

CHAPTER 10.44

SPECIFIC USE REQUIREMENTS

10.44.010 Purpose and Applicability

A. Purpose and intent. The general purposes of this Chapter establishing requirements for specific uses are as follows:

1. To establish special standards for certain land uses that may affect adjacent properties, the neighborhood, or the community, beyond the uniform zoning standards of Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations) and 10.42 (Sign and Awning Regulations) of this Title;
2. To establish appropriate standards for the location, design and operation of specific land uses;
3. To ensure compatibility with adjacent land uses;
4. To avoid incompatibility and hazards stemming from the uses; and
5. To ensure consistency with the General Plan.

B. Applicability. All land uses listed in this Chapter shall conform to the minimum standards established by this Chapter, unless the Planning Commission adopts findings pursuant to subsection E (Findings to Waive Specific Use Requirements) can be made. All land uses shall also conform to all other applicable requirements of this Zoning Ordinance, including but not limited to the minimum lot area, floor area ratio, building coverage, setbacks, and height limits imposed by the applicable district (Chapters 10.20 through 10.28, Zoning District Regulations), the General Development Regulations (Chapter 10.40) and Sign and Awning Regulations (Chapter 10.42). This chapter regulates the following uses:

1. Accessory Uses and Structures (Section 10.44.020);
2. Home Occupations (Section 10.44.030);
3. Non-commercial Vehicle and Boat Repair and Storage in Residential Areas (Section 10.44.040);
4. Accessory Storage (Section 10.44.050);
5. Mobile Home/Manufactured Housing Standards (Section 10.44.060);
6. Piers, Docks, Floats and Wharves (Section 10.44.070);
7. Reserved (Section 10.44.080);
8. Detached Dwelling Units (Section 10.44.090);
9. Child Day Care (Section 10.44.100);
10. Religious Institutions, Private Clubs, Fraternal Organizations (Section 10.44.110);
11. Senior Housing Projects (Section 10.44.120);
12. Arks (Section 10.44.130);
13. Harbor and Marina Facilities (Section 10.44.140);
14. Open Water Moorings (Section 10.44.150);
15. Houseboats (Section 10.44.160);
16. Liveaboards (Section 10.44.170);
17. Veterinary Clinics and Kennels (Section 10.44.180);
18. Residential Use in Commercial Districts (Section 10.44.190);
19. Recycling Collection Stations (Section 10.44.200);
20. Restaurants (Section 10.44.210);

21. Restaurants – Outdoor Eating Areas (Section 10.44.220);
22. Visitor Serving Stores (Section 10.44.230);
23. Formula Retail (Section 10.44.240);
24. Office Conversions (Section 10.44.250);
25. Service Stations (Section 10.44.260);
26. Freestanding Personal Structures (Section 10.44.270);
27. Offices, Temporary (Section 10.44.280);
28. Reserved (Section 10.44.290);
29. Temporary Outdoor Retail Sales (Section 10.44.300);
30. Temporary Uses and Events (Section 10.44.310);
31. Medical Marijuana Dispensaries (Section 10.44.320).

C. Conflicts. Where the provisions of a specific plan conflict with the requirements of this Chapter, the specific plan shall prevail. When a use listed in this Chapter is subject to conflicting requirements, the following rules apply:

1. Where the provisions of this Chapter conflict with those of Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations) or 10.42 (Sign and Awning Regulations), this Chapter shall control, except where this Chapter explicitly states otherwise.
2. Where a site or land use is subject to more than one section of this Chapter, the most restrictive standards apply.

D. Additional Conditions of Approval. Where a proposed use is subject to administrative design review, design review, minor use or conditional use permit approval, the granting authority may impose additional conditions of approval that are more restrictive to protect public health, safety, and welfare.

E. Findings to Waive Specific Use Requirements. The Planning Commission may waive specific use requirements established by this Chapter 10.44 in special situations when the following finding can be made:

1. Based on the unique project characteristics and location, the specific use requirement is not necessary to meet the purpose and objectives of the underlying Zoning District and General Plan designation.

