

ARTICLE II

Zoning Districts and Allowable Land Uses

CHAPTER 22.06 – ESTABLISHMENT OF ZONING DISTRICTS	II-3
22.06.010 – Purpose of Chapter	II-3
22.06.020 – Zoning Districts Established	II-3
22.06.030 – Zoning Map Adopted	II-4
22.06.040 – Allowable Land Uses and Permit Requirements	II-5
22.06.050 – Exemptions from Land Use Permit Requirements	II-6
22.06.060 – Zoning District Regulations	II-7
CHAPTER 22.08 – AGRICULTURAL AND RESOURCE-RELATED DISTRICTS.....	II-89
22.08.010 – Purpose of Chapter	II-89
22.08.020 – Applicability of Agricultural Zoning Districts	II-89
22.08.030 – Agricultural District Land Uses and Permit Requirements	II-940
22.08.040 – Agricultural District Development Standards	II-1546
CHAPTER 22.10 – RESIDENTIAL DISTRICTS	II-19
22.10.010 – Purpose of Chapter	II-19
22.10.020 – Applicability of Residential Zoning Districts	II-19
22.10.030 – Residential District Land Uses and Permit Requirements	II-2120
22.10.040 – Residential District Development Standards.....	II-29
CHAPTER 22.12 – COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS.....	II-31
22.12.010 – Purpose of Chapter	II-31
22.12.020 – Applicability of Commercial/Mixed Use and Industrial Zoning Districts	II-31
22.12.030 – Commercial/Mixed-Use and Industrial District Land Uses and Permit Requirements	II-32
22.12.040 – Commercial/Mixed Use and Industrial District Development Standards	II-47
CHAPTER 22.14 – SPECIAL PURPOSE AND COMBINING DISTRICTS	II-51
22.14.010 – Purpose of Chapter	II-51
22.14.020 – Applicability of Special Purpose and Combining Districts	II-51
22.14.030 – Special Purpose District Land Uses and Permit Requirements	II-52
22.14.040 – Special Purpose District Development Standards	II-57
22.14.050 – Minimum Lot Size “-B” Combining District.....	II-58
22.14.060 – Bayfront Conservation (-BFC) Combining District	II-60
22.14.070 – Primary Floodway (F-1) District	II-66
22.14.080 – Secondary Floodway (F-2) District	II-6766
22.14.090 – Affordable Housing (AH) Combining District	II-68

CHAPTER 22.16 – DISCRETIONARY DEVELOPMENT STANDARDS II-71

22.16.010 – Purpose of Chapter II-71
22.16.020 – Applicability II-71
22.16.030 – General Standards II-71
22.16.040 – Additional ARP District Standards..... II-76

