

CHAPTER 22.06 – ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 22.06.010 – Purpose of Chapter
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22.06.010 – Purpose of Chapter

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

22.06.020 – Zoning Districts Established

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

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

22.06.050 – Exemptions from Land Use Permit Requirements

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

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

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

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

RESIDENTIAL USES

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

- F. R2 (Residential, Two-Family) District.** The R2 zoning district is intended for two primary dwellings as well as single-family and two-family dwellings on an individual lot in suburban settings, along with similar and related compatible uses. The R2 zoning district is consistent with the Multi-Family 2 land use category of the Marin Countywide Plan.
- G. RMP (Residential, Multiple Planned) District.** The RMP zoning district is intended for a full range of residential development types within the unincorporated urban areas of the County, including single-family, two-family dwellings, and multi-family residential development, and limited commercial uses in suburban settings, along with similar and related compatible uses, where site or neighborhood characteristics require particular attention to design detail provided through the Master Plan process (Chapter 22.44 (Master Plans and Precise Development Plans)). The RMP district is applied to areas identified by the Marin Countywide Plan as capable of accommodating increased density, and is consistent with the Planned Residential and Multi-Family 2, 3, 3.5, 4, and 4.5, the General Commercial/Mixed Use, Office Commercial/Mixed Use, Neighborhood Commercial/Mixed Use, PD-Agricultural and Environmental Resource Area, PD-Reclamation Area, Public and Quasi-Public land use categories of the Marin Countywide Plan.

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

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

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

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

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

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

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

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

RESIDENTIAL USES

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

RETAIL TRADE USES

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

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

TRANSPORTATION AND COMMUNICATIONS USES

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

RESIDENTIAL USES

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

RESIDENTIAL USES

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

Notes:

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

RESIDENTIAL USES

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

Notes:

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

RESIDENTIAL USES

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

SERVICE USES

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

Notes:

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

I. **Project design:**

1. **Height limits for structures:**

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

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

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

22.20.030 – Access Standards

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

22.20.040 – Outdoor Construction Activities

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

- A. Construction Signs.** Post a publicly visible sign with the construction supervisor's name, telephone number, and address to contact regarding dust control, noise control, and other complaints about the construction activities. Unless otherwise specified by the conditions of approval for a development project, construction signage shall consist of a single yard sign with a maximum area of six feet and a maximum height of six feet and the sign shall remain on site until the outdoor construction activities are completed.
- B. Landscape Irrigation Efficiency.** During the Building Permit review process for a project that includes landscape irrigation, an applicant shall provide written verification from the local water district to the Community Development Agency that all landscape irrigation complies with the water district's irrigation efficiency requirements or is exempt from those requirements. This requirement applies only at the request of the water district.
- CB. 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.

DC. 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.

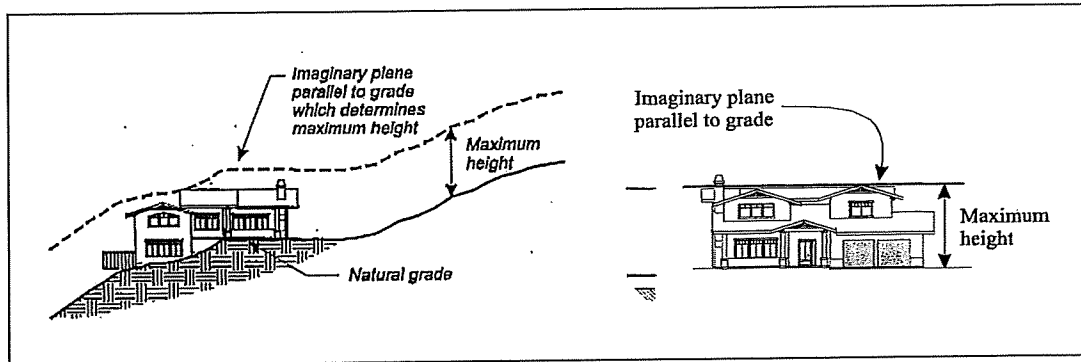
1. Setback verification is required for setback distances when ~~the structural developmente~~ is located up to or within one foot of the minimum required setback on conventionally zoned properties and when the ~~structural developmente~~ is located within five feet of a property line, right of way, 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.

ED. 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.

FE. 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.

FIGURE 3-5

MEASUREMENT OF MAXIMUM HEIGHT



- B. Detached accessory structures.** A detached accessory structure shall not exceed 16~~5~~ feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures, by the applicable zoning district, if the accessory structure is located at least 40 feet from all property lines.
- C. Structures for parking.** A detached parking structure is subject to the height limit required by Section 22.20.090.E.2 (Parking Structures on Steep Lots), above. Where a garage or other parking structure is located three feet from a front (or otherwise street-facing) or side property line, in compliance with Section 22.32.130.B.2 (Residential Accessory Uses and Structures - Front setback exception), its height shall be measured from the floor level of the parking area.
- D. Fences.** Height limits for fences are established by Section 22.20.050.A (Fencing and Screening Standards—Height Limitations), above.
- E. Exceptions to height limits:**
1. **Institutional buildings.** Where the maximum height established by the applicable zoning district is less than 75 feet, public and semi-public buildings, churches, hospitals, schools, and other institutional structures allowed in the zoning district may be erected to a height not exceeding 75 feet; provided that:
 - a. The front, side, and rear yard setbacks shall be increased one foot for each one foot by which the structure exceeds the height limit established by the zoning district; and
 - b. The Director determines that the amount of structure height allowed above the height limit of the underlying zoning district will not result in significant glare, light, privacy, shadow, or visual impacts to surrounding properties or scenic locations.
 2. **Dwellings.** Dwellings in an A, A2, RA, RR, RE, R1, and R2 zoning district may be increased in height without Variance approval by a maximum of 10 feet when side setbacks of 15 feet or greater are provided, subject to the regulations of Chapter 22.42 (Design Review).
 3. **Floor area under parking.** Where floor area is developed beneath a parking structure in conformance with Section 22.20.090.E.2, the maximum height of the building shall be 30 feet above grade.

- ~~4. **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.e., 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.~~

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

F. Height limit exceptions by Variance or Design Review:

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

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.—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 and home battery storage unit	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.

22.20.100 – Solid Waste/Recyclable Materials Storage

- A. Purpose.** This Section provides for the construction and maintenance of storage areas for solid waste and recyclable materials in compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900-42911, as may be amended from time to time), and Chapter 7.02 (Theft of Recyclable Materials) of the County Code.
- B. Applicability.** This Section applies to the new construction or remodeling of multi-family residential projects with five or more dwelling units, commercial, and other non-residential and non-agricultural projects 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.

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

22.22.040 – Prohibitions

In Marin County, it 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 unit~~ Accessory Dwelling Units; and residential projects developed at the targeted income level and percentage cited in the Housing Overlay Designation policies in the Countywide Plan. Affordable housing shall be exempt from Inclusionary Housing Standards; however, if State or Federal Regulations establish a limited term affordability requirement, then the inclusionary standards in this Chapter shall begin to apply once that term is completed, and shall apply in perpetuity.

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. **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. Once that limited term has expired, the requirements of this Chapter shall begin to apply and shall apply in perpetuity.
- 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).
- I. Accessory Dwelling Units.** Accessory Dwelling Units and Junior Accessory Dwelling Units cannot be used to satisfy affordable housing requirements.

22.22.090 – Inclusionary Housing Standards – 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

CHAPTER 22.24 – AFFORDABLE HOUSING INCENTIVES

Sections:

22.24.010 – Purpose of Chapter

22.24.020 – Density Bonus and Other Incentives Pursuant to State Law

22.24.030 – County Incentives for Affordable Housing

22.24.010 – Purpose of Chapter

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

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

22.24.020 – 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. **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.

22.24.0230 – Density Bonus and Other Incentives Pursuant to State Law

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

A. Applicability. Density bonuses and other requirements under State law, including incentives, concessions, waivers or reductions of development standards and parking requirements, are available to the following types of projects:

1. A housing development with at least five percent of the units at affordable rent or affordable housing cost for very low income households, as defined by Section 50105 of the Health and Safety Code, or 10 percent of the units at affordable rent or affordable housing cost for lower income households, as defined by Section 50079.5 of the Health and Safety Code.
2. A housing development in which at least 80 percent of the units are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, with the remaining units in the development for moderate-income households, as defined in Section 50053 of the Health and Safety Code.
3. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
4. A student housing development where at least 20 percent of the units (beds and associated common areas) are reserved for lower income students, subject to the requirements of Government Code Section 65915.
5. Childcare facilities built in conjunction with a housing development, subject to the requirements of Government Code section 65915.
6. Land donation of a size and character consistent with the requirements of Government Code Section 65915.

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

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

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

- ~~1. The residential development project must result in a net increase of at least 5 dwelling units.~~
21. A ~~housing~~ 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. ~~Five~~ 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.
- ~~32. 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~~
 - e. ~~All of the dwelling units in the project are offered to the public for purchase.~~

- ~~423.~~ The density bonus for which the housing 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 established in California Government Code section 65915(f). 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.
 - ~~e.~~ 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.
3. For an affordable housing development project in which at least 80 percent of the units are for lower income households with any remainder for moderate-income households, the following shall apply:
- a. The maximum density bonus for which the affordable housing project is eligible shall increase up to 80 percent, subject to the findings included in Section 22.24.030.E (Review of application).
 - b. If the project is located within one-half mile walking distance of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code: (1) The project shall receive a height increase of up to three additional stories, or 33 feet; and (2) The project shall be exempt from any maximum controls on density.
- If the project is located within a one-half mile walking distance or farther of a major transit stop and receives a waiver from any maximum controls on density, the project shall not be eligible for, and shall not receive, a waiver or reduction of development standards other than density, parking, and height requirements.
5. A housing development in which units are for sale where at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, provided that all units in the development are offered to the public for purchase, shall be eligible for a density bonus based on the percentage of moderate income units shown in the sliding scale provided in government code section 65915(f)(4).
6. Density bonuses may also be granted for childcare facilities, and land donation in excess of that required by Chapter 22.22 (Affordable Housing Regulations), pursuant to Government Code Sections 65915(g) 65915(h) and 65915(i).

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

Income Category	% Affordable Units [±]	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units [±]	% Affordable Units Required for Maximum 35% Bonus [±]
Very low income	5%	20%	2.5%	11%
Low income	10%	20%	1.5%	20%
Moderate income (for-sale common-interest-development only)	10%	5%	1%	40%
Senior citizen housing development of 35 units or more	--	20%	--	--
<u>Affordable Housing Project, exclusive of manager's unit</u>	<u>100%</u>	<u>80%</u>	<u>--</u>	<u>--</u>
<u>Student housing</u>	<u>20%</u>	<u>35%</u>	<u>--</u>	<u>--</u>
[±] 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.~~
- ~~ae. 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.~~
- ~~be. A project proposed below the maximum allowable residential density base density may qualify for incentives, — and concessions, waivers and reductions of development standards if it meets the requirements of Section 22.24.030.B.3 (Incentives and concessions). is eligible for a density bonus.~~

~~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.~~

~~cg. 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).~~

CB. Incentives and concessions. Subject to the findings included in Section 22.24.0230.E (Review of application), when an applicant seeks a density bonus and requests incentives, concessions, waivers or reductions of development standards and parking requirements as incentives or concessions, the County shall grant the incentives or concessions as shown in Table 3-5b and as described in this section.

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

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

Affordability Category	% of Units			
	5%	10%	15%	--
Very low income (Health & Safety Code Section 50105)	5%	10%	15%	--
Low income (Health & Safety Code Section 50079.5)	10%	2017%	3024%	--
Moderate-income (ownership units only) (Health & Safety Code Section 50093)	10%	2017%	3024%	--
Affordable Housing Project, exclusive of manager's unit	--	--	--	100%
Maximum Incentive(s)/Concession(s)	1	2	3	34
<p>Notes:</p> <p>(A) A concession or incentive may be requested only if an application is also made for a density bonus, except as may be permitted pursuant to Section 22.24.030.B.3.</p> <p>(B) 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.</p> <p>(C) Concessions or incentives may be selected from only one category (very low, low, or moderate).</p> <p>(D) No concessions or incentives are available for land donation or senior housing.</p> <p>(E) Day care centers may have one concession or a density bonus at the County's option, but not both.</p>				

1. For the purposes of this section, incentive or concession means the following:
 - a. A reduction in the site development standards of this Development Code or other County policy, or local architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to height, setback, coverage, floor area, and/or parking requirements, which result in identifiable, financially sufficient, and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set aside specified based upon appropriate financial analysis and documentation as specified inconsistent with Section 22.24.030.A.2 and 22.24.030.A.3. ~~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 22.24.030 (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 housingresidential development project that is eligible for a density bonus pursuant to Section 22.24.0230.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 housingresidential development project that is eligible for a density bonus pursuant to Section 22.24.0230.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 22.24.0230(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 applicantdeveloper, 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 applicantdeveloper, the number of required parking spaces, inclusive of accessible parking and guest parking, shall not exceed the following ratios:

- a. If the development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development: 0.5 spaces per unit.

- b. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code: 0.5 spaces per unit, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- c. If the development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, or if the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code; no parking shall be required. the ratio shall not exceed 0.3 spaces per unit. A special needs housing development that is a special needs 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 housing development project that is eligible for a density bonus pursuant to Section 22.24.0230.A and who requests a density bonus, incentives, or concessions may seek a waiver and reduction of development standards that have the effect of physically precluding the construction of the project with the density bonus or with the incentives or concessions permitted by this section. There is no limit to the number of waivers and reductions to development standards and parking requirements.

