

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

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

SERVICE USES

| | | | | |
|---|---|---|---|-------------|
| Bed and breakfast inns, 3 or fewer guest rooms | — | P | P | 22.32.115 |
| Bed and breakfast inns, 4 or 5 guest rooms | — | U | U | 22.32.115 |
| Cemeteries, columbariums, and mortuaries | U | U | U | |
| Commercial solar facilities | U | U | U | |
| Kennels and animal boarding | P | P | P | |
| Medical services - Clinics and laboratories | U | U | U | |
| Medical services - Extended care | U | U | U | |
| Medical services – Hospitals | U | U | U | |
| Other service uses | — | — | U | 22.08.040.G |
| Public safety/service facilities | U | U | U | |
| Public utility facilities | U | U | U | |
| Storage, accessory | P | P | P | |
| Temporary construction office/work trailer/real estate office | U | U | U | |
| Temporary construction yards | U | U | U | |
| Veterinary clinics and animal hospitals | U | U | U | |
| Waste disposal sites | U | U | U | |

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

TRANSPORTATION AND COMMUNICATIONS USES

| | | | | |
|-------------------------------|-----|-----|-----|----------------------------|
| Airparks | U | U | U | |
| Marinas and harbors | U | U | U | |
| Pipelines and utility lines | P | P | P | |
| Telecommunications facilities | U/P | U/P | U/P | 22.32.165 and 22.32.166 |

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

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

| LAND USE (See Article VIII for Definitions) | PERMIT REQUIREMENT BY DISTRICT | | | | | See Requirements and Standards in Section: |
|--|----------------------------------|---------------------------------|-----------------------------|---------------------------------------|---|---|
| | RA Residential Agriculture | RR Residential Restricted | RE Residential Estate | R1 Residential Single Family | RSP Residential Single Family Planned | |

RESIDENTIAL USES

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

RETAIL TRADE USES

| | | | | | | |
|--|---|---|---|---|---|--|
| Sale of agricultural products produced on-site | U | — | — | — | — | |
|--|---|---|---|---|---|--|

SERVICE USES

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

TRANSPORTATION AND COMMUNICATIONS USES

| | | | | | | |
|-------------------------------|-----|-----|-----|-----|-----|----------------------------|
| Pipelines and utility lines | U | U | U | U | U | |
| Telecommunications facilities | U/P | U/P | U/P | U/P | U/P | 22.32.165 and 22.32.166 |

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

RETAIL TRADE USES

| | | | | | |
|-----------------------|---|---|---|---|-----------|
| Accessory retail uses | U | U | U | U | 22.32.020 |
|-----------------------|---|---|---|---|-----------|

SERVICES USES

| | | | | | |
|---|---|---|---|---|--|
| Cemeteries, columbariums, and mortuaries | U | U | — | — | |
| Commercial solar facilities | U | U | U | U | |
| Hotels and motels | — | U | — | — | |
| Medical services - Clinics and laboratories | U | U | — | — | |
| Medical services - Extended care | U | U | — | — | |
| Medical services – Hospitals | U | U | — | — | |
| Offices, business | — | U | — | — | |
| Offices, professional | — | U | — | — | |
| Offices, temporary real estate | U | U | — | — | |
| Public utility or safety facilities | U | U | U | U | |
| Storage, accessory | P | P | P | P | |

TRANSPORTATION AND COMMUNICATIONS USES

| | | | | | |
|-------------------------------|-----|-----|-----|-----|----------------------------|
| Pipelines and utility lines | U | U | U | U | |
| Telecommunications facilities | U/P | U/P | U/P | U/P | 22.32.165 and 22.32.166 |

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

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

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

TRANSPORTATION AND COMMUNICATIONS USES

| | | | | | |
|--|---|---|---|---|----------------------------|
| Broadcasting studios | P | U | U | P | |
| Commercial parking and vehicle storage | U | U | U | P | |
| Pipelines and utility lines | U | U | U | P | |
| Telecommunications facilities | U | U | U | P | 22.32.165 and 22.32.166 |
| Transit stations and terminals | U | U | U | P | |
| Transit stop shelters | P | P | P | P | |
| Vehicle and freight terminals | U | — | — | — | |

Notes:

- 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.

