ARTICLE III

Site Planning and General Development Regulations

CHAPTER 22.20 – GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

Sections:

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. Dust Control. The following dust 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.

C. 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 the structure is located up to or within one foot of the minimum required setback on conventionally zoned properties and when the structure 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. The building setback verification can also be satisfied by having a licensed land surveyor or civil engineer with proper certification conduct a survey and install survey hubs with connecting colored line in locations that can be readily used by the Building and Safety Inspection staff to verify building setbacks in the field prior to approval of the inspection. If new survey hubs are installed, the project land surveyor or civil engineer must submit a written (stamped) Setback Certification to the Planning Division confirming that the survey staking has been properly completed.

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.

D. 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.

E. 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.

F. 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.

G. 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.

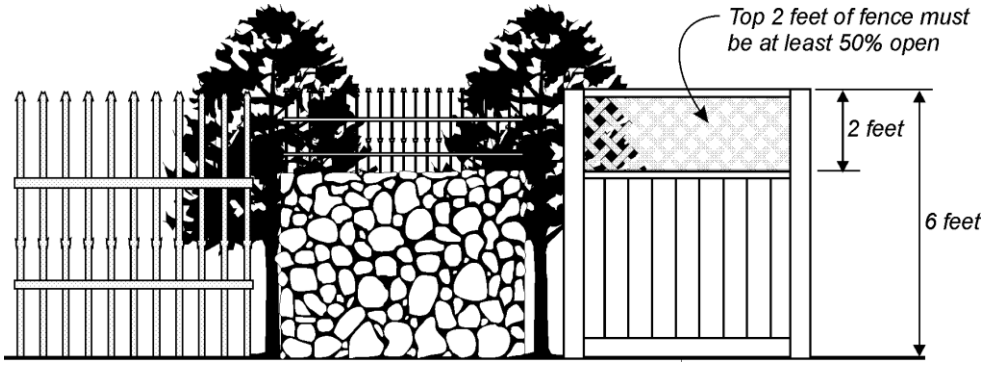
1. General height limit. The general height limit for fences and screening walls is the same for other detached accessory structures, provided they meet the required setback. The required setback shall be either that setback established by the governing conventional district, an established building 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.)

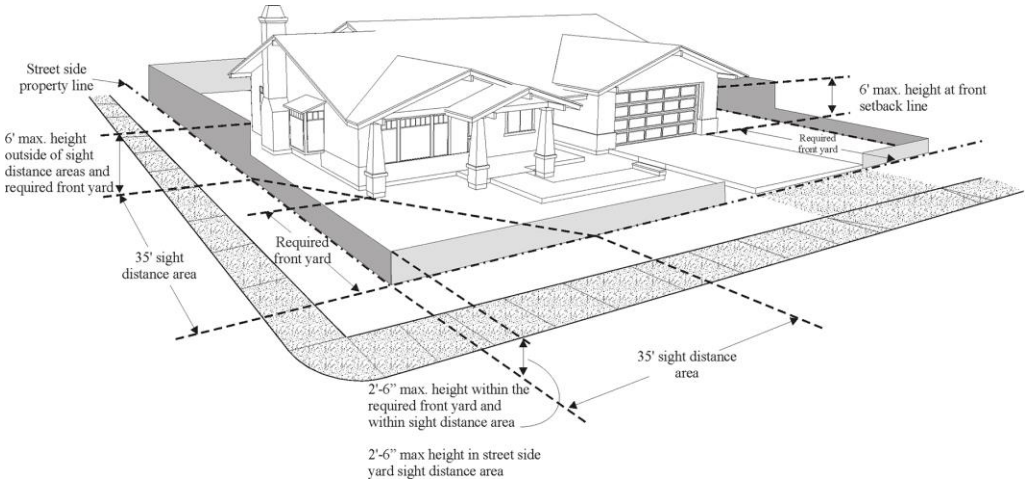
c. A trellis above a gate or opening along the line of a fence, not exceeding a maximum height of eight feet above grade and a width of six feet, is permitted within a required setback for a front, side, or rear yard that abuts a street.

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

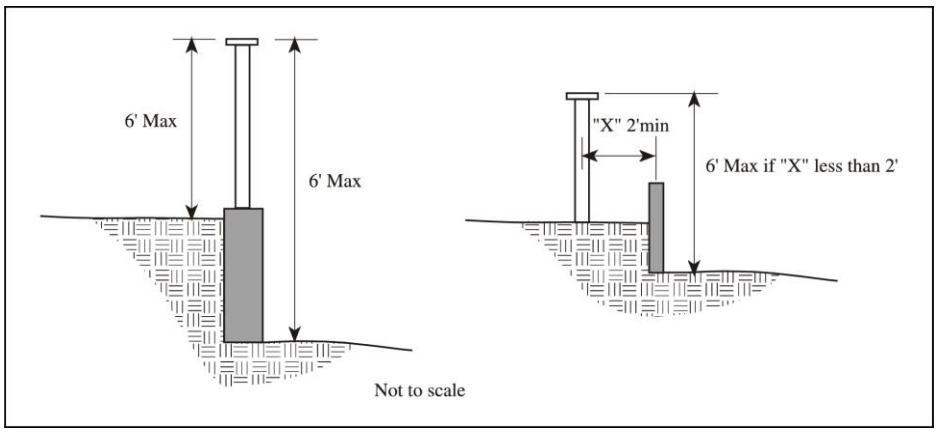


3. Lots with grade differential. Where there is a difference in the ground level between two adjoining lots, the height of the fence or wall shall not exceed six feet as measured from grade on either side of the structure. See Figure 3-3 (Fence Height Limits).

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



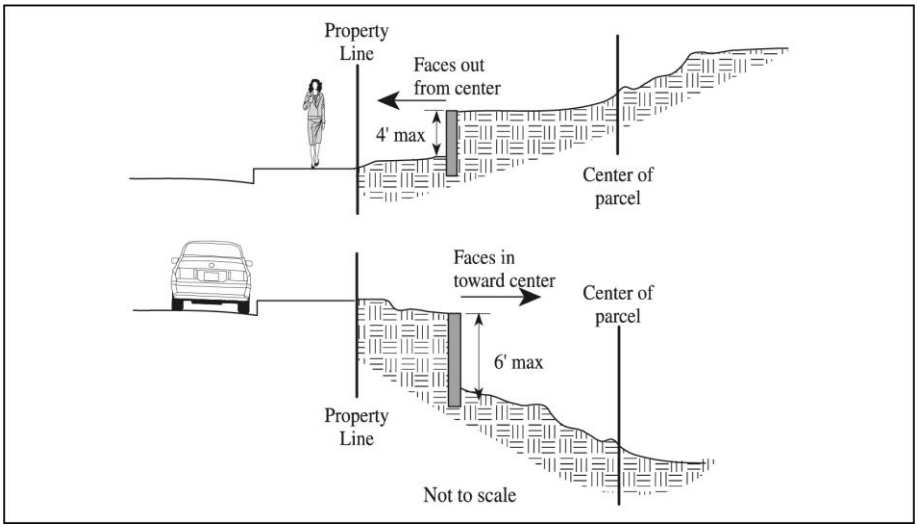
22.20.052 – Retaining Wall Standards

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.

