# CHAPTER 10.12 ORGANIZATION, APPLICABILITY AND INTERPRETATION

### 10.12.010 Organization

This Title 10, known as the Zoning Ordinance, is organized as follows:

- A. Part I incorporates Chapter 10.10 (Adoption) which adopts the Zoning Ordinance and Zoning Map and this Chapter 10.12 (Organization, Applicability and Interpretation).
- B. Part II, Zoning District Regulations, establishes the land uses allowed in, and development standards for, each zoning district, as follows:
  - 1. Chapter 10.20, Open Space and Public Districts;
  - 2. Chapter 10.22, Residential Districts;
  - 3. Chapter 10.24, Commercial Districts;
  - 4. Chapter 10.26, Industrial Marinship District; and
  - 5. Chapter 10.28, Overlay Districts.
- C. Part III, Land Use Requirements, includes the following:
  - 1. Chapter 10.40, General Development Regulations, establishes development standards that are applicable to all developments;
  - 2. Chapter 10.42, Sign and Awning Regulations, is also known as the Sausalito Sign Ordinance and establishes requirements and procedures for signs and awnings;
  - 3. Chapter 10.44, Specific Use Requirements, establishes required findings and conditions for specified uses; and
  - 4. Chapter 10.46, Historic Overlay District and Landmarks, establishes requirements and incentives for sites and structures located in the Historic overlay district and for sites and structures that are designated local landmarks.
- D. Part IV, Permit Procedures, sets forth general and specific processing requirements for all permits, including application procedures, necessary findings, applicable conditions of approval, and effectiveness of permits, as follows:
  - 1. Chapter 10.50, Land Use Permit Procedures;
  - 2. Chapter 10.52, Zoning Permits;
  - 3. Chapter 10.54, Design Review Procedures;
  - 4. Chapter 10.56, Encroachment Review and Permits;
  - 5. Chapter 10.58, Minor Use Permits;
  - 6. Chapter 10.60. Conditional Use Permits;
  - 7. Chapter 10.62, Nonconforming Uses and Structures;
  - 8. Chapter 10.64, Lot Line Adjustments;
  - 9. Chapter 10.66, Condominium Conversion Permits; and
  - 10. Chapter 10.68, Variances.

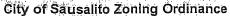
- E. Part V, Zoning Administration, sets forth the responsibilities for administering the Zoning Ordinance and the authority of the Community Development Director, Zoning Administrator, Planning Commission and Historic Landmarks Board, as follows:
  - 1. Chapter 10.80, Zoning Ordinance Administration;
  - 2. Chapter 10.82, Public Hearings; and
  - 3. Chapter 10.84, Appeals.
- F. Chapter 10.88, Definitions, defines terms used throughout this Title.

### 10.12.020 Applicability of Zoning Ordinance

- A. Applicability to Property. This zoning ordinance shall apply to all land uses and development within the incorporated area of the City of Sausalito as provided by this section. The Zoning Map shall govern application of regulations to specific lots.
- B. Compliance with Regulations. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, or moved in any zoning district except in accordance with the provisions of this Title.
- C. Public Nuisance. Neither the provisions of this Title nor the approval of any permit authorized by this Title shall authorize the maintenance of any public nuisance, as defined in Title 12.
- D. Compliance with Public Notice Requirements. Compliance with public notice requirements prescribed by this Title shall be deemed sufficient notice to allow the City to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.
- E. Conflict with Other Regulations. Where conflict occurs between the provisions of this Title and any other city code, ordinance, resolution, guideline, or regulation, the more restrictive provision shall control unless otherwise specified in this Title.
- F. Specific Plans. When conflict occurs between the provisions of this Title and standards adopted as part of any specific plan, the provisions of the specific plan shall apply.
- G. Private Agreements. The requirements of this Title are not intended to interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that was in effect when this zoning ordinance became effective. Where this Title imposes a greater restriction on the development or use of structures or land than a private requirement, the provisions of this Title shall apply. Where a covenant or private agreement imposes a greater restriction than this Title, the provisions of this Title shall still apply (without diminishing any private agreements or restrictions). The City will not enforce any private covenant or agreement unless the City is a party to the covenant or agreement.