**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 | — | — | — | |
| Pipelines and utility lines | U | P | U | U | U | |
| Telecommunications facilities | U | U | U | U | U | 22.32.165 and 22.32.166 |
| 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 2-9 - ALLOWED USES AND PERMIT REQUIREMENTS
FOR SPECIAL PURPOSE DISTRICTS (Continued)**

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

TRANSPORTATION AND COMMUNICATIONS USES

| | | | |
|--------------------------------|---|---|----------------------------|
| Airparks | U | U | |
| Marinas and harbors | U | — | |
| Pipelines and utility lines | P | U | |
| Telecommunications facilities | P | U | 22.32.165 and 22.32.166 |
| Transit stations and terminals | — | U | |
| Transit stop shelters | P | P | |

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

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

22.14.040 – Special Purpose District Development Standards

General Standards – Use of Table. Proposed development within the special purpose zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in compliance with the development standards in Table 2-10 (Special Purpose District Development Standards).

**TABLE 2-10
SPECIAL PURPOSE DISTRICT DEVELOPMENT STANDARDS**

| Zoning District | Minimum Lot Area | Maximum Residential Density (1) | Minimum Setback Requirements (1) | | | Height Limit (1) | | Maximum FAR (1) |
|--------------------|---------------------|---------------------------------------|----------------------------------|-------|------|------------------|-----------|--------------------|
| | | | Front | Sides | Rear | Primary | Accessory | |
| OA | Not applicable | Not applicable (2) | Not applicable | | | 35 ft. | 15 ft. | Not applicable |
| PF | | Not permitted (2) | | | | | | |

Notes:

- (1) Development is subject to Chapter 22.42 (Design Review).
- (2) Dwellings are not permitted in PF districts, except in PF-residential combined districts. Maximum residential density in OA districts is determined through the Design Review process in compliance with Chapter 22.42 (Design Review).

See Article VIII (Development Code Definitions) for definitions of the terms used above.

CHAPTER 22.32 – STANDARDS FOR SPECIFIC LAND USES

Sections:

22.32.010 – Purpose of Chapter
22.32.020 – Accessory Retail Uses
22.32.023 – Agricultural Worker Housing
22.32.025 – Airparks
22.32.030 – Animal Keeping
22.32.040 – Bed and Breakfast Inns
22.32.045 – Camping and Campgrounds
22.32.050 – Child Day-Care Facilities
22.32.060 – Cottage Industries
22.32.065 – Educational Tours
22.32.070 – Floating Home Marinas
22.32.075 – Floating Homes
22.32.085 – Single Room Occupancy (SRO)
22.32.095 – Homeless Shelters
22.32.100 – Home Occupations
22.32.110 – Mobile Home Parks
22.32.115 – Non-Agricultural Uses in Agricultural Zoning Districts
22.32.120 – Residential Accessory Dwelling Units
22.32.130 – Residential Accessory Uses and Structures
22.32.150 – Residential Requirements in Commercial/Mixed Use Districts
22.32.160 – Service Stations/Mini-Markets
22.32.162 – Slaughter Facilities, Mobile
22.32.163 – Poultry Processing Facilities
22.32.165 – Telecommunications Facilities
22.32.166 – Small Cell Wireless Facilities
22.32.168 – Tidelands
22.32.170 – Tobacco Retail Establishments
22.32.180 – Wind Energy Conversion Systems (WECS)

22.32.010 – Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zone Development and Resource Management Standards) in individual or multiple zoning districts (e.g., in residential, commercial, and industrial districts and in residential and commercial, and/or in commercial and industrial districts).

22.32.020 – Accessory Retail Uses

The retail sales of food and other products may be allowed in a restaurant, store, or similar facility within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers in compliance with this Section.

- A. Limitation on use.** Accessory retail uses shall be limited to serving employees and customers in pharmacies, gift shops, and food service establishments within institutional uses (e.g., hospitals and schools); convenience stores, gift shops, and restaurants/bars within hotels and

22.32.165 – Telecommunications Facilities

This Section establishes permit requirements and standards for the development and operations of regular telecommunications facilities to the extent permitted by State and Federal law and in compliance with the Marin County Telecommunications Facility Policy Plan except where the Marin County Telecommunications Facility Policy Plan conflicts with this Section, State law, or Federal law. If conflict occurs between the requirements of the Marin County Telecommunications Facility Policy Plan and this Section, State law, or Federal law, the requirements of this Section, State law, or Federal law shall control. This Section does not apply to Small Cell Wireless Facilities, which are addressed in Section 22.32.166 and elsewhere in this Development Code.