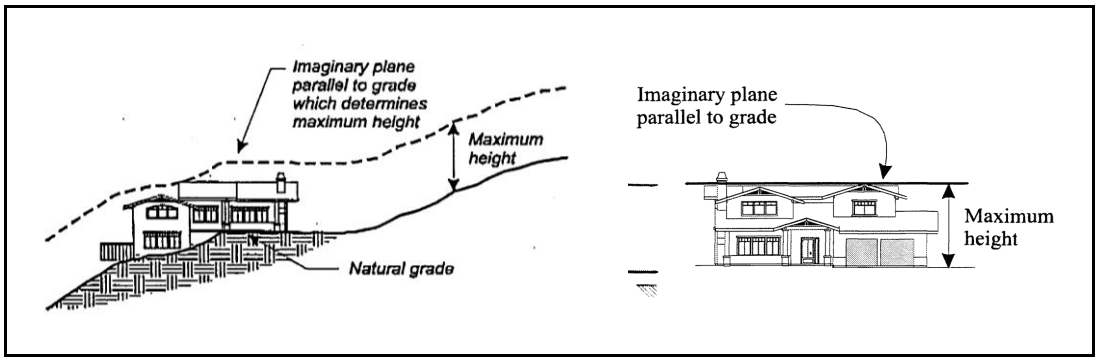
22.20.060 – Height Measurement and Height Limit Exceptions

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 15 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 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. Solar panels. In A, A2, RA, RR, RE, R1, R2, H1, and VCR zoning districts, roof-mounted solar electric and solar thermal panels may exceed 30 feet above grade, provided no part of the equipment exceeds a height of 32 feet above grade unless approved through Design Review. Solar panels on the roofs of commercial, industrial, or institutional buildings may not exceed a height of six feet above the roof, to a maximum of 36 feet above grade unless approved through Design Review. The requirements of Sections 22.16.030.D.1, 22.16.030.D.2., 22.16.030.H relative to protection of rural visual character, 22.16.030.I.1.c., and 22.16.030.I.2, 22.42.060.B (Decisions and Findings) shall not apply to Design Review for solar panels.

Roof-mounted solar panels on floating homes and arks in RF and RCR zoning districts may exceed the maximum height allowed by this Development Code or the maximum height allowed by previously approved permits by a maximum of two feet without being subject to discretionary approval by Floating Home Exception.

5. 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).

6. 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.

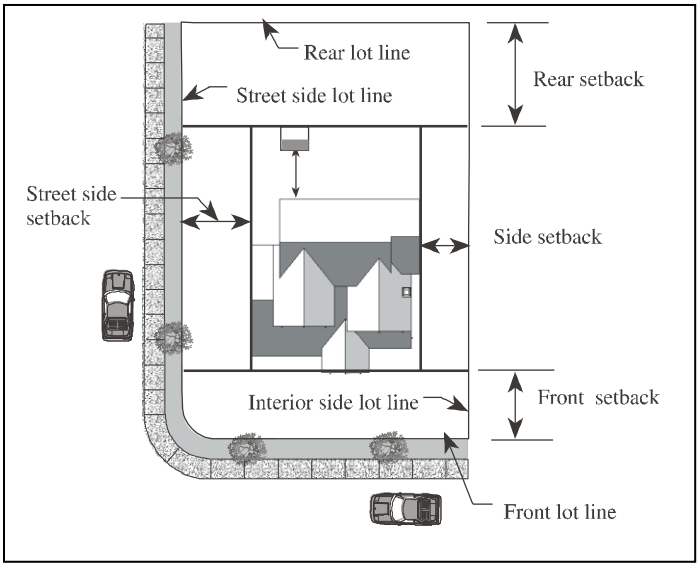
22.20.080 – Parking Requirements

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

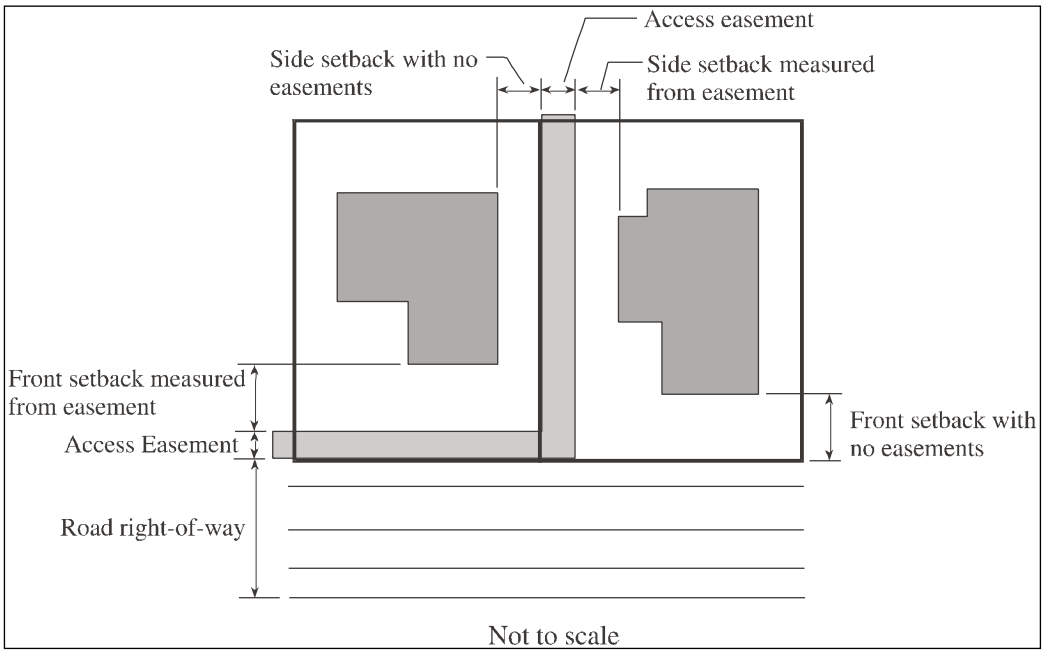
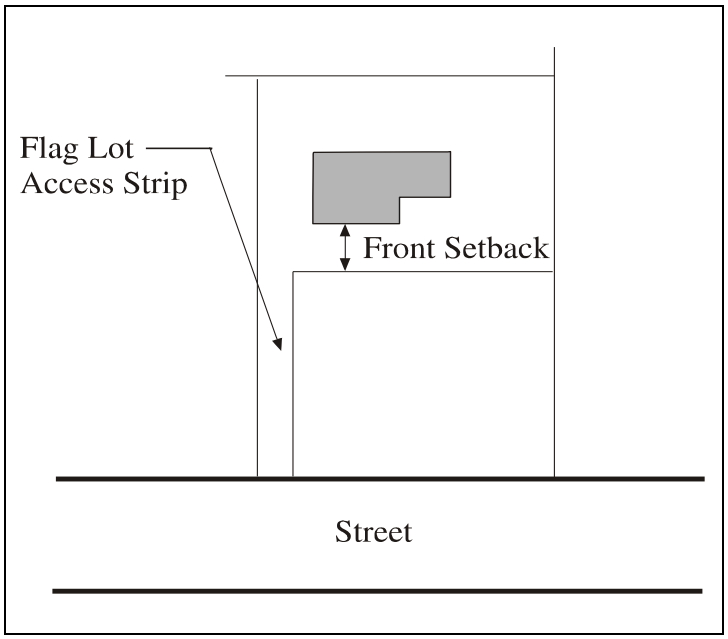


FIGURE 3-8
FLAG LOT SETBACKS



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.

