

(d) Appeals. Appeal from the action of the planning commission may be made according to the provisions of Section 28-63.

(Ord. No. 440, §26; Ord. No. 1044, §6; Ord. No. 1187, §10.)

Sec. 28-57. Building lines

(a) Establishment of building lines. For the purpose of assuring the proper right-of-way width of certain streets or highways designated by the master plan to be of major importance, building lines measured from the centerline of such streets or highways may be established on the zoning maps of this chapter or by official plan lines adopted by ordinance as precise sections of the master plan of streets and highways of the county; in either case, such building lines, when established, shall supersede the front yard requirements of this chapter.

(b) Effect of establishment of building lines. In no case shall any building be hereafter erected, nor shall any use of land be conducted, except the use of land for agriculture, so that such use will be closer to the right-of-way line or any building line which is established for such street or road by this chapter or any provision of this code or any ordinance of the county.

(Ord. No. 440, §27; Ord. No. 989, §20.)

Sec. 28-58. Architectural approval

The purpose of architectural approval is to promote the orderly and harmonious development of the county, the stability of land values and investments, and the general welfare; and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto of unsightly, undesirable, or obnoxious appearance. A building permit shall not be issued until architectural approval has been obtained.

(a) Minimum development standards for dwelling units.

(1) Except as otherwise provided by Section 28-58, all dwellings shall conform to the following minimum development standards:

(A) Each dwelling shall have a minimum gross floor area of one thousand square feet.

(B) Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance are not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.

(C) Roof eave or gable overhang shall be not less than twelve inches measured horizontally from the vertical side of the dwelling.

(D) Roofing material shall be limited to materials commonly found on conventionally built

residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to twelve inches horizontal.

(E) The finished first floor of the dwelling shall be a maximum of thirty inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling.

(F) A two-car enclosed garage shall accompany each dwelling, and the siding and roofing materials shall match the dwelling.

(2) Should the Zoning Administrator determine that a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

(3) Waiver of any of these minimum development standards may be granted if the proposed dwelling is compatible with the surrounding neighborhood in accord with the architectural standards set forth in subsection (c), subject to notice as set forth in Section 14(f) of this Chapter..

(b) Applicability.

(1) The provisions of this section shall apply to all zoning districts.

(2) Should the zoning administrator or planning commission determine that a proposed use or structure does not meet the architectural standards set forth in this section, zoning approval of the permit or entitlement authorizing such use or structure shall not be granted.

(c) Architectural Standards.

(1) The Zoning Administrator or Planning Commission shall have the function, duty, and power to approve or disapprove, or approve subject to compliance, the external design of all proposed new uses, dwellings, buildings or structures with such modifications or conditions as may be deemed necessary to carry out the purpose of these regulations, and this Chapter.

(2) In carrying out the purposes of this Section, the Zoning Administrator or Planning Commission shall keep in mind the following standards:

(A) It is not a purpose of this section that control of architectural character should be so rigidly enforced that individual initiative is stifled in the design of any particular building or substantial additional expense incurred; rather, it is the intent of this section that any control exercised be the minimum necessary to achieve the overall objectives of this section.

(B) Good architectural character is based upon the suitability of a building for its purposes, upon the appropriate use of sound materials, and upon the principles of harmony and proportion in the elements of the building.

(C) Good architectural character is not in itself more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.

(D) Where buildings are grouped in close proximity, harmony between individual buildings in any group is of equal importance to the architectural character of any individual building. Similarity of materials, of colors, of landscaping, or character of construction, will help to minimize disharmony between buildings in proximity.

(E) The aesthetic quality of building design, as evidenced by the use and relationship of materials, color and texture, application of the principles of scale, proportion and harmony, and suitability of structure to its site, shall be comparable to that exhibited in the surrounding area.

(F) New dwellings shall maintain design continuity, conform to or be aesthetically compatible in areas where a particular design style or theme has been established.

(3) In carrying out the purposes of this section, the Zoning Administrator or Planning Commission shall pay particular attention to on-site signs and general advertising structures, and shall have authority to limit and control the location, number, size, design, lighting, and use of colors and such on-site signs and general advertising structures in order to promote the orderly and harmonious development of the commercial and industrial districts of the county.

(4) When determining the compatibility of locating a dwelling amidst or adjacent to existing residential structures, additional consideration shall be given to the minimum development standards for dwellings found in (a) of this section, existing architecture, and use of exterior materials used on structures in the immediate neighborhood.