C. Standards for affordable housing units. Affordable units that qualify a housing 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 22.24.0230 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. Written financial ~~A pro forma demonstration statement 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 written financial statement demonstration~~ shall include: (a) the actual cost reduction achieved through the incentive or concession; and (b) evidence that the cost reduction allows the ~~applicant/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 written statement ~~pro forma~~ submitted pursuant to Section 22.24.0230.D.3 include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the written financial analysis. ~~demonstration~~ ~~pro forma~~. The cost of reviewing any required financial ~~pro forma~~ data, including but not limited to the cost to the County of hiring a consultant to review the financial data ~~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 housing/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 22.24.0230 shall be submitted as part of the first approval of any housing/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 ~~housing~~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 22.24.0230.D unless the incentive or concession is provided pursuant to Section 22.24.0230.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 22.24.0230.
2. The review authority may deny a request for an incentive or concession for which the findings set forth in Section 22.24.0230.E.1 (Review of application) above can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
 - a. The incentive or concession does not result in identifiable and actual cost reductions and is not required to provide for affordable rents or affordable ownership costs; or
 - b. The incentive or concession would have a specific adverse impact upon public health or safety, ~~or 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 22.24.0230.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 ~~waiver, incentive or concession~~ would be contrary to State or federal law.
4. The review authority may deny a density bonus, incentive, ~~or concession,~~ or waiver that is based on the provision of child care facilities and for which the required findings can be made only if it makes a written finding, based on substantial evidence, that the County already has adequate child care facilities.

22.24.030 – County Incentives for Affordable Housing

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

- A. Density for Affordable Housing Projects.** For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable Countywide Plan policies.
- B. Where allowed.** Development of affordable housing may be allowed in any zoning district provided that the review authority first finds that residential uses are allowed by the applicable Countywide Plan land use designation.
- C. County density bonus.** The density bonus allowed by this Section shall not be combined with the density bonus permitted by Section 22.24.020 (Density Bonus and Other Incentives Pursuant to State Law) or with any other density bonus. No single residential development project shall be granted more than one density bonus.
 - 1. Eligibility.** The County density bonus may be granted only where the proposed density (including the density bonus) complies with all applicable Countywide Plan policies, including traffic standards, environmental standards, and Countywide Plan designations.
 - 2. Determination of bonus.** The granting of this density bonus shall be based on a project-by-project analysis and the determination that the increase in density will not be detrimental to the public health, safety, welfare, and/or environment.

3. **Amount of bonus.** The review authority may grant an increase in density of up to 10 percent of the number of dwelling units normally allowed by the applicable zoning district in a proposed residential development or subdivision.
- D. Interior design.** The applicant may have the option of reducing the interior amenity level and the square footage of affordable housing below that of large market-rate units, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the reduction in interior amenity level will provide a quality and healthy living environment. The County strongly encourages the use of green building principles such as the use of environmentally preferable interior finishes and flooring, as well as the installation of water and energy efficient hardware, wherever feasible.
- E. Unit types.** In a residential development which contains single-family detached homes, affordable housing may be attached living units rather than detached homes or may be constructed on smaller lots, and in a residential project that contains attached multistory dwelling units, affordable housing may contain only one story, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the modification of the design will provide a quality living environment.
- F. On-site affordable housing included with non-residential development.** As an inducement to the development of on-site affordable housing in non-residential development, the County may grant a reduction in the site development standards of this Development Code or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to setback, coverage, and/or parking requirements.
- G. Affordable housing on mixed use and industrial sites.** In commercial/mixed use and industrial land use categories, as designated in the Countywide Plan, the floor-area ratio may be exceeded for affordable housing, subject to any limitations in the Countywide Plan. For housing that is affordable to moderate-income households, the floor area ratio may be exceeded in areas with acceptable levels of traffic service, subject to any limitations in the Countywide Plan, and so long as the level of service standard is not exceeded.
- H. Impacted roadways.** In areas restricted to the lowest end of the density range due to vehicle Level of Service standards, affordable housing developments are allowable up to the maximum densities per the Countywide Plan.
- I. Fee waivers.** The County may waive any County fees applicable to the affordable housing units of a proposed residential, commercial, or industrial development. In addition, for projects developed pursuant to Housing Overlay Designation policies and for income-restricted housing that is affordable to income qualifying households, the Director may waive fees or transfer In-lieu Housing Trust funds to pay for up to 100 percent of Community Development Agency fees, based on the proportion of the project that is affordable to income qualifying households and the length of time that the housing shall remain affordable.
- J. Projects developed pursuant to Housing Overlay Designation policies.** Residential development projects developed in conformance with Housing Overlay Designation policies may be granted adjustments in development standards, such as parking, floor area ratio, and height, as provided in the Countywide Plan, not to exceed unit counts identified in the Countywide Plan.

- K. Technical assistance.** In order to emphasize the importance of securing affordable housing as a part of the County's affordable housing program, the County may provide assistance in obtaining financial subsidy programs to applicants.
- L. Priority processing.** The County shall priority process projects developed pursuant to Housing Overlay Designation policies and affordable housing developments.

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

Zoning Districts	Applicable Standards	Standards
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, <u>A2</u> , <u>ARP</u>	All standards apply	

- 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. ~~b.~~—A chicken coop shall be thoroughly ventilated and designed and constructed in a manner that the chickens can be securely contained.
- D. Standards for miniature goats. The following standards, which do not apply in the A-3 to A-60 or APZ zoning districts, shall apply to the keeping of miniature goats:
- 1. Limitations on the keeping of miniature goats.
 - a. The keeping of miniature goats shall not be for commercial purposes.
 - b. Male miniature goats are prohibited.
 - c. Miniature goats shall be dehorned.
 - d. No more than four miniature goats shall be kept, except that offspring exceeding this number may be kept on site for up to twelve weeks from birth.
 - e. Female miniature goats may be bred if all of the following conditions are met:

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

22.32.040 – Bed and Breakfast Inns

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;~~

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

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

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.

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.

C. — Junior accessory dwelling unit standards is exempt. A property owner may voluntarily have a living space recognized as a Junior accessory dwelling unit Accessory Dwelling Unit if it meets all of the following eligibility criteria:

1. — The unit shall be no more than 500 square feet in size and contained entirely within a single family structure.

2. — The unit shall have a wetbar, but shall not have a kitchen.

3. — 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.

4. — The unit shall be the only junior accessory dwelling unit on the property.

T5. — 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.

T6. — The property owner has recorded a deed restriction, which shall run with the land, that stipulates the following:

Aa. — 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.

Ab. — A restriction on the size and attributes of the unit that conforms to this section.

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

22.32.120 – Residential Accessory Dwelling Units

There are four categories of Accessory Dwelling Units, each with different standards that apply as indicated below. In all of the categories, only one Accessory Dwelling Unit is allowed on a lot restricted to single family residential development. An Accessory Dwelling Unit may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling unit and Accessory Dwelling Units can only be rented for terms longer than 30 consecutive days.

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

1. Single family Development:

- a) The Accessory Dwelling Unit is contained entirely within the legal building area of an existing single family dwelling. However, if a property owner is developing a new dwelling on a property and seeking to convert the existing dwelling on that property to an Accessory Dwelling Unit, then this criteria does not apply to that conversion.
- b) The Accessory Dwelling Unit is contained entirely within the legal building area of an existing outbuilding; except that the project may include an addition of not more than 150 square feet of floor area to provide access to the unit, provided the access addition meets minimum rear and side setbacks of four feet. However, if a property owner is developing a new dwelling on a property and seeking to convert the existing dwelling on that property to an Accessory Dwelling Unit, then this criteria does not apply to that conversion.
- c) The Accessory Dwelling Unit is contained entirely within proposed new construction building area of an outbuilding that does not exceed a floor area of 800 square feet, a height of 16 feet above grade, and has minimum rear and side yard setbacks of four feet.

2. Multi-family Development:

- a) Two detached Accessory Dwelling Units are allowed to be built on a lot that that has an existing multi-family dwelling, but are detached from that multi-family dwelling and are subject to a height limit of 16 feet above grade and minimum side and rear setbacks of four feet.
- b) Multiple Accessory Dwelling Units are allowed to be built within those portions of the existing legal building area of a multi-family dwelling that are not conditioned to be habitable, such as boiler rooms, storage rooms, passageways, attics, basements, and garages.
- c) At least one Accessory Dwelling Unit is allowed to be built within an existing multi-family dwelling, with the maximum allowed in multi-family dwellings of five units or more being 25 percent of the total existing legal units.

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

- 1. The Accessory Dwelling Unit does not exceed a floor area of 800 square feet, a height of 16 feet above grade, has a minimum front yard setback of 25 feet and has minimum side and rear yard setbacks of four feet.

2. The Accessory Dwelling Unit shall be located outside of any environmentally sensitive areas.

3. If an Accessory Dwelling Unit is to be located on a property in a wildland urban interface zone or a very high fire hazard severity zone, then the property must have direct vehicle access to a publicly maintained street. An exception applies when the property has vehicle access to a publicly maintained street following private streets that meet all applicable road standards contained in Marin County Code Title 24.

C. Category 3. Accessory Dwelling Units in this category shall comply with the criteria listed below and shall be subject to Accessory Dwelling Unit Permit approval.

1. An attached Accessory Dwelling Unit contained entirely within an addition to an existing single family residence shall not exceed 50 percent of the floor area of the existing residence, except that a one bedroom unit that is up to 850 square feet shall be allowed and a two or more bedroom unit that is up to 1,000 square feet shall be allowed.

2. A detached Accessory Dwelling Unit shall not exceed a floor area of 1,200 square feet. A detached one bedroom unit that is up to 850 square feet shall be allowed and a detached two or more bedroom unit that is up to 1,000 square feet shall be allowed.

3. An Accessory Dwelling Unit in a conventional zoning district shall comply with all development standards for that district and shall be located within any applicable building envelopes. Notwithstanding any floor area restrictions, a one bedroom unit that is up to 850 square feet shall be allowed and a two or more bedroom unit that is up to 1,000 square feet shall be allowed.

4. An Accessory Dwelling Unit in a Planned zoning district shall comply with all the development standards for the R1:B3 zoning district, except that a floor area restriction established by a Master Plan shall govern where applicable, and the unit shall be located within any applicable building envelopes. Notwithstanding any floor area restrictions, a one bedroom unit that is up to 850 square feet shall be allowed and a two or more bedroom unit that is up to 1,000 square feet shall be allowed.

5. The Accessory Dwelling Unit shall be located outside of any environmentally sensitive areas.

4. If an Accessory Dwelling Unit is to be located on a property in a wildland urban interface zone or a very high fire hazard severity zone, then the property must have direct vehicle access to a publicly maintained street. An exception applies when the property has vehicle access to a publicly maintained street following private streets that meet all applicable road standards contained in Marin County Code Title 24.

D. Category 4. Accessory Dwelling Units in this category are those units that do not fall within categories 1-3 above, and shall comply with the criteria below and shall be subject to Accessory Dwelling Unit Permit approval.

1. An attached Accessory Dwelling Unit contained entirely within an addition to an existing single family residence shall not exceed 50 percent of the floor area of the existing residence.

2. A detached Accessory Dwelling Unit shall not exceed a floor area of 1,200 square feet.

3. The Accessory Dwelling Unit shall be located outside of any environmentally sensitive areas.
4. If an Accessory Dwelling Unit is to be located on a property in a wildland urban interface zone or a very high fire hazard severity zone, then the property must have direct vehicle access to a publicly maintained street. An exception applies when the property has vehicle access to a publicly maintained street following private streets that meet all applicable road standards contained in Marin County Code Title 24.
5. The development of the Accessory Dwelling Unit shall comply with all applicable zoning requirements, including discretionary review.

~~**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.~~

22.32.125 – Residential Junior Accessory Dwelling Units

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

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

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

22.32.130 – Residential Accessory Uses and Structures

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

- A. General requirements.** All residential accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Section for specific uses.
 - 1. Relationship of accessory use to primary use.** Residential accessory uses and structures shall be incidental to the primary or conditionally permitted use. Accessory

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 Master Plan, Design Review, Site Plan Review, and Tentative Map applications 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

2. **Completeness review.** Within 30 days of receiving a discretionary permit application(s) for processing, the Agency shall review the application(s) for completeness and accuracy of required information before it is accepted as being complete and officially filed. See Section 22.40.030.C (Application Submittal and Filing – Required contents) for further information.
3. **Completeness determination.** A discretionary permit application will be deemed to be complete when the applicant has submitted all of the information and fees required by the Agency for completeness. This determination shall be made by the Agency, within 30 days; otherwise, the application will be deemed complete. The determination of completeness for a discretionary permit application that requires a legislative action shall be made within 30 days after action on the legislative decision by the Marin County Board of Supervisors. A determination of completeness for environmental review purposes may precede legislative actions in compliance with the California Environmental Quality Act.

When an application is determined to be incomplete, the applicant may complete and resubmit the application, and the Agency shall make a determination of the completeness of the resubmitted application within 30 days. The time used by the applicant to submit the additional required information shall not be considered part of the time within which the determination of completeness shall occur. The time available to the applicant for submittal of additional information is limited by Section 22.40.050.B.5 (Initial Application Review – Expiration of application), below.

This section is intended to carry out Government Code section 65943, and nothing precludes the applicant and the County from mutually agreeing to an extension of any time limit provided by Government Code 65943. This section does not apply when preempted by other Federal or State laws or regulations; in those situations, the timelines specified by the Federal or State laws or regulations shall govern.

4. **Notification of applicant.** The Agency shall inform the applicant in writing within 30 days following the submission of the application(s) that:
 - a. The application is complete and has been accepted for filing; or
 - b. The application is incomplete and that additional information, as specified in writing, shall be provided by the applicant.
 - c. ~~e.~~ When applications involving the State Density Bonus Law (Government Code Section 65943) are deemed complete and accepted for filing, the Agency shall inform the applicant of the following:
 - i. The amount of density bonus for which the application is eligible;
 - ii. If the applicant requests a parking ratio as permitted in subdivision (p) of Government Code Section 65943, the parking ratio for which the applicant is eligible.
 - iii. If the applicant requests incentives or concessions or waivers or reductions of development standards, whether the applicant has provided adequate information for the County to make a determination as to those incentives, concessions, waivers or reductions of development standards.