A. Permit requirements.– Telecommunications facilities are allowed in all zoning districts, subject to the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2 with the following exceptions:

1. An eligible facility request for a modification to an existing wireless tower or base station that does not include a substantial change to the tower or base station's physical dimensions shall not require discretionary review and shall be approved.
2. Applications for eligible facility requests shall only be required to provide documentation that is reasonably related to determining whether the request is consistent with Federal requirements for eligible facility requests.

B. Exemptions. The following are exempt from the standards contained in this Section:

1. Amateur radio facilities.
2. Direct-to-home satellite dishes, TV antennas, wireless cable antennas, and other Over-the-Air Reception Devices (OTARD) antennas covered by the over-the-air reception devices rule in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq.
3. The placement or modification of wireless telecommunication facilities by the County or by any other agency of the Federal Government or State solely for public safety purposes.
4. All antennas and wireless facilities identified by the Federal Communications Commission (FCC) or the California Public Utilities Commission (CPUC) as exempt from local regulations.
5. Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement or removal of existing facilities.

C. Permit waivers. A wireless telecommunications facility may be eligible for a waiver of the permit requirements described in Telecommunications Facilities Policy Plan Implementation Objectives RP-1 and RP-2. Permit waivers are separate from the permit exemptions identified in the Telecommunications Facilities Policy Plan and are not required for eligible facility requests described in Subsection A.1. It is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this section. The Director shall waive the permit requirements if a facility is co-located on or adjoining an existing telecommunications facility; the existing telecommunication facility has a certified environmental impact report or adopted negative declaration or mitigated negative declaration; the existing facility has incorporated the required mitigation measures; and the new equipment or structures do not constitute a substantial change in the project or new information as

outlined in Public Resources Code Section 21166.

D. Permit review. Permit applications for telecommunications facilities shall be reviewed as follows:

1. Eligible facility requests described in Subsection A.1 shall be approved within 60 days of application filing unless the applicant and the County mutually agree to additional time or the County provides notice to the applicant in writing within 30 days of the initial filing that identifies the application as incomplete and specifically delineates all missing information. Completeness reviews for subsequent submittals shall be based solely on the applicant's failure to supply the missing information identified within 30 days of initial filing. The County shall review subsequent submissions within 10 days for completeness. Determination of incompleteness tolls or temporarily stops the 60 day time limit.
2. All other telecommunications facilities applications shall be approved or denied within 150 days of application filing and shall be processed as required by the California Government Code. Determination of incompleteness tolls or temporarily stops the 150 day time limit.
3. If a decision on a telecommunication facility application is not issued in conformance with the timelines referred to in this section, then that application is deemed denied by operation of Federal law. Otherwise, if a telecommunications facilities application is denied, the reason(s) for denial shall be in writing and supported by substantial evidence. Reason(s) for denial shall be provided at essentially the same time as the denial.

E. Electromagnetic fields. The electromagnetic field (EMF) strengths or equivalent plane-wave power densities generated by the approved facility, in combination with other existing ambient sources of EMF, shall not expose the general public to EMF levels which exceed the Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC). In the event the FCC adopts a more restrictive Maximum Permitted Exposure Level, or the County adopts a more restrictive EMF exposure standard if allowed by future changes in Federal law, the applicant shall demonstrate compliance with the more restrictive standard unless such a requirement is preempted by State or Federal law.

F. Development standards. The development standards for telecommunications facilities are identified in the policies and programs of the Marin County Telecommunications Facilities Policy Plan, as may be updated from time to time.

22.32.166 – Small Cell Wireless Facilities

This Section establishes permit requirements and standards for the development, operation, siting, collocation, installation, modification, relocation, and operation of Small Cell Wireless Facilities consistent with applicable State and Federal laws.

A. Applicability. Small cell wireless facilities shall comply with the standards of this Section.

1. Except as expressly provided otherwise in this section, the provisions in this Section shall be applicable to all small cell wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate

or otherwise deploy small cell wireless facilities within the County of Marin's jurisdictional boundaries within the public road, as defined in Section 22.130.030, or on private property.

2. No small cell wireless facility shall be replaced or altered without an approval from the County unless the equipment is no longer properly functioning, and it is being replaced with the same or substantially similar equipment. No modification or replacement of a small cell wireless facility shall occur without issuance of a building permit and applicant shall demonstrate compliance with applicable Federal standards for Maximum Permitted Exposure levels for electric and magnetic field strength and equivalent plane-wave power density in the EMF emission guidelines adopted by the Federal Communications Commission (FCC).