(Ord. No. 440, §28; Ord. No. 1044, §7, §8; Ord. No. 1093, §3; Ord. No. 1126, §19; Ord. No. 1492, §20; Ord. 1509, §2; Ord. No. 1543, §9.)

Sec. 28-59. Airport flight obstruction areas

(a) Purpose. The purpose of the airport flight obstruction areas is to prevent the creation of flight obstruction and thereby protect the lives and property of users of airports and of occupants of land in the vicinity of airports, and to prevent destruction or impairment of the utility of airports and the investment therein.

(b) Airport reference point. Each airport shall submit to the zoning administrator or planning commission an airport reference point for approval which, when approved, shall be recorded together with its elevation above sea level on the appropriate zoning map. Elevation shall be based on the U.S. Coast and Geographic Survey Datum.

(c) Airport classification. Each airport shall be classified as either personal, secondary, feeder, trunk line, express, continental, intercontinental, intercontinental express, in

the provisions of the county building code, but which is situated or to be situated in an H-1 district or any district with which is combined an -H district, or if not in any district, if within a distance of three hundred feet from the right-of-way of any state highway and designed or intended to be used for any purpose other than one family residential or agricultural in character, shall be constructed, erected, reconstructed, structurally altered, enlarged or moved unless and until a permit therefor has first been secured from the planning commission or from the officer or employee thereof designated in the rules of the planning commission for such purpose. Every application shall be filed in duplicate and shall be accompanied by a drawing or plat, in duplicate, drawn to scale, and containing the information required in this section for the drawings or plats accompanying applications for building permits under the county building code. (Ord. 264 § 16 (part), 1938)

22.80.030I Time limitation on permit issuance.

The planning commission shall act on all permits under the provisions of this chapter within forty days after receipt of the application thereof, or within such longer period as may be agreed upon between the applicant or his agent and the planning commission or the aforesaid officer or employee thereof. (Ord. 264 § 16 (part), 1938)

22.80.040I Filing applications and plats.

Every application transmitted to the planning commission by the building inspector and the original copy of every application required under the provisions of this chapter and the original copy of every drawing or plat required hereunder shall be kept at the building at all times during construction. (Ord. 264 § 16 (part), 1938)

Chapter 22.82I

DESIGN REVIEW*

Sections:

- 22.82.010I Purpose.
- 22.82.020I Matters subject to review.
- 22.82.025I Substandard size building sites.
- 22.82.026I Anadromous fish streams and tributaries.
- 22.82.027I Paper streets, general purposes and legislative findings.
- 22.82.030I Matters exempt from design review.
- 22.82.040I Design review findings.
- 22.82.050I Prohibitions.
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- 22.82.070I Material accompanying application.
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- 22.82.090I Action on application.
- 22.82.100I Approval—Conditions—Guarantees.
- 22.82.110I Noncompliance.
- 22.82.120I Appeals.
- 22.82.130I Vesting, extensions of approval.
- 22.82.140I Prior permits.
- 22.82.150I Waiver of design review requirements for structures related to the drought emergency.

* Prior ordinance history: Ords. 264, 746 and 1382.

22.82.010I Purpose.

(a) It is in the public interest, and necessary for the promotion and protection of the safety, convenience, comfort, prosperity, and general welfare of the residents of the county, to:

- (1) Preserve and enhance the natural beauties of the land and of the manmade environment, and the enjoyment thereof;
- (2) Maintain and improve the qualities of, and relationships between, individual buildings, structures and physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;
- (3) Protect and insure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area;
- (4) Assure the safe and orderly development of paper streets and/or vacant parcels or legal lots of record which adjoin and/or abut such paper streets, and minimize environmental impacts associated with such development.

(b) In order to prevent the erosion of beauty, the decay of amenity and the dissipation of usefulness, it is necessary to:

- (1) Stimulate creative design for individual buildings, groups of buildings and structures and other physical developments;
- (2) Encourage the innovative use of materials, methods and techniques;
- (3) Integrate the functions, appearance and locations of buildings and improvements so as to best achieve a balance between private prerogatives, and preferences and the public interest and welfare.

(c) Pursuant to, and in furtherance of, these purposes and aims, the review and approval of certain plans and proposals for the physical development or change of land, buildings and structures is required and is designated as "design review." (Ord. 3439 § 11, 2006; Ord. 2958 § 2 (part), 1987; Ord. 1161 § 1 (part), 1967)

22.82.020I Matters subject to review.