10.44.020 Accessory Uses and Structures

A. Purposes. In addition to the general purposes of this Chapter, the specific purposes of this section regulating accessory uses and structures are as follows:

1. To provide for uses that are necessary to the operation or enjoyment of a lawful principally permitted or conditional use;
2. To provide for uses that are appropriate, incidental and subordinate to any lawful primary use;
3. To provide for residential accessory uses that are customarily part of a single family dwelling, including but not limited to swimming pools, workshops, studios, greenhouses and garages; and

4. To provide minimum standards for the timing and development of accessory uses and structures.

B. Accessory Uses. The following accessory uses are permitted in all districts when located on the same parcel as the principal use:

1. Installation and operation of necessary facilities and equipment in connection with schools and other institutions permitted in the respective district.
2. Recreation, refreshment, and service buildings in public parks.
3. Storage of not more than one horse trailer within an enclosed building located consistent with all the provisions of this Title.
4. Trees, shrubs and other ornamental planting.
5. Renting rooms for long-term (more than 30 days) occupancy in a dwelling. No more than two (2) paying occupants may be accommodated at any one time.
6. Home occupations permitted pursuant to Section 10.44.030 (Home Occupations).
7. Private swimming pools, cabanas, tennis courts and similar recreation facilities.
8. Private garages, carports and parking areas.

C. General requirements. All accessory buildings and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Title for specific uses:

1. **Timing of construction.** Accessory buildings, temporary structures, and swimming pools shall be constructed or otherwise established at the same time as, or after, the main building or use, except where earlier construction is authorized through design review or zoning permit approval.
2. **Relationship of accessory use to principal use.** Accessory buildings and structures shall be incidental to, and not alter the character of the site from that created by the principal use.
3. **Attached Buildings.** If an accessory building is attached to a main building, it shall be made structurally a part of the main building and shall comply with all the requirements of this Title applicable to the main building.
4. **Structure Size.** Accessory buildings and structures shall not exceed one (1) story or 15 feet in height, and may occupy up to 25 percent of the required rear yard area, consistent with Section 10.40.050. The following requirements shall also apply:
 - a. No such building shall be used for sleeping quarters; and
 - b. The height of any such building at the rear property line shall not exceed six (6) feet. Such building or structure may then be increased one (1) foot in height for each foot such building or structure is set back from the rear property line.

D. Walls, fences, and railings. Walls, fences, and railings may occupy required yard areas subject to the following height limits:

1. When located along any parcel line: Six (6) feet.
2. When located in any required rear or interior side yard: Six (6) feet plus one (1) foot in height for each foot such fence or wall is set back from the side or rear

property line to a maximum of twelve feet (12'). Walls, fences, and railings may be located on retaining walls up to three feet (3') high above grade on property lines. Where retaining walls are greater than three feet (3') high on property lines, walls, fences, and railings may be no more than four feet (4') in height.

3. Fences shall not be constructed or maintained in any manner that unreasonably obstructs a view from an adjacent property or unreasonably obstructs the sunlight from reaching an adjacent property.
 4. Any fence proposed for construction or installation, which requires the issuance of a building permit, shall be subject to administrative design review and approval pursuant to Section 10.54.080 (Administrative Design Review Permits).
- E. Off-street Parking.** Off-street parking spaces may occupy required yard areas provided the parking area's height above natural grade does not exceed two feet (2').
- F. Animal enclosures.** Animal enclosures shall be subject to the following requirements:
1. The minimum parcel size for enclosures for non-domestic animals is 20,000 square feet (20,000 sq. ft.) in gross area.
 2. Animal enclosure for non-domestic animals shall be located a minimum of 50' from any residence on an adjacent site and a minimum of 10' from any property line.
 3. Enclosures for more than 3 dogs shall be subject to the same requirements as non-domestic animals.
 4. Horses may be kept subject to the following:
 - a. Stable or corral shall be located a minimum of 50' from any dwelling; and
 - b. One (1) horse shall be permitted for each one-half (1/2) acre of contiguous land area under the same ownership.
 5. If no residence is permitted on property adjoining the subject property, the enclosure for non-domestic animals shall comply with minimum setback requirements for a main dwelling in the applicable zoning district.
- G. Swimming Pools.** Swimming pools, including lap pools, hot tubs, spas, and related equipment, are subject to the following requirements:
1. **Setbacks.** Swimming pools and related uses are not allowed in required side yards or within any utility or access easement. In the rear yard area, swimming pools shall maintain a five foot (5') setback from all property lines, subject to the occupancy limitations of Section 10.40.090.C.1. All mechanical equipment shall be located no less than ten feet (10') from property lines and shall be enclosed, covered, or shielded to views from adjacent properties.
 2. **Building coverage.** Swimming pools and related uses are not included in building coverage unless covered by a roof structure or unless the pool decking has an elevation of twenty-four inches (24") or more above natural grade.
 3. **Fencing.** A fence shall enclose all swimming pools and related uses or other structure permitted by Title 8 (Building Code) of the Sausalito Municipal Code.