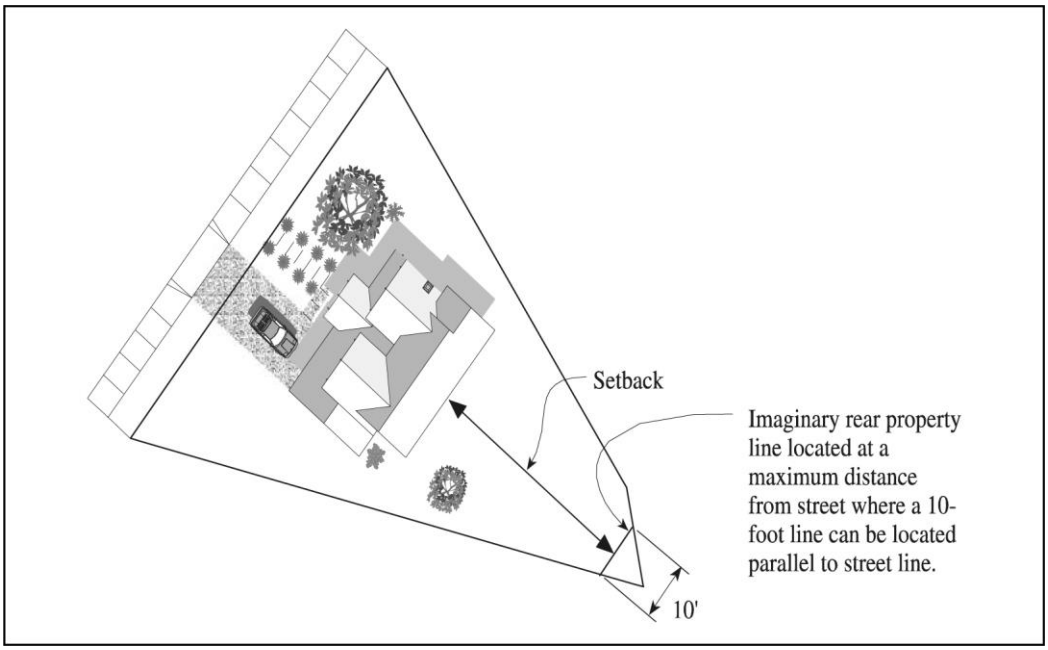
2. **Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the lot to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.

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 the primary structure 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.
Solar devices and tankless water heaters	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.

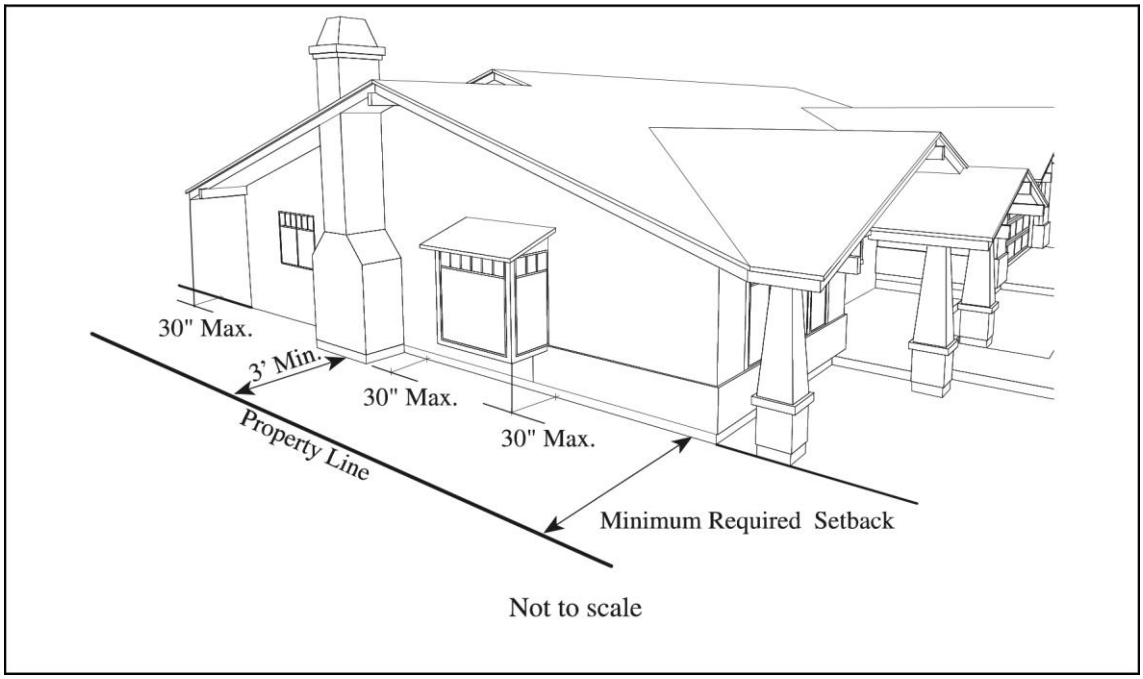
(3) Decks less than 18 inches above grade are exempt, in compliance with 22.20.090.D.3 (Exemptions from Setback Requirements), above.

(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.

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 projects requiring a discretionary land use permit or entitlement.

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

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 th Chapter apply to new development that entails the development of new residential floor area, lot creation, 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 (in-lieu fee for up to 0.5 unit)	22.22.020.B
C. Multi-family **(**ownership with subdivision map)	20% of units (In-lieu fee for up to 0.5 unit)	22.22.090.A
Lot Creation		
D. With proposed dwellings	20% of units (In-lieu fee for up to 0.5 unit)	22.22.090.A
E. Lots only	20% of lots (In-lieu fee for up to 0.5 unit)	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 – Lot Creation). Increments of a unit shall pay a fee established by the Board of Supervisors and shall be updated annually by the Director to compensate for inflation based on the higher of either the construction cost index published in the Engineering News Record (ENR) or the CPI (Shelter Only). The payment of any applicable fees shall be due prior to issuance of Building Permits.

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- Lot Creation).

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 – Lot Creation).

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 – Lot Creation).

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. **Applicability to density bonus projects.** Any affordable housing units that qualify a project for a density bonus pursuant to Government Code Section 65915 must be provided in addition to the required affordable housing units and may not also be counted as affordable housing units pursuant to this Chapter.

I. **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.

22.22.030 – Application Filing

An affordable housing plan shall be submitted as part of the first application for any 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 is 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; 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.

22.22.060 – Waivers

The review authority may grant a waiver to the requirements of this Chapter if 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 – Lot Creation) 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. Required units or lots may also be within the boundaries of a City or Town provided there is an inter-agency agreement with the County which defines the sharing of affordable housing resources and compliance with fair share housing allocations. 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 in an area with appropriate zoning, character and 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 in an area with appropriate zoning, character and 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. Required units may also be constructed within the boundaries of a City or Town provided there is an inter-agency agreement with the County which defines the sharing of affordable housing resources and compliance with fair share housing allocations.