5. **Expiration of application.** If the information required by the Agency, for completeness review, is not submitted within the time limits listed below, the discretionary permit application shall expire unless the applicant requests an extension prior to the expiration date, and the Director grants the extension.
 - a. **General time limit.** An incomplete discretionary permit application shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions, not to exceed one year. This time limit shall not apply to Section 22.40.050.B.5.b (Initial Application Review for Discretionary Permits – Enforcement cases) below.
 - b. **Enforcement cases.** An incomplete discretionary permit application, submitted to resolve a code enforcement matter, shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions not to exceed a total of 90 days. See Chapter 22.122 (Enforcement of Development Code Provisions) for further information.
6. **Time extension request.** The applicant may request additional time to submit the information required by the Agency to determine completeness of the application. The applicant shall request an extension, in writing to the Director, prior to the expiration of the time limit for completeness, as stated in Section 22.40.050.B.5 (Initial Application Review – Expiration of application), above.
7. **Resubmittal after expiration of application.** In the event that a discretionary permit application expires, the applicant may submit a new application, and all required fees, to the Agency in compliance with this Development Code, and the application review process will begin again.
- ~~8. **Appeal of determination.** The applicant and others may file an appeal of the Agency's completeness determination, in compliance with Chapter 22.114 (Appeals).~~
98. **Summary Denial.** In those instances where a discretionary application is subject to environmental review, but is not consistent with the mandatory findings for approval, a summary denial of the project may be issued before conducting environmental review.
109. **Additional information required for environmental review.** After a discretionary permit application has been determined to be complete, the Agency may require the applicant to submit additional information necessary to conduct environmental review of the project, in compliance with Section 22.40.060 (Environmental Review), below.

22.40.052 – Application Review for Ministerial Planning Permits

- A. **Applicability.** This Section shall apply to the types of Ministerial Planning Permits listed in Section 22.40.030 (Application Submittal and Filing).
- B. **Processing of an application.** All ministerial planning permit applications submitted to the Agency, in compliance with this Development Code, shall be initially processed as described below. More than one application may be required for proposed projects requiring more than one type of entitlement or approval.
 - ~~1.~~1. **Referral of application.** A ministerial planning permit application submitted, in compliance with this Development Code, may be referred to any public agency or other

22.40.065 – Limit on Public Hearings

Consistent with California Government Code Section 65905.5, if a proposed project that is subject to the Housing Accountability Act complies with the applicable objective Countywide Plan and zoning standards in effect at the time the application is deemed complete, then the County shall not conduct more than five public hearings in connection with the approval of the project subsequent to the application being deemed complete.

"Hearing" includes any public hearing, workshop, or similar meeting conducted by the county with respect to the proposed project, whether by the legislative body of the County, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the County, or any committee or subcommittee thereof. "Hearing" does not include a hearing to review a legislative approval required for a proposed project, including, but not limited to, a Countywide Plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative action.

22.40.070 – Staff Report and Recommendations for Discretionary Permits

- A. Staff evaluation.** The Agency staff shall review all discretionary applications submitted in compliance with this Article to determine whether or not they comply and are consistent with the provisions of this Development Code, other applicable provisions of the County Code, and the Countywide Plan and Community Plans. Agency staff shall provide a recommendation to the Director, Zoning Administrator, Commission, and/or Board, as applicable, on whether the application should be approved, approved subject to conditions, or denied.
- B. Decision or Staff Report.** The Director shall prepare a written Decision for administrative actions for which the Director has final authority. When the Director does not have final authority, the Director shall prepare a written report for recommendations to the Zoning Administrator, Commission, and the Board. The decision or report shall include:
1. A decision or recommendation for approval, approval with conditions, or denial of the application, where appropriate.
 2. Findings of fact regarding the development project's consistency with the Countywide Plan, any applicable Community or land use plan, and those findings specifically identified for each planning permit. In those instances when decisions are being issued administratively, summary findings may suffice for minor projects.
 3. Pursuant to the California Housing Accountability Act, the agency shall not disapprove a ~~housing development project that is subject to the Housing Accountability Act~~, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the ~~housing development project infeasible for development~~ for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless first making written findings, based upon a preponderance of the evidence in the record, as required by Govt. Code 65589.5:
 4. Information on how the decision may be appealed to a higher decision making authority.

CHAPTER 22.42 – DESIGN REVIEW

Sections:

- 22.42.010 – Purpose of Chapter
- 22.42.020 – Applicability
- 22.42.025 – Exemptions from Design Review
- 22.42.048 – Design Review Waiver
- 22.42.050 – Application, Filing, Processing, and Review
- 22.42.055 – Project Review Procedures
- 22.42.060 – Decision and Findings

22.42.010 – Purpose of Chapter

This Chapter provides procedures for Design Review for proposed discretionary development throughout the unincorporated areas of the County. Design Review consists of a review of plans and proposals for land use and design of physical improvements in order to implement the goals of the Countywide Plan and is intended to ensure that:

- A. Sound and creative design principles are used by applicants in designing proposed projects, which will result in high quality site planning and architectural design, and the innovative use of materials, construction methods, and techniques;
- B. Site planning, building design, and construction practices promote resource conservation through climate responsive design, use of renewable energy and resources, and cost effective use of resource conserving materials where practicable and feasible;
- C. The natural beauty of the County, and the public's ability to use and enjoy it, are preserved and encouraged;
- D. The design of the built environment respects and preserves the natural beauty of the County and the environmental resources found within;
- E. The exterior appearance of proposed structures, along with their associated landscaping, parking, signs, etc. is compatible and harmonious with the design, scale, and context of surrounding properties;
- F. The development of ~~paper streets and/or~~ vacant properties which adjoin paper streets is undertaken in such a way as to minimize the impacts associated with the development of ~~paper streets~~; and
- G. Conflicts between land uses are eliminated, environmental values of the site are preserved, and adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.

22.42.020 – Applicability

New structures and exterior physical improvements, as well as additions, extensions, and exterior changes of or to existing structures and/or relocation of physical improvements, for either a single or

multiple contiguous lots, as described in Subsections A ~~through E, B and C~~ below, shall be subject to Design Review, except as otherwise provided in Section 22.42.025 (Exemptions from Design Review) and 22.42.048 (Design Review Waivers).

- A. **Planned Zoning Districts (combining coastal zones included).** Residences, non-residential structures, accessory structures, agricultural structures, and other physical improvements in all Planned zoning districts.
- B. **Conventional Zoning Districts.** Residential development ~~and residential buildings and additions to floor area~~ accessory structures in Conventional zoning districts on a lot that would contain more than 3,500 square feet of floor area with the proposed development and/or where the proposed development of primary structures would be greater than 30 feet in height or 165 feet in height for residential detached accessory structures.
- C. **Permit Waivers.** Any waiver or exception to a standard specifically identified in this Development Code as being subject to this Chapter as well as Variance waivers identified in Chapter 22.54 (Variances).
- D. **Substandard Building Sites.** Where a vacant legal lot is proposed for single-family residential development, and when the lot is at least 50 percent smaller in total area than required for new lots under the applicable zoning district or slope regulations, in compliance with Section 22.82.050 (Hillside Subdivision Design Standards), whichever is more restrictive, the proposed development shall be subject to the requirements of this Chapter. In these instances, any exemption from Design Review provided by Section 22.42.025 (Exemptions from Design Review) shall be void and setback requirements shall be waived. The subsequent development and physical improvements of these properties shall continue to be subject to the requirements of this Chapter.
- E. **Lots Served by Paper Streets.** The development of a vacant lot served only by a paper street shall be subject to the requirements of this Chapter where required by a Community Plan pursuant to a resolution adopted by the Board of Supervisors.

22.42.025 – Exemptions from Design Review

Development and physical improvements listed below in Subsections A to ~~TR~~ are exempt from Design Review, ~~except where a Community Plan adopted by the Board of Supervisors requires Design Review to implement specific design standards. In addition, where a conflict arises between conditions of approval of a discretionary permit and the exemptions listed below, the project-specific conditions of approval shall be the applicable regulations.~~

- A. **Single-family Additions and Residential Accessory Structures in Planned Districts.** Single-family residential additions and residential accessory structures on a lot with existing and proposed floor area not exceeding 3,500 square feet in a Planned District (see Chapter 22.16 Discretionary Development Standards) that meet the standards in Tables 4-2 and 4-3. This exemption does not apply ~~if work authorized under a previous exemption has not received approval of a final inspection from the Building and Safety Division or if work authorized under a previous Design Review has not received approval of a final inspection from the Building and Safety Division. If the residence or accessory structure was not subject to Design Review, additions would not qualify for an exemption if a final inspection by the Building and Safety Division has not been approved or was approved less than 24 months ago.~~

**TABLE 4-2
STANDARDS FOR EXEMPTION FROM DESIGN REVIEW FOR ONE-STORY
ADDITIONS TO SINGLE-FAMILY RESIDENCES AND FOR DETACHED ACCESSORY
STRUCTURES IN PLANNED DISTRICTS**

Standards		One-Story Single-family Additions and Detached Accessory Structure
Max. increase in floor area		750 sq. ft. or 20% of the existing floor area, whichever is less
Max. total floor area		3,500 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive
Max. height	Single-family Addition	20 ft. or the coastal zoning height standards, whichever is more restrictive
	Detached Accessory Structure	16 5 ft.
Min. lot area		Not applicable
Min. setbacks		5 ft. to all property lines on lots up to 6,000 sq. ft. 6 ft. to all property lines on lots up to 7,500 sq. ft. 10 ft. to all property lines on lots up to 10,000 sq. ft. 15 ft. to all property lines on lots > 10,000 sq. ft. (Or the required setbacks in a Community Plan, Master Plan, or subdivision, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)		Outside of a Stream Conservation Area and Wetland Conservation Area

**TABLE 4-3
STANDARDS FOR EXEMPTION FROM DESIGN REVIEW FOR MULTI-STORY
ADDITIONS TO SINGLE-FAMILY RESIDENCES IN PLANNED DISTRICTS**

Standards	Multi-Story Single-family Addition
Max. increase in floor area	750 sq. ft. or 20% of the existing floor area, whichever is less
Max. total floor area	3,000 sq. ft.
Max. height (Multi-story Additions)	30 ft. in non-coastal zone; 25 ft. in coastal zone or the coastal zoning height standards, whichever is more restrictive; 20 ft. in stepback zone (See SFR Design Guideline B-1.1)
Min. lot area	Not Applicable
Min. setbacks	5 ft. for lots up to 6,000 sq. ft. 6 ft. for lots up to 7,500 sq. ft. 10 ft. for lots up to 10,000 sq. ft. 15 ft. for lots > 10,000 sq. ft. (Or the required setbacks in a Community Plan, Master Plan, or subdivision, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)	Outside of a Stream Conservation Area and Wetland Conservation Area

- B.** Agricultural accessory structures that comply with the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan, ~~the Planned District Development Standards for agricultural zones (Sections 22.08.040, 22.16.040) and Article V (Coastal Zones – Permit Requirements and Development Standards)~~, and that are 300 feet or more from a property line of an abutting lot in separate ownership, and which are at least 300 feet from a street. The minimum setback to qualify for an exemption is reduced to 50 feet for an agricultural accessory structure that does not exceed 2,000 square feet in size. This exception does not apply to facilities for processing or retail sale of agricultural products.
- C.** In the A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones, open fencing, such as wood post and welded wire mesh, on lots greater than 20,000 square feet. The fencing shall be limited to eight feet in height above grade, be located outside of any required front or street side yard setback, and comply with the standards in Chapter 13.18 (Visibility Obstructions) of the County Code.
- D.** In Planned Districts, fences or screening walls that comply with the fence standards in Section 22.20.050 (Fencing and Screening Standards), ~~Single-family Residential Design Guideline D-1.7 (Exterior Materials and Colors), and applicable design standards in a Community Plan which shall have precedence over the Single-family Residential Design Guidelines.~~ In addition, the following standards must be met:
1. For purposes of compliance with Section 22.20.050, the front and street side yards shall be no less than ten feet for lots up to one acre and fifteen feet on lots greater than one acre.

2. Fences or walls proposed within the front and street side yards or on the property line defining such yards are limited to six feet in height with the entire section or portion of the fence or wall above four feet in height limited to a surface area that is at least 50% open and unobstructed by structural elements.
 3. Fences and screening walls located outside the front and street side yards are limited to six feet in height.
- E.** In the A, A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones, bridges that comply with the height limits and standards specified in Section 22.20.055 (Bridge Standards).
- F.** In Planned Districts, attached front and rear yard porches ~~not exceeding a maximum height of twenty feet, not exceeding a maximum area of 200 square feet, and having setbacks of at least ten feet.~~
- G.** In Planned Districts, attached or detached decks not exceeding a maximum height of five feet above grade (excluding hand railings and other safety features) and having setbacks of at least five feet.
- H.** In Planned Districts, replacing existing authorized driveways and widening driveways to meet minimum Title 24 or fire code standards (retaining walls must comply with Section 22.20.090(C)(6) (Setback requirements and exceptions), in addition to other applicable standards). This exemption excludes relocation of existing driveways.
- I.** In Planned Districts, construction of new retaining walls that comply with the standards in Section 22.20.052 (Retaining Wall Standards), and in all zoning districts, replacement of existing retaining walls ~~up to eight feet in height above grade.~~
- J.** The installation of power generators that do not exceed a height of four feet above grade and have a minimum front yard setback of 25 feet and minimum side and rear yard setbacks of 10 feet, provided they are not developed on a property with multiple primary units.
- JK.** Swimming pools and spas that do not exceed a height of thirty inches above grade (including integrated retaining walls) and have setbacks of at least 10 feet.
- KL.** In Planned Districts, new and replacement skylights, doors, and windows (including bay windows), and similar attached architectural features, ~~provided they have setbacks of at least five feet.~~
- LM.** ~~Roof-mounted solar photovoltaic systems that do not exceed a height of two feet above the height limit specified by the governing zoning district on residential and agricultural buildings.~~
- MN.** ~~Roof-mounted solar photovoltaic systems that do not exceed a height of six feet above the roof of a commercial, industrial, or institutional building provided that the height does not exceed six feet above the maximum height for the building allowed by the governing zoning district.~~
- O. — I.**
- NMP.** Changes to any approved exterior color or material, unless review is required by prior conditions of Design Review or other discretionary permit approval.