10.44.030 Home Occupations

Home occupations are subject to the requirements of this section when allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in the applicable zoning district:

A. Purpose and intent. In addition to the general purposes of this Chapter, the specific purposes of this section regulating Home Occupations are as follows:

1. To allow for limited or occasional, commercial-type activities to be conducted within dwellings, detached accessory structures and garages;
2. To allow occasional yard sales, adjacent to a dwelling or garage;
3. To allow the use of a residence for a business telephone and business mailing address;
4. To ensure home occupations do not result in excessive pedestrian and vehicular traffic; and
5. To maintain the residential character of neighborhoods and insure the compatibility of home occupations with surrounding uses.

B. Limitation on use. Home occupations shall be limited to activities carried on by the occupants of a dwelling as an accessory use to the principal use of the site as a dwelling, as follows:

1. **Allowed uses.** For guidance, permitted home occupations include but are not limited to: accounting, architect, bookkeeping and tax return preparation; the making of clothing; computer programming; typing or word processing; clerical work; dressmaking; handicrafts; garage/yard sales; or any other business that meets the intent and specific requirements of this section; the study, office or studio of a person engaged in a business or profession such as a physician or surgeon, dentist, artist, attorney, engineer, teacher, insurance agent, manufacturer's representative or salesman; and one-on-one instruction (including but not limited to tutoring and music lessons).
2. **Uses prohibited.** For guidance, the following and similar uses are not allowed as home occupations: commercial retail sales (except as allowed pursuant to Section 10.44.030.C.9 (Retail sales)); auto repair or painting; beauty parlor or barber shop or any similar service enterprise; music school, dancing school, business school, or other school of any kind with organized classes or similar activity; medical marijuana dispensary; or any outdoor business activity not otherwise consistent with this Title.

C. Performance standards. A Zoning Permit shall be approved consistent with Chapter 10.52 (Zoning Permits) only if the proposed home occupation complies with all of the following criteria:

1. **Accessory use only.** The activity shall be consistent with and clearly accessory to the principal use as a dwelling and shall not occupy more than 25% of the floor area of the dwelling, but no more than 400 square feet per residence.
2. **Signs Prohibited.** No signs are permitted for any home occupation.
3. **Exterior evidence of use.** There shall be no exterior display or evidence of the home occupation, such as displays of merchandise, noise, light, etc., other than the display of items associated with a garage/yard sale as allowed by subsection

C.9 (Retail sales). No outdoor storage of supplies, materials or products associated with the home occupation is permitted.

4. **Location of home occupation.** A home occupation shall be conducted only within an enclosed living area of the dwelling, detached accessory structure that does not exceed any size limitation contained elsewhere in this ordinance, an attached garage or, in the case of a garage/yard sale, adjacent to a dwelling or a garage. Home occupations shall not be permitted out-of-doors on the property or in any trailer or other temporary structure unless allowed by subsection C.9 (Retail sales), or unless otherwise consistent with this Title.
5. **Equipment.** No mechanical equipment shall be used that creates visible or audible interference in line voltage outside the dwelling unit or that creates noise, odor, glare, smoke or dust not normally associated with residential uses.
6. **Vehicles, delivery and pick up.** Only one vehicle used in the home occupation shall be parked at the site other than standard passenger vehicles. Said vehicle shall not exceed half-ton capacity and shall be owned by the resident of the dwelling. (Also, see Chapter 10.88, definition of "Storage, Vehicles.") No more than two commercial vehicle trips per day shall be made both to and from the home occupation residence. Commercial vehicle trips may include but not be limited to movement of raw materials, finished products, equipment or similar materials. No commercial vehicle shall be stored on the site seven (7) consecutive days even if owned, rented, or leased by the home occupation operator.
7. **Employees.** There shall be no more than one employee allowed to support a home occupation, other than the actual resident of the subject dwelling, subject to the following conditions:
 - a. The employee shall work on-site only during the primary business hours prescribed under subsection C.12 (Hours of Operation); and
 - b. The site provides all required parking prescribed by Chapter 10.40 (General Development Regulations).
8. **Number of patrons.** Any combination of home occupations at a single residence shall allow for occasional visitors except for occasional garage/yard sales.
9. **Retail sales.** On-site sale of goods shall be prohibited. On-site garage/yard sales shall be limited to no more than 3 consecutive days at a time and no more than 8 days total within any calendar year.
10. **Storage of materials.** No storage of commercial materials, goods, supplies or equipment other than art, handicraft, and clothing products shall be permitted. No storage of hazardous or potentially hazardous materials, other than customary household cleaning supplies, shall be permitted.
11. **Number of home occupations.** In no case shall more than two home occupations be conducted at a single residence. Where there are two home occupations, the above limitations shall apply to the combined home occupations. For purposes of this subparagraph, occasional garage/yard sales may be conducted as allowed by subsection C.9 (Retail sales) regardless of the existence of two other home occupations at the same residence.
12. **Hours of operation.** Home occupations shall be conducted primarily between the hours of 8:00 a.m. and 6:00 p.m. No visitor traffic, deliveries, or equipment outside the structure shall be permitted Sundays, or after 6:00 p.m. or before 8:00 a.m. weekdays and Saturdays.
13. **Parking.** One off-street parking space shall be provided for the exclusive use of any vehicle used in the home occupation pursuant to subsection C.6 (Vehicles),