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 – Lot Creation). 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. Required units or lots may also be within the boundaries of a City or Town provided there is an inter-agency agreement with the County which defines the sharing of affordable housing resources and compliance with fair share housing allocations. 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 provided 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 in an area with appropriate zoning, character and 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 planning area, 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 – Lot Creation). 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. 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.

B. 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.

C. Affordable unit cost. Required ownership units shall be affordable to households at 60 percent of the Area Median Income, adjusted for household size. Any affordable rental units proposed by an applicant shall be offered at an affordable rent not exceeding 30 percent of the gross income of households earning at most 50 percent of Area Median Income, adjusted for household size. The housing unit prices shall be established by the County or its designee and shall be based on the number of bedrooms. See Article VIII for definitions of Affordable Ownership Cost, Affordable Rent and Area Median Income.

D. 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.

E. Design and character of affordable housing units. Required affordable housing units 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. 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.

F. 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.

G. 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.

H. 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 – Lot Creation) and 22.22.100 (Non-Residential and Mixed Use Affordable Housing Standards) or as an alternative to the Rental Housing Impact Fee. 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).

22.22.090 – Inclusionary Housing Standards – Lot Creation

This Section addresses the inclusionary housing standards for lot creation with or without proposed dwellings 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. 20 percent of the total number of dwelling units or lots within a subdivision shall be developed as, or dedicated to, affordable housing. Where the inclusionary housing calculation results in a decimal fraction greater than 0.50, the fraction shall be rounded up to one additional dwelling unit or lot. Where the inclusionary housing calculation results in any decimal fraction less than or equal to 0.50, the project applicant shall pay an in-lieu fee proportional to the decimal fraction.

1. Lots developed with a primary residence as of July 13, 2006 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 may 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 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 a Rental Housing Impact Fee 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; see Table 3-4b below. Alternatively, an applicant for a non-residential development may propose to provide the number of new affordable units required by Table 3-4c, 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).

TABLE 3-4b
AFFORDABLE HOUSING FEES FOR NON-RESIDENTIAL DEVELOPMENTAND RESIDENTIAL CARE FACILITIES
(Per square foot of floor area[1] unless noted otherwise)

Development Type	Fee per square foot
Manufacturing/Light Industry/Assembly	$3.74
Office[2]/Research and Development	$7.19
Warehouse	$1.94
Hotel/Motel[3]	$1,745 per room
Retail/Restaurant	$5.40
Residential Care Facility[4]	$18.00
Medical- Extended Care[4]	$21.00
Other types of non-residential development	Applicant to provide information and statistics on new jobs generated by 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 those associated with professional, business, and medical services.
[3] Accessory uses, such as retail, restaurant, and meeting facilities within a hotel shall be subject to requirements for a retail use.
[4] This base fee, established in 2016, increases annually pursuant to Board of Supervisors Resolution 2016-122.

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 – Lot Creation) and the non-residential inclusionary requirement shall be calculated consistent with Section 22.22.100.A (Non-residential development) above, except as described in this section. These requirements shall be combined to produce the total affordable unit and fee requirement.

1. **Mixed use development with ownership housing.** Where a mixed use development is proposed and the proposed residences can be sold separately, affordable housing units shall be provided for the non-residential development rather than payment of a linkage fee.

   a. The number of affordable units required for non-residential development shall be established by multiplying the floor area of the development times the development type in Table 3-4c below. Other types of non-residential development shall provide housing for 25% of the income qualifying employee households associated with the new non-residential development.

   b. Where the required unit calculation results in any decimal fraction less than or equal to 0.50, the project applicant shall pay a fee proportional to the decimal fraction in compliance with Table 3-4b. Any decimal fraction greater than 0.50 shall be interpreted as requiring one additional dwelling unit.

TABLE 3-4c
NUMBER OF NEW AFFORDABLE HOUSING UNITS REQUIRED FOR NEW NON-RESIDENTIAL DEVELOPMENT

Development Type	Number of required Affordable Housing Units per square foot of floor area[1]
Manufacturing/Light Industry/Assembly	0.000045
Office[2]/Research and Development	0.000085
Warehouse	0.000023
Hotel/Motel[3]	0.000020
Retail/Restaurant	0.000058

[1] Developments are required to provide 25% of the housing need generated by a non-residential development. For purposes of this Chapter, the floor area excludes all areas permanently allocated for residential vehicle parking, unless such areas are used for commercial or industrial purposes.

[2] Office uses include those associated with professional, business, and medical services.

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

2. **Housing Provisions.** Affordable housing units provided under this Section shall comply with the Section 22.22.080 (General Affordable Housing Standards).

22.22.110 – Decision

A. Conditions of approval. Any approval that is subject to the requirements of this Chapter shall contain conditions of approval that will ensure compliance with the provisions of this Chapter. The conditions of approval 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 to ensure that the plan is consistent with the purpose and intent of this Chapter.

22.22.120 – Affordable Housing Post Approval

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 – Lot Creation) the review authority shall insure 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;

b. Index price. The original price increased by an amount equal to the original price multiplied by the percentage increase in the Consumer Price Index for the San Francisco Bay Area since the date of purchase; or

c. Fair market value. The fair market value of the resale unit as determined by an appraiser approved by the County or its designee and paid for by the seller.

2. Eligible purchasers. Ownership inclusionary units shall be sold and resold from the date of the original sale only to income qualifying households, as determined to be eligible for inclusionary units by the County or its designee, in compliance with the requirements of this Chapter.

a. Every purchaser of an inclusionary housing unit shall certify by a form acceptable to the County or its designee that the unit is being purchased for the purchaser's

primary place of residence. The County or its designee shall verify this certification. Failure of the purchaser to maintain eligibility for a homeowner's property tax exemption shall be construed to mean that the inclusionary unit is not the primary place of residence of the purchaser.

b. The seller shall not levy or charge any additional fees nor shall any "finders' fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

c. The County or its designee shall advertise the inclusionary units to the general public. Upon notification of the availability of ownership units by the applicant, the County or its designee shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the County or its designee shall hold a lottery to select purchasers from a pool of income-eligible applicants.

3. Income restrictions. The owners of any inclusionary unit shall, upon purchase, sign and record appropriate resale and other restrictions, deeds of trust, and other documents as provided by the County or its designee, stating the restrictions imposed in compliance with this Chapter. The recorded documents shall afford the grantor and the County the right to enforce the restrictions. The restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Chapter.

4. Notice of resale restrictions. The County or its designee shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units.

5. Monitoring of Resales. The County or its designee shall be given the responsibility of monitoring the resale of ownership inclusionary units. The County or its designee shall have the option to commence purchase of ownership inclusionary units after the owner gives notification of intent to sell or in the event of any default or violation of the income restrictions. Any abuse in the resale provisions shall be referred to the County for appropriate action.

C. Requested affordable housing rental units. In addition to the standards in Section 22.22.080 (General Affordable Housing Standards), the Review Authority shall insure that the following standards are applied to any requested affordable rental units after they are constructed.

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

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.

22.24.020 – County Incentives for Affordable Housing

The incentives provided by this Section 22.24.020 are available to residential 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. Residential development projects which have been granted a density bonus pursuant to Section 22.24.030 (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 22.24.030 (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 will be considered for densities higher than the lowest end standard 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 that are affordable to income qualifying households.