- Application During Local Emergency. The City Council may authorize deviations from Н. any provision of this Title during a local emergency. Such deviations shall be authorized by resolution of the City Council, without notice or public hearing.
- Issuance of Building Permits. Building permits issued by the Building Official/Inspector 1. pursuant to Title 8 of the Sausalite Municipal Code shall comply with Part II (Zoning District Regulations). The proposed land use and construction shall meet zoning requirements set forth in this Title.
- Exemptions from land use permit requirements. The land use permit requirements of J. this Title do not apply to the following activities, uses of land, and structures:
  - Activities of the Federal Government on leased or federally owned land, when 1. used exclusively for a governmental purpose, unless otherwise designated by the Federal Government.
  - Activities of the State of California or an agency of the state acting in its 2. sovereign (governmental) capacity on leased or State owned land when used exclusively for a governmental purpose, unless otherwise designated by the State of California.
  - Certain school, water, wastewater, and electrical power facilities of local 3. agencies as provided by California Government Code \$53091 et seq.
- Temporary uses. Requirements for establishing a temporary use are in Section K. 10.44.300 (Temporary Uses and Events).
- Other permits may still be required. An allowed land use that has obtained a required land use permit may still be required to obtain other permits before the use is constructed, or otherwise established and put into operation. Nothing in this chapter shall eliminate the need to obtain approvals required by the corresponding code or agency, as follows:
  - Building, grading or other construction permits are subject to Title 8 of this Code. 1.
  - 2. Business license requirements are subject to Title 5 of this Code.
  - 3. Subdivision approval is subject to Title 9 of this Code.
  - Any permit required by the County Health Department, other county, state, or 4. federal department or public agency, is subject to the applicable requirement, including, but not limited to, authority to construct, or permit to operate, from the US Army Corps of Engineers and the San Francisco Bay Conservation and Development Commission (BCDC).
  - 5. Elevation Certificate may be required by the National Flood Insurance Program and shall be reviewed by the Flood Management Officer or a designee.

All other necessary permits shall be obtained before starting construction, grading or vegetation removal, or establishing new uses in conjunction with any project.



# 10.12.030 Interpretation of Zoning District Boundaries

If there is any uncertainty about the location of any zoning district boundary or other line on the official zoning map, the following rules shall apply:

- A. Zoning district boundaries shown as following roads or other rights of way shall be construed to follow the centerlines of such roads or rights of way.
- B. Zoning district boundaries shown as following parcel lines shall be construed to follow such parcel lines.
- C. In unsubdivided property or where a zoning district boundary divides a parcel, the location of the zoning district boundary shall be determined by the use of the scale appearing on the zoning map, unless dimensions printed on the zoning map indicate the boundary location, or any other facts or circumstances deemed relevant by the Community Development Director or the Planning Commission.
- D. The Community Development Director may determine that a zoning district boundary, line, or other information on an official zoning map has been drafted in error and is not consistent with City Council hearing and action. The Community Development Director shall have the authority to correct the error to make the official zoning map consistent with the action of the City Council and consistent with public record.
- E. Individuals may request a determination by the Planning Commission, or the Planning Commission can initiate its own determination in cases where there is additional uncertainty of the locations of zoning district boundaries.
- F. Any property not specifically included within a zoning district shall be declared to be in the OS district until otherwise rezoned consistent with the General Plan land use designation and surrounding zoning districts.

## 10.12.040 Establishment of Zoning Districts

- A. Zoning Designation System. Land use and development regulations applicable to specific sites shall be shown on the Zoning Map by zoning designations, as outlined in the following subsections.
- B. Base Zoning Districts. The City is divided into the base zoning districts listed in Table 10.12-1 (Base Zoning Districts Designation and Regulations):