in addition to any parking spaces required by Section 10.40.110 (Parking Space Requirements by Land Use).

10.44.040 Non-commercial Vehicle and Boat Repair or Storage in Residential Areas

The non-commercial repair, maintenance, restoration, or storage of automobiles, pickup trucks, campers, trailers, motorhomes and boats of less than 20' in length, whether operative or inoperative, may be allowed on the same site as a residential use as an accessory and incidental use only, subject to the provisions of this section. Other residential accessory uses are subject to Section 10.44.020 (Accessory Uses and Structures). The outdoor storage of vehicles and related materials in a manner that does not comply with this section shall constitute a junkyard, which shall be a public nuisance and a violation of this Title.

- A. Commercial repair or storage prohibited.** The repair, maintenance, restoration or storage of vehicles and/or boats in residential areas shall involve only vehicles and/or boats that are registered to the property owner, lessee or tenant of the site, as shown on the current vehicle registration or Department of Motor Vehicles certificate of ownership. No storage, repair, maintenance or restoration shall be performed on other vehicles and/or boats, or on any vehicles and/or boats for compensation or otherwise as a business.
- B. Number of vehicles and/or boats allowed.** Provided that required parking spaces are not displaced, the number of vehicles and/or boats that may be stored outdoors on the site of a single-family dwelling for non-commercial repair, restoration or maintenance purposes shall be limited to one vehicle and/or boat per 4,000 square feet of parcel area, to a maximum of two (2) on any one site. The number of vehicles and/or boats that may be stored on the site of multiple family dwelling units for non-commercial repair, restoration or maintenance purposes shall be limited to one vehicle and/or boat per 6,000 square feet, to a maximum of four (4) on any one site.
- C. Limitation on outdoor repair.** No more than one vehicle and/or boat may be actively repaired outdoors at any one time. All other repairs shall occur within a garage or other fully enclosed area. Outdoor repairs on all vehicles or boats shall not occur before 8:00 a.m. or after 6:00 p.m. Monday through Friday, before 10:00 a.m. or after 5:00 p.m. on Saturday or Sunday, except for emergency repairs. All vehicles or boats that are stored outdoors and are under or in need of repair, as evidenced by being partly disassembled or otherwise not being in road or sea-worthy condition, shall be kept fully covered when not being worked upon.

10.44.050 Storage, Accessory

This section applies to sites that are not primarily used or zoned for storage yards, and where storage is accessory to another primary use. Accessory storage includes building materials and equipment storage, commercial vehicle storage, and storage of noncommercial and inoperative vehicles. Accessory storage is subject Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations) when applicable and this section. This section does not apply to storage yards where storage, dry boat storage, or container storage is the primary use.

- A. Building materials and equipment.** Building materials and equipment (including construction vehicles) being used for construction may be stored in an orderly fashion on or adjacent to the construction site as long as a valid building permit is in effect for the construction. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the Design Review Permit application for the project shall also describe the storage site. If the storage area is not described in the original design review approval, the project shall return to the Planning Commission for a modification of a previously-approved Design Review Permit.

Storage areas (for construction projects) proposed within a public right-of-way shall require an Encroachment Permit from the City of Sausalito.

- B. Commercial vehicle repair and storage.** Commercial vehicles shall not be stored or parked longer than necessary for pickup or delivery at a site within a residential zoning district. This shall not include a standard passenger car, or a pickup truck or van having a payload of three-quarter (3/4) ton or less.

- C. Inoperative vehicles in commercial districts.** The storage or keeping of inoperative vehicles in commercial districts is subject to the following requirements.