22.24.030 – Density Bonus and Other Incentives Pursuant to State Law

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

A. Density bonuses; calculation of bonuses. Pursuant to State law, a residential development project is eligible for a density bonus if it meets the requirements as described below and shown in Table 3-5a.

1. The residential development project must result in a net increase of at least 5 dwelling units.

2. A residential 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. 5 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.

3. A residential development project is eligible for a 5 percent density bonus if the applicant seeks and agrees to construct the following, in addition to the inclusionary units required by Chapter 22.22 and in addition to any affordable units required by Housing Overlay Designation policies:

    a. 10 percent of the units at affordable ownership cost for moderate income households,

    b. Located in a common interest development, as defined in Section 1351 of the Civil Code; and

    c. All of the dwelling units in the project are offered to the public for purchase.

4. The density bonus for which the residential 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 follows:

   a. Very low income units – For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent.

   b. Low income units – For each 1 percent increase above 10 percent in the percentage of units affordable to low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of 35 percent.

   c. Moderate income units – For each 1 percent increase above 10 percent in the percentage of units affordable to moderate income households, the density bonus shall be increased by 1 percent, up to a maximum of 35 percent.

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 common interest development only)	10%	5%	1%	40%
Senior citizen housing development of 35 units or more	--	20%	--	--

*__Note__: Required inclusionary units and any affordable units required by Housing Overlay Designation policies will not be counted as affordable units for the purpose of granting incentives and concessions.

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

   a. Each residential development project is entitled to only one density bonus, which may be selected based on the percentage of either units affordable to very low income households, units affordable to low income households, or units affordable to moderate income households, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.

   b. Consistent with Section 22.24.030.A.2 and 22.24.030.A.3 (Density bonuses; calculation of bonuses), required inclusionary units and any affordable units required by Housing Overlay Designation policies will not be counted as affordable units for the purpose of granting a density bonus. Affordable units qualifying a project for a density bonus must be provided in addition to required inclusionary

units, in addition to affordable units required by Housing Overlay Designation policies, and must be included in the base density.

c. 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.

d. The density bonus units shall not be included when determining the number of affordable units required to qualify for a density bonus.

e. A project proposed below the base density may qualify for incentives and concessions if it meets the requirements of Section 22.24.030.B.3 (Incentives and concessions).

f. The applicant may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required affordable units.

g. 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.

6. Density bonuses may also be granted for child care facilities, and land donation in excess of that required by Chapter 22.22 (Affordable Housing Regulations), pursuant to Government Code Sections 65915(h) and 65915(i).

B. Incentives and concessions. Subject to the findings included in Section 22.24.030.E (Review of application), when an applicant seeks a density bonus and requests incentives or concessions, the County shall grant incentives or concessions as shown in Table 3-5b and as described in this section.

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

Affordability Category	% of Units		
Very low income (Health & Safety Code Section 50105)	5%	10%	15%
Low income (Health & Safety Code Section 50079.5)	10%	20%	30%
Moderate-income (ownership units only) (Health & Safety Code Section 50093)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	**1**	**2**	**3**

Notes:

(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.

(B) Required inclusionary units and any affordable units required by Housing Overlay Designation policies will not be counted as affordable units for the purpose of granting incentives and concessions.

(C) Concessions or incentives may be selected from only one category (very low, low, or moderate).

(D) No concessions or incentives are available for land donation or senior housing.

(E) Day care centers may have one concession or a density bonus at the County's option, but not both.

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, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as specified in Section 22.24.030.D (Application for density bonus, incentives and concessions).

   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, financially sufficient, and actual cost reductions, including those incentives listed in Section 22.24.020 (County Incentives for Affordable Housing), and based upon appropriate financial analysis and documentation as specified in Section 22.24.030.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 residential development project that is eligible for a density bonus pursuant to Section 22.24.030.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 residential development project that is eligible for a density bonus pursuant to Section 22.24.030.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 22.24.030(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 developer, 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 developer, 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 is a special needs housing development, as defined in Section 51312 of the Health and Safety Code: the ratio shall not exceed 0.3 spaces per unit. The 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 residential development project that is eligible for a density bonus pursuant to Section 22.24.030.A and who requests a density bonus, incentives, or concessions may seek a waiver 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.

C. Standards for affordable housing units. Affordable units that qualify a residential 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.

D. Application for density bonus, incentives, and concessions. Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to Section 22.24.030 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 residential 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. A pro forma demonstrating that any requested incentives and concessions result in identifiable, financially sufficient, 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 pro forma shall include: (a) the actual cost reduction achieved through the incentive or concession; and (b) evidence that the cost reduction allows the developer 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 pro forma submitted pursuant to Section 22.24.030.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 pro forma. The cost of reviewing any required pro forma data, including but not limited to the cost to the County of hiring a consultant to review the pro forma, 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 residential 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.

E. Review of application. Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to this Section 22.24.030 shall be submitted as part of the first approval of any residential 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 residential 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, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required by Section 22.24.030.D unless the incentive or concession is provided pursuant to Section 22.24.030.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 22.24.030.

2. The review authority may deny a request for an incentive or concession for which the findings set forth in Section 22.24.030.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 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 the physical environment, 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 22.24.030.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, or the physical environment, 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 incentive or concession would be contrary to State or federal law.

4. The review authority may deny a density bonus, incentive, or concession 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.

CHAPTER 22.26 – LANDSCAPING

Sections:

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

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

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).

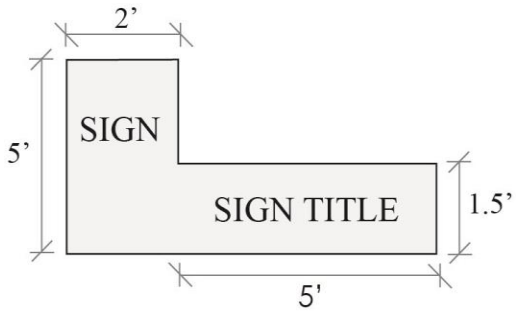
FIGURE 3-11

Sign Area: 21.5 sf.

FIGURE 3-12

Sign Area: 32 sf.

FIGURE 3-13



Sign Area: 17.5 sf.