| BASE ZONIN            | Table 10.12-1<br>G DISTRICTS – DESIGNATION A | ND REGULATIONS         |
|-----------------------|--|------------------------|
| DESIGNATOR            | BASE ZONING DISTRICT                         | Regulations in Chapter |
| Open Space and Public |  |                        |
| os                    | Open Space                                   | 10.20                  |
| PP                    | Public Parks                                 |                        |
| Pl .                  | Public Institutional                         |                        |
| OA                    | Open Area                                    |                        |
| Residential           |  |                        |
| R-1                   | Single Family Residential                    | 10.22                  |
| R-2                   | Two Family Residential                       |                        |
| R-3                   | Multiple Family Residential                  |                        |
| PR                    | Planned Residential                          |                        |
| Н                     | Houseboats                                   |                        |
| A                     | Residential Arks                             |                        |
| Commercial            |  |                        |
| CC                    | Central Commercial                           | 10.24                  |
| CR                    | Mixed Commercial and                         |                        |
|                       | Residential                                  |                        |
| CN                    | Neighborhood Commercial                      |                        |
| SC                    | Shopping Center                              |                        |
| CM                    | Commercial Waterfront                        |                        |
| W                     | Waterfront                                   |                        |
| Industrial            |  |                        |
| IM                    | Industrial Marinship                         | 10.26                  |

C. Overlay Zoning Districts. Overlay zoning districts, one or more of which may be combined with a base district, are listed in Table 10.12-2 (Overlay District Designations):

| Table 10.12-2 OVERLAY DISTRICT DESIGNATIONS |                         |   |
|---|-------------------------|---|
| Designator                                  | Overlay Zoning District | Regulations in Section  |
| -H  | Historic                | 10.28.040 and Chapter 10.46<br>(Historic Overlay District and<br>Landmarks) |
| -M  | Marinship               | 10.28.050   |
| -Pd   | Planned Development     | 10.28.060   |
| -Sh   | Senior Housing          | 10.28.070 and Section 10.44.120<br>(Senior Housing Projects)                |

### 10.12.050 Zoning Clearance Required

Zoning clearance shall be required for all new or expanded land uses and for all new construction or alterations to existing structures. The level of zoning clearance shall be based on the proposal, as follows:

- A. Permitted uses shall require issuance of a Zoning Permit by the Community Development Department, pursuant to Chapter 10.52 (Zoning Permits).
- B. Minor Use Permits shall be obtained for specified uses from the Zoning Administrator, pursuant to Chapter 10.58 (Minor Use Permits).
- C. Conditional Use Permits shall be obtained for specified uses from the Planning Commission pursuant to Chapter 10.60 (Conditional Use Permits).

## 10.12.060 Design Review Required

New construction and exterior alterations to existing structures shall be subject to Design Review, pursuant to Chapter 10.54 (Design Review). Administrative Design Review Permits shall be issued by the Community Development Department. Design Review Permits shall be issued by the Planning Commission and Historic Landmarks Board, where applicable.

# 10.12.070 Effect of Zoning Ordinance on Approved Projects and Projects in Progress

The enactment of this ordinance, or amendments to its requirements, may have the effect of imposing different standards on development or new land uses than those applied to existing development (e.g., this ordinance, or a future amendment, could require a lower maximum building height for a particular land use or zoning district than former zoning ordinance provisions). This subsection determines how the requirements of this zoning ordinance apply to development projects in progress at the time requirements are changed.

- A. All discretionary permit applications that have been determined to be complete as provided by Government Code Section 65943 before the effective date of this zoning ordinance, or any amendment, shall be processed according to the regulations and requirements of the zoning ordinance in effect at the time the application was accepted as complete.
- B. Any extension of time for land use permits shall be consistent with the requirements of the zoning ordinance in effect when the time extension applications were accepted as complete.
- C. Any use authorized by an approved permit (including administrative design review permit, conditional use permit, variance, or design review permit) for which construction has not yet begun as of the effective date of this Title, may still be constructed as provided by the approved permit, as long as the construction is completed and/or the approved use is established before the expiration of the permit pursuant to Section 10.50.120 (Implementation of Permits), or where applicable, before the expiration of any time extension granted under Section 10.50.140 (Extension of Approved Permits).
- D. No provision of this Title shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to the effective date of this Title, or any subsequent amendment of this Title.
- E. Any modification of an administrative use permit, design review permit, conditional use permit or variance, or any major modification of a building permit issued prior to the date of this Title shall conform to the standards in effect at the time of the revised application.