ONQ. Signs subject to the regulations of Chapter 22.28 (Signs) and Chapter 22.60 (Permits for Displays and Signs).

POR. Additions up to 500 square feet, exterior remodeling, and site improvements to commercial, industrial, and institutional properties that the Director determines to be minor and incidental in nature and which are in compliance with the purpose of this chapter.

P. Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).

Q. Other work that the Director determines to be minor and incidental in nature, and which is in compliance with the purpose of this Chapter.

R. Repair or in-kind reconstruction work on legal structures.

22.42.048 – Design Review Waiver

Design Review shall be waived for eligible projects and the project shall instead be subject to the requirements of Chapter 22.52 - Site Plan Review. Only those projects that comply with the criteria below are eligible for Design Review waiver.

- A.** The project is limited to single family residential development, including associated accessory structures.
- B.** The project is not located within an area governed by a Master Plan, unless that Master Plan provides for Site Plan Review.
- C.** The development would meet the standards for height and setbacks established by the R1:B3 zoning district and Chapter 22.20.
- D.** The development would not exceed a floor area of 3,500 square feet
- E.** The development would not exceed a floor area ratio of 30 percent.
- F.** The development would not occur in a Ridge and Upland Greenbelt Area.

22.42.050 – Application, Filing, Processing, and Noticing

- A. Purpose.** This Section provides procedures for filing, processing, and noticing of Design Review applications.
- B. Filing and processing.** All Design Review applications shall be completed, submitted, and processed in compliance with Chapter 22.40 (Application Filing and Processing, Fees) and Section 22.40.050 (Initial Application Review for Discretionary Permits).

Design Review application forms are available at the Agency's public service counter.

- C. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Design Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of any Design Review application.

- D. Applicability to approved projects.** On conventionally-zoned lots, where new or additional floor area previously approved without Design Review had not received a final inspection by the Building and Safety Division, and where the scope of work is proposed to be modified to include additional floor area that would trigger Design Review pursuant to Section 22.42.020.B or 22.42.020.D, the scope of the Design Review shall include all new or additional floor area that has not received a final inspection.

22.42.055 – Project Review Procedures

- A. Design Review Procedures.** The Director shall approve, conditionally approve, or deny all Design Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections B and C, below.
- B. Zoning Administrator review.** When the Design Review application is associated with a permit application that requires a public hearing, the Design Review action may be taken by the Zoning Administrator.
- C. Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Design Review application to the Planning Commission for a final action.

22.42.060 – Decision and Findings

The Review Authority shall issue the decision and the findings upon which the decision is based. The Review Authority may approve or conditionally approve an application only if all of the following findings are made:

- A.** The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.
- B.** The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.
- C.** The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.
- D.** The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.
- E.** The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

- B. For non-residential development, a change in use where the proposed use is allowed as a permitted use in the zoning district, as identified with “P” in the land use tables in Article II (Zoning Districts and Allowable Land Uses) provided there is no increase in building area.
- C. Development that the Director determines is minor and incidental to a principally permitted use on the site.

22.44.040 – Waiver of Master Plan Amendment and Precise Development Plan Amendment

In response to a proposal to deviate from the standards of a Master Plan adopted prior to January 1, 2017, the requirement for a Master Plan amendment is waived for an eligible project provided it meets the waiver criteria listed below, and the project shall instead be subject to a Conditional or Master Use Permit and/or Design Review, in compliance with Chapters 22.48 (Conditional Use Permit) 22.49 (Master Use Permit), 22.42 (Design Review) and this Section.

All Precise Development Plan amendments are subject to Chapter 22.42 (Design Review), since the Precise Development Plan is an antiquated entitlement.

~~A. — Projects eligible for waiver. The following types of projects are eligible for waiver of Master Plan amendment requirements:~~

- ~~1. — In general, a Master Plan and Design Review are required for the review of the design features proposed in large or otherwise major projects, and a Design Review may be required for the review of the design features proposed in small or otherwise minor projects.~~
- ~~2. — The types of projects that are eligible for a waiver from the requirements for a Master Plan amendment are provided below:

 - ~~a. — Commercial: Additions of up to 15,000 sq. ft. of new building area~~
 - ~~b. — Residential: Up to 5 units/lots (subdivision)~~
 - ~~c. — Mixed use: Single-phased projects of any size in mixed-use districts, or multi-phased development of up to 15,000 sq. ft. of new building area~~~~

~~B. — Criteria for waiver. In order for the requirements of a Master Plan amendment to be waived, a project that is eligible for waiver must meet the following criteria:~~

- ~~1. Be consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program.;~~
- ~~2. Be designed so that potential impacts can be properly addressed through Use Permit and/or Design Review procedures, in compliance with Chapters 22.48 (Conditional Use Permits) or 22.49 (Master Use Permits) and 22.42 (Design Review). These impacts may include, but are not limited to: drainage, erosion, grading, landscaping, including appropriate tree and native vegetation preservation/retention, and circulation and transportation.~~
- ~~3. Not involve a Transfer of Development Rights.;~~ and
- ~~4. — Exhaust the potential for residual development based on the zoning district densities or be implemented in a single phase within a limited and pre-determined period of time.~~

3. Procedures to deviate from established Master Plan criteria.
- C. Master Plan amendments shall be reviewed on the basis of the proposed revisions, and need not establish new development criteria or review procedures for future development.

22.44.070 – Action on Master Plan and Master Plan Amendment Applications

A. Master Plan and Master Plan amendment adoption:

~~1.~~ **1. Action by Commission.** The Commission may recommend approval, conditional approval, or denial of an application. The Commission's actions may specify any condition which is likely to benefit the general welfare of future residents in the development and the purposes of the district, or mitigate any impacts which may result from implementation of the development.

2. **Action by Board.** The Board may approve, conditionally approve, or deny the Master Plan as recommended by the Commission. Any modification of the plan may be referred back to the Commission. The decision is a legislative act and shall be adopted by ordinance.

When a Master Plan is processed concurrently with any other permit or entitlement, the Board shall be the final authority on all associated permits and entitlements.

3. **Findings for Master Plans and Master Plan amendments.** Master Plan and Master Plan amendment applications may only be approved or conditionally approved when they are consistent with the findings listed below.

~~(1)~~ **a.** The Master Plan or Master Plan amendment is consistent with the goals, policies, objectives, and programs of the Countywide Plan and any applicable Community Plan.

~~(2)~~ The Master Plan or Master Plan amendment is consistent with all standards of the governing conventional zoning district, if applicable.

~~(3)~~ **b.** The Master Plan or Master Plan Amendment is suitable for the site, and the future development would be able to conform to the Discretionary Development Standards.

~~(4)~~ **c.** The proposed Master Plan or Master Plan amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

B. Notice of action and/or hearing date. Public hearings on a proposed Master Plan or Master Plan amendment applications shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of an application. In addition to the requirements of Chapter 22.118 (Notice, Public Hearings, and Administrative Actions), where a Master Plan or an amendment to a Master Plan is proposed, a public notice may be mailed or delivered at least 10 days prior to the decision to all owner(s) of real property that comprise the area encompassed by the Master Plan that is the subject of the amendment.

CHAPTER 22.46 – FLOATING HOME EXCEPTIONS

Sections:

- 22.46.010 – Purpose of Chapter
- 22.46.020 – Applicability
- 22.46.030 – Application Filing, Processing, and Review
- 22.46.040 – Decision and Findings

22.46.010 – Purpose of Chapter

This Chapter provides procedures for Floating Home Exceptions, which are intended to allow for exceptions from the strict application of the standards for maximum floor area, setback, height, length, and width standards for floating homes.

22.46.020 – Applicability

This Chapter shall apply to floating homes, where allowed by Article II (Zoning Districts and Allowable Land Uses), and in compliance with Section 22.32.075 (Floating Homes). This chapter does not apply to Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).

22.46.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Floating Home Exception Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Floating Home Exception Permit application forms are available online and at the Agency's public service counter.

- B. Project review procedure.** Each Floating Home Exception Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Review Authority.** The Director may approve, approve with conditions or deny a Floating Home Exception Permit application for the following:
- a. Floor Area;
 - b. Length;
 - c. Width;
 - d. Height; and
 - e. Setbacks (spacing and mooring requirements).

22.50.040 – Allowable Temporary Uses

The following temporary uses may be allowed subject to the issuance of a Temporary Use Permit. Uses that do not fall into the categories listed below shall comply with the use and development standards and permit requirements that otherwise apply to the subject site.

- A. Holiday product sales lots.** Lots used for the sale of seasonal holiday products, and the establishment of an accessory temporary residence and/or security trailer on the sales lots may be approved when needed for the provision of security.

A permit shall not be required when the temporary sales lot is used in conjunction with an established commercial business which has been issued a valid County Business License, provided that the activity does not consume more than 15 percent of the total parking spaces on the site and does not impair vehicle access.

Examples of temporary holiday sales lots are Christmas tree lots, pumpkin patches, and other seasonal holiday products. The uses may be located on vacant parcels or within existing parking lots.

- B. Mobile home used as a temporary residence.** A mobile home may be approved as a temporary residence when a valid Building Permit for a new residence is in effect. Two years after the date of issuance of the residential Building Permit, and/or two months after the final inspection of the single-family residence constructed pursuant to the residential building permit, the mobile home shall be removed from the project site, unless the Temporary Use Permit specifies a different time frame.

- C. Temporary construction yards and on-site storage containers.** An off-site temporary construction yard may be approved when the temporary construction yard is needed in conjunction with the construction of an approved development project. The temporary location of a storage container on the site of a construction project may be approved to securely store furniture, tools or construction materials.

A temporary construction yard or location of a storage container may be approved in conjunction with other development permits when at least one of the following conditions exist:

1. When a valid Building or Grading Permit is in effect, and the construction or remodeling of a development project is taking place; or
2. When an applicant can demonstrate that a temporary construction yard or storage container is needed on a short term basis while permanent site work is being conducted.

- D. Temporary office.** A temporary office may be approved as an accessory use, or as the first phase of a development project.

- E. Temporary caregiver quarters.** Recreational vehicles temporarily located on a property zoned for single-family residential use and exclusively used for family members of the property occupants who need medical care and assistance with daily activities due to old age, disease, or disability. A Temporary Use Permit issued for this type of use shall not have a maximum term exceeding six months.

Tributaries," which is maintained and periodically updated by the Community Development Agency.

- F. Any development seaward of the mean higher high tide, ~~and any increase of lot coverage within a tidelands area, and all docks and piers.~~

22.52.030 – Site Plan Review Exemptions

The following types of development are exempt from Site Plan Review:

- A. Development subject to Design Review or Variance requirements.
- B. Floating homes.
- C. Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).
- ~~C.~~ Signs.

22.52.040 – Application Filing, Processing, and Review

- A. **Filing.** An application for a Site Plan Review shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Site Plan Review application forms are available online and at the Agency's public service counter.
- B. **Site Plan Review Procedures.** The Director shall approve, conditionally approve, or deny all Site Plan Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections D and E, below.
- C. **Zoning Administrator review.** When the Site Plan Review application is associated with a permit application that requires a public hearing, the Site Plan Review action may be taken by the Zoning Administrator.
- D. **Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Design Review application to the Planning Commission for a final action.
- E. **Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Site Plan Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.52.050 – Decision and Findings

The Review Authority may only approve or conditionally approve an application if all of the following findings are made:

- A. The development would be consistent with all the site development criteria established in the Discretionary Development Standards.

22.54.040 – Exemptions

- A. Reconstruction of legal or legal non-conforming structures that were damaged or destroyed by a natural disaster is exempt from Variance requirements.
- B. Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.125. A (category 1), B (category 2), and C (category 3). Further, a floor area ratio standard may be exceeded to allow up to a 1,000 square foot Accessory Dwelling Unit, if that unit is within an addition built entirely underneath and within the footprint of an existing single-family dwelling. The conversion of garages to accessory dwelling units or construction of accessory dwelling units above garages that encroach into setbacks but otherwise meet the applicable development standards.

22.54.045 – Waivers

A Variance requirement shall be waived and the project shall instead be subject to Chapter 22.42 - Design Review, provided it meets one of the following criteria:

- A. The cubical contents of the structure may only be increased with minor dormers and bay windows that provide headroom or for projects that are addressed in this Waivers section.
- B. In situations where development is proposed within the footprint of a legal or legal non-conforming building, the floor area ratio may increase by an amount not to exceed 35 percent or 300 square feet, whichever is more restrictive, except that such area limitations do not apply to circumstances in flood zones that are addressed below in section 22.54.040.C.
- C. In situations where development is proposed within the footprint of a legal or legal non-conforming building, the floor area ratio may increase above 30 percent if the increase in floor area is due to a Federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Floor area underneath the proposed additions does not qualify for this exemption.
- D. Existing legal non-conforming setbacks may be maintained if a structure is being raised to conform to a Federal or County requirement that an existing structure be raised above the base flood elevation. In this instance, the finished floor of the first level above the base flood elevation shall not be more than 18 inches above the base flood elevation. Development underneath the proposed additions does not qualify for this exemption.
- E. The height of a roof of an existing primary structure that encroaches into a required setback is being lowered by any height or is being raised by not more than three feet in height above the existing roof, or to a maximum of 30 feet above grade, whichever is more restrictive.
- F. Detached accessory structures, retaining walls, fences and screening walls, and primary agricultural structures that would otherwise need to meet height and setback requirements, may vary from those requirements.
- G. Primary residential buildings exceeding a height of 30 feet but not exceeding a height of 35 feet above grade in conventional districts.

