

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

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

**TRANSPORTATION AND COMMUNICATIONS USES**

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

**Notes:**

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

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

**22.12.040 – Commercial/Mixed Use and Industrial District Development Standards**

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

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

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

**Notes:**

- (1) Minimum lot area and setback standards may change, as follows:
  - a. In VCR, AP, H1, and C1 districts, the minimum lot area and setback standards may change when the district is combined with a "-B" district in compliance with provisions of Section 22.14.050 (Minimum Lot Size "-B" Combining District).
  - b. In VCR, AP, H1, and C1 districts, including those combined with "-B" districts, the minimum lot area may change in areas of sloping terrain in compliance with provisions of Section 22.82.050 (Hillside Subdivision Design).
  - c. In CP, IP, RCR, OP, and RMPC districts, minimum lot area is determined through the Master Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review). Through such process, the Review Authority will determine whether the lot area is adequate for the proposed land use.
- (2) With the exception of Except for affordable housing, dwellings are not permitted in RCR districts. Where dwellings are permitted, the following standards shall apply to residential development in the RMPC and C1 districts:
  - a. In RMPC districts, when determining the maximum residential density allowed, any fraction of a dwelling unit of 0.90 or greater will be counted as a whole unit.
  - b. In C1 districts, dwellings are allowed above the first floor only. The first floor shall be reserved for non-residential use.

### 22.20.030 – Access Standards

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

### 22.20.040 – Outdoor Construction Activities

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

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

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

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

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

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

**Notes:**

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

**22.28.050 – Standards for Specific Sign Types**

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

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

Sign Type	Maximum Number	Maximum Area	Maximum Height	Included in maximum number and area of signs?	Permit Required?	Additional Requirements
Awning Sign	n/a	1 sf/1 linear foot of awning width	See 22.28.050.A.1	Yes	Yes	22.28.050.A.1
Canopy Sign	n/a	1 sf/1 linear foot of canopy width	See 22.28.050.A.2	Yes	Yes	22.28.050.A.2
Changeable Copy Sign	n/a	See 22.28.050.A.3		Yes	Yes	22.28.050.A.3
Directory Sign	1/bldg. entrance	20 sf	See 22.28.050.A.4	No <sup>1</sup>	Yes	22.28.050.A.4
Freestanding Sign	See Table 3-7			Yes	Yes	22.28.050.A.5
Projecting Sign	1/bldg. entrance	12 sf	See 22.28.050.A.6	Yes	Yes	22.28.050.A.6
Suspended Sign	1/bldg. entrance	8 sf	See 22.28.050.A.7	Yes	Yes	22.28.050.A.7
Wall Sign	See Table 3-7			Yes	Yes	22.28.050.A.8
Window and Clear Door Signs	n/a	5015% of window area <sup>2</sup>	See 22.28.050.A.9	No	No	22.28.050.A.9

**End Notes:**

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

<sup>2</sup> Maximum window sign area includes both permanent and temporary window signs.

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

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

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

Temporary Sign Type <sup>1</sup>	Standard			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
A-Frame Sign	4 feet above grade	3 feet	6 sq. ft. on each side	Only permitted in non-residential zones.
Yard Sign	6 feet above grade	--	6 sq. ft.	Installed securely in the ground.
Wall Banner	Mounting height – max. 25 feet to the top of the wall banner.		24 sq. ft.	Not included in the total sign area for all temporary signs. May only be mounted on a building wall. Only one banner sign is allowed per property at any one time.
Window and Clear Door Signs	--	--	The area of temporary and permanent window signs combined shall not exceed 50% of the area of the window on or within which they are displayed.	Placed no higher than 1st story windows. Inside mounting required. Not included in the total sign area for all temporary signs.
Number of Signs	Subject to Table 3-6 except for banner signs			

**End Notes:**

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

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

### 22.32.050 – Child Day-Care Facilities

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

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

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

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

- B. **Definitions.** Definitions of the child day-care facilities regulated by this Section are in Article VIII (Development Code Definitions) under “Child Day-Care Facilities”.

~~C. Large family day-care homes.~~

- ~~1. Permit requirement.~~ A large family day-care home shall require the approval of a Large Family Day-care Permit by the Director.
- ~~2. Standards for large family day-care homes.~~ As allowed by Health and Safety Code Sections 1597.46 et seq., a large family day-care home shall be approved if it complies with the criteria for Large Family Day-care Permit in Chapter 22.58 of this Development Code.