22.14.060 – Bayfront Conservation (-BFC) Combining District

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

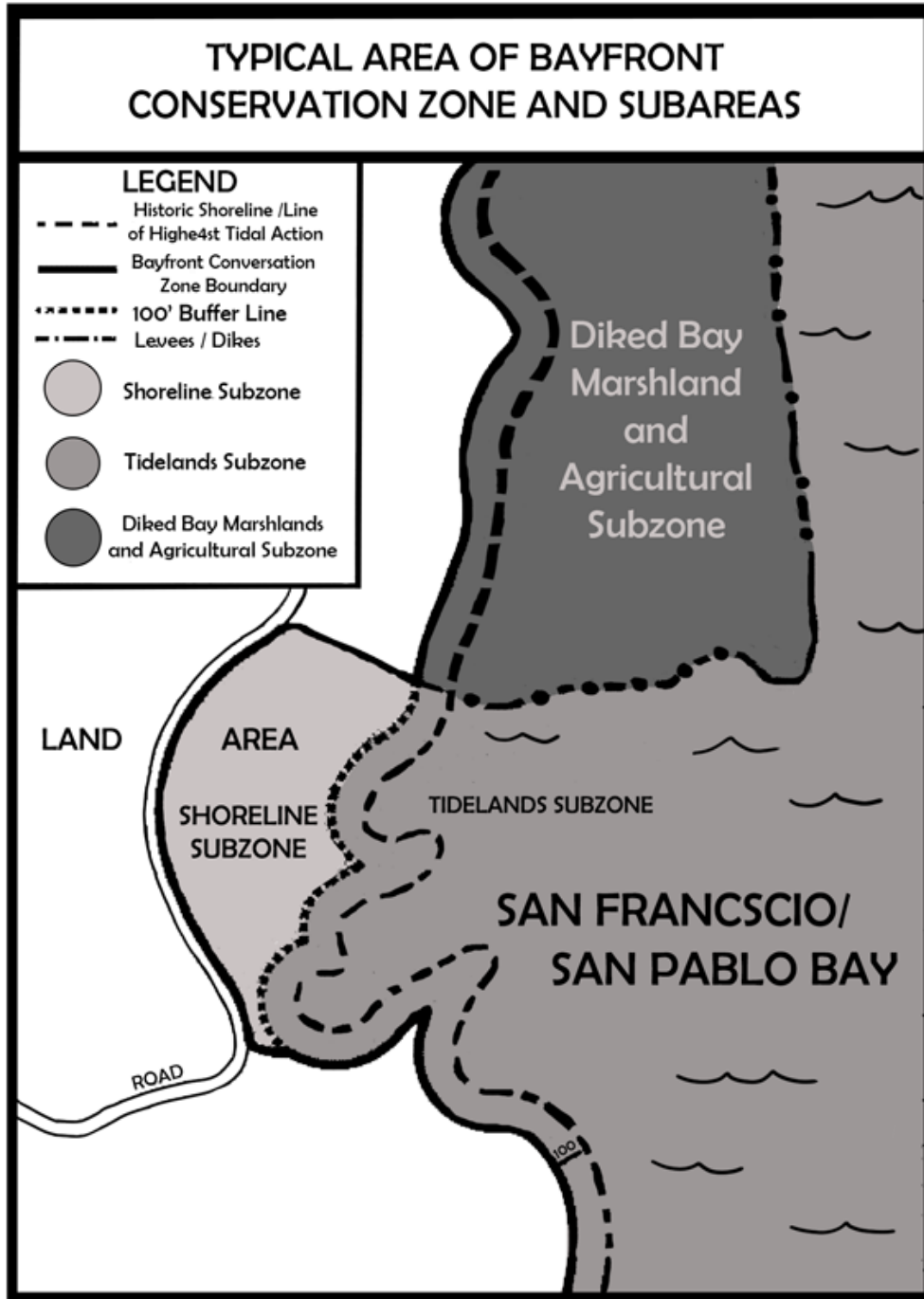
The use of an environmental assessment is intended to provide the highest degree of environmental protection while permitting reasonable development of sensitive land and water areas consistent with the goals, objectives and policies contained within the Marin Countywide Plan.

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

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

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

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



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

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

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

F. Design guidelines.

1. Habitats:

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

2. Access and recreation:

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

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

- b. Within the Bayfront Conservation Zone, provisions should be made for recreational development and access to the shoreline marshes for such uses as fishing, boating, hunting, picnicking, hiking and nature study. There should be provisions for both separated wildlife preserve and more intensively used recreational uses along the bayfront.
3. **Buildings:**
 - a. Design and spacing of structures should permit visual access to shoreline areas. Buildings should be clustered to allow bay views from streets and, where appropriate, to allow for animal movement corridors from uplands to marshes. Building design should be low profile.
 - b. Public activity centers where outdoor human activity is expected should be set back at least 100 feet from the marsh edge (i.e., from the edge of either a defined wetland (diked bay marshland subzone), or in the adjacent tidelands subzone). This includes theaters, restaurants, schools, commercial uses, office uses and similar uses.
 - c. Buildings or structures that are constructed in designated flood zones shall comply with the minimum development standards for identified flood plain areas as established in Title 23, Section 23.09 of the County Code.
4. **Utilities.** All new utility distribution lines shall be placed underground.
5. **Environmental quality:**
 - a. The County may, upon consultation with Regional, State, and Federal Agencies, require off-site as well as on-site mitigation measures in order to eliminate or reduce adverse environmental impacts as a result of any proposed development.
 - b. Development shall occur in a manner which minimizes the impact of earth disturbance, erosion, water pollution, and disruption of wildlife habitat.
 - c. The development of jetties, piers and outfalls should not alter the movement patterns of the bay's tides and currents such that significant adverse impacts would result.
6. **Diking, filling and dredging.** The County shall prohibit diking, filling or dredging in areas subject to tidal action (Tidelands subzone) unless the area is already developed and currently being dredged. Current dredging operations for maintenance purposes may continue subject to environmental review, if necessary. In some cases, exceptions to the prohibition of diking, filling, and dredging may be made for areas that are isolated, ~~or~~ limited in productivity, [or where filling is necessary to sustain marsh habitat or use natural approaches for shoreline protection against rising sea level](#). In tidal areas, only land uses which are water-dependent shall be permitted, consistent with Regional, State, and Federal policy. These include ports, water-related industry and utilities, essential water conveyance, wildlife refuge, and water-oriented recreation.