B. Exemptions. An applicant may request an exemption from one or more requirements in this Section on the basis that a permit denial would effectively prohibit deployment of personal wireless services. For the Director to approve such an exemption, the applicant must demonstrate with clear and convincing evidence all of the following:

1. A significant gap in the applicant's service coverage exists;
2. All alternative sites identified in the application review process are either technically infeasible or not available; and
3. Permit denial would effectively prohibit personal wireless services.

C. Permit requirements. A "Small Cell Wireless Permit," subject to the Director's review and approval, shall be required for any small cell wireless facility. In addition to a Small Cell Wireless Permit, an applicant must obtain all other regulatory approvals as may be required by any other Federal, State or local agencies, which includes without limitation any other ministerial permits, encroachment permits, lease agreements, etcetera. All applications for attachment to an existing support structure in connection with a proposed small cell wireless facility must contain a valid authorization from property owner and encroachment permit, if applicable, to attach a small cell wireless facility to the support structure.

D. Locational and siting preferences. Small cell wireless facilities shall be installed in the most highly preferred locations feasible and shall not be located in the least preferred locations, as listed below:

1. **Locations.**

Most Preferred Locations:

- a. Industrial sites
- b. Commercial sites
- c. Public facilities sites
- d. Agricultural sites

Least Preferred Locations:

- a. Within a 1,500-foot radius of a day care center and/or school, as defined by sections 1596.76 of the Health and Safety Code and 26054 of the Business and Professions Code, respectively.
 - b. Any exclusively residential site and any public road located in a residential zoning district.
 - c. Mixed-use sites.
2. **Support Structures in Public Road.** Small cell wireless facilities shall be installed on the most highly preferred support structures feasible in public roads, as listed below from most preferred to least preferred:
- a. Existing or replacement streetlight poles or traffic lights.
 - b. New, non-replacement streetlight poles or traffic lights.
 - c. New, non-replacement poles for small cell wireless facilities.
3. **Support Structures Outside Public Road.** Small cell wireless facilities shall be installed on the most highly preferred support structures feasible outside of public roadrights of way, as listed below from most preferred to least preferred:
- a. Existing buildings or structures previously approved for use as a support structure for personal wireless service facilities.
 - b. Other existing buildings or structures.
 - c. Existing or replacement streetlight poles.
 - d. New, non-replacement poles for small cell wireless facilities.

E. Design characteristics. The following standards shall apply to all small cell wireless facilities:

1. General design standards.
 - a. No more than one small cell wireless facility shall be installed per pole and each small cell wireless facility shall be limited to one antenna enclosure and two associated accessory enclosures per pole.
 - b. Small cell wireless facilities shall not be permitted on ornamental streetlight and pedestrian light poles or on sites with historic buildings.
 - c. No advertising signage shall be displayed on any small cell wireless facility except for government required signage such as site identification, address, warning and similar required information.

- d. Lights shall be limited to those required by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
 - e. No small cell wireless facility shall incommode the public, as defined in Pub. Util. Code 7901, and as interpreted by Courts, (including without limitation, persons with disabilities) in its use of the public road or any structure within or abutting the public road or any portion of the public road.
 - f. Small cell wireless facilities shall maintain at least 1,000 feet distance from the nearest small cell wireless facility.
 - g. Small cell wireless facilities shall maintain at least 1,500 feet distance from the nearest school, as defined by Section 26054 of Business and Professional Code.
 - h. Small cell wireless facility shall only use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants shall install a meter within the cabinet enclosures or within the support structure. A separate ground-mounted electric meter pedestal shall be prohibited.
 - i. Detached ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters, shall be prohibited.
 - j. Small cell wireless facilities in public road shall not exceed either (i) the minimum separation from supply lines required by California Public Utilities Commission (CPUC) General Order 95, as may be amended or superseded, plus four feet or (ii) four feet above height of the existing support structure. Legally required lightning arresters and beacons, shroud, cabinet or radome shall be included when calculating the height of the facility. At no point shall an existing support structure be increased by more than 10 feet above existing height.
- 2. Design and installation standards pole-mounted for antenna.
 - a. All pole-mounted antenna shall be installed only on top or side (flush) mounted to a pole to minimize the overall visual profile and shall be centered on the vertical axis of the pole to which it is mounted. Projecting antennas shall be prohibited.
 - b. All antennas and associated mounting equipment, hardware, cables or other connectors shall be completely concealed within an opaque antenna shroud, cabinet or radome. The antenna shroud, cabinet or radome shall be painted a flat, non-reflective color to match the underlying support structure. Shrouds, cabinet or radomes shall be tapered to the pole or other support structure.
 - c. Each antenna associated with a small cell wireless facility shall not exceed three cubic feet in volume, and the cumulative volume for all antennas associated with a wireless facility in a public road shall not exceed six cubic feet in total volume. For the purposes in this Section “volume” shall include any shroud, radome or other concealment device used in connection with the antenna.
 - d. The diameter of the antenna, including enclosure, shall not exceed the diameter of the pole but in no case shall be more than one and one-half times the diameter of the

