in the appearance presented to the public, shall be considered a separate use.

Use Permit. A discretionary land use permit that may be granted by the Review Authority in compliance with Chapter 22.48 (Conditional Use Permits) or Chapter 22.49 (Master Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.

V. Definitions, "V."

Vacant Lot. A lot which is not developed with a primary structure, or is developed only with one or more accessory structures. As used in this Code, development of a lot which entails demolition exceeding 75 percent of the total linear sum of the primary structure's exterior walls shall be subject to the regulations for developing a vacant lot.

Variance. See Chapter 22.54 (Variances).

Vehicle and Freight Terminals (land use). This land use consists of the provision of services incidental to air, motor freight, and rail transportation. Examples of these services and related facilities include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

Vertical Axis WECS. A vertical-axis wind turbine (VAWT) is an energy conversion system whose rotor axis is substantially perpendicular to the wind flow. The main rotor shaft is arranged vertically and the turbine does not need to be pointed into the wind to be effective.

Vessel. Any watercraft of any type or size, including barges, ferry boats, yachts, houseboats, floating homes, and rafts.

Vest. To obtain a right by completing an action required by this Development Code.

Vesting Tentative Map. A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by Section 22.84.110 (Tentative Map Time Limits), or the Subdivision Map Act. A Vesting Tentative Map shall have the words "Vesting Tentative Map" printed conspicuously on its face at the time it is filed with the Agency.

Veterinary Clinics and Animal Hospitals (land use). This land use consists of office and entirely indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also, "Kennels and Animal Boarding."

Visitor-Serving Facility. Stores, shops, businesses, bed and breakfast inns, public and private recreational facilities that provide accommodations, food and services. Includes hotels and motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are used by the traveling public.

Visually Prominent Ridgeline. A line connecting the topographic highpoints within the Countywide Plan's Ridge and Upland Greenbelt along a ridge that separates watersheds and is visible from public viewpoints from open space areas, parks, trailheads, highways, arterial roads, the bay and other water bodies.

W. Definitions, "W."

Warehouse Retail Stores (land use). This land use consists of the retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing (land use). This land use consists of facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

Waste Disposal Sites (land use). This land use consists of County-approved or operated refuse dumps, sanitary landfills and other solid waste terminal disposal facilities, not including facilities for hazardous materials.

Water Conservation Dams and Ponds (land use). This land use consists of water impoundment reservoirs constructed for watering stock, groundwater recharge, and other conservation purposes.

WECS (land use). See "Wind Energy Conversion Systems (WECS)."

Wetland, Jurisdictional. An area that meets the criteria established by the U.S. Army Corps of Engineers (Corps or COE) for Wetlands (as set forth in their Wetlands Delineation Manual). Such areas come under the jurisdiction of the Corps of Engineers for permitting certain actions such as dredge and fill operations.

Wetland Conservation Area. An area designated by the Marin Countywide Plan that includes wetlands and associated buffer areas. See Marin Countywide Plan policy BIO-3.1.

Wholesaling and Distribution (land use). This land use consists of establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Wild Animal Ranches (land use). This land use consists of the keeping or raising of wild animals for commercial agricultural purposes.

Williamson Act. Formally the California Land Conservation Act of 1965, this Act was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Wind Energy Conversion System (WECS) (land use). This land use is defined as any machine that converts and then stores or transfers the kinetic energy in the wind into a usable form of mechanical or electrical energy. The WECS consists of all parts of the system, including the base or foundation tower, wind turbine, generator, rotor, blades, supports, and transmission equipment. Additional WECS definitions include:

1. **Small Wind Energy Conversion System.** This land use is defined as: (1) any small freestanding WECS up to 40 feet in total height above grade; (2) a roof-mounted WECS utilizing a horizontal-axis wind turbine (HAWT) or a vertical-axis wind turbine (VAWT) and not exceeding 10 feet in height above the roof line of the structure; or (3) a non-grid-tied WECS used solely to pump water for agricultural uses and not exceeding 100 feet in total height above grade.
2. **Medium Wind Energy Conversion System.** This land use is defined as any WECS project between 40 feet and 200 feet in total height above grade.
3. **Large Wind Energy Conversion System.** This land use is defined as any WECS project greater than 200 feet in total height above grade.

Wind Turbine. A wind turbine is a rotating machine which converts the kinetic energy in wind into mechanical energy, which is then converted to electricity.

Wind Turbine Generator. A wind turbine generator converts mechanical energy into electrical energy by means of attaching a generator to a rotating part of a wind turbine.

X. Definitions, "X." No definitions beginning with the letter "X" are used at this time.**Y. Definitions, "Y."**

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 22.20.100 (Setback Requirements and Exceptions) and Figure 8-7 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and a structure.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and a structure.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and a structure.
4. **Interior Yard.** An area between a lot line and a structure that does not abut a street or right-of-way.

Z. Definitions, "Z."

Zoning Administrator. The employee of the Marin County Community Development Agency appointed by the Board of Supervisors as Zoning Administrator, with duties and authority as described in Section 22.110.040 (Zoning Administrator).

Zoning Code. Articles I through V, and VII through VIII of this Development Code.

Zoning District. An area identified on the County Zoning Map within which certain uses of land and structures are permitted, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards).

Zoning Map. The official map or maps of Marin County that identify the specific zoning districts located in the unincorporated areas of the County. The Zoning Map is on file with the Marin County Community Development Agency.