CHAPTER 22.56 – RESIDENTIAL ACCESSORY DWELLING UNIT PERMITS

Sections:

22.56.010 – Purpose of Chapter

22.56.020 – Applicability

22.56.030 – Application Filing, Processing, and Review of Accessory Dwelling Units

~~22.56.040 – Exemptions~~

22.56.0450 – Decision and Findings for Accessory Dwelling Units

22.56.010 – Purpose of Chapter

This Chapter establishes a procedure to allow accessory dwelling units ~~and junior accessory dwelling units.~~

22.56.020 – Applicability

The provisions of this Section shall apply to ~~accessory dwelling unit including junior accessory dwelling units~~ Accessory Dwelling Units, in the unincorporated portions of the County. ~~While accessory dwelling unit permits are required, a property owner may have a junior accessory dwelling unit certified by the County on a purely voluntary basis provided it meets all the eligibility requirements, or forego such recognition at the owner's discretion.~~

22.56.030 – Application Filing, Processing, and Review of Accessory Dwelling Unit Permits

- A. **Filing.** Application for an Accessory Dwelling Unit Permit shall be submitted, filed, and processed in compliance with and in the manner described for ministerial planning permit applications in Chapter 22.40 (Application Filing and Processing, Fees).

Accessory Dwelling Unit Permit applications are available online and at the Agency's public service counter.

- B. **Project review procedure.** Each Accessory Dwelling Unit Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter, and the findings specified for ~~accessory dwelling units~~ Accessory Dwelling Units. If a discretionary permit related to the ~~accessory dwelling unit~~ Accessory Dwelling Unit development is required, findings of consistency with the Countywide Plan and applicable community plan shall be made as part of the approval of the discretionary permit. Once a decision has been rendered on an ~~accessory dwelling unit~~ Accessory Dwelling Unit application, notice of that decision shall be referred to any special districts or County agencies that provide services to the subject property.

- C. **Action on Accessory Dwelling Unit Permit.** The Director shall act upon the Accessory Dwelling Unit Permit after any discretionary permits related to the development have been issued and any appeals related to those discretionary permits have been acted upon.

22.56.040 Exemptions

- ~~A. 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 Accessory Dwelling Unit requirements 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.~~
- ~~B. Junior accessory dwelling units are exempt from the requirements of this section and may be certified by the Director provided they meet all the eligibility criteria of section 22.32.120.~~

22.56.04050 – Decision and Findings for Accessory Dwelling Units

~~The Director may only approve or conditionally approve an application for an accessory dwelling unit Accessory Dwelling Unit if the project is consistent with all of the applicable standards listed in section 22.32.120, all of the following findings are made:~~

- ~~A. In the Tamalpais Community Plan Area, the accessory dwelling unit would be located on the same lot on which the owner of record maintains a primary residence. A property owner of an accessory dwelling unit may request an exemption from the Tamalpais owner-occupancy requirement for a period of two years for good cause such as temporary job transfer or settlement of an estate that involves the property. Public notice shall be given prior to a decision of exemption. The exemption may be extended for up to two years at a time subject to new public noticing for each exemption. Exemptions may be granted without a public hearing.~~
- ~~B. The accessory dwelling unit meets all Design Characteristics and other standards listed in Section 22.32.120 of this Development Code.~~
- ~~C. If the lot is not served by a local sanitary district, adequate on-site sewage disposal will be available in compliance with County and State regulations.~~
- ~~D. If the lot is not served by a local water district, adequate well water supplies exist to serve the accessory dwelling unit in compliance with County and State regulations.~~
- ~~E. The addition of an accessory dwelling unit would incorporate materials, colors, and building forms that are compatible with the existing residence on the property.~~
- ~~F. An accessory dwelling unit shall be located outside of the Stream Conservation Area and identified Wetland Conservation Areas except under the following circumstances: (1) the unit is created within an existing authorized primary or accessory structure through the alteration of existing floor area without increasing the cubical contents of the structure (with the exception of minor dormers, bay windows, and stairwells); and (2) no site disturbance related to the provision of parking and access improvements or other construction encroaches into a Stream Conservation Area or Wetland Conservation Area.~~

- B. Transmittal to affected agencies.** In addition to the procedures outlined in Chapter 22.40 (Application Filing and Processing, Fees), a Tentative Map application shall be transmitted to the agencies outlined in this Subsection, as well as any other County department, State or Federal agency, or other individual or group that the Director believes may be affected by the subdivision, or may have useful information about issues raised by the proposed subdivision. The transmittal shall include a copy of the proposed Tentative Map.
1. **Time limits.** As required by Map Act Sections 66453 through 66455.7, transmittal shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 22.40.050.B.2 (Initial Application Review – Completeness Review). An agency wishing to respond to a transmittal shall provide the Agency with its recommendations within 15 days after receiving the Tentative Map application.
 2. **Required transmittals.** The Director shall transmit Tentative Map applications for review and comment to each of the following agencies which will be expected to provide service to the proposed subdivision.
 - a. **Caltrans.** The California Department of Transportation shall be transmitted:
 - (1) Any Tentative Map located within an area shown on a territorial map filed with the County in compliance with Map Act Section 66455.
 - (2) Any Tentative Map that includes a proposed public school site located within two miles of an airport runway, as described in Section 39005 of the California Education Code. In these cases, the time for receipt of comments by the County shall be 35 days instead of the 15 days specified by this Subsection B.1 above (Time Limits).
 - b. **Environmental Health Services.** Environmental Health Services shall be transmitted any Tentative Map application that proposes sewage disposal or water supply by other than public sewer or water systems.
 - c. **Fire departments.** County fire protection agencies including the County Fire Department, the various county fire protection districts and the California Department of Forestry shall be transmitted any Tentative Map within their respective areas of responsibility local responsibility areas or State responsibility areas.
 - d. **Incorporated cities and other local agencies.** Incorporated cities and other local agencies, including community services districts, shall be transmitted any Tentative Map application that is located within the area shown on a territorial map filed with the County in compliance with Map Act Section 66453, and within any sphere of influence they have established outside of their official boundaries.
 - e. **Public utilities, water and sewer agencies.** Public utility companies and other service agencies which will be expected to provide service to the proposed subdivision, including providers of water, sewer, gas, electrical, telephone, and cable television services, shall be transmitted any Tentative Map within their respective jurisdictions.

of a land use plan in compliance with the provisions of the California Coastal Act is based.

- C. **Owner-Requested Merger.** Upon written request from the property owner, the Director shall merge two or more contiguous parcels or units of land that do not meet the requirements contained in Section 22.92.020 (Requirements for Merger). Owner-requested Mergers are not subject to the requirements of section 22.92.040 (Notice of Intent to Determine Status) and may be recorded by the County without delay.

_____ The County does not have the authority to unilaterally merge parcels unless they meet the requirements contained in Section 22.92.020 (Requirements for Mergers). Notwithstanding the criteria for non-merger or unmerger, units of real property that are merged through application of this subsection shall not be subsequently unmerged.

- D. **Merger due to cessation of agricultural housing.** The conditions of approval for a subdivision as allowed by Government Code Section 51230.2 shall require that all conditions of that Section be implemented.

22.92.030 – Effective Date of Merger

A merger of units of real property becomes effective on the date the Director files a Notice of Merger for record with the County Recorder. A Notice of Merger shall specify the names of the record owners and describe the real property that has merged.

22.92.040 – Notice of Intent to Determine Status

The filing of a Notice of Intent to Determine Status, and a hearing and decision on the status of contiguous parcels with respect to merger shall occur as follows.

- A. **Timing and content of notice.** Before recording a Notice of Merger, the Director shall cause to be mailed by certified mail to then current record owners of the property a Notice of Intention to Determine Status, notifying the owners that the affected parcels may be merged in compliance with the requirements of this Chapter, and advising the owners of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice shall also inform the owners that the Commission, Zoning Administrator, or Director is authorized to make a determination of merger or non-merger in compliance with Section 22.92.020 (Requirements for Merger) based on the information available from County records, in the event that a request for hearing is not filed within 30 days of the date of the notice. The Notice of Intention to Determine Status shall be filed for record with the County Recorder on the date that the notice is mailed to the property owner.
- B. **Request for hearing.** At any time within 30 days after recording of the Notice of Intention to Determine Status, the owner of the affected property may file a request for a hearing on determination of status with the Director.
- C. **Determination of review authority.** When a property owner files a request for a hearing on determination of status, the Zoning Administrator shall conduct the hearing, except that when the Director determines that significant policy questions are at issue, the Director may refer the determination of merger to the Commission for action.

D. Procedure for hearing:

1. Upon receiving a request for a hearing on determination of status, the Director shall set a time, date, and place for a hearing to be conducted by the applicable review authority and shall notify the property owner by certified mail.
2. The hearing shall be conducted no less than 60 days after the Director's receipt of the request for hearing, but may be postponed or continued with the mutual consent of the Director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this Chapter. At the conclusion of the hearing, the review authority shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within 30 days after conclusion of the hearing, in compliance with Section 22.92.030 (Effective Date of Merger).

E. Determination when no hearing is requested. If the owner does not file a request for hearing on determination of status within 30 days of the recording of the Notice of Intent to Determine Status, the Director may make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded in compliance with Section 22.92.030 no later than 90 days after the recording of the Notice of Intent to Determine Status. The 90-day time limit may be extended with the mutual consent of the County and the property owner.

F. Non-merger. A determination of non-merger shall occur as follows:

1. **Action and findings.** The review authority may make a determination of non-merger whether or not the affected property meets the standards of Sections 22.92.020 (Requirements for Merger) or 22.92.050 (Criteria for Unmerger), provided the following findings are made:
 - a. The parcels were created by a record of survey or Parcel or Final Map in accordance with the provisions of the County Code in effect at the time of their creation.
 - b. The unmerger and subsequent development of the individual parcels would not be contrary to the public health, safety or welfare. In making this finding, the review authority shall consider the factors in Section 22.122.050 (Legal Remedies - Development Permits and Approvals Withheld).
2. **Notice of non-merger.** If the review authority determines that the subject property shall not be merged in compliance with Subsections D, E, or F above (Procedure for Hearing, Determination When No Hearing is Requested, and Non-merger, respectively), it shall cause a Release of the Notice of Intention to Determine Status to be recorded in the manner specified in Section 22.92.040 (Notice of Intent to Determine Status), and shall mail a clearance letter to the current record owner.

22.92.050 – Criteria for Unmerger

Any parcels or units of land for which a Notice of Merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984:

CHAPTER 22.130 – DEFINITIONS

Sections:

- 22.130.010 – Purpose of Chapter
- 22.130.020 – Applicability
- 22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

22.130.030 – Definitions of Specialized Terms and Phrases

Definitions are listed in alphabetical order.

A. Definitions, "A."

Accessory Dwelling Unit. A residential dwelling unit, which is accessory to a primary dwelling unit, that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall provide permanent provisions for living, sleeping, eating cooking, sanitation, and independent exterior access, on the same lot as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (1) an efficiency unit as defined in section 17958.1 of the California Health and Safety Code and (2) a manufactured home as defined in section 18007 of the California Health and Safety Code.

Accessory Dwelling Unit, Attached. An Accessory Dwelling Unit contained entirely within an addition to an existing legal primary dwelling.

Accessory Dwelling Unit, Detached. An Accessory Dwelling Unit contained entirely within a detached accessory structure (outbuilding).

Accessory Retail Uses (land use). This land use consists of the retail sale of various products (including food) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, for the purpose of serving employees or customers, and is not visible from a public street. These uses include pharmacies, gift shops, food service establishments within hospitals, convenience stores and food service establishments within hotels, and office and industrial complexes.

Accessory Structure, Detached. There are two types of accessory structures: (1) buildings, and (2) affixed improvements including fences, retaining walls, septic systems, utility lines, outdoor appliances, back-up generators, propane tanks, fountains and other water features, and other similar structures that do not fit the definition of a building. A structure is considered to be accessory when it is secondary and incidental to, and commonly associated with the primary structure or use.

A detached accessory building lacks any type of substantial physical connection with the primary structure with roofs between the primary building and the accessory building separated by a horizontal distance of at least five feet. If the roofs are separated by a horizontal distance of less than five feet, then the buildings are considered attached.

Accessory structures that are not buildings are always considered detached regardless of the degree of proximity and physical connection, provided they are located outside of the building footprint.
 A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection for a structure other than a building means having a physical connection above the ground surface; except for retaining walls and fences outside of a building footprint, which are always considered detached. For buildings to be considered detached, the roofs between a primary building and an accessory building must be at least five feet apart.

Acres, Gross and Net. See "Lot Area."

Adult Day Program (land use). This land use consists of a non-medical community based facility that provides a program of care to people 18 years of age or older in need of personal care services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. The facility cannot be open more than 16 hours per day and must be licensed by the California Department of Social Services as an Adult Day Program. Physician's care and skilled nursing care services are not included in this land use.

Adult Entertainment Establishment (land use). This land use consists of any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

Affordable Housing. Dwelling units that are income restricted and rented or sold at rates that are affordable to households with income qualifying as low, very low or extremely low income, as described in Chapter 22.22 (Affordable Housing Regulations) or Chapter 22.24 (Affordable Housing Incentives) and defined by Health and Safety Code Sections 50052.5 and 50053. Affordable Housing includes Transitional and Supportive Housing, and Single Room Occupancy (SRO) consistent with qualifying income requirements.