CD. **Child day-care centers.**

### 22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts

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

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

**B. Limitations on use:**

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

### 22.32.120 – Residential Accessory Dwelling Units

There are ~~three~~four categories of Accessory Dwelling Units, each with different standards that apply as indicated below. On lots restricted to single family development, in all of the categories, only one no more than two Accessory Dwelling Units are allowed provided that one unit is attached to the primary dwelling and one unit is located within a detached accessory structure. 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.
- 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.
- 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. A detached Accessory Dwelling Unit shall not exceed a height of 18 feet above grade except that 2 additional feet may be allowed to match the roof pitch of the primary dwelling. An attached Accessory Dwelling Unit shall not exceed the maximum height allowed in the respective zoning district or 25 feet above grade, whichever is greater.~~

**2. Multi-family Development:**

- a. ~~Two detached Accessory Dwelling Units are allowed to be built on a lot that has an existing multi-family dwelling, but are detached from that multi-family dwelling and are subject that do not exceed a floor area of 800 square feet per unit, maintain a maximum to a height limit of 18 feet above grade and minimum side and rear yard setbacks of four feet are allowed.~~
- 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 a ~~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 sensitive habitat areas.~~
- ~~3. If an Accessory Dwelling Unit is to be located on a property in a very high fire hazard severity zone, then it must have direct vehicle access to a street network with a continuous minimum paved width of at least 20 feet from the property to an arterial street or highway.~~

**BC. Category 23.** 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 notwithstanding any floor area restrictions.

2. An attached Accessory Dwelling Unit that is partially contained within an existing single family residence and partially within an addition to that residence which does not exceed a floor area of 1,200 square feet.

32. 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 notwithstanding any floor area restrictions.

43. 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.

54. An Accessory Dwelling Unit in a Planned zoning district shall comply with all the development standards for the R1:B3 zoning district, except that a numerical development restriction established by a Master Plan shall govern where applicable, and the unit shall be located within any applicable building envelopes. 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.

65. The Accessory Dwelling Unit shall be located outside of any sensitive habitat areas.

76. If an Accessory Dwelling Unit is to be located on a property in a very high fire hazard severity zone, then the property must have direct vehicle access to a street network with a continuous minimum paved width of at least 20 feet from the property to an arterial street or highway.

**D. Category 34.** Accessory Dwelling Units in this category are those units that do not fall within categories 1-23 above, and shall comply with the criteria below and shall be subject to Accessory Dwelling Unit Permit approval.

15. The Accessory Dwelling Unit shall be located outside of any sensitive habitat areas.

26. If an Accessory Dwelling Unit is to be located on a property in a very high fire hazard severity zone, then the property must have direct vehicle access to a street network with a continuous minimum paved width of at least 20 feet from the property to an arterial street or highway. However, this standard shall not apply when the Marin County Fire Department or the responsible local fire protection district determines that adequate emergency access and evacuation routes will be provided.

3.5. The development of the Accessory Dwelling Unit shall comply with all applicable zoning requirements, including Master Plan criteria and discretionary review.

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.~~

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

### **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 or a detached accessory structure. Floor area additions to the detached accessory structure of no more than 150 square feet are allowed to provide access to the unit, provided the access addition provides side and rear yard setbacks that are sufficient for fire and safety purposes.
- B. The unit shall have a kitchenette but shall not have a kitchen.
- C. The unit shall have a separate entrance from the main entrance to the building, with an interior entry to the main living area if the unit does not contain a separate bathroom. The unit may include a second interior doorway for sound attenuation.
- D. The unit shall be the only junior accessory dwelling unit on the property.
- E. The property shall be owner occupied, except that owner occupancy is not required if the owner is a government agency, land trust, or housing organization.
- F. The property owner has recorded a deed restriction, which shall run with the land, that stipulates the following:
  - 1. A prohibition on the sale of the unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
  - 2. A restriction on the size and attributes of the unit that conforms to this section.

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

### **22.32.130 – Residential Accessory Uses and Structures**

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

## 22.40.030 – Application Submittal and Filing

- A. **Applicability.** This Section shall apply to the submission and processing of the following development applications:

1. **Discretionary Permit Applications**

- a. Design Reviews;
- b. Floating Home Exceptions;
- c. Master Plans;
- d. Temporary Use Permits;
- e. Tentative Maps and Vesting Tentative Maps;
- f. Lot Line Adjustments;
- g. Site Plan Reviews;
- h. Tree Removal Permits;
- i. Use Permits;
- j. Variances; and
- k. Sign Reviews.