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

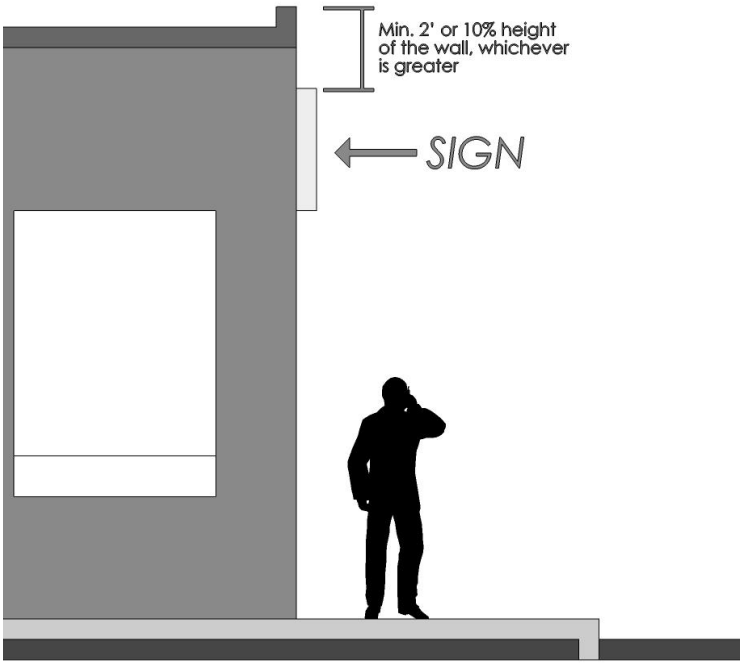


FIGURE 3-15

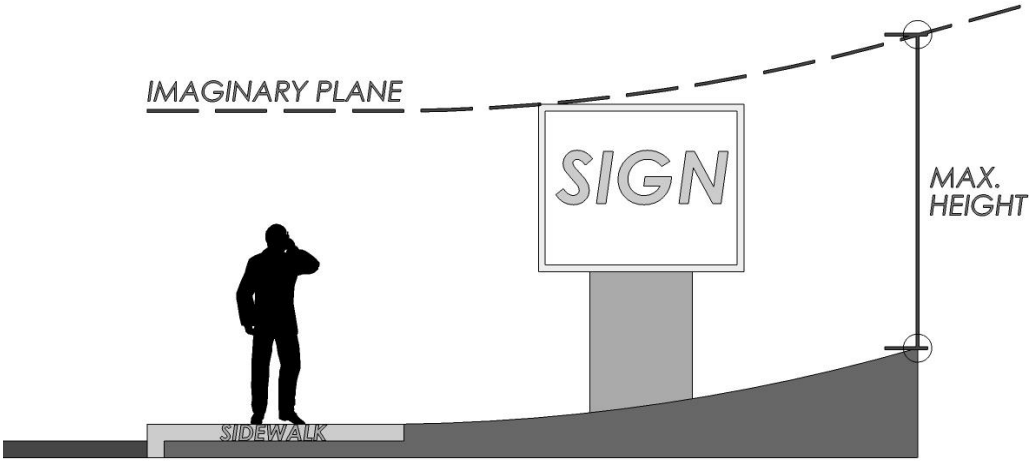
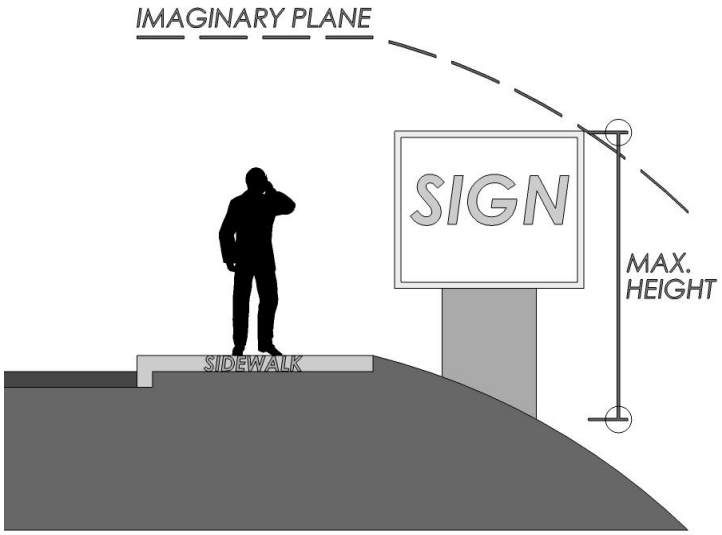


FIGURE 3-16



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:

      Measurement Distance = $\sqrt{Area\ of\ Sign\ Sq.Ft.\ x\ 100}$

      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 Sign	n/a	50% 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;

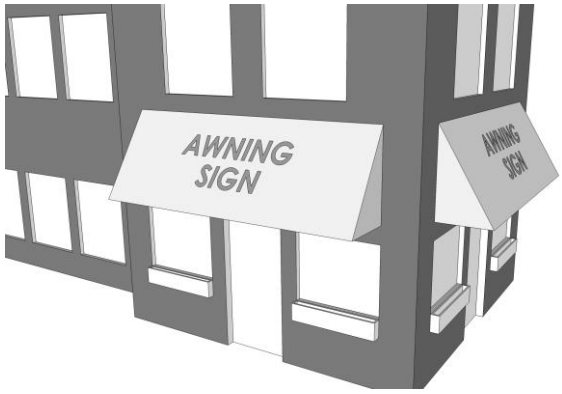
      (3) Displayed only on the vertical surface of an awning; and

      (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;

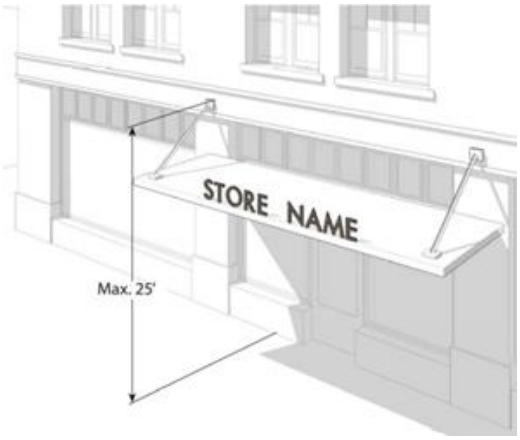
(2) A canopy shall not project beyond the edges of the face of the building wall or architectural element on which it is located; and

(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

3. **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).

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   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.

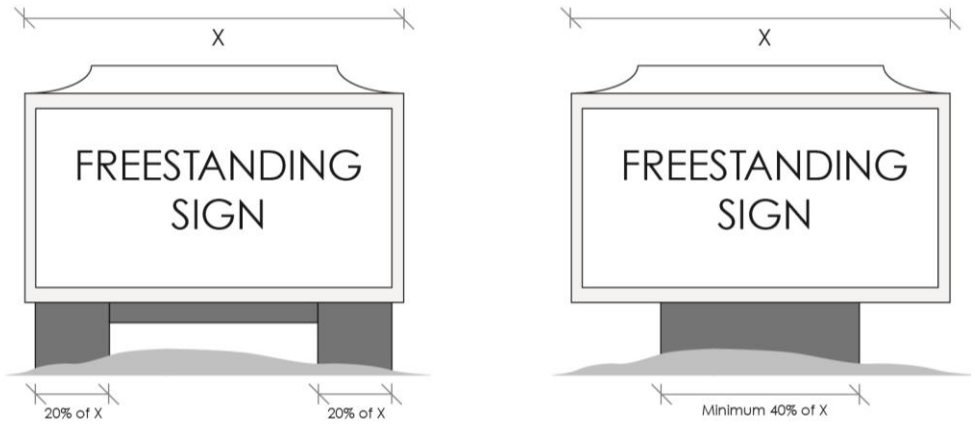
b. **Landscaping.** Freestanding signs must be surrounded by minimum of 70 square feet of landscaping.

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.

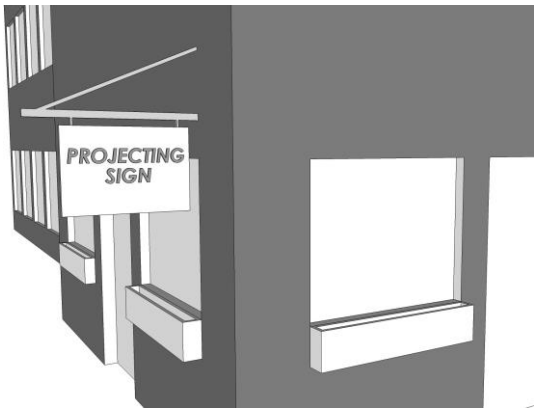
c. **Maximum sign height.** Top of sign maximum 14 feet above finish grade below.