Affordable Ownership Cost. Figure at which affordable housing must be provided for purchase, which is calculated as annual housing costs, during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30 percent of 60 percent of area median income, adjusted for household size.
2. For affordable housing that qualifies a project for a state density bonus, consistent with Government Code Section 65915, annual housing costs cannot exceed the following:
 - (a) for moderate income households: housing cost shall not be less than 28 percent of the gross income of the household or exceed the product of 35 percent of 110 percent of area median income, adjusted for household size.
 - (b) for low income households: 30 percent of 70 percent of area median income, adjusted for household size.
 - (c) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.

Affordable Rent. Annual rent, including utilities and all fees for housing services, which does not exceed the following:

- (1.) For inclusionary units required by Chapter 22.22, annual rent cannot exceed 30 percent of 50 percent of median area income, adjusted for household size.
- (2.) For affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed the following:
 - (a) for low income households: 30 percent of 60 percent of area median income, adjusted for household size.
 - (b) for very low income households: 30 percent of 50 percent of area median income, adjusted for household size.
 - (c) for extremely low income households: 30 percent of 30 percent of area median income, adjusted for household size.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Agency. The Marin County Community Development Agency.

Agriculture (land use). The breeding, raising, pasturing, and grazing of livestock, for the production of food and fiber; the breeding and raising of bees, fish, poultry, and other fowl; and the planting, raising, harvesting and producing of agricultural, aquacultural, horticultural and forestry crops.

Agricultural Accessory Activity (land use). This land use consists of accessory activities customarily incidental to agricultural operations, and which involve agricultural products produced only on-site or elsewhere in Marin County, including:

- corn shelling
- custom milling of flour, feed and grain
- drying of corn, rice, hay, fruits, and vegetables
- sorting and packaging of fruits and vegetables
- grain cleaning and grinding
- hay baling and cubing
- pre-cooling and packaging of fresh or farm dried fruits and vegetables
- tree nut hulling and shelling
- preparation and packaging of animal byproduct (such as eggs and wool) produced on-site

Any of the above activities performed in the field with mobile equipment not involving permanent structures are included under the definition of “Crop Production”.

Agricultural Accessory Structures (land use). This land use consists of agricultural worker housing or an uninhabited structure for the storage of farm animals, implements, supplies or products, that contains no residential use, is not accessory to a residential use, and is not open to the public, including:

- agricultural worker housing
- barns
- coops
- corrals
- grain elevators
- facilities for milking
- fences
- pens
- silos
- stables
- facilities for cleaning, drying, pre-cooling, and packaging of fruits and vegetables produced on-site
- greenhouses
- utility facilities
- other similar structures

B. Definitions, "B."

Banks and Financial Services (land use). This land use consists of financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

See also, "Automatic Teller Machine," above.

Bars and Drinking Places (land use). This land use consists of the sale of alcoholic beverages for on-site consumption, not as part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.

~~**Base Density.** This definition applies only to projects that seek a density bonus. The base density is the number of units/single family lots that are calculated using the net lot area or number of multi-family units calculated using the maximum density associated with the zoning district. The maximum density of residential units is modified based on what is allowed by the Built Environment Element of the Countywide Plan, including provisions applicable to sites with sensitive habitat, or located within the Ridge and Upland Greenbelt, or lacking public water or sewer systems, or if the project will result in an exceedance to the Level of Service Standards. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the Built Environment Element, the Built Environment Element density shall prevail.~~

Basement. A story which is partly or completely below grade.

Bay Window. A windowed enclosure that projects from an exterior wall and is at least 18 inches above the adjoining finished floor as measured to the lowest horizontal plane of the projection. To be considered a bay window for the purposes of allowed exemptions and floor area, the windowed enclosure shall not occupy an area greater than 25 percent of any individual wall element of a building for each story or extend more than 30 inches from the exterior wall.

Bed and Breakfast Inns (land use). This land use consists of providing up to five guest bedrooms for overnight lodging, where the use is clearly secondary and incidental to the use of the property as a single-family residence. County requirements applicable to Bed and Breakfast Inns are in Section 22.32.040 (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is not permitted in a residential zoning district. Refer to the definition of "Room Rental" to distinguish between a Bed and Breakfast Inn and room rental in a "boarding house" situation.

Below Market Rate. Housing that is sold or rented at a price which is below the prevailing rate for equivalent housing units within the same community.

Beverage Production (land use). This land use consists of manufacturing facilities including bottling plants, breweries, coffee roasting, soft drink production, and wineries. Does not include milk processing; see "Food Products." May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Drinking Places" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Block. A group of lots surrounded by streets or roads, or streets or roads and railroad right-of-way, mean high tide line or unsubdivided acreage.

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures" (land use).

California Environmental Quality Act (CEQA). A State law originally enacted in 1970, which requires public agencies to document and consider the environmental effects of a proposed action, before a decision is issued. See California Public Resources Code Sections 21000 et seq.

Campground (land use). This land use consists of land that is used or intended for camping, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites. See also "Recreational Vehicle Parks."

Camping (land use). This land use consists of inhabiting or staying overnight in the outdoors in the open or in a tent, tarpaulin, hammock or other minimal shelter.

Car Deck. See "Parking Structure."

Cargo Container. A portable, rectangular metal storage container, generally with a height greater than five feet and with doors on one end, designed to be transported on trucks, rail cars, or ships, individually or stacked.

Carport. See "Parking Structure."

Cemeteries, Columbariums and Mortuaries (land use). This land use consists of interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

CEQA. See California Environmental Quality Act (CEQA).

Certificate of Compliance. A Certificate of Compliance is a document recorded by the County Recorder, which acknowledges that the subject parcel, which was typically created prior to current subdivision map requirements, is considered by the County to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Procedures for Certificates of Compliance may be found in Chapter 22.96 (Certificates of Compliance) of this Development Code.

Chemical Products (land use). This land use consists of the manufacture of chemicals and other products created predominantly by chemical processes. This definition includes the manufacture of three general classes of products: (1) basic chemicals, such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture, such as synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption, such as drugs and cosmetics, or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses included in the Retail Trade Group on the land use and permit tables.

Chicken Coop. A structure designed to completely enclose chickens on all sides as well as below and above.

Child Care Facility. A child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school age childcare centers.

Child Day-Care Facilities (land use). This land use consists of the provision of nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

RA (Residential, Agricultural)	C1 (Retail Business)
C-RA (Coastal, Residential, Agricultural)	AP (Administrative and Professional)
RR (Residential, Restricted)	H1 (Limited Roadside Business)
RE (Residential, Estate)	C-VCR (Coastal, Village Commercial/Residential)
R1 (Residential, Single-Family)	C-H1 (Coastal, Limited Roadside Business)
C-R1 (Coastal, Residential, Single-Family)	OA (Open Area)
R2 (Residential, Two-Family)	C-OA (Coastal, Open Area)
	PF (Public Facilities)

Cottage Industry (land use). This land use consists of the design, light manufacturing or product assembly, and the sale of products and services inside a dwelling or within an accessory building located on the same site as the dwelling, by the inhabitants of the dwelling. This land use involves the design, manufacture, and sale of the following products and services, or other uses determined by the Director to be similar in nature including: See Section 22.32.060 (Cottage Industries).

- | | |
|---|--------------------------|
| - antique repair and refinishing | - jewelry making |
| - batik and tie dyeing | - painting and sculpture |
| - catering | - photography |
| - ceramics | - sewing |
| - dress making, cloth decoration, etc. | - weaving |
| - furniture and cabinet making, other woodworking | - other handcrafts |

County. The County of Marin, State of California, referred to in this Development Code as "the County."

County Boundary. The boundary of the unincorporated limits of the County of Marin.

County Code. The Marin County Code.

Countywide Plan. The Marin Countywide Plan, including all of its elements and amendments, and all Community Plans, as adopted by the Board of Supervisors under the provisions of the Government Code (Sections 65300 et seq.), and referred to in this Development Code as the "Countywide Plan."

Countywide Plan Land Use Element. The Land Use Element of the Countywide Plan is comprised exclusively of the Community Development and Planning Areas sections.

Coverage. See "Lot Coverage."

Crop Production (land use). This land use consists of commercial agricultural field and orchard uses, including production of:

- | | |
|---------------------|--------------------|
| - field crops | - ornamental crops |
| - flowers and seeds | - tree nuts |
| - fruits | - trees and sod |
| - grains | - vegetables |
| - melons | |

D. Definitions, "D."

Deck. An open platform without a roof.

Dairy Operations (land use). This land use consists of specialized and intensive commercial animal facilities for the raising and keeping of dairy animals, including facilities for milking.

Demolition. The act of tearing down, removing, or replacing an existing building, structure, or other physical improvement. For structures other than buildings (e.g. fences, retaining walls), removal of more than 75 percent of the length or area of the structure shall be considered demolition. For buildings, cumulative removal or substantial modification of more than 75 percent of the linear sum total of a building's exterior walls, counted for all stories, shall be considered demolition of the building. Modification of improvements is considered to be substantial when the work makes structural modifications to the exterior walls of buildings in accordance with the California Building Code, including new shear walls over existing framing and/or the substitution or replacement of existing framing materials. The installation of interior drywall and in-kind replacement of exterior material treatment (e.g., stucco for stucco), regardless of color, is considered substantial modification only when structural modifications are included. The replacement of doors and windows and in-kind barge replacements for floating homes are not considered to be substantial modifications.

Density. The number of dwellings per acre of lot area, unless otherwise stated, for residential uses.

Density Bonus. ~~An increase in the number of dwelling units over the base density.~~ A density increase over the otherwise allowable maximum residential density as of the date of application, or if elected by the applicant, a lesser percentage of density increase including no increase in density.

Design Review. See Chapter 22.42 (Design Review).

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973(commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

"Development" does not mean a "change of organization", as defined in California Code Section 56021 or a "reorganization", as defined in California Code Section 56073.

Development Code. The Marin County Development Code, Title 22 of the Marin County Code, referred to herein as "this Development Code."

Development Permit. See "Land Use Permit."

Development Project. (Non-Coastal) Any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies.

Development Standard. A site or construction condition including a height limitation, a setback requirement, a floor area ratio, an on-site open space requirement, a parking ratio that applies to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

Diameter at Breast Height (DBH). DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

Disabled. A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

Discretionary Permit. A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Reviews, Floating Home Exceptions, Master Plans and Precise Development Plans, Use Permits, Sign Reviews, Temporary Use Permits, Tentative Maps, Site Plan Reviews, and Variances. See also "Ministerial Permit."

Discretionary Project. A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. Section 21065(c).

Dock. A structure extending alongshore or out from the shore into a body of water, to which boats may be moored.

Dripline. A vertical line extending from the outermost edge of the tree canopy to the ground.

Drive-in and Drive-thru Sales (land use). This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

Drive-in and Drive-thru Services (land use). This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance – Vehicle").

Driveway. A vehicular access across private property, extending from an improved street to a building site.

Dwelling, or Dwelling Unit. A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly.

E. Definitions, "E."

Easement, Conservation or Scenic. A grant of partial title from a landowner to a public or nonprofit agency for the purpose of protecting on-site environmental resources or scenic features by limiting the future development of the property.

Educational Tours (land use). Interactive excursion for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources.

Electrical and Electronic Equipment, Instruments (land use). This land use consists of the manufacture of manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy. Examples of these products include:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Electric Vehicle Charging Station. Any level of electric vehicle supply equipment, including solar energy systems and electrical equipment cabinets, built in compliance with Article 625 of the California Electrical Code, that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services.

Employee Housing. An accessory residential dwelling unit located in a commercial building on a parcel having a primary commercial land use and occupied by an employee of the commercial use on the same property or a family member who is actively engaged in such commercial use.

Definitions, F

F. Definitions, "F."

Family. One or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.

Farm Equipment and Supplies Sales (land use). This land use consists of the retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farm Worker Housing. See "Agricultural Worker Housing."

Farmer's Markets (land use). This land use consists of the temporary and/or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot, or a public right-of-way (where authorized by encroachment permit).

Feasible. That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Final Map. A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3.

Fire Inspector. A person empowered by the chief of a fire department to inspect property for fire safe landscape, wildland management or fire protection.

Fish Hatcheries and Game Reserves (land use). This land use consists of commercial fish hatcheries, rearing ponds, aquaculture, fish and game preserves, and game propagation. (See "Mariculture" for shellfish, kelp, algae, etc.)

Flag lot. See "Lot or Parcel."

Floating Home (land use). This land use consists of any boat, craft, living accommodation, or structure supported by means of floatation, designed to be used without a permanent foundation, that is used or intended for human habitation.

Floating Home Exception Permit. See Chapter 22.46 (Floating Home Exceptions).

Floating Home Fairway. An area of water within a floating home marina that is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways.

Floating Home Marina (land use). This land use consists of a facility that contains one or more berthing spaces for floating homes.