2. **Ministerial Planning Decisions.**

- a. Certificates of Compliance
- b. Homeless Shelter Permits
- ~~c. Large Family Day-care Permits~~
- ~~cd. Residential Accessory Dwelling Unit and Junior Accessory Dwelling Unit Permits~~
- ~~de. Sign Permits~~
- ~~ef. Use Permit Renewals~~
- ~~fg. Permit exemptions~~

- B. **Eligibility for submittal of an application.** Development applications may be made only by an owner or lessee of real property, an agent of the owner or lessee, or a person who has entered into a contract to purchase or lease real property contingent on the ability to obtain certain development approvals under this Development Code. All ownership interests shall be parties to the application.

- C. **Required contents.** Each development application and other matters pertaining to this Development Code shall be submitted by an eligible person to the Agency. The application shall be made on the County application form available from the Agency's public information counter, and shall include all required fees, plans, reports, and other information listed on the Agency's published submittal requirements. Additional information may be required.
- D. **Application complete.** A development application shall be considered complete and filed for processing when it has been determined to be complete in compliance with Section 22.40.050 (Initial Application Review for Discretionary Permits) and 22.40.052 (Initial Application Review for Ministerial Planning Permits).

#### 22.40.040 – Establishment of Application Fees

The Board shall establish a schedule of fees for the processing of the development applications, permits, amendments, and other matters pertaining to this Development Code. The Board may change or modify the schedule of fees from time to time. The processing of an application filed in compliance with this Development Code shall not commence until all required fees and deposits have been received by the Agency.

#### 22.40.050 – Application Review for Discretionary Permits

- A. **Applicability.** This Section shall apply to the types of Discretionary Permits listed in Section 22.40.030 (Application Submittal and Filing).
- B. **Processing of an application.** All discretionary 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.only

1. **Referral of application.** A discretionary permit application submitted, in compliance with this Development Code, may be referred to any public agency or other organization that may be affected by, or have an interest in, the proposed land use or development project. The purpose of the referral is to provide other public agencies and organizations the opportunity to provide their comments on aspects of the proposed project which are of concern or interest. Recommended conditions of approval from referral agencies will be considered when making a decision on a development application.

The referral shall be made at the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law.

Examples of agencies and organizations which often receive referred applications for comment are fire protection districts, the County Open Space District, the Department of Public Works, the Department of Environmental Health, utility and public service agencies, school districts, the Army Corps of Engineers, the California Department of Fish and Game, local advisory design review boards, the cities and towns of Marin, and other community associations.

2. **Completeness review.** Within 30 days of receiving a discretionary permit application(s) for processing, the Agency shall review the application(s) for completeness and accuracy

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. **Summary denial.** In those instances where a discretionary application is subject to environmental review, but is not consistent with the mandatory findings for approval, a summary denial of the project may be issued before conducting environmental review.
9. **Applications and Litigation.** No discretionary application that is substantially the same as an application that is the subject of pending litigation shall be accepted until the litigation has concluded.
10. **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. ~~only~~
  1. **Referral of application.** A ministerial planning permit application submitted, in compliance with this Development Code, may be referred to any public agency or other organization that may be affected by, or have an interest in, the proposed land use or

Review, except as otherwise provided in Section 22.42.025 (Exemptions from Design Review) and 22.42.048 (Design Review Waivers).

- A. **Planned Zoning Districts (combining coastal zones included).** Residences, non-residential structures, accessory structures, agricultural structures, and other physical improvements in all Planned zoning districts.
- B. **Conventional Zoning Districts.** Residential buildings and additions to floor area in Conventional zoning districts on a lot that would contain more than 3,500 square feet of floor area with the proposed development and/or where the proposed development of primary structures would be greater than 30 feet in height or 16 feet in height for residential detached accessory structures. Non-residential structures and other physical improvements in all conventional zoning districts.
- C. **Permit Waivers.** Any waiver or exception to a standard specifically identified in this Development Code as being subject to this Chapter as well as Variance waivers identified in Chapter 22.54 (Variances).
- D. **Substandard Building Sites.** Where a vacant legal lot is proposed for single-family residential development, and when the lot is at least 50 percent smaller in total area than required for new lots under the applicable zoning district or slope regulations, in compliance with Section 22.82.050 (Hillside Subdivision Design Standards), whichever is more restrictive, the proposed development shall be subject to the requirements of this Chapter. In these instances, any exemption from Design Review provided by Section 22.42.025 (Exemptions from Design Review) shall be void and setback requirements shall be waived. The subsequent development and physical improvements of these properties shall continue to be subject to the requirements of this Chapter.
- E. **Lots Served by Paper Streets.** The development of a vacant lot served only by a paper street shall be subject to the requirements of this Chapter where required by a Community Plan pursuant to a resolution adopted by the Board of Supervisors.