All new buildings, structures and physical improvements and relocation, addition, extension and exterior changes of or to existing buildings, structures and physical improvements shall be subject to design review, whether or not a building permit is required, except as otherwise provided in Section 22.82.030. "Physical improvements" as used herein may include, but is not limited to, parking and loading areas, driveways, retaining walls, fences and garbage or trash enclosures. Plans for signs may be considered in the course of design review in lieu of sign review when such plans are included with

the plans for any of the above matters subject to design review.
(Ord. 1719 § 13, 1969: Ord. 1611 § 1 (part), 1967)

22.82.025I Substandard size building sites.

In those instances where a vacant legal lot of record is proposed for single-family residential development, and when such lot of record is at least fifty percent smaller in total lot area than is otherwise required by applicable minimum zoning regulations, the following rule shall apply: The setback requirements otherwise prescribed for the applicable site shall automatically be waived, and any such proposed single-family residential development shall be subject to design review as provided by this chapter. In such instances the exception provided by Section 22.82.030(1) shall be null and void. Nothing in this section is meant to imply that the applicable setback standards shall not be applied where possible.
(Ord. 2597 § 4, 1981)

22.82.026I Anadromous fish streams and tributaries.

In those instances where a vacant legal lot of record in the Countywide Plan's City Centered and Inland Rural Corridor is proposed for development, any proposed development within the Countywide Plan's Stream Conservation Area that adjoins a mapped anadromous fish stream and tributary shall be subject to design review as provided by this chapter if the lot is zoned A, A-2, R-A, H-1, O-A, R-R, R-E, R-1, R-2, R-3, R-3-A, C-1, C-2, A-P, M-1, M-2, and VCR, including all combined zoning districts. Development includes all physical improvements, including, but not limited to, buildings, structures, parking and loading areas, driveways, retaining walls, fences, and trash enclosures. The determination of the applicability of this requirement shall be based on the streams and tributaries shown on the map entitled "Marin County Anadromous Fish Streams and Tributaries," which is maintained and periodically updated by the Community Development Agency.
(Ord. 3353 § 2 (part), 2003)

22.82.027I Paper streets, general purposes and legislative findings.

Within the unincorporated territory of Marin County, there exists a number of subdivisions which were plotted and recorded prior to the adoption of the county's first subdivision ordinance on April 3, 1953 (Ordinance 640) and which subdivisions created legal lots of record. However, portions of these subdivisions were not physically developed or improved. In numerous instances the designated streets have not been improved, the streets were mapped without regard to topography, soil conditions, potential or actual slides, presence of drainage ways and other safety concerns; and such streets, where they exist, were not graded and paved and utilities including electric power, water mains, sanitary sewer lines and fire hydrants were never installed. Continuing development and buildout of the subdivisions which contain these paper streets has resulted in less than adequate facilities for fire suppression vehicles, turn-around facilities for fire suppression vehicles, and other service vehicles. There exists inadequate provision for: on-street parking, fire hydrants, drainage facilities, existing

vegetation management, soils conditions, landscaping and watercourses. The increased buildout rate has resulted in traffic burdens within adjoining and nearby established residential areas due to the absence of a traffic circulation plan when such subdivisions were plotted.

- (1) **Design Review Required for Lots Served by Paper Streets.** In those instances where a vacant, unimproved legal lot of record which is accessed by a paper street is proposed for development and improvement, e.g., the construction of a single-family dwelling or any similar site development or improvement, said proposed development or improvement shall be subject to the design review requirements set forth in this section regardless of parcel size or zoning district in which it is located. The scope of the design review decision shall include all proposed access improvements.
- (2) **Applicability.** The provisions and measures set forth in Section 22.82.027, et seq., are declared to be applicable on a countywide basis and shall apply in all instances where a lot and/or parcels of record adjoining or abutting a paper street, or lot access, is proposed for development; provided, however, that the provisions set forth in this section shall not become effective unless and until the Marin County Board of Supervisors adopts a specific resolution for application of said regulations within all or part of the unincorporated territory of Marin County.
- (3) **Definitions.**
 - a. "Paper street" means, for the purpose of this section, any street, or portion of a street, road or public vehicular access shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding "driveways" as defined in subsection (3)(b) of this section.
 - b. "Driveway" means, for the purpose of this section, any private vehicular access extending from any improved and previously paved access and which length does not exceed two hundred fifty feet or whose longitudinal slope does not exceed twenty percent. In those instances where a driveway is proposed to cross or transverse a paper street right-way, the information requirements set forth in subsection (4) of this section shall govern and apply.
- (4) **Information Required for Design Review Application for Lots Served by Paper Streets.** In order to assure compliance with county public health and safety standards when a paper street is proposed for development through the design review application approval process pursuant to the provisions of this chapter, the following information shall be concurrently submitted, in addition to the standard requirements otherwise set forth in Chapter 22.82 of this title.

