

**Table of Amendments to the Zoning Ordinance (SMC Title 10)
Proposed for Further Consideration by the Legislative Committee**

Revision Date: October 13, 2011

Public Proposals					
No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
1.	10.24-1	Restaurants in W Zone	Should restaurants in the W Zone require a CUP or a MUP? MR: Restaurants in the W Zone require a CUP and/or MUP per Section 10.44.210, Table 10.44-2, or revise Table 10.44-2 to delete W Zone.		Staff to bring back a proposed direction and language [8/18/11]
2.	10.40.030.D	Substandard Lots	Should this be a standard for creating new lots? Also, when applied to existing lots less than 30 ft. in width, this section is in conflict with Section 10.40.080.A	Setback should be reduced to 3' when the parcel is less than 50' in average width	Staff to bring back proposed language [8/18/11]
3.	10.40.040.C	Floor Area Ratio	"Floor area ratio of FAR shall mean the floor area of the building or buildings on a parcel divided by the net area of the parcel." Is it "of the parcel" or of the area within a specific Zoning District within a parcel?		Staff to examine effect of this on parcels in the MSP area [8/18/11]
4.	10.40.040.C	Floor Area Ratio	Should the word "basement" be replaced with "all underground areas"? MR: Replace the word "basement" with "all underground areas" because such areas should be subject to the 50% rule regardless of if there are other stories constructed above. A basement suggests space below a taller structure.	The intent was specifically for a basement area to get credit, to encourage building underneath the building within the existing envelope	Staff to bring back proposed language suggestion. Is a floor above the basement area required to get credit? [8/18/11]
5.	10.40.060.D.3	Building Height / Chimneys	Chimneys are currently allowed to exceed the building height, as noted in Section 10.40.060.D.3. Should this be allowed?	Yes	Staff to bring back language that adds language "unless excepted by 10.40.060.D.3, 10.40.060.B, 10.40.060.C.2 and 10.40.060.C3.a" [8/18/11]

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6.	10.40.070.D.1	Measurement of Structures	Clarification is needed on where structures are measured from	The centerline method should be used where a line is drawn down the center of the parcel (from the midpoint of the front parcel line to the midpoint of the rear parcel line). The longest point of the structure on the right side is calculated and then the longest portion of the structure of the left side is calculated. Question: is this a gradual or incremental calculation (i.e., feet vs. inches)?	Staff to bring back revised language [8/18/11]
7.	10.40.090.D	Side Yard Structural Projections	Should the word "side" be deleted, so that the exception is allowed in all yards – both side and rear?		Staff to research pre-2003 code to see what the language said [8/18/11]
8.	10.40-1	General Industry	General Industry and Limited Industry are not defined. Should they be defined, and if yes, how should they be defined?		Staff to provide definition of general, limited and research development industries [8/18/11]
9.	10.44.020.C.4.b	Accessory Building	Clarify accessory building height requirements as related to setbacks MR: Clarify that the height of an Accessory Building is limited only in the area of required setback, but once setback to the required distance, the height can be up to 15 ft. Staff is currently interpreting this otherwise.		Staff to bring back two options and their implications [8/18/11]
10.	10.54.040.A & B	Redraft for Clarity	These sections should be revised for clarity	Item deferred	Item deferred [8/18/11]
11.	10.54.050.A	Redraft for Clarity	This section should be revised for clarity	Item deferred	Item deferred [8/18/11]

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12.	10.56.050	Building Coverage	This section treats downhill property owners differently from uphill property owners, since driveways on downhill properties are often higher than 2 ft. above average grade, and therefore, counted as Building Coverage, where driveways for uphill properties are generally cut in and on grade, therefore, not counted as Building Coverage.	The penalization should be equal. Perhaps the minimum area for vehicular access should be excepted. Perhaps this is a question for the listserve.	Staff to bring back a recommendation [8/18/11]
13.	10.88.040	Parcel Size	Clarify what an individual access way means	Item deferred	Item deferred [8/18/11]