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

7. Aesthetic and scenic quality:

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

8. Protection from geologic, flooding and other hazards:

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

9. Agricultural uses:

- a. Agricultural activities should minimize removal of natural vegetation where possible.
- b. Use of pesticides, insecticides, etc. should comply with existing State and Federal standards.
- c. Development shall be sited and designed to preserve and protect existing agricultural lands in the Bayfront Conservation Zone.

10. Sea Level Rise:

- a. The following provisions apply to development in the BFC district where the development would be located in areas up to the 3.3-foot sea level rise inundation area depicted in Countywide Plan, Safety Element Map 2-19:

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

ARTICLE VIII

Development Code Definitions

CHAPTER 22.130 – DEFINITIONS.....	VIII-3
22.130.010 – Purpose of Chapter	VIII-3
22.130.020 – Applicability	VIII-3
22.130.030 – Definitions of Specialized Terms and Phrases	VIII-3

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 Flood Elevation (BFE). The elevation of the 100-year flood level as determined by statistical analysis for each local area and as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps (FIRMs). This elevation is the basis of the insurance and floodplain management requirements of the National Flood Insurance Program.

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

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

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

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

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

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

Blue Line Stream. A watercourse shown as a blue line (perennial or intermittent) on the most recent applicable USGS topographic quadrangle map.

Board, Board of Supervisors. The Board of Supervisors of the County of Marin, State of California.

H. Definitions, "H."

Habitat Island. A habitat island refers to an isolated area of land generally surrounded by water that provides valuable foraging and roosting habitat for resident and migratory birds and wildlife, particularly during winter and early spring months.

Handcraft Industries, Small-Scale Manufacturing (land use). This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

Harbors (land use). This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

Hard Shoreline Protection. Also referred to as grey infrastructure, hard shoreline protection improvements are physical features engineered, designed and constructed to provide shoreline protection with hard materials such as concrete, rock, and steel, and without relying on biological components for their primary functions.

Hazardous Waste Facility. A State-licensed facility for the temporary storage and/or processing of hazardous waste.

Health/Fitness Facilities (land use). This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

Health Officer. The Marin County Health Officer.

Height, Structure. The vertical distance from grade to the highest point of a structure. The maximum height of buildings located in areas subject to tidal action shall be measured from Mean Sea Level. Section 22.20.060 (Height Measurement and Height Limit Exceptions) explains how this Development Code requires structure height to be measured.

Heritage Tree. See "Protected Tree and Heritage Tree."

Highway. State Route 1, State Route 101, Panoramic Highway, and State Route 131.

Historic Area. Areas mapped and described as historic areas in the Local Coastal Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

Historic Lot. A unit of real property that was formerly a legal lot of record.

Historic Structure. As determined by the Local Coastal Plan, any building constructed prior to 1930, including any accessory structures on a site.

Holiday Product Sales. See "Outdoor Retail Sales, Temporary."

Home Occupation (land use). This land use consists of the conduct of a business within a dwelling, or within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

N. Definitions, "N."

Native Tree. Any tree in the list “Trees Native to Marin County,” maintained and provided by the Department.

Native Tree Removal. Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes “removal of a tree.” Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

Natural Disaster. Any situation in which the force or forces which destroyed a structure were beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

Nature-Based Shoreline Protection. Nature-based shoreline protection improvements, also called living shorelines, are physical landscape features that are created and evolve over time through the actions of environmental processes, or features that mimic characteristics of natural features but are created by engineering and construction (in concert with natural processes) to provide shoreline protection and other ecosystem services. Nature-based protection includes tidal marsh restoration and enhancement, off-shore island preservation and enhancement, ecotone levees, beach enhancement, and other methods of slowing water movement and increasing filtration.

Nature Preserves (land use). This land use consists of sites with environmental resources intended to be preserved in their natural state.

NAVD (North American Vertical Datum). A vertical elevation control datum used in height measurements.

Negative Declaration. A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

Net Lot Area. The baseline area of a lot used for calculating maximum subdivision potential, and calculated by taking the area of the whole lot and subtracting the following:

1. Any areas seaward of mean high tide.
2. Any areas within a Stream Conservation Area or Wetland Conservation Area.

The resulting area is the net lot area.

Nonconforming Lot. A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

Nonconforming Structure. A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

Nonconforming Use. A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.