- 1. Vehicles being repaired.** The commercial repair of vehicles is allowed only in the commercial or industrial zoning districts. Repair of personal vehicles is subject to Section 10.44.040 (Vehicle and Boat Repair or Storage in Residential Areas). The storage of inoperative vehicles in a commercial or industrial zoning district for the purposes of repair, alteration, painting, impoundment or temporary storage is subject to the requirements established by Chapters 10.20 through 10.28 (Zoning District Regulations) for "Repair and Maintenance - Vehicle," as defined by Chapter 10.88 (Definitions).
- 2. Vehicle ownership.** Only non-commercial vehicles, registered to the property owner, tenant, or resident shall be stored on site.

10.44.060 Mobile Home/Manufactured Housing Standards

- A. Purpose.** In addition to the general purposes of this Chapter, the specific purposes of this section allowing and regulating mobile homes and manufactured homes include the following:

1. To provide for the placement of mobile and manufactured homes on lots or parcels zoned for conventional single-family residential use;
2. To comply with the requirements of Section 65852.3 et seq. of the Government Code;
3. To provide affordable housing opportunities in the City of Sausalito;
4. To provide standards for the type, location, placement and architectural features of mobile and manufactured homes, consistent with Section 65852.3 et seq. of the Government Code; and
5. To ensure mobile and manufactured housing is compatible with the design and character of single-family neighborhoods.

- B. Definitions.** The term "mobile home" is defined by Chapter 10.88 (Definitions). As a land use, mobile homes are included under the definition of "Single-Family Dwellings."
- C. Design review.** Subject to the standards listed in subsection (D) (Mobile home standards), all new mobile home/manufactured homes shall be subject to design review approval pursuant to Section 10.54.090 (Design Review Permits).
- D. Mobile home/manufactured home standards.** Mobile homes that are certified under the National Mobile Home Construction and Safety Act of 1974 (42 USC §5401, et seq.), are subject to all of the following standards when installed on private property. Once installed pursuant to these standards, such certified mobile homes shall be referred to as "manufactured homes". Mobile homes and manufactured homes to be used as permanent dwellings pursuant to this section are subject to the following requirements, in addition to those required of other single family dwellings:
1. **Equivalent to Single Family Homes.** As required by California Government Code §65852.3, certified mobile homes (manufactured homes) for permanent occupancy are considered the same as single-family dwellings, and are allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in all districts that allow single-family dwellings, provided no more than ten years have elapsed from the date of its manufacture.
 2. **Foundation System Required.** The certified mobile home (manufactured home) shall be placed on a foundation system pursuant to §18551 of the California Health and Safety Code.
 3. **Architectural Standards.** Certified mobile homes (manufactured homes) proposed in the R-1, R-2, R-3 and P-R zoning districts shall be subject to Design Review Procedures (Chapter 10.54), as allowed by State law.

10.44.070 Piers, Docks, Floats, and Wharves in Residential Districts

Piers, docks, floats, and wharves in the Two-Family Residential (R-2-2.5) and Houseboat (H) zoning districts are subject to the requirements of this section, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations).

- A. Required conditions.** Piers, docks, floats and dolphins for private pleasure craft in residential districts are subject to the following conditions:
1. **Accessory use.** The proposed use shall be accessory to the residential use on the same parcel and shall not be utilized for any commercial purpose.
 2. **Army Corps Standards.** Piers and docks shall not conflict with pierhead lines or bulkhead lines established by the US Army Corps of Engineers.
 3. **Design Review.** All such improvements shall be subject to administrative design review as provided by Section 10.54.080 (Administrative Design Review Permits).
 4. **Flood Elevation Variance.** All such improvements shall be subject to issuance of a flood elevation certificate per the Ordinance No. 1140 of the Municipal Code.

B. Findings. Community Development Department staff shall grant approval only if it can make the following findings:

1. The proposed use does not conflict with the residential purposes or adversely affect abutting property or its permitted use.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed improvements.
3. The pier or dock is to be constructed of generally accepted materials for marine installation and is of the minimum length and width necessary to accommodate the mooring of private pleasure craft.
4. The pier or dock will not despoil the natural scenic qualities of the waterfront.
5. The pier or dock will not significantly affect views from other residences.
6. The pier or dock will not substantially impede public access to and along the shoreline.
7. The improvements will be consistent with the Uniform Building Code's structural engineering requirements, U.S. Coast Guard marine safety standards, and will not materially interfere with the needs of navigation.

C. Action. All Community Development Department staff actions shall include findings and any applicable conditions of approval.