Staff Proposals

No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
14.	Table 10.24-1	Create a new land use for Storage Containers	Identify where storage containers are permitted as a storage use.	Are the structures permanent? Is Design Review required?	Staff to bring back (1) the current regulations and how they apply to different properties (2) staff recommendations [9/15/11]
15.	Table 10.24-1	Districts	Discuss district issues pertaining to 10.24-1	What does this mean?	Staff to bring back a more in-depth discussion of this item [9/15/11]
16.	Table 10.24-1	New Structure or Replacement of Existing	Review type of permits that should be permitted for this section	This topic should be split into a discussion regarding (1) new offices (2) existing offices.	Staff to bring back criteria for what constitutes a replacement of an existing office (intensity of use, foot traffic, generate visits) [9/15/11]
17.	Table 10.24-1	Clarify where Accessory Storage is allowed	Currently accessory storage is only permitted in the W District which is completely underwater whereas accessory storage is a use that is needed in the W-M District. Should the section be amended accordingly?	Similar issue to #1	Staff to incorporate this into #1 and look at this issue [9/15/11]
18.	10.24-1	Upper Level Residential	Determine if revisions are required.		Staff to identify where conflicts exist [9/15/11]
19.	Table 10.26-1	Table needs to be updated to reflect MSP land use table	Determine how the MSP land use table should be updated	The table doesn't work	Staff to look at issue of eliminating table or just including district-wide permitted uses and for all other uses a reference to see the MSP [9/15/11]

Staff Proposals

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20.	10.40.040.B & 10.88	10.40.040.B and "Floor, Finished" definition in 10.88	Determine appropriate regulations regarding finished floor area	Amend definition to make it clear that even if dirt is over a finished floor the area still counts as a finished floor for floor area calculations	Staff to bring back revised language [9/15/11]
21.	10.40.050.C	Impervious Surfaces	Determine appropriate modifications of definition and use of impervious surfaces	Conflict with pervious requirements. Perhaps this could be changed to be a requirement for open space.	Staff to bring back examples of County's requirements [9/15/11]
22.	10.40.060.C.3.b	Parking Exception	For structures that are not attached, determine if there should be an exception to the 15 foot requirement on downhill lots		
23.	10.40.090.B.1	Minimum Yard Setback	Determine if the minimum yard setback is 20% total or 20% per each provision		
24.	10.40.120.B.1	Tandem Parking Spaces	Determine if this section should allow a MUP for tandem parking instead of a CUP		
25.	10.44.020.C.4	Accessory Structure Regulations	Determine if the regulations should specifically state that side accessory buildings are not allowed, with exception of 10.44.020.D & 10.40.090.D?		
26.	10.44.020.D.2	Add maximum height of a fence on a three-foot retaining wall	This section specifies that four feet is the maximum height of a fence on a retaining wall greater than 3 feet, however, it does not specify the maximum height of a fence on a retaining wall less than three feet. Staff has interpreted the maximum height to be six feet. Suggested amended language: "Walls, fences and railings may be located on retaining walls up to three feet (3') high above grade on property lines." Should this interpretation be implemented?		
27.	10.44.220.E.2	Outdoor dining permits	Review P/C's interpretation regarding off-street parking exemptions for outdoor dining permit. See 85 Libertyship Way staff report dated 11/28/07. Should the section be amended in accordance with the staff report?		