### 22.42.025 – Exemptions from Design Review

Development and physical improvements listed below in Subsections A to T are exempt from Design Review.

- A. **Single-family Additions and Residential Accessory Structures in Planned Districts.** Single-family residential additions and residential accessory structures on a lot with existing and proposed floor area not exceeding 3,500 square feet in a Planned District (see Chapter 22.16 Discretionary Development Standards) that meet the standards in Tables 4-2 and 4-3. This exemption does not apply if work authorized under a previous Design Review has not received approval of a final inspection from the Building and Safety Division.

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

<b>Standards</b>		<b>One-Story Single-family Additions and Detached Accessory Structure</b>
Max. increase in floor area		750 sq. ft. or 20% of the existing floor area, whichever is less
Max. total floor area		3,500 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive
Max. height	Single-family Addition	20 ft. or the coastal zoning height standards, whichever is more restrictive
	Detached Accessory Structure	16 ft.
Min. lot area		Not applicable
Min. setbacks		5 ft. <del>to all property lines</del> on lots up to 6,000 sq. ft. 6 ft. <del>to all property lines</del> on lots up to 7,500 sq. ft. 10 ft. <del>to all property lines</del> on lots up to 10,000 sq. ft. 15 ft. <del>to all property lines</del> 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**

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

- B.** Agricultural accessory structures that comply with the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan, and that are 300 feet or more from a property line of an abutting lot in separate ownership, and which are at least 300 feet from a street. The minimum setback to qualify for an exemption is reduced to 50 feet for an agricultural accessory structure that does not exceed 2,000 square feet in size, and to 25 feet for an agricultural accessory structure for retail sales of agricultural products that does not exceed 500 square feet in size. This exception does not apply to facilities for processing 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). In addition, the following standards must be met:
- 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.

## **~~CHAPTER 22.58 – LARGE FAMILY DAY-CARE PERMITS~~**

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### **Sections:**

~~22.58.010 – Purpose of Chapter~~

~~22.58.020 – Applicability~~

~~22.58.030 – Application Filing, Processing, and Review~~

~~22.58.040 – Decision and Findings for Large Family Day-care Permits~~

### **~~22.58.010 – Purpose of Chapter~~**

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

### **~~22.58.020 – Applicability~~**

~~As provided by State law (Health and Safety Code Sections 1596.78, et seq.), large family day-care homes are allowed within any single-family residence located in an agricultural or residential zoning district. These standards apply in addition to all other applicable provisions of this Development Code, including Section 22.32.050 (Child Day-Care Facilities), and any requirements imposed by the California Department of Social Services.~~

### **~~22.58.030 – Application Filing, Processing, and Review~~**

~~A. **Filing.** Application for a Large Family Day-care Permit shall be submitted, filed, and processed in compliance with and in the manner described for ministerial permits in Chapter 22.40 (Application Filing and Processing, Fees).~~

~~Large Family Daycare Permit applications are available online and at the Agency's public service counter.~~

~~B. **Project review procedure.** Each Large Family Day-care Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and findings of this Chapter.~~

### **~~22.58.040 – Decision and Findings for Large Family Day-care Permits~~**

~~As allowed by Health and Safety Code Sections 1597.46 et seq., The Director may approve or conditionally approve a Large Family Day-care Permit if it complies with the following criteria listed below.~~

~~A. **Fire protection.** The facility shall contain a fire extinguisher and smoke detector devices and comply with all standards established by the County Fire Department.~~

~~B. **Location requirements.** No residential lot shall be bordered on more than one side by a large family day-care home. The Director shall also determine that the proposed facility will not result in an over-concentration of child day-care facilities to the detriment of the neighborhood.~~