10.44.080 Reserved

10.44.090 Detached Dwelling Units

A. Purpose and Applicability. In addition to the general purposes of this Chapter, the more specific purposes of this section regulating two or more detached single-family dwellings in the R-2 and R-3 zoning districts are as follows:

1. To encourage designs which enhance existing neighborhood character.
2. To enhance patterns of development which combine one, two, and multiple family uses within the same neighborhood.
3. To encourage permitted two family or multiple family use development in a manner that discourages the appearance or use of the property as two or more distinct and separate single-family dwelling sites.
4. To encourage low or moderate income housing by promoting the development of smaller, subordinate dwelling units or attached dwelling units.

B. General Requirements. The following standards apply to all developments or improvements of two or more detached dwelling units on properties within the R-2 and R-3 zoning districts:

1. The project must incorporate significant common characteristics; i.e. stairways, pathways, open space and landscape areas, in a manner that maintains the two family or multi-family character of the site and neighborhood.
2. No fences may be constructed within common areas between such dwellings.
3. Parking may be provided in tandem, without the requirement of a conditional use permit, for dwelling units of less than 1200 square feet of floor area.

C. Exceptions. Exceptions to the general requirements specified under subsection B

(General Requirements) may be granted under applications for Planned Unit Developments (Section 10.28.060, Planned Developments).

D. Findings of Approval. Design review of new detached single-family dwellings, or expansions thereof, shall be subject to the following findings:

1. The proposed project provides greater neighborhood compatibility than would one duplex or multiple family structure.
2. The separation of the dwelling units will result in a better site design than could be accomplished with one duplex or a multiple family structure.
3. The proposed project provides an element of shared driveways, pathways, and/or common areas on the property.

10.44.100 Child Day Care

A. Purpose and Applicability. In addition to the general purposes of this Chapter, the more specific purposes of this section regulating Child Day Care uses are as follows:

1. To implement the provisions of the California Child Day Care Act set forth in Chapters 3.4 through 3.6 of Division 2 of the Health and Safety Code (Section 1596.70 et seq); and
2. To provide reasonable standards, restrictions, and requirements specifically relating to child day care facilities.

Child Day Care uses shall comply with the standards of this section.

B. Small family day care homes. Small family day care homes that are properly licensed pursuant to the provisions of the Act shall be considered an accessory residential use of property notwithstanding any other provisions of this Title, and pursuant to Section 1597.45 of the Health and Safety Code. Small family day care homes that meet these requirements shall be permitted in all residential zoning districts. Small family day care homes shall also be permitted in single-family dwellings and multiple family housing units in commercial zones. The operation of a small family day care home without proper state licensing shall constitute a violation of this Title. In addition to any remedies available to the State under the Health and Safety Code, any individual maintaining such a use shall be guilty of an infraction subject to citation.

C. Large family day care homes. Large family day care homes that are properly licensed pursuant to the provisions of the Act shall be considered an accessory residential use of property, notwithstanding any other provisions of this Title, and pursuant to Section 1597.46 of the Health and Safety Code. Said large family day care homes shall be permitted in all residential zoning districts subject to the issuance of a Minor Use Permit (MUP) by the Zoning Administrator, as allowed by State law.

1. **Findings.** Findings. The Zoning Administrator shall approve a Minor Use Permit if the following findings can be made:
 - a. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

- b. The location of the Large family day care home will not result in an over concentration of such uses.
 - c. Streets and highways paved (and of adequate width) are or will be adequate to serve the proposed use for the quantity and type of traffic it will generate.
 - d. Adequate parking is or will be available for the proposed use.
 - e. The proposed use complies with applicable provisions of the City's Municipal Code regarding noise generation taking into consideration the noise levels generated by children.
 - f. The proposed use complies with the requirements of California Health and Safety Code Section 1597.46(d) and any regulations adopted by the State Fire Marshall.
- 2. Conditions of Approval.** Minor Use Permits for large family day care homes shall be subject to conditions of approval, as allowed by State law, including but not limited to the following:
- (a). Compliance with the applicable provisions of the most recent edition of the Title 8 (Building Code) of the Sausalito Municipal Code which apply to single family, two family, and/or multiple family residences;
 - (b). Compliance with any standards of the State Fire Marshall and the Sausalito Fire Department relating to fire and life safety in large family day care homes;
 - (c). Licensed or deemed to be exempt from licensure by the State of California as a large family day care home.
- 3. Notice.** Not less than 10 days prior to the date on which the decisions will be made on the application for the Minor Use Permit by a Large family day care home the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed Large family day care home.
- 4. Hearing.** No hearing on the application for the proposed use shall be held before a decision is made unless a hearing is requested by the applicant or other affected person.
- 5. Appeal.** The applicant or other affected person may appeal the decision of the Zoning Administrator. The appellant shall pay the cost, if any, of the appeal.
- D. Day care centers.** Day care centers shall be allowed in specified zoning districts as designated by Chapters 10.20 through 10.28 (Zoning District Regulations), notwithstanding any other provisions of this Title. Day care centers require a Conditional Use Permit from the Planning Commission pursuant to Chapter 10.60 (Conditional Use Permits), and subject to the provisions of this subsection.

