

Marin County DEVELOPMENT CODE

Introduction and User's Guide

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

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A. INTRODUCTION

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

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

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

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

B. ORGANIZATION OF THE DEVELOPMENT CODE

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

Article I – Development Code Enactment and Applicability

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

Article II – Zoning Districts and Allowable Land Uses

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

Article III – Site Planning and General Development Regulations

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

Article IV – Land Use and Development Permits

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

Article V – Coastal Zones – Permit Requirements and Development Standards

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

Article VI – Subdivisions

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

Article VII – Development Code Administration

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

Article VIII – Development Code Definitions

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

C. FORMAT OF THE DEVELOPMENT CODE

1. Outline

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

Title 22 – Development Code

Article XX – Name of Article

Chapter 22.xx – Name of Chapter

22.xx.xxx – Title of Section

A. Subsection

1. Subsection

a. Subsection

(1) Subsection

(a) Subsection

2. References, Citations

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

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

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

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

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

3. Terms

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

D. USING THE DEVELOPMENT CODE

1. Determining the Zoning Regulations for a Specific Site

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

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

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

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

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

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

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

2. Determining Where a Specific Use May Locate

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

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

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

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

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

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

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

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

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

E. OTHER APPLICABLE REGULATIONS

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

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

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