## 10.12.080 Responsibility for Administration

This zoning ordinance shall be administered by the Community Development Director and the Sausalito Community Development Department, City Council, Planning Commission, Zoning Administrator, and Historic Landmarks Board as provided by Chapter 10.80 (Zoning Ordinance Administration) of this Title.

## 10.12.090 Nature and Interpretation of Zoning Ordinance

The Community Development Director is assigned the responsibility and authority to interpret the requirements of this zoning ordinance. Questions about the meaning or applicability of any part of this zoning ordinance shall be resolved as provided by this section.

- A. General Rules for the Construction of Language. For general rules regarding the use of language within this title, refer to Section 10.88.030.
- B. Calendar Days. Whenever a number of days is specified in this Title, or in any permit, condition of approval, or notice issued or given as provided by this Title, such number of days shall be construed as calendar days, except that such time limits shall be extended to the following working day where the last of the specified number of days falls on a holiday or a weekend.
- C. Minimum Requirements. When interpreting and applying the regulations of this Title, all

provisions shall be considered to be the minimum requirements, unless stated otherwise (e.g. height limits for buildings and structures, building coverage, and floor area are maximum requirements, not minimum).

- D. Allowable Land Uses. If a proposed land use is not specifically listed in Part II (Zoning District Regulations), the use shall not be allowed except as follows:
  - 1. The Community Development Director may determine that a proposed use not listed in Part II (Chapters 10.20 through 10.28) is equivalent to a listed use and is allowable if the Director can make the following findings:
    - The proposed use will be consistent with the goals, objectives, and policies of the General Plan;
    - b. The proposed use will meet the purpose and intent of the applicable zoning district; and
    - c. The proposed use will share characteristics common with those listed in the zoning district, and will not be of greater intensity or density, or generate more environmental impact than those uses listed in the zoning district.
  - 2. When the Community Development Director determines that a proposed use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Title apply.
  - 3. Determinations that specific uses are equivalent to listed uses will be recorded by the Community Development Department, and will be incorporated into the land use definitions of the zoning ordinance when amendments to the ordinance are next considered.
  - 4. Where the Community Development Director cannot make an interpretation, applicant shall request a Determination of Use, consistent with Section 10.80.080 (Determination of Use).
- E. Record of interpretations. Whenever the Community Development Director determines that the applicability or meaning of any of the requirements of this zoning ordinance are unclear generally or as applied to a specific case, the Community Development Director may issue an official interpretation. Official interpretations shall be:
  - In writing, and shall quote the provisions of this Title being interpreted, together with an explanation and applicability; and
  - Distributed to the City Council, Planning Commission, and members of the Planning Division staff.

Any zoning ordinance provisions that are determined by the Community Development Director to be unclear will be corrected by amending the zoning ordinance as soon as practical. Until amendments can occur, the Community Development Director shall

maintain a complete record of all official interpretations, available for public review, and indexed by the number of the zoning ordinance section that is the subject of the interpretation.

F. Appeal and referral. Any determinations or interpretations by the Community Development Director may be appealed as provided by Chapter 10.84 (Appeals). The Community Development Director may refer any interpretation of this Title to the Planning Commission for a determination.

### 10.12.100 Repealing Conflicting Amendments

All Titles and parts of Titles of said City of Sausalito Municipal Code in conflict with this Title are hereby repealed to the extent of such conflict, and no further.

#### 10.12.110 Severability

If any chapter, section, subsection, sentence, clause, phrase or part of this Title 10, Zoning Ordinance, is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Title 10, which shall be in full force and effect. The city council hereby declares that it would have adopted this Title 10 with each chapter, section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that one or more chapters, sections, subsections, sentences, clauses, phrases or parts be declared invalid or unconstitutional.

#### 10.12.120 One-Year Review

Within one year of the effective date of this Title 10, the City Council shall hold a noticed public hearing to review the affect of the regulations on land use and development in Sausalito during its first year in effect.