- ~~C. **Noise standards.** A facility within or adjoining any residential zoning district may only operate up to 14 hours per day and may only conduct outdoor activities between the hours of 7:00 A.M. and 7:00 P.M. The actual hours of operation shall be specified in the permit.~~
- ~~D. **Passenger loading area.** A drop-off and pick-up area shall be established to ensure that children are not placed at risk and street traffic is not unduly interrupted. The driveway may serve as a drop-off area, provided that the driveway is not required to remain available for resident or employee parking.~~
- ~~E. **Parking.** Adequate off-street parking shall be available to accommodate residents of the site and all employees, staff and/or volunteers engaged at the child day care facility. On-street parking may be substituted for the required off-street parking for employees and/or volunteers if the applicant can demonstrate to the satisfaction of the Director that there is adequate on-street parking for this purpose in the immediate area without creating a parking problem for adjacent uses.~~
- ~~F. **Signs.** All on-site signs shall be in compliance with Chapter 22.28 (Signs) and Chapter 22.60 (Permits for Signs).~~
- ~~G. **Zoning district requirements.** The facility shall conform to all property development standards of the applicable zoning district.~~
- ~~H. **Permit compliance review.** A Large Family Day-care Permit shall require an administrative permit compliance review two years following issuance of the permit to ensure that the facility complies with all standards and does not result in an overconcentration of child care facilities in the neighborhood. The Director shall issue administrative criteria for determining overconcentration. Additional compliance review may be required by the Director if necessary.~~

**A. Required findings.** The Review Authority shall approve the Lot Line Adjustment only if all of the following findings are made:

1. The proposed lot line adjustment is limited to four or fewer existing adjoining lots.
2. Each of the affected lots is a separate legal lot of record because it was created in compliance with the applicable subdivision regulations in effect at the time of its creation.
3. The proposed lot line adjustment would not result in the creation of additional lots ~~parcels~~ ~~or additional potential building sites~~.
4. The proposed lot line adjustment would comply with policies of the Countywide Plan, and any applicable community plan, and the Local Coastal Program (if applicable).
5. The proposed lot line adjustment would comply with zoning, development, and relevant subdivision provisions of Titles 18, 20, 22 and 24 of the Marin County Code, including those which address minimum lot size, lot design and configuration, street frontage and building setbacks from all property lines.

An adjustment for which any of the above findings cannot be made may instead be resubmitted as a subdivision in compliance with Section 22.80.030 (applicability).

**B. Conditions of approval.** In approving a Lot Line Adjustment, the Review Authority shall adopt conditions only as necessary to conform the adjustment and proposed parcels to the requirements of this Development Code and Title 19 (Building Regulations) of the County Code, or to facilitate the relocation of existing utilities, infrastructure, or easements.

## 22.90.050 – Completion of Adjustment

Within three years after approval of a Lot Line Adjustment, the adjustment process shall be completed in compliance with this Section through the recordation of a deed or record of survey, after all conditions of approval have been satisfied.

- A. Completion by deed.** A Lot Line Adjustment shall not be considered legally completed until either a grant deed or a quit claim deed signed by the record owners has been recorded. The Applicant shall submit deeds to the County Surveyor for review and approval in compliance with Subsection C below (Review and Approval by County Surveyor), before recordation of the grant deed or quit claim deed. The legal descriptions provided in the deeds shall be prepared by a qualified registered civil engineer, or a licensed land surveyor licensed or registered in the State. The Director may record a Certificate of Compliance to confirm the legality of the lot concurrent with, or following the recordation of, the grant deed or quit claim deed.
- B. Completion by record of survey.** If required by Section 8762 et seq. of the Business and Professions Code, a Lot Line Adjustment shall not be considered legally completed until a record of survey has been checked by the County Surveyor and sent to the County Recorder for recordation. Where not required, a Lot Line Adjustment may also be completed by record of survey in compliance with this Subsection at the option of the Applicant.

C. ~~Review and approval by County Surveyor~~**Requirements for Recordation.** Appropriate deeds and exhibits perfecting the approved lot line adjustment shall be recorded with the Marin County Recorder's Office. Prior to recordation, the following exhibits and materials shall be submitted along with the required fee in one submittal to the Department of Public Works for review and approval:

1. Lot Line Adjustment Recordation Application. A completed "Application for Lot Line Adjustment Recordation" shall contain but not be limited to the following items (additional information may be required):

a. Legal descriptions and closure calculations of the affected properties for: (1) the transfer portions of the existing parcels; and (2) the resultant parcels. The legal descriptions and closures shall be prepared and stamped/signed by a California Licensed Land Surveyor, or a Registered Civil Engineer authorized by the State of California to perform land surveying.

b. Lot Line Adjustment plats shall be provided, one each showing existing conditions, transfer parcels, and resulting parcels. The Lot Line Adjustment plats shall be drawn in black ink on sheets with maximum dimensions of 8 1/2" X 11" (for lot line adjustment by deed and plat), or 18" X 26" (for lot line adjustment by deed and record of survey) and shall be prepared and stamped/signed by a Licensed Land Surveyor or a Registered Civil Engineer authorized by the State of California to perform land surveying. The plats must be clear and readable. The following minimum information must be provided on the plats (additional information may be required):