1. **Findings.** The Planning Commission may approve a Conditional Use Permit only if it can make the findings specified in Section 10.60.070 (Findings), and as allowed by State law.
2. **Conditions.** Day care centers shall comply with requirements authorized by State law, including but not limited to the following:
 - a. Applicable provisions of Title 8 (Building Code) of the Sausalito Municipal Code;
 - b. Any standards of the State Fire Marshall and the Sausalito Fire Department relating to fire and life safety;
 - c. Licensed or deemed to be exempt from licensure by the State of California as a day care center.
 - d. Any conditions imposed by the Planning Commission deemed necessary to satisfy the requirements of Sections 10.50.090 (Recommended Conditions of Approval) and 10.60.060 (Conditions of Approval).

E. Parking Requirements. Child day care facilities shall provide off-street parking and loading facilities as follows:

1. **Small family day care homes.** A minimum of two parking spaces shall be provided.
2. **Large family day care homes and Child care centers.** Parking shall be provided based upon the number of staff required by the capacity of the center, as determined by the license issued by the California State Department of Social Services:
 - a. One space shall be provided for every three children between the ages of birth and eighteen (18) months.
 - b. One space shall be provided for every four children between the ages of eighteen (18) months and thirty six (36) months .
 - c. One space shall be provided for every eight children between the ages of thirty six (36) months and Kindergarten.
 - d. One space shall be provided for every fourteen (14) children who attend the center after elementary school (Kindergarten through age 14).
 - e. One space for every five children shall be provided for all parent cooperatives.
 - d. Adequate drop-off/loading spaces shall be provided for all facilities to maximize safety for the children, parents and caregivers. At a minimum, one drop-off/loading space shall be provided for every six (6) children.

F. Exclusions. The provisions of this Section shall not apply to those facilities and arrangements excluded from the provisions of the California Child Day Care Act pursuant to Section 1596.792 of the Health and Safety Code nor shall it apply to recreation programs excluded from the provisions of the California Child Day Care Act pursuant to Section 1596.793 of the Health and Safety Code.

10.44.110 Religious Institutions, Private Clubs and Fraternal Organizations in Residential Zones

A. Purpose and Applicability. In addition to the general purposes of this Chapter, the specific purposes of this section regulating religious institutions, private clubs and fraternal organizations are as follows:

1. To ensure compatibility with adjacent land uses; and
2. To provide for coordination of on-site facilities.

Churches, Synagogues, and other religious institutions and related uses are subject to this section when such uses are allowed by Chapters 10.20 through 10.28 (Zoning District Regulations).

B. Minimum lot area. The minimum lot area shall be 10,000 square feet. Religious institutions, private clubs and fraternal organizations established as of the date of this Title may continue to occupy their current parcels regardless of parcel size.

C. Location. New religious institutions, private clubs and fraternal organizations must be located on a major or secondary thoroughfare as designated by the General Plan. The Planning Commission may approve a religious institution, private club or fraternal organization on a site that provides access to a major or secondary thoroughfare if the Planning Commission can find that the facility will not cause excessive traffic on a local residential street. There shall not be an over-concentration of religious institutions, private clubs and fraternal organizations on a local residential street to prevent heavy traffic.

D. Setbacks: All buildings and structures on the site of a religious institution, private club and/or fraternal organization shall be designed and constructed to satisfy the following minimum setbacks, unless the applicable zoning district requires a larger setback:

1. Front: 15 feet.
2. Side and rear: 20 feet.

E. Height limit. The height of a religious institution, private club and/or fraternal organization shall not exceed that permitted in the applicable zoning district and as specified in Section 10.40.060.C.1 (Exceptions to height limits.).

F. Signs. Signs for a religious institution, private club or fraternal organization use shall conform to the requirements for signs in Chapter 10.42 (Sign and Awning Regulations).