pole. The shroud shall be tapered to match the diameter of the pole and shall be painted to match the color of the support structure.

- e. Side-mounted antenna shall not protrude from exterior surface of the pole more than six inches.

3. Design and instillation standards for pole-mounted equipment enclosures.

- a. All accessory equipment enclosures shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (i) on the side of a pole, flush mounted; and (ii) integrated into the base of the pole or support structure.
- b. All flush mounted accessory equipment enclosures shall be on the same side of the pole facing the nearest traffic lane's direction of travel (unless consolidated with exiting signs) and shall be installed closer to each other. If a long rectangular disconnect switch is used, rotate the enclosure so the elements can be stacked closer together on the pole. Avoid wide offsets (more than 4 inches) of equipment enclosure brackets from the pole.
- c. All accessory equipment enclosures shall be installed at a distance of at least 10 feet above surrounding grade (measured from finished grade to the bottom of the enclosure).
- d. Pole mounted enclosures shall be consolidated with existing signs to minimize visual impact. If equipment enclosures cannot be placed behind street signs, they shall be coated in material, style and color matching that of the supporting structures.
- e. All accessory equipment enclosures associated with a small cell wireless facility installed above ground level shall not cumulatively exceed 10 cubic feet. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.

4. Design and instillation standards for wiring systems.

- a. All cables, wires and other connectors shall be routed through conduits within the pole or other support structures and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route wires and other connectors through a single external conduit or shroud that has been finished to match the underlying support structure.
- b. Cabling below radio relay units (RRUs) shall enter the pole with no more than a five-inch gap between the bottom of each radio relay unit and the bottom of the corresponding entry hole on the pole. Conduit connections at pole entry shall utilize the smallest fitting sizes available. Sealing compounds, if utilized, shall be tidy without excess bubbling and painted to match pole.

5. Design Standards for collocated small cell wireless facilities on existing support structures

- a. Small cell wireless facilities shall be limited to standard steel streetlight poles, steel utility poles, and steel traffic lights that are capable of supporting the proposed small cell wireless facility.
 - b. Small cell wireless facilities shall only be installed on existing support structures that comply with the Americans with Disabilities Act of 1990 ("ADA"), as may be amended or replaced, which includes without limitation maintaining a clear space at the landing of any curb ramp.
 - c. Support structures may be replaced with structurally hardened, fitted or reinforced support structures so long as the replacement structure is substantially similar to the existing structure to be replaced.
6. Design Standards for new, non-replacement poles within public road.
 - b. Any new, non-replacement pole must be a new streetlight substantially similar to the County's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights, traffic signal poles or utility poles in the immediate vicinity, the applicant may install a metal pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve inches and any base enclosure diameter shall not exceed sixteen inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.
7. Design Standards for small wireless facilities outside of public road.
 - a. The height of new small cell wireless facility shall not exceed the height of similar other poles in the vicinity or 50 feet, whichever is less.
 - b. The pole diameter shall not exceed twelve inches and any base enclosure diameter shall not exceed sixteen inches.
8. Building-mounted small cell wireless facilities
 - a. All building mounted small cell wireless facilities shall be completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).
 - b. Except in industrial zones, the small cell wireless facilities shall not include any exposed facade mounted antennas, including but not limited to exposed antennas painted to match the facade.

9. Marin County reserves the right to require annual radio frequency measurements from permit holders to confirm that radio frequencies at the maximum operating capacity in the vicinity of a Small Cell Wireless Facility continue to meet applicable Federal standards.

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
- d. Residential Accessory Dwelling Unit and Junior Accessory Dwelling Unit Permits
- e. Sign Permits
- f. Use Permit Renewals
- g. Small Cell Wireless Permits
- hg. 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

CHAPTER 22.64 – SMALL CELL WIRELESS PERMIT

Sections:

22.64.010 – Purpose of Chapter

22.64.020 – Applicability

22.64.040 – Application Filing, Processing, and Review of Small Cell Wireless Facilities

22.64.010 – Purpose of Chapter

This Chapter establishes the permitting requirements and procedures for installation and operation of small cell wireless facilities to ensure compliance with the applicable provisions of this Development Code.