- (1) Map scale, graphic scale, north arrow, line type legend, vicinity map, basis of bearings, index map for large parcels. The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street.
- (2) Adjacent right-of-way widths and street names.
- (3) The existing and proposed lot layout with labels for each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject properties shall be provided. Use heavy solid lines to depict proposed boundaries and existing boundaries to remain. Use light, dashed lines for existing lot lines to be removed and smaller dashed lines for easements. The adjusted lots shall be lettered or numbered consecutively in such a manner that there will be no confusion with the original lots or parcel numbers, (show in a darker, bolder text, e.g., **PARCEL T-1, RESULTANT PARCEL A**, etc.).
- (4) Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and all existing easements.
- (5) Gross area before and after the adjustment to the nearest one tenth of an acre.
- (6) Assessor's Parcel Number for each property.
- (7) Lot Line Adjustment planning project number, sheet number and title block with owner and surveyor block filled out.
- (8) Signature and seal of the surveyor, as well as the date that the plats were signed.

c. Recent title reports (less than 6 months old) for the affected parcels, as well as copies of current vesting deeds.

- d. Copies of any map, easement, record of survey or any other document that will be necessary to check boundary lines and review the re-tracing of the original parcels.
  - e. Provide a copy of the most recent assessors map book pages(s) covering the entire site and adjoining lots.
  - f. If applicable, the applicant/surveyor/engineer of record shall provide DPW with the name and contact information of the Title Company or Agent assigned for recordation of the lot line adjustment documents.
- 2. All required materials shall be submitted simultaneously along with the required fee to the Department of Public Works for review and approval.
- 3. If a Record of Survey map is deemed required pursuant to Section 8762(b) of the Business and Professions Code, the map shall contain the information as required by Section 8764 of said code, in addition to those items noted above.
- 4. The completed application shall contain legal descriptions and closure calculations along with a current title report for the affected properties including the final adjusted lots, existing lots, and the portions of those lots proposed for transfer. The legal descriptions and closures shall be prepared, signed and stamped by a licensed land surveyor or a qualified registered civil engineer.
- 5. Lot Line Adjustment Map. The Lot Line Adjustment Map shall be drawn in black ink on sheets with maximum dimensions of 8 ½" by 11" or 18" by 26". The map must be clear and readable. The following information must be provided on the map (additional information may also be required):
  - a. Map scale, north arrow, line type legend, and vicinity map. An index map shall be required for large parcels;
  - b. The location of the project site in relation to existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street;
  - c. Right-of-way widths and street names;
  - d. The existing and proposed lot layout labeling each boundary line. Sufficient dimensions and record boundaries so as to define and establish the boundary of the subject property. Heavy solid lines to depict proposed boundaries, light solid line to depict existing lot lines and smaller dashed lines to depict easements shall be required. The adjusted parcels and transfer parcels shall be lettered or numbered consecutively in a manner that there shall be no confusion with the original lots or parcel numbers (show in a darker, bolder text, i.e., PARCEL A, PARCEL T-1);
  - e. Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements;
  - f. Gross area of the lots before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements identified that restrict the surface use of the property, such as vehicular access easements. (Net area is gross area minus easement area.);

- g. Date of preparation, signature and seal of the surveyor that prepared the map;
- h. Assessor Parcel Numbers (APNs) for the lot subject to the lot line adjustment;
- i. Project number and file number as assigned by the County, sheet number and County title block with owner and engineer information provided; and
- j. The following statement shall be included if applicable (i.e., if property corners are to be set): "Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filed, if required by Section 8762 of the Business and Professional Code, Government Code Section 66412(d); Ops. Cal. Atty. Gen. 231 (1994). If the lot line adjustment affects any public utility easements, the application shall provide verification signed by each of the affected public utilities that they allow the lot line adjustment".

**D. Review and Approval by County Surveyor. The Counter Surveyor shall:**

The County Surveyor shall:

1. Examine the deeds to ensure that all record title owners have consented to the adjustment;
2. Verify that all conditions of approval have been satisfactorily completed and that the deeds are in substantial compliance with the Lot Line Adjustment as approved by the Review Authority;
3. If satisfied that the deeds comply with the above requirements, place an endorsed approval upon the deeds; and
4. After approval of the legal descriptions, assemble the deeds and return them to the Applicant for recordation.