Floor Area. Except as specified by the Tamalpais Area Community Plan, the sum of the gross area of all floors in all buildings on a site, measured from the exterior faces of the exterior walls, including enclosed understory, basement, and attic areaspace that can be easily-converted to habitable living area with an interior remodel, but excluding:

1. All unenclosed horizontal surfaces, including balconies, courts, decks, porches, terraces;
2. For single-family residential structures, the first 250 square feet of floor area of all detached accessory structures not designed for and/or used for habitable areaspace;
3. For single-family residential structures, the first 540 square feet of garage areas primarily designed for parking four-wheeled vehicles;
4. For two-family, multi-family, and non-residential structures, all floor area that is required to meet minimum parking standards under Title 24;

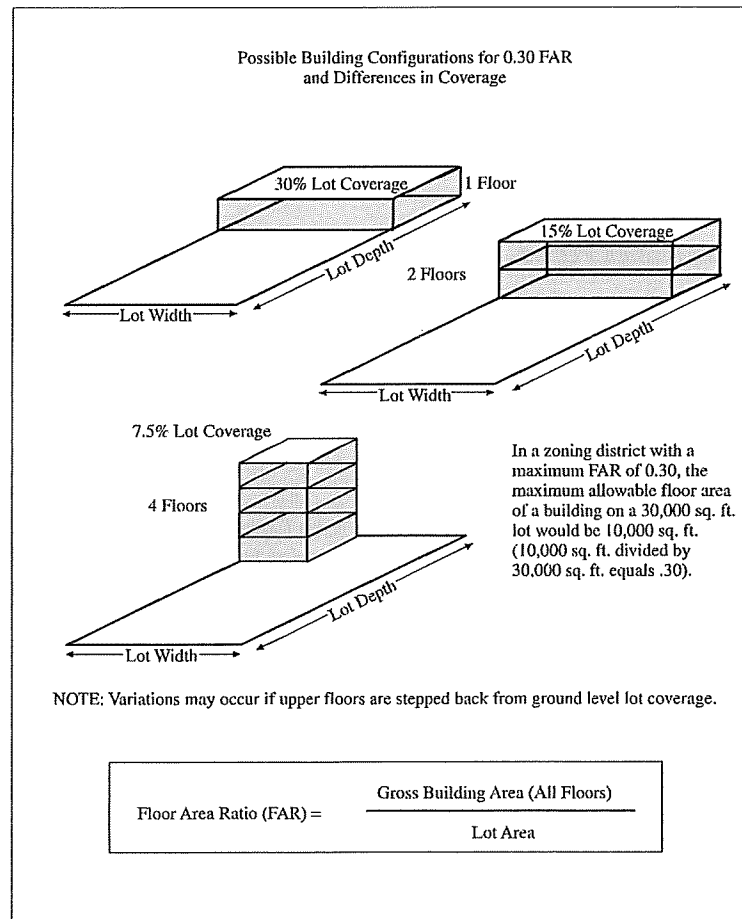
- 5. Exterior wall thickness of greater than 6 inches, where the additional wall thickness results in greater energy efficiency (e.g. straw bale construction or earthen wall construction), as demonstrated by the applicant and subject to the approval of the Director; and
- 56. Chimney area that projects beyond an exterior building wall;
- 67. Bay windows.

The floor area of stairways, elevators, and other vertical accesses, is included in the total floor area only as to the “footprint” (area at the base) of the vertical access, and is not counted at each floor of a building. In order to qualify as an unenclosed horizontal surface, at least one of the longest wall planes of the space shall be kept open with the exception that railings with a surface area that is at least 50 percent open and unobstructed by structural elements and that are necessary for safety or convenience purposes may be allowed within the open wall plane. As defined herein, understory, basement, and attic space that can be easily converted to habitable living area with an interior remodel includes: (1) enclosed unconditioned and unimproved areas that yield a minimum clear room area of 7 feet by 7 feet and a minimum ceiling height of 7 feet or higher; and (2) all attic areas with a minimum ceiling height of 5 feet or higher.

In the A3 to A60 zoning districts on lots one acre and larger, agricultural accessory structures and structures used for agricultural processing and retail sales uses are not included in the floor area calculation.

Floor Area Ratio (FAR). The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 8-1 (Floor Area Ratio).

**FIGURE 8-1
FLOOR AREA RATIO**



G. Definitions, "G."

Garage, Carport, or Car Deck. See "Parking Structure."

General Plan. See "Marin Countywide Plan."

Glass Products (land use). This land use consists of the manufacture of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Goat Shed. A structure designed to completely enclose goats on all sides, as well as below and above.

Golf Courses/Country Clubs (land use). This land use consists of golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

Grade. The ground elevation used as the basis for measurement of allowed structure height. Grade shall be the elevation of the natural or finished grade at the exterior surface of the structure, whichever is more restrictive, and the elevation of the natural grade within the footprint of the structure. In those instances where a structure, or a portion of a structure, is seaward of the mean high tide line then mean sea level shall be treated as grade in that location.

Grantee/Grantor Index. The index to real property transfer transactions maintained by the Marin County Recorder.

Group Homes (land use). This land use consists of a dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; rehabilitation centers; self-help group homes. Medical care may be provided in conjunction with group homes that provide alcoholism or drug abuse recovery or treatment services. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services – Extended Care."

Guest House (land use). This land use consists of a detached structure accessory to a primary residence that has a bathroom, and that contains more than 400 square feet of floor area that is subject to building permit requirements under a residential occupancy code. To be a guest house, the structure cannot contain kitchens.

Guy Wires. Wires used to secure wind turbines or towers that are not self-supporting.

Horizontal Axis WECS. A horizontal-axis wind turbine (HAWT) is an energy conversion system whose rotor axis is substantially parallel to the wind flow. The main rotor shaft and electrical generator is at the top of a tower and must be pointed into the wind.

Horses, Donkeys, Mules, Ponies (land use). This land use consists of the raising or keeping of horses, donkeys, mules, and/or ponies for domestic/recreational or agricultural purposes.

Hotel or Motel (land use). This land use consists of facilities with guest rooms and/or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Income. The gross annual household income considering household size, income of all wage earners, elderly or family members with disabilities, and all other sources of household income.

Household Pets (land use). This land use consists of the keeping of cats, dogs, and other domesticated animals, determined by the Director to be comparable based on factors including size, sanitation requirements, odor, noise, etc., accessory and incidental to a residential use.

Housing Authority. The Marin County Housing Authority, a nonprofit public corporation.

Housing Costs. The monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

Housing Development. A development of five or more residential units, including mixed-use developments. Also included in this definition are a subdivision or common interest development consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling.

Housing Director. The Executive Director of the Marin County Housing Authority.

Housing Project. A development of housing units at one location, including all units for which permits have been applied for or approved within a 12-month period.

HUD. The United States Department of Housing and Urban Development, or its successor.

Hunting and Fishing Clubs – Private (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by the property owner(s) and their guests without a fee being charged.

Hunting and Fishing Clubs – Public (land use). This land use consists of hunting of wildlife, fishing, and accessory structures where such activities are undertaken by guests or members of the public for a fee.

Definitions, I

I. Definitions, "I."

Impoundments and Diversions. Impoundments and diversions refers to alterations in stream flows through holding or diverting water supply.

Including. Means "including but not limited to . . ."

Inclusionary Unit/Lot. A dwelling unit or lot that is required by Chapter 22.22 (Affordable Housing Regulations) to be affordable to extremely low, very low, or low income households, as specified, or that has been proposed by an applicant and approved by the County to meet the requirements of Chapter 22.22.

Income Qualifying Household. Household whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

- a1. Moderate income, 80 to 120 percent of area median income;
- b2. Low income, 50 to 80 percent of area median income.
- c3. Very low income, under 30 to 50 percent of area median income.
- d4. Extremely low income, 30 percent and less of the area median income.

Income Restricted Housing. Dwelling units with a long-term income restriction which restricts occupancy to households at or below a specific income.

Indoor Recreation Centers (land use). This land use consists of facilities providing indoor amusement/entertainment services for a fee or admission charge, such as:

- bowling alleys
- card rooms
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades
- ice skating and roller skating rinks
- pool and billiard rooms

Five or more electronic games or coin-operated amusements in any establishment is considered an electronic game arcade as described above. Four or less machines are not considered a land use separate from the primary use of the site.

Infant. An infant is a child less than 12 months of age.

Initial Study. A preliminary analysis to determine whether an Environmental Impact Report (EIR) or a Negative Declaration must be prepared, and to identify any significant environmental effects that are to either be mitigated or further analyzed.

In-Kind Reconstruction. Reconstruction resulting in the same outward appearance and at least equivalent functional utility as the original structure. The location, footprint, and physical dimensions must substantially conform to the original structure to meet this definition.

In-Lieu Fee. A fee paid to the County by developers in-lieu of providing required on-site inclusionary units or lots, or a fee paid to the County by developers in lieu of dedicating parkland.

J. Definitions, "J."

Junior Accessory Dwelling Unit (Land Use). A type of Accessory Dwelling Unit that is no more than 500 square feet in size, has a kitchenette but not a kitchen, is contained entirely within ~~the existing~~ a single family dwelling, and has been certified as a Junior Accessory Dwelling Unit by the Director.

Junk. Materials that characterize junk typically include automotive parts, vehicle body parts, inoperable vehicles, household furniture, appliances, household trash, building materials, scrap wood, scrap metal, and machine parts.

Junk Yard (land use). This land use consists of outdoor storage occupying an area of 200 square feet or more, or the storage of junk in any yard adjoining a street, for collecting and assembling, storing, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. In no case shall the stored junk exceed a height of five feet.

K. Definitions, "K."

Kennels and Animal Boarding (land use). This land use consists of the keeping, boarding or maintaining of six or more household pets at least four months of age or older, except for household pets in pet shops or animal hospitals. "Kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in compliance with the provisions of Sections 8.04.245 or 8.04.246 of the Marin County Code.

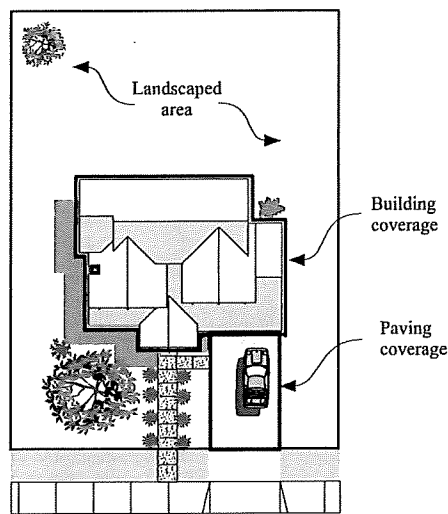
Kitchen. Kitchens include a stove, oven, refrigerator, sink, counters, and cabinets, and may include a microwave, hot plate, and other appliances. ~~Wet bars are not considered kitchens.~~

Kitchenette. An interior area that accommodates a bar sink and small food preparation appliances, such as a toaster, microwave, hotplate, coffee maker, and mini-refrigerator. The bar sink shall not exceed a maximum dimension of 12-inches by 12-inches and adjoining cabinets and counters shall not exceed an aggregate length of six feet. Kitchenettes are not considered kitchens.

Lot Area. Lot area is the total area included within the lot lines of a lot, exclusive of adjacent street or paper street rights of way and any portion of the property located below mean high tide that is subject to tidal action.

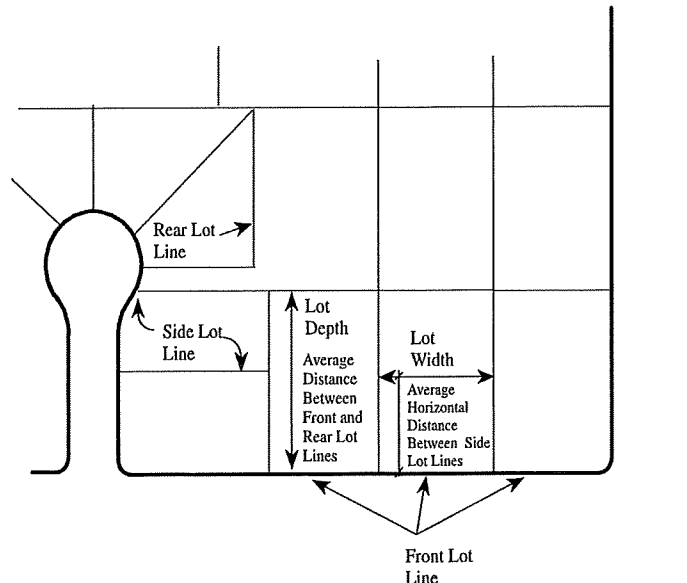
Lot Coverage. Lot coverage is the percentage of total site area occupied by buildings and other structures, impervious paving and other hard surfaces that have a water runoff factor of 0.5 or more according to the Bay Area Storm Water Management Agencies Association guidelines. Structure/building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall. See Figure 8-4 (Lot Coverage).

**FIGURE 8-4
LOT COVERAGE**



Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

**FIGURE 8-5
LOT LINES AND LOT FEATURES**



Lot Frontage. The boundary of a lot adjacent to a public or private street right-of-way.

Lot Line, or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-5 (Lot Lines and Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the property line bounding the street to which the property is addressed and the street from which access is taken. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
2. **Interior Lot Line.** Any lot line not abutting a street.
3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The average horizontal distance between the side lot lines. See Figure 8-5 (Lot Lines and Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Income. See "Income Qualifying Household."

Lower Income Households. Persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. Lower income households includes very low income households, as defined in Health and Safety Code Section 50105, and extremely low income households, as defined in Health and Safety Code Section 50106.

Lumber and Wood Products (land use). This land use consists of the manufacture, processing, and sale of milled forest products, including rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- containers, pallets and skids
- milling operations
- trusses and structural beams
- turning and shaping of wood products
- wholesaling of basic wood products
- wood product assembly

Craft-type shops are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing (land use). This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

- bulldozers
- carburetors
- construction
- conveyors
- cranes
- die casting
- dies
- dredging
- engines and turbines
- farm and garden
- food products manufacturing
- gear cutting
- heating, ventilation, air conditioning
- industrial trucks and tractors
- industrial furnaces and ovens
- industrial molds
- laundry and dry cleaning
- materials handling
- mining
- oil field equipment
- paper manufacturing
- passenger and freight elevators
- pistons
- printing
- pumps
- refrigeration equipment
- textile manufacturing

Map Act. See "Subdivision Map Act."