(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).

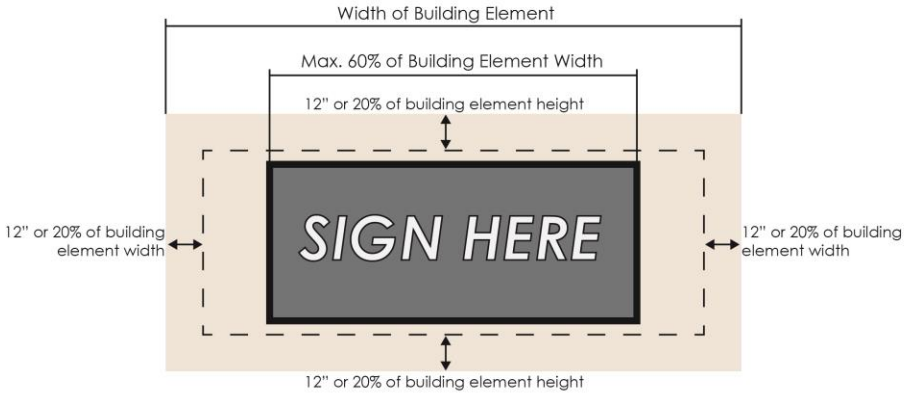
   a. **Sign placement.** The total sign area for wall signs on single-tenant or multi-tenant buildings may be placed on any building elevation, except:

      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).

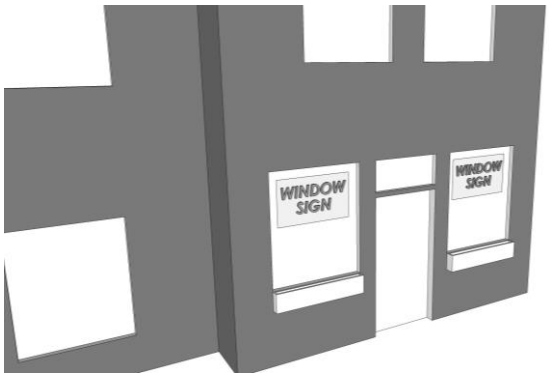
FIGURE 3-25

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 Sign	--	--	The area of temporary and permanent window signs combined shall not exceed 50% 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

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).

22.30.050 – 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

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, and Similar Animals)

Zoning Districts	Applicable Standards	Standards
A2, A3 to A60 ARP, 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	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. 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.
A2, RSP, RMP, RMPC	All animals allowed and all standards apply.	
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:

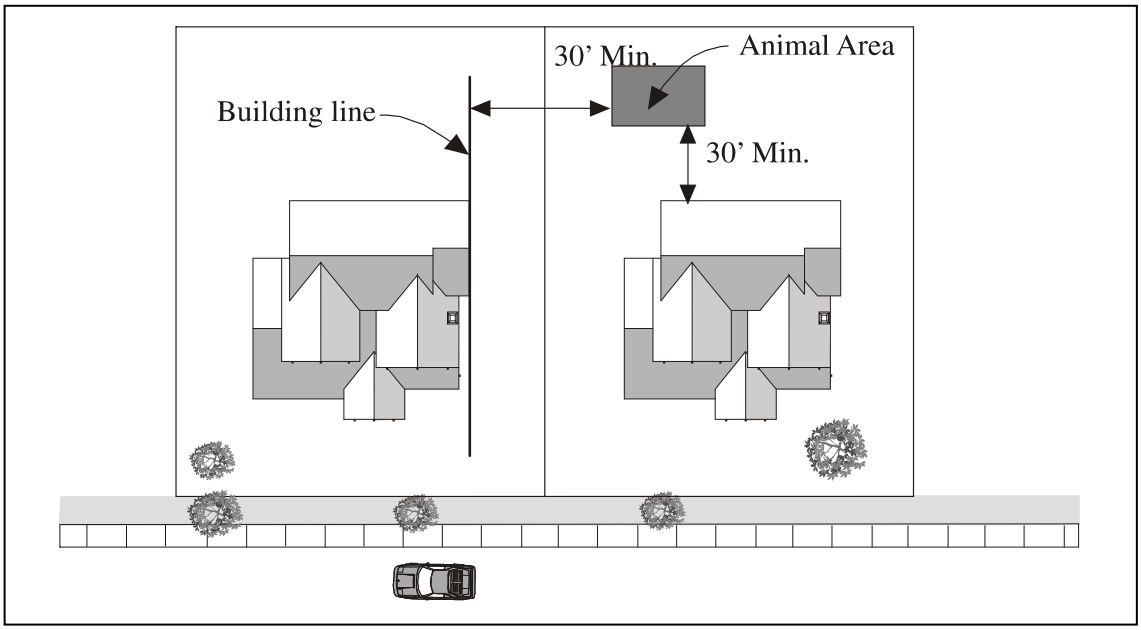
a. The public right-of-way upon which the parcel faces;

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.

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. Large family day-care homes.

1. Permit requirement. A large family day-care home shall require the approval of a Large Family Day-care Permit by the Director.

2. Standards for large family day-care homes. As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.

D. 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.

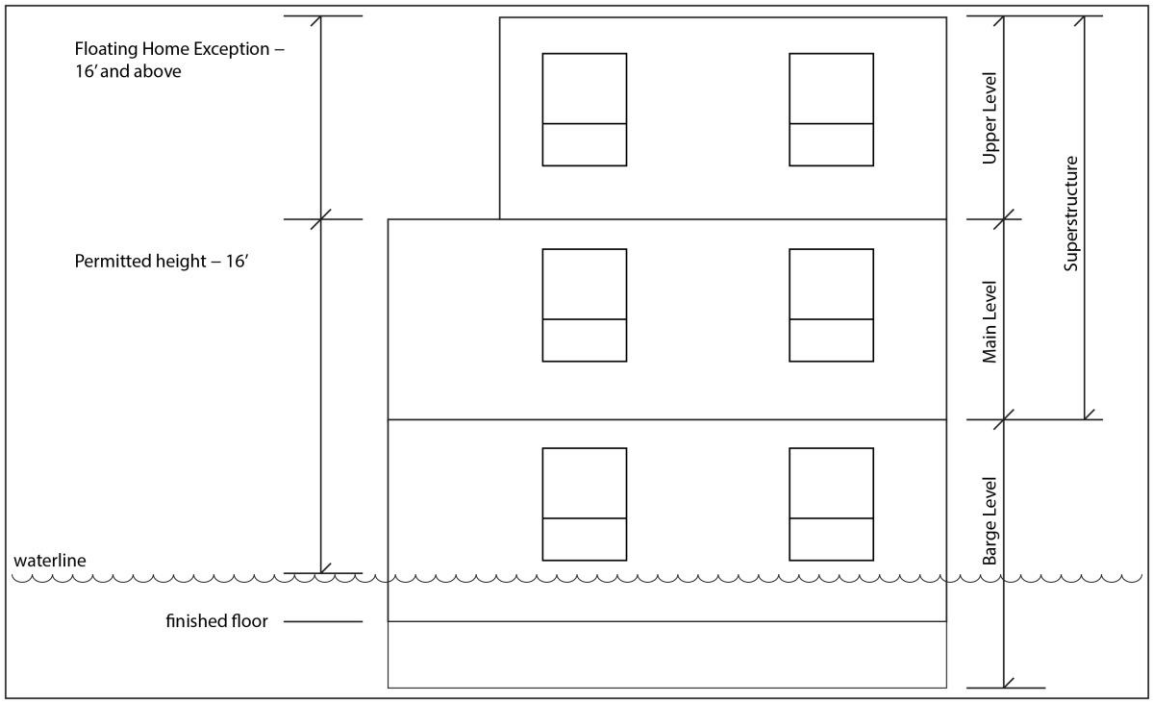
   a. **Floor area.** The floor area of any story above the lowest story of the superstructure shall not exceed 80 percent of the story immediately below the second story.