22.64.020 – Applicability

The provisions of this Section shall apply in all zoning districts, but only to the installation and operation of small cell wireless facilities on privately maintained streets, access easements, and private properties when authorized by the owner of the underlying fee title interest of the property and on public roads as defined in Section 22.32.030. The installation and operation of all other wireless facilities are subject to the permitting requirements for standard wireless facilities as set forth in the Land Use Tables in Article II and in Section 22.32.165 and this Chapter does not apply.

Final decision for Small Cell Wireless Permits shall be issued prior to encroachment and/or construction permits are deemed complete.

22.64.030 – Application Filing, Processing, and Review of Small Cell Wireless Permits

A. **Filing.** Applications for Small Cell Wireless Permits shall be submitted, filed, and processed in compliance with and in the manner described for ministerial permits in Chapter 22.40.052 (Applications for Ministerial Planning Permits), except that the project review procedures set forth in Sections B through E below supersede the standard procedures for ministerial permits.

Small Cell Wireless Permit application forms are available online through the Marin County Community Development website and at the Agency's public service counter.

B. **Completeness review.** The completeness review procedures contained in Section 22.40.052 apply, except a determination that an application is incomplete shall occur within 10 days of the submittal or resubmittal of a Small Cell Wireless Permit application.

C. **Public Notice.** Public notice of Small Cell Wireless Permit applications shall be provided in compliance with the public notice requirements for discretionary applications contained in Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

D. **Decision.** A decision on a Small Cell Wireless Permit application shall be issued by the Director based solely on factual evidence and in conformance with objective criteria. A Small Cell Wireless Permit shall be issued for an application that meets all the criteria set forth in Section

22.32.166, and conditions may be added to ensure compliance with those criteria, subject to the exemptions to the criteria listed in that section.

- E. Appeals.** Decisions on the approval, approval with conditions, or denial of Small Cell Wireless Permit applications may be appealed in compliance with the requirements for discretionary applications contained in Chapter 22.114 (Appeals), except that all appeals shall be referred directly to the Board of Supervisors for final action.

D. Definitions, "D."

Deck. An open platform without a roof.

Decorative pole. Any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located.

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

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

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

Density Bonus. An increase in the number of dwelling units over the base density.

Design Review. See Chapter 22.42 (Design Review).

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

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

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

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

Development Permit. See "Land Use Permit."

Development Project. (Non-Coastal) Any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or

R. Definitions, "R."

Radome. A dome or other structure protecting radar equipment and made from material transparent to radio waves.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Recreational Vehicle Park (land use). This land use consists of a privately owned site used, or intended to be used, by those inhabiting a recreational vehicle. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities (land use). This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards."
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

T. Definitions, "T."

Telecommunications Facilities (land use). This land use consists of public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations and equipment, including:

- cellular telephone and personal communications services (PCS) facilities, and enhanced specialized mobile radio facilities
- commercial earth stations for satellite-based communications
- data network communications facilities
- radio and television broadcast facilities, including ham radio facilities
- telephone and telegraph microwave facilities

Includes antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they are situated. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see "Pipelines and Utility Lines").

Telecommunications Facilities, Base Station. Structures other than wireless towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time the relevant application is filed, even if the structure was not built for the sole or primary purpose of providing such support.

Telecommunications Facilities, Eligible Facility Request. Any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Telecommunications Facilities, Small Cell Wireless. Facilities that meet each of the following conditions:

(1) The facilities—

- (i) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or
- (ii) are mounted on structures no more than 10 percent taller than other adjacent structures,
or
- (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

Telecommunications Facilities, Structure means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended or superseded, which defines the term as a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Telecommunications Facilities, Substantial Change. A substantial change for telecommunications facilities is defined as any one of the following:

- For wireless towers outside of public rights-of-way, it increases the height by more than 20 feet or 10%, whichever is greater; for those wireless towers in the rights-of-way and for all base stations, it increases the height of the wireless tower or base station by more than 10% or 10 feet, whichever is greater.
- For wireless towers outside of public rights-of-way, it protrudes from the edge of the wireless tower more than 20 feet, or more than the width of the wireless tower structure at the level of the