**ED. Expiration.** The approval of a Lot Line Adjustment shall expire and become void if the adjustment has not been completed as required by this Section within three years of approval. An extension of up to three additional years may be granted by the Review Authority in compliance with the requirements of Sections 22.84.140.A..

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

- C. **Owner-Requested Merger.** Upon written request from the property owner, the Director shall merge two or more contiguous parcels or units of land that do not meet the requirements contained in Section 22.92.020(A)(2) (Requirements for Merger). Owner-requested Mergers are not subject to the requirements of Section 22.92.040 (Notice of Intent to Determine Status) and may be recorded by the County without delay.

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

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

### 22.92.030 – Effective Date of Merger

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

### 22.92.040 – Notice of Intent to Determine Status

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

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



**22.122.040 – Remedies are Cumulative**

All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of County or State law. Should a person be found guilty and convicted of a misdemeanor for the violation of any provision of this Development Code, the conviction shall not prevent the County from pursuing any other available remedy to correct the violation.

**22.122.050 – Legal Remedies**

The County may choose to undertake any of the following legal actions to correct and/or abate nuisances and violations of this Development Code:

- A. **Civil actions.** At the request of the Board, the County Counsel may apply to the Superior Court for injunctive relief to terminate a violation of this Development Code.
- B. **Abatement Hearing.** Where any person, firm, or corporation fails to remove a violation after being provided an opportunity to correct or end the violation, the Director may pursue an enforcement action as provided in Title 1, Chapter 1.05 (Nuisance Abatement) of the County Code, including penalties of up to \$2,500 per violation per day.
- C. **Citations.** The Director is authorized to enforce the provisions of this Development Code by the issuance of citations (for either misdemeanors or administrative citations) in accordance with Title 1, Chapters 1.05 and 1.07 of the Marin County Code.
  1. ~~**Misdemeanor Citation Penalties.** Any person, partnership, firm, or corporation whether as principal, agent, employee, or otherwise, violating or failing to comply with any provisions(s) of this Development Code or any conditions imposed on any entitlement, development permit, map or license, shall be guilty of a misdemeanor as provided in Title 1, Section 1.04.160 (Violation Declared Misdemeanor) of the County Code.~~
  2. ~~**Administrative Citations.** At the discretion of the Director, administrative citations may be issued for violations of this Development Code. The issuance of an administrative citation under this section shall not supersede or limit the remedies provided elsewhere in this code or California law, including other administrative citation remedies. Issuance of an administrative citation may be exercised in place of, but shall not be considered a waiver of, the use of any other available enforcement remedy.~~
    - a. ~~**Administrative Citation Penalty Schedule.** The following schedule shall apply:~~
      - 1) ~~A fine not exceeding \$100.00 for the first violation;~~
      - 2) ~~A fine not exceeding \$200.00 for a second violation of the same Code provision within one year; and~~
      - 3) ~~A fine not exceeding \$500.00 for each additional violation in excess of two, of the same Code provision within one year.~~

~~b. Nonpayment Of Citation For More Than one Year Deemed Nuisance In And Of Itself.~~ Nonpayment of any assessed violation for longer than one year shall constitute a nuisance and be subject to the nuisance abatement procedures in Marin County Code Chapter 1.05, including payment of civil penalties of up to \$2,500 per violation per day and enforcement and other abatement costs incurred by the County.

~~c. Service of Citation.~~

- ~~1. If the property owner(s) who has violated the Ordinance is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.~~
- ~~2. If the enforcement officer is unable to serve the property owner(s) on the premises, the administrative citation may be left with the occupant(s) of the property. If left with the occupant(s) of the property, a copy of the administrative citation shall also be mailed to the property owner(s) by certified mail, return receipt requested.~~
- ~~3. If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner(s), occupant(s) or other person who has violated the Ordinance. The citation shall be mailed to the property address and/or the address listed for the owner(s) on the latest County Assessment Roll.~~
- ~~4. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.~~

~~d. Participation of Minors.~~ Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

~~e. Administrative review on the imposition of administrative fines for failure to comply with requirements; Appeal.~~

- ~~1. Any person subject to an administrative fine pursuant to Section 22.122.050, et seq. shall have the right to request an administrative review within forty-five days of the issuance of a citation for an administrative violation of this ordinance pursuant to the authority granted to the Board of Supervisors by Government Code Section 53069.4, et seq. To request such a review, the person requesting the review shall notify the Zoning Administrator in writing within forty-five days of the issuance of the citation.~~
- ~~2. The hearing officer shall be the Zoning Administrator or his/her designee. The hearing officer may conduct a hearing on the matter within ninety days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall render a decision within thirty days of~~