   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.

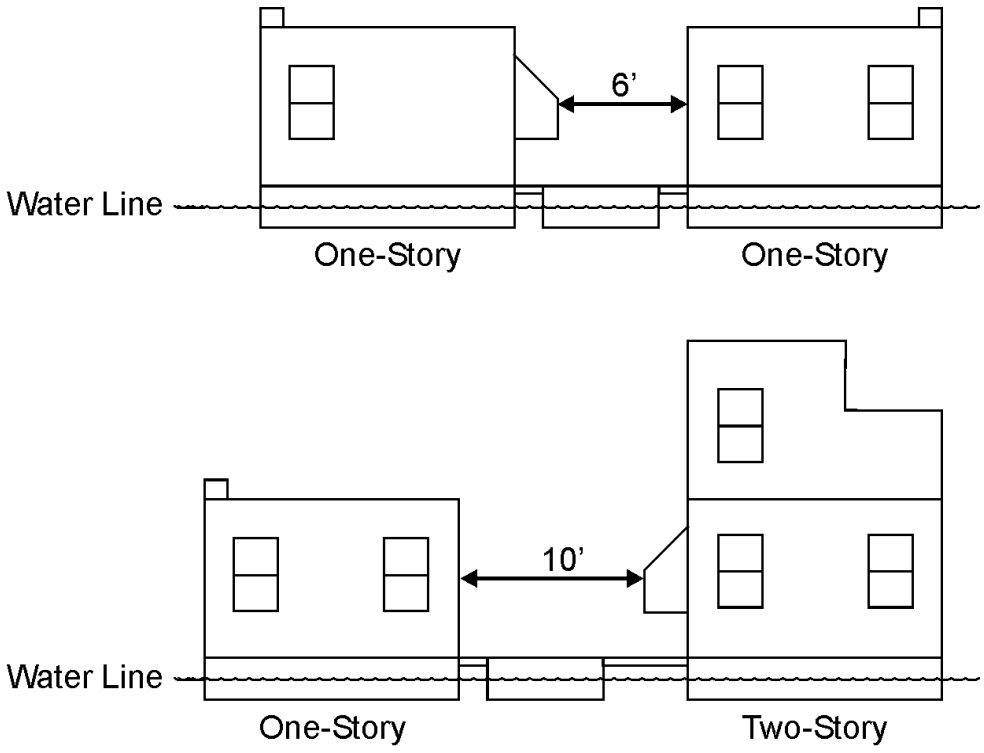
FIGURE 3-28
FLOATING HOME HEIGHT LIMITATIONS



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

A. Purpose. This Section is intended to accomplish the following:

1. Meet the County's projected housing needs and provide diverse housing opportunities;

2. Provide needed income for homeowners;

3. Provide accessory dwelling units which are safe and built to code;

4. Provide accessory dwelling units which are compatible with the neighborhood and the environment; and

5. Comply with provisions of State law, including those contained in Section 65852.2 of the California Government Code.

B. Applicability. The provisions of this Section shall apply to residential accessory dwelling units and junior accessory dwelling units.

C. Exemptions.

1. Within a single family residential zone, an application for a building permit to create one accessory dwelling unit per single-family residential lot is exempt from the standards of this section if the following applies: (1) the unit is entirely contained within a legal single-family residence that was in existence as of January 1, 2017 or a legal residential accessory structure that was in existence as of January 1, 2017; (2) the unit has independent exterior access from the existing residence, and; (3) the side and rear setbacks are sufficient for fire safety. This exemption does not apply if a property owner is developing a new residence on a property and seeking to convert the existing residence on that property to an Accessory Dwelling Unit.

2. A junior accessory dwelling unit is exempt. A property owner may voluntarily have a living space 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 structure.

B. The unit shall have a wetbar 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. 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:

- 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.

- 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.

D. Design Characteristics. A residential accessory dwelling unit shall be designed and constructed in conformance with the criteria listed below:

1. An accessory dwelling unit shall be built as a permanent residence with a kitchen as well as both a separate bathroom and separate entrance intended for the use of the occupants.

2. The maximum floor area of an accessory dwelling unit shall not exceed 1,200 square feet.

3. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

4. Requirements for utility hookups and fire sprinklers shall comply with California Government Code Section 65852.2.

E. Parking criteria. Accessory Dwelling Units are subject to the parking requirements of the Department of Public Works.

F. Setbacks. No setbacks shall be required to convert a legal garage into an accessory dwelling unit. In addition, setbacks of no more than five feet in the rear and side yards shall be required for an accessory dwelling unit that is constructed above a garage.

G. Building and Septic Code. The accessory dwelling unit shall meet all applicable building and septic codes adopted by the County.

H. Density. The accessory dwelling unit shall be the only additional accessory dwelling unit on the lot. However, a property owner may have both one accessory dwelling unit and one junior accessory dwelling unit on a single lot. Accessory dwelling units and junior accessory dwelling units are accessory uses and do not count towards the allowable density for the lot upon which the accessory dwelling unit is located.

I. Limitation on sale. An accessory dwelling unit may be rented but shall not be sold separately from the single-family unit.

J. Accessory Dwelling Unit Permitting Procedure. Applications for Accessory Dwelling Unit Permits shall be approved ministerially without discretionary review or public hearing, pursuant to the Accessory Dwelling Unit Permit requirements established in Chapter 22.56 (Accessory Dwelling Unit Permits).

K. Recordation of Residential Accessory Dwelling Unit Permits. Any Residential Accessory Dwelling Unit Permit granted in compliance with this Section may be recorded in the County Recorder's Office as an informational document in reference to the title of the subject property.

L. Periodic report. The Agency shall periodically prepare a report to the Commission and Board on the status of this Section. The report shall include information about the number, size, type, and rent, as available, of each accessory dwelling unit by neighborhood. The report shall provide a basis for an evaluation of the effectiveness of this Section.

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 all development 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

	Small						Medium	Large
	Roof-Mounted		Non-Grid-Tied Agricultural Uses			Freestanding	Freestanding	Freestanding
Parcel Size (Acres)	<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:

1. The Alquist-Priolo Earthquake Fault Zoning Act.

2. The terms of any conservation easement or Williamson Act contract.

3. 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 tress 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.

CHAPTER 22.34 – TRANSFER OF DEVELOPMENT RIGHTS

Sections:

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.