- a. Full and complete topographic information relative to the paper street from the point of its proposed connection with an improved street to service the lot (or lots) proposed for development. All ownership, legal interest, or control of all lots and parcels along the street or streets by the applicant shall be disclosed. In those instances where the owner of said lot or lots owns and possesses, controls, or has a legal interest in, additional lots on the same or connecting paper street, full and complete topographic information may be required for the length of the paper street or paper streets which services all the parcels under such ownership, legal interest or control. All such ownership interest or other agreements which potentially access the paper street in question shall be revealed and specified at the time of application;
 - b. A conceptual grading plan for all access and lot improvements showing existing and proposed contours, cuts and fills, and gradients;
 - c. The location and amount of all proposed on-street parking facilities and the location of turnaround areas for emergency services vehicles (fire trucks, ambulances and law enforcement vehicles);
 - d. The location, type and size of fire hydrants and other utility services;
 - e. A conceptual street design and improvement plan for that portion of the street proposed for development. Additional circulation plans and/or traffic studies may be required to allow evaluation of area circulation, alternative roadway connections, and/or additional street extensions when the length of extension and number or location of connections are determined to possibly result in significant impacts on connecting roads, intersections or the surrounding community;
 - f. Submission of hydrologic data and hydraulic analysis may be required if the proposed changes in natural grades, drainage, impervious surface, and removal of vegetation could potentially result in drainage impacts on the subject and other properties. If adverse drainage problems are identified, a mitigation plan may also be required;
 - g. Information required to be submitted in subdivisions (a) through (f) of this subsection immediately above shall be reviewed and approved for adequacy by the director of public works.
- (5) Noticing. Notwithstanding the public noticing requirements set forth in this chapter, the planning director may cause and direct expanded public

notice to assure maximum feasible public awareness of any design review application processed pursuant to Chapter 22.82, et seq. (Ord. 2958 § 2 (part), 1987)

22.82.030I Matters exempt from design review.

The following developments and physical improvements are exempt from design review procedures and requirements:

- A. Single-family dwellings in A, A-2, R-A, R-R, R-E, R-1, R-2 and R-3 zoning districts that contain four thousand square feet of floor area or less and are thirty feet in height or less, except as required pursuant to any section of this title;
- B. Agricultural buildings, structures, improvements and developments which are three hundred feet or more distant from a property line of abutting property, in separate ownerships, and which, in addition, are three hundred feet or more distant from a street;
- C. Signs other than those included in plans for a matter subject to design review;
- D. Other work determined by the planning director to be minor or incidental and within the intent and objectives of this chapter;
- E. Repairs or reconstruction work needed because of an emergency or natural disaster.

(Ord. 3252 § 2 (part), 1997; Ord. 2707 § 2, 1982; Ord. 2686 § 2, 1982; Ord. 2597 § 5, 1981; Ord. 1719 § 14, 1969; Ord. 1611 § 1 (part), 1967)

22.82.040I Design review findings.

For the planning director, zoning administrator, planning commission, or board of supervisors to approve a design review, it shall be necessary that the following findings be made:

- A. It is consistent with the countywide plan and any applicable community plan and local coastal program;
- B. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;
- C. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

- D. It will not directly, or in a cumulative fashion, impair, inhibit or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;
- E. It will be properly and adequately landscaped with maximum retention of trees and other natural material;
- F. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:
 - 1. The scale, mass, height, area and materials of buildings and structures,
 - 2. Drainage systems and appurtenant structures,
 - 3. Cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,
 - 4. Areas, paths and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances and watercraft,
 - 5. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas and privacy;
- G. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

(Ord. 3252 § 2 (part), 1997; Ord. 2641, 1981; Ord. 1611 § 1 (part), 1967)

22.82.050I Prohibitions.

No work shall be started or authorized on any matter which is subject to design review until a design review application is approved, unless written approval for the work is given by the planning director or his authorized representative.

(Ord. 1611 § 1 (part), 1967)

22.82.060I Application.

Applications for design review, together with the appropriate fee and required drawings and other materials, shall be filed in the office of the planning department.

(Ord. 1611 § 1 (part), 1967)

22.82.070I Material accompanying application.

Every application shall be accompanied by such drawings, maps, plans, specifications and graphic or written material as may be required to describe clearly and accurately the proposed work and its effect on the terrain and existing improvements. (Ord. 1611 § 1 (part), 1967)

22.82.080I Filing date.