Staff Proposals

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28.	10.44.230.B	Visitor Serving Store	Determine the definition that will be used consistently to define Visitor Serving Stores		
29.	10.45.030.B.10	Tele-Comm	Determine if the alternative site analysis procedure should be changed. Staff proposes the following change: "Alternative site analysis is required <i>for new facilities</i> if the facility is <i>not collocated and is.</i> " (emphasis added).		
30.	10.50.180	Admin Review of Changes to an Approved Project	Define process and notice requirements for Admin Review of Changes to an Approved Project		
31.	10.50.180	Notification process for Changes to an Approved Project	Clarify the notification process to neighbors for Changes to an approved project. The procedure of other jurisdictions should be reviewed.		
32.	10.54.040.B.4 and 10.54.050.B.7		Clarify difference between the two sections		
33.	10.54.050.B.7		Determine if this section includes second story decks which are open and significance of "complete enclosure"		
34.	10.54.040 & 10.54.050	ADRP & DRP	Revise both sections to make each easier to understand		
35.	10.54.040.B.14		Reword 10.54.040.B.14 to remove ambiguity		
36.	10.54.050.B.15	Demo Projects	Determine if demolition projects be allowed without a Design Review Permit		
37.	10.56.050	Impervious Surfaces	Identify whether impervious surface associated with improvements in the right-of-way are to be included in the bulk calculations.		

Staff Proposals

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38.	10.88	Def of Visitor Serving Uses	Review definition of "Visitor Serving Stores"		
39.	10.88	Single-Family, Two-Family, Multi-Family Residential Structures	These terms are used in 10.54.050.B, but are not defined in 10.88. Definitions are needed or different terms should be used.		
40.	1.04.070	Calendar Days	Amend regarding counting of calendar days for appeals, et cetera		
41.		Compact Spaces	Determine whether or not to allow compact spaces based on percentage of total parking required with size specifications comparable to other Marin County jurisdictions. Also determine whether or not regular parking space size should be changed.		
42.		Mobile Food Delivery	Determine if mobile food providers should be permitted in the Marinship		
43.		Off-site Glare	Determine need for regulations restricting (or prohibiting) off-site glare		
44.		Glare from Address Lights	Determine need for regulations regarding glare from address lights		
45.		Kitchen	Clean up definition of "kitchen," specifically the second to last sentence		
46.		Medical Offices in CR District	Should Medical Offices in the CR District be a permitted use per the General Plan		
47.		Notices of Code Enforcement	Recordation of "Notices of Code Enforcement Violations" with the County Recorder		

Staff Proposals

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		Violations			
48.		Tree Removal Permit	Clarify whether P/C approval of Tree Removal Permit as part of package of development approvals is appealable.		
49.		Roof-top equipment	Add regulation to require screening of roof-top equipment		
50.		WAM	Review WAM recommendations		
51.		Garage Sale Signs	Determine if regulations are required.		
52.		Liveaboards	Review regulations regarding liveaboards in marinas		

Planning Commission Proposals

No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
53.		Consistency	Make consistent all references to "Title", "SMC", etc; See 10.40.060.C.1.c for an example		
54.		Consistency	Review if all references to the California Building Code in the SMC say " <i>consistent</i> with the California Building Code" or " <i>compliant</i> with the California Building Code" and change all references to "compliant"		
55.	10.40.090.B.1	Setbacks	Should the setback be bigger than 3 feet?		
56.	10.50.180	Changes to an Approved Project: Notice	Allow the PC to get routine notices of decisions		
57.	10.50.180	Changes to an Approved Project: Appeals	Allow more time for the appeal process		
58.	10.84.030	Appeals	Allow more time for the appeal process		

Planning Commission Proposals

No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
59.	10.88	Subterranean	Add definition of "subterranean" to definitions section		
60.	10.88 & 10.44.230.B	Visitor Serving Store	Add massage parlors to definition		
61.	2.20.050	Planning Commission	There is a conflict between the Municipal Code Section 2.20.050 and Zoning Ordinance Section 10.80.050.B. The Zoning Ordinance specifies that action should require a majority of the quorum, and therefore the Zoning Ordinance should be amended.		
62.	10.44.170.A	Liveboards	Are liveboards required to get a CUP individually or marina-wide?		

Legislative Committee Proposals

No.	Section/Table	Topic	Description	Legislative Committee Comments	Legislative Committee Direction
63.	Diagram 10.40-8 and 10.40.090.B		How do does this diagram support this section?		
64.	10.44.010	Accessory Uses and Structures	This section needs to be cleaned up		
65.					

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