~~the conclusion of the hearing, or from the receipt of the review request (if no hearing is held).~~

~~3. The person upon whom an administrative fine is imposed pursuant to Section 22.122.050 may file a legal appeal of the decision of the hearing officer. No appeal can lie unless the party filing the appeal has first properly requested the administrative review under Subsection 22.122.050.E.1.~~

~~4. The appeal must be filed within twenty days after service of the final decision issued by the hearing officer pursuant to California Government Code Section 53069.4, subdivision (b). The procedures outlined in Government Code 53069.4 shall apply.~~

- D. Payment.** The penalties assessed shall be payable to the County of Marin.
- E. Penalties.** Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
- F. Recordation of Notice of Violation.** Where any person, firm or corporation fails to remove a violation after being provided an opportunity to correct or end the violation, the Director may pursue recordation of a Notice of Violation as provided in Title 1, Chapter 1.06 (Recordation of Notice of Violation) of the County Code.
- G. Withholding Permits.** When there is an existing violation on a property, building and other construction permits may be withheld at the Director's discretion until such time as the agency confirms that the violation has been remedied.
- H. Remedies Cumulative.** The remedies provided by this chapter are cumulative and are in addition to any other remedies available at law or in equity, including withholding the issuance of any building and construction permit.

#### **22.122.060 – Additional Permit Processing Fees**

Any person who establishes a land use, or alters, constructs, enlarges, erects, maintains, or moves any structure without first obtaining a permit required by this Development Code, shall pay the additional permit processing fees established by the County Fee Ordinance for the correction of the violations, before being granted any permit for any structure or use on the subject site.

## **CHAPTER 22.130 – DEFINITIONS**

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### **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.

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

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

**Agency.** The Marin County Community Development Agency.

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

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

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

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

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

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

Does not include commercial greenhouses (which are under "Plant Nurseries") or structures for agricultural processing activities (which are under "Agricultural Processing"), or retail sales of agricultural products.

Wind machines for water pumping or other conversion of wind energy to mechanical or thermal power are included under the definition of "Wind Energy Conversion Systems" (WWECS).

**Agricultural District or Zone.** Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

**Agricultural Processing (land use).** This land use consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- food oil production, including olive oil
- processing of milk
- shellfish processing
- wine production

Also includes structures used in connection with the above activities.

**Agricultural Worker.** An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

**Agricultural Worker Housing.** Any attached and detached dwelling unit used to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

**Airpark (land use).** This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

**Alley.** A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

**Alteration.** Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

**Animal Sales Lot.** See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

**Antennas.** See "Telecommunications Facilities."

**Antiquated Subdivision.** A subdivision recorded before January 1, 1930.

**Apartment.** See "Multi-Family Housing."

**Appealable Area.** The areas described by Public Resources Code Sections 30519.b and 30603.a.1 and .a.2, within which a County decision to approve a development may be appealed to the California Coastal Commission.

**Appeals Area Maps.** The official maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission.

**Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

**Approval.** An official sanction that includes both approval and approval with conditions.

**X. Definitions, "X."** No definitions beginning with the letter "X" are used at this time.

**Y. Definitions, "Y."**

**Yard.** An area between a lot line and ~~a setback~~ a structure, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code. See Section 22.20.100 (Setback Requirements and Exceptions) and Figure 8-7 (Setbacks).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the ~~nearest line of the building~~ a structure.
2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and ~~the nearest line of the building~~ a structure.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and ~~the nearest line of the building~~ a structure.
4. **Interior Yard.** An area between a lot line and ~~the nearest line of the building~~ a structure that does not abut a street or right-of-way.

**Z. Definitions, "Z."**

**Zoning Administrator.** The employee of the Marin County Community Development Agency appointed by the Board of Supervisors as Zoning Administrator, with duties and authority as described in Section 22.110.040 (Zoning Administrator).

**Zoning Code.** Articles I through V, and VII through VIII of this Development Code.

**Zoning District.** An area identified on the County Zoning Map within which certain uses of land and structures are permitted, and regulations are specified by this Development Code. The zoning districts established by this Development Code are described in Sections 22.06.020 (Zoning Districts Established), and Article V (Coastal Zones—Permit Requirements and Development Standards).

**Zoning Map.** The official map or maps of Marin County that identify the specific zoning districts located in the unincorporated areas of the County. The Zoning Map is on file with the Marin County Community Development Agency.