The filing date of an application for design review shall be the date on which the office of the planning department receives the last submission, plan, map or other material required as a part of that application, unless the planning director or his authorized representative agrees in writing to an earlier filing date. (Ord. 1611 § 1 (part), 1967)

22.82.090I Action on application.

All design review applications shall be processed as follows:

1. The planning director shall approve, conditionally approve or deny all design review applications. However, where the planning director finds that significant policy questions are at issue, the planning director may refer the application to the planning commission for initial action. In addition, where a design review application is associated with a permit application that requires a public hearing, the design review action may be taken by the zoning administrator. The planning commission shall also act as the appeal body in all design review actions taken by the planning director or zoning administrator. The board of supervisors shall act as the appeal body in all design review actions taken by the planning commission.
2. Notice of Action and/or Hearing Date. At least ten days prior to an administrative action by the planning director or a public hearing before the zoning administrator or planning commission, a public notice of the design review application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property which is the subject of the proposed design review. The notice must include a general location and description of the design review and the date of administrative action or the date, time and place of the public hearing. In addition, a public hearing notice shall either be:
 - a. Published in at least one local newspaper of general circulation at least ten days prior to the hearing; or
 - b. Posted in at least three local public places in the area directly affected by the proposed design review.

3. For the planning director, zoning administrator, planning commission, or board of supervisors to approve a design review application, it shall be necessary that the findings established in Section 22.82.040 be made.
4. The filing date of an application for design review shall be the date on which the planning director deems the application submittal to be complete. The initial action taken by the planning director, zoning administrator, or planning commission on a design review application shall be made within sixty days after the filing date of an application, or within a longer period as may be agreed upon between the applicant and the planning director.

(Ord. 3157 § 2, (part), 1993; Ord. 2409 § 2, 1979; Ord. 1992 § 2, 1973; Ord. 1611 § 1 (part), 1967)

22.82.100I Approval--Conditions--Guarantees.

An application for design review may be approved, approved with modifications, conditionally approved or disapproved.

Guarantees, sureties or other evidence of compliance may be required in connection with, or as a condition of, a design review permit.

An approved application, and all other related and approved maps, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the planning director or his authorized representative.

The planning director or his authorized representative shall review construction drawings, final plans and other similar documents for compliance with the approved design review application, any conditions attached thereto or any approved or required modifications thereof.

(Ord. 1611 § 1 (part), 1967)

22.82.110I Noncompliance.

Failure to comply in any respect with an approved design review application shall constitute grounds for the immediate stoppage of the work involved in the noncompliance until the matter is resolved.

(Ord. 1611 § 1 (part), 1967)

22.82.120I Appeals.

Chapter 22.89 shall apply to appeals on design review matters.

(Ord. 1611 § 1 (part), 1967)

22.82.130I Vesting, extensions of approval.

A design review approval shall be vested within two years from the effective date of approval, unless a different expiration date is stipulated at the time of approval. As used in this section, vesting a design review approval means: (1) securing a valid building permit and/or other permits related to the approval; and (2) substantial completion of improvements in accordance with the secured building permit and/or other permits. Prior to expiration of the vesting period, an applicant may apply to the planning director for an extension up to a maximum period of four years from the original date of expiration. The planning director may make minor modifications to the approved design review at the time of extension if it is found that there has been a substantial change in the factual circumstances surrounding the original approval.
(Ord. 3157 § 2 (part), 1993; Ord. 3108 § 2 (part), 1992; Ord. 1611 § 1 (part), 1967)

22.82.140I Prior permits.

An architectural supervision approval or permit issued prior to adoption of the ordinance codified in this chapter and still valid on the effective date hereof shall expire one year from the effective date hereof unless a different expiration date is specified as a part of the architectural supervision approval or permit. Section 22.82.130 shall apply to valid prior approvals and permits.
(Ord. 1611 § 2 (part), 1967)

22.82.150I Waiver of design review requirements for structures related to the drought emergency.

During any period of drought emergency declared by the board of supervisors, the planning director may waive requirements of this chapter applying to water tanks and related structures, including provisions for public notices and public hearings; provided, that the director finds:

- (a) The proposed structure is necessary in order to provide water during emergency circumstances.
- (b) The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The planning director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limits for removing structures.
(Ord. 2268 § 3, 1977)

Chapter 22.84I

CERTIFICATES OF OCCUPANCY

Sections:

22.84.010I Provisions for certificates of occupancy.