Mariculture (land use). This land use consists of the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

Marin Countywide Plan. The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

Marinas (land use). This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

Master Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Maximum Allowable Residential Density. The maximum allowable gross residential density under the zoning and Land Use element of the Countywide Plan, or if a range of density is permitted, the maximum density for the specific zoning range and Land Use element of the Countywide Plan applicable to the project. If the density under the zoning is inconsistent with the density under the Land Use element of the Countywide Plan, the Countywide Plan density shall prevail.

Medical Services – Clinics and Laboratories (land use). This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices

Miniature Goat. Those types of goats commonly known as Pygmy, Dwarf, and Miniature Goats.

Ministerial Permit. A permit granted to a project after applying fixed, objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the project. Examples are Sign Permit, Large Family Day-care Permit, Homeless Shelter Permit, Certificate of Compliance, Accessory Dwelling Unit Permit, Final Map approval, and Building Permits. See also "Discretionary Permit."

Minor. Any person under 18 years of age.

Mixed Use. An existing or proposed development that includes more than one type of land use.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home Park (land use). This land use consists of any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Moor. The fixing of a vessel in one location, temporarily or permanently, by mooring, anchoring, grounding, or any other means.

Motel. See "Hotel or Motel."

Multi-Family Dwellings (land use). This land use consists of the development of any structure designed for human habitation that has been divided into two or more legally created independent living quarters, including This land use consists of multiple detached dwellings on the same lot, or a building or a portion of a building used and/or designed as residences for two or more families living independently of each other. Includes supportive housing, as defined in California Government Code Section 65650. ; Duplexes, triplexes, fourplexes and apartments (five or more units under one ownership in a single building); and townhouse developments (three or more attached single-family dwellings where no unit is located over another unit). Accessory Dwelling Units, and Junior Accessory Dwelling Units, and farm worker housing are not considered in the calculation of the number of units for this definition and do not convert a single-family residential development into a multi-family residential development.

Mutual Water Company. A State-licensed water purveyor providing domestic water to multiple residences, where the owners of property being served are shareholders in the company.

Open Water. In conjunction with a Floating Home Marina, a privately owned or controlled water area, which is devoid of any structure or appurtenances including mooring facilities for any vessels or piers, docks, ramps, walkways or other exit ways.

Organizational Houses (land use). This land use consists of residential lodging houses operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses.

Original Lot. A contiguous area of real property under one ownership, which is proposed for division in compliance with Article VI (Subdivisions) of this Development Code.

Outbuilding. See definitions for “Accessory Structures, Detached” and “Building”.

Outdoor Commercial Recreation (land use). This land use consists of facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

- amusement and theme parks
- drive-in theaters
- go-cart and miniature auto race tracks
- golf driving ranges separate from golf courses
- health and athletic club outdoor facilities
- miniature golf courses
- skateboard parks
- swim and tennis clubs
- tennis courts
- water slides
- zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, fast-food restaurants, video game arcades, etc. Spectator facilities are included in the definition of "Sport Facilities and Outdoor Public Assembly."

Outdoor Retail Sales and Activities (land use). This land use consists of the outdoor retail sale or rental of autos and other vehicles and equipment, lumber, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary (land use). This land use consists of the temporary outdoor retail sales activities, examples of which include:

- Christmas trees, pumpkins or the sale of other seasonal items
- semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
- sidewalk or parking lot sales longer than one weekend
- retail sales in temporary locations outside the public right-of-way

Farmer's markets are separately defined.

P. Definitions, "P."

Paper Products (land use). This land use consists of the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products such as paper bags, boxes, envelopes, wallpaper, etc.

Paper Street. Any street, road, or public vehicular access, or portion thereof, shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding "driveways", as previously defined.

Parcel. A unit of real property.

Parcel Map. The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required by Article VI (Subdivisions) of this Development Code to complete a subdivision of four or fewer lots.

Parking Structure. Parking space or shelter for automobiles or other vehicles.

1. A garage is an attached or detached accessory structure, which is enclosed on at least three sides;
2. A carport is an attached or detached accessory structure, which is enclosed on no more than two sides and has no vehicle/garage door;
3. A car deck is an unenclosed and uncovered platform providing off-street parking spaces, normally constructed at the street level of a sloping lot.

Parks and Playgrounds (land use). This land use consists of public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Golf Courses/Country Clubs," "Outdoor Commercial Recreation," and "Sport Facilities and Outdoor Public Assembly."

Passageway. A pathway that is unobstructed clear to the sky and extends from the street to one entrance of an accessory dwelling unit.

Paving and Roofing Materials (land use). This land use consists of the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Products."

Pier. A platform supported on pillars or girders leading out from the shore into a body of water, often used as a landing stage for boats.

Permitted Use. A land use allowed by Article II (Zoning Districts and Allowable Land Uses) subject to compliance with all applicable provisions of this Development Code, and subject to first obtaining any building permit or any other permit required by the County Code.

Person. Any natural person, partnership, cooperative association, private corporation, public corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Personal Services (land use). This land use consists of the provision of non-medically related services. Examples of facilities included in this land use include: beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Pipelines and Utility Lines (land use). This land use consists of transportation facilities for the conveyance of water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Public Utility Facilities").

Planned Development. As defined by Civil Code Section 1351(k), a development having either or both of the following features: (1) The common area is owned either by an association or in common by the owners of the separate interests; (2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separately owned lot, parcel, or area in compliance with Civil Code Section 1367. Does not include a community apartment project, condominium or stock cooperative, which are each separately defined.

Planned District. Any zoning district established by Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones – Permit Requirements and Development Standards), that is not included under the definition of "Conventional District" provided by this Chapter. The planned districts include:

C-APZ (Coastal, Agricultural Production Zone)	RMPC (Residential/Commercial Multiple Planned)
ARP (Agricultural, Residential Planned)	CP (Planned Commercial)
C-ARP (Coastal, Agricultural, Residential Planned)	OP (Planned Office)
RSP (Residential, Single-Family Planned)	RCR (Resort and Commercial Recreation)
C-RSP (Coastal, Residential, Single-Family Planned)	C-RCR (Coastal, Resort and Commercial Recreation)
C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)	C-RMPC (Coastal, Residential/Commercial Multiple Planned)
RMP (Residential, Multiple Planned)	C-CP (Coastal, Planned Commercial)
C-RMP (Coastal, Residential, Multiple Planned)	IP (Industrial, Planned)
RX (Residential, Mobile Home Park)	RF (Floating Home Marina)
RF (Residential, Floating Home Marina)	

The designation of certain planned zoning districts includes a numerical suffix on the zoning map, which indicates the maximum residential density.

Planning Commission. The Marin County Planning Commission, appointed by the Board of Supervisors as provided by Government Code Section 65101, and Title 2 of the Marin County Code, referred to throughout this Development Code as the "Commission."

Plant Nurseries (land use). This land use consists of the commercial production of ornamental plants and other nursery products, grown under cover or outdoors. May include establishments engaged in the sale of such products, and commercial scale greenhouses. The sale of house plants or other nursery products is also included under "Retail Stores, General Merchandise." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Products (land use). This land use consists of the manufacture of rubber products such as: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales."

Playground. See “Parks and Playgrounds.”

Porch. A deck with a roof, which is attached to a building.

Poster Board. A sign consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events.

Potbellied Pig. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus).

Poultry Processing Facility (Land Use). This land use consists of facilities permanently installed on a site engaged in slaughtering poultry for meat to be sold.

Precise Development Plan. See Chapter 22.44 (Master Plans and Precise Development Plans).

Premise(s). The site of a land use or activity subject to the requirements of this Development Code.

Primary Structure. See "Structure, primary."

Primary Zoning District. One of the agricultural, residential, commercial, or special purpose zoning districts established by Sections 22.06.020 (Zoning Districts Established) and Article V (Coastal Zones – Permit Requirements and Development Standards), that is applied to a site by the Zoning Map in addition to one or more of the combining districts established by Section 22.06.020.

Printing and Publishing (land use). This land use consists of printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other "quick printing" services; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Private Residential Recreation Facilities (land use). This land use consists of privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/country clubs, which are separately defined.

Private Road. A street or right-of-way owned and maintained by a private person(s) or entity(ies).

Project. See "Development, or Project."

Property Line. See "Lot Line or Property Line."

Proposed Parcel(s). Each separate parcel shown on a tentative map or lot line adjustment, as proposed by an applicant.

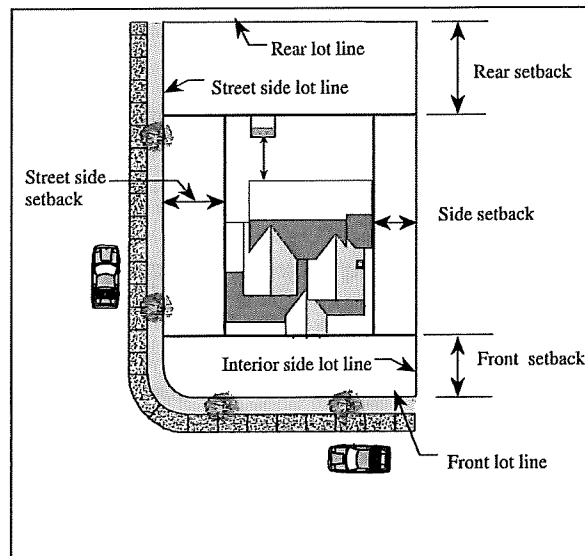
Proposed Dwelling. A new dwelling that is the subject of a permit application that meets all requirements for permitting, including zoning requirements.

Proposed Single Family Dwelling. See “Proposed Dwelling” and “Single Family Dwelling”.

Protected Tree and Heritage Tree. Any one of the following as indicated in the table below:

Setback. The distance by which a structure is required to be separated from a boundary lot line, measured perpendicular to the boundary lot line. Setbacks from private streets and driveways are measured from the edge of the easement. See also "Yard." Figure 8-6 (Setbacks) shows the location of front, side, street side, and rear setbacks.

**FIGURE 8-6
SETBACKS**



Service Station (land use). This land use consists of the retail sale of gasoline or other motor vehicle fuels, which may also include services incidental to fuel sales. These incidental services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Shopping Center (land use). This land use consists of structures with six or more independently operated retail uses whose combined gross floor area totals at least 20,000 square feet, and which are located on a site where any underlying separate lots are tied together by a binding legal agreement providing rights of reciprocal parking and access.

Sign. A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, A-frame. A portable, and self-supporting sign used for advertising purposes, constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top (Syn. Sandwich Board Sign).

Sign, Abandoned. Any lawfully erected sign that, for a period of 90 days or more, no longer advertises or identifies an ongoing business, activity, product, service, or other use available on the premise where the sign is located.

Sign Area. Sign area consists of the message, background and any frame or outline and does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which

This definition assumes that slope calculations are based on accurate topographic survey maps drawn to a scale of not less than one inch equals 100 feet, with contour lines at maximum 10-foot intervals for ground slope over 15 percent, and at five-foot intervals for ground slope of 15 percent or less.

Slope Ordinance. Minimum lot area requirements established based on slope. See Section 22.82.050 (Hillside Subdivision Design).

Small Family Day-Care Homes (land use). See "Child Day-Care Facilities."

Solar Energy System. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

A structural design feature of a building, including either of the following:

A. Any design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

Commercial Solar Facilities are defined separately and are not included in this definition as a solar energy system.

Solid Waste. Unwanted materials discarded by the occupants of homes and businesses, which may include recyclable materials.

Special Purpose District or Zone. Any of the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established), including PF (Public Facilities), and OA (Open Area), and the C-OA (Coastal, Open Area) zone as defined in Article V (Coastal Zones – Permit Requirements and Development Standards).

Specific Plan. A detailed plan for the systematic implementation of the general plan, for all or part of the area covered by the general plan, as authorized by Government Code Sections 65450 et seq.

Sport Facilities and Outdoor Public Assembly (land use). This land use consists of indoor and outdoor facilities for spectator-oriented sports and other outdoor public assembly facilities for such activities as outdoor theater productions and concerts. These facilities include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports facilities that are considered commercial.

State. The State of California.

Stealth Design. A telecommunications facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment.

Stock Cooperative. A development defined by the Business and Professions Code, Section 11003.2 and the Civil Code, Section 1351.m, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

Stone and Cut Stone Products (land use). This land use consists of the cutting, shaping, and finishing of marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Stop Work Order. A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

W. Definitions, "W."

Warehouse Retail Stores (land use). This land use consists of the retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing (land use). This land use consists of facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

Waste Disposal Sites (land use). This land use consists of County-approved or operated refuse dumps, sanitary landfills and other solid waste terminal disposal facilities, not including facilities for hazardous materials.

Water Conservation Dams and Ponds (land use). This land use consists of water impoundment reservoirs constructed for watering stock, groundwater recharge, and other conservation purposes.

WECS (land use). See "Wind Energy Conversion Systems (WECS)."

~~**Wet Bar.** An area that accommodates a bar sink and small food preparation appliances, such as a toaster, microwave, hotplate, coffee maker, and mini-refrigerator. The bar sink shall not exceed a maximum dimension of 12 inches by 12 inches and adjoining cabinets and counters shall not exceed an aggregate length of six feet. The maximum size of the trap arm and drain for the bar sink shall not exceed 1.5 inches. Gas lines, gas stubouts, and additional plumbing stubouts are prohibited as part of the wet bar area. Wet bars are not considered kitchens.~~

Wetland Conservation Area. An area designated by the Marin Countywide Plan that includes wetlands and associated buffer areas. See Marin Countywide Plan policy BIO-3.1.

Wholesaling and Distribution (land use). This land use consists of establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Wild Animal Ranches (land use). This land use consists of the keeping or raising of wild animals for commercial agricultural purposes.

Williamson Act. Formally the California Land Conservation Act of 1965, this Act was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the County and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.

Wind Energy Conversion System (WECS) (land use). This land use is defined as any machine that converts and then stores or transfers the kinetic energy in the wind into a usable form of mechanical or