G. Parking requirements. Religious institution, private club and/or fraternal organization sites shall provide off-street parking at a ratio of one parking space for every four seats in a sanctuary or place of public assembly, plus one space for each classroom or office. Parking spaces shall be designed and improved as required by Section 10.40.120 (Design and Improvement of Parking).

10.44.120 Senior Housing Projects

Senior housing projects (defined by Chapter 10.88, Definitions) are subject to the requirements of this section and Chapters 10.20 through 10.28 (Zoning District Regulations).

A. Findings. The City Council makes the following findings related to Senior Housing:

1. Senior housing provides a needed housing alternative to accommodate an increasing senior citizen population.
2. Senior housing impacts a neighborhood less than standard apartment complexes, particularly related to density and parking.

B. Purpose. In addition to the general purposes of this Chapter, the specific purposes of this section establishing standards for senior housing are as follows:

1. To establish procedures, standards and potential density increases for senior housing;
2. To ensure compatibility of senior apartments and senior independent living centers (SILCs) with adjacent land uses;
3. To provide for consideration of on-site facilities; and
4. To provide housing alternatives to accommodate an increasing senior population.

C. Eligibility of project - Limitation on age of occupants. In order to be considered a senior housing project and qualify for the density bonus incentives offered by this section, the occupancy of the project shall be limited to the following:

1. A household in which the head and/or his (her) spouse is sixty-two (62) years or older; or
2. A household in which the head and/or his (her) spouse is sixty-two (62) years or older with a handicapped child; or
3. A household headed by a handicapped person who has a physical impairment which:
 - a. Is expected to be of a long, continued, and indefinite duration;
 - b. Substantially impedes the person's ability to live independently; or
 - c. Is of such nature that the person's ability to live independently could be improved by a more suitable housing condition; and
4. If the subject project contains twelve (12) or more units, one unit may be occupied by a family who is neither elderly nor handicapped to specifically manage and/or operate the elderly and handicapped residence.

Housing projects that reserve between 50 percent and 100 percent of the units for at least one occupant each that is 62 or older are subject to the density bonus provisions of Section 10.40.130 (Residential Density Bonuses and Incentives).

D. Site design and development standards. Senior housing projects shall comply with the following:

1. **Density.** Senior housing projects in the Senior Housing overlay district shall be allowed a density bonus of 33 percent over the density allowed by the base zoning district, except as modified by subsection F (Density Bonus Criteria).
2. **Parking requirements.** A minimum of one (1) off-street parking space per one (1) unit shall be provided, including guest parking. Senior Independent Living Centers (SILCs) with a minimum of six (6) units shall be eligible for additional parking reductions based on the project's design, location and operations, including but not limited to a car-sharing program and proximity to transit.

A single project is limited to a 30 percent total parking reduction from standards established by this subsection. A covenant approved by the City Attorney shall be filed with the County Recorder's Office. Said covenant shall specify there shall be no change in use of the property unless off-street parking is installed to meet the requirements of this Title for the new use.

3. **Laundry facilities.** Each multiple-family residential building or dwelling group for senior citizens or handicapped persons shall include congregate laundry facilities (in the building) that shall include washing machines and dryers.
- E. Changes to project.** If the nature of the project changes (such as occupancy changing to apartment use without age restrictions), the project shall comply with the applicable standards of this Title for the new use.
- F. Density bonus criteria.** The density bonuses provided by this section shall be deemed to be consistent with the General Plan when the findings required by subsection G (Findings) have been made.
1. **Calculation of density bonus.** Density credits shall be applied to the maximum residential density of the applicable zoning district. For example, if the applicable zoning allows a maximum of four (4) units on a project site and the project qualifies for a total density bonus of 25 percent, the project shall be allowed a density of five (5) units.
 2. **Maximum bonus allowed.** Density bonuses shall be limited to that specified by State law.
- G. Findings for approval.** Approval of a Conditional Use Permit (CUP) for a senior housing project shall require the following findings, in addition to those required by Section 10.60.070 (Findings):
1. The number of units approved in the project can be adequately accommodated by the existing or planned infrastructure that will serve the project.
 2. Adequate evidence indicates the project will provide senior citizen housing consistent with the purposes of this section.

10.44.130 Arks

- A. Purpose and Applicability.** In addition to the general purposes of this Chapter, the specific purposes of this section regulating Arks are as follows:
1. To promote and encourage the maintenance, restoration and preservation of the City's single family ark dwellings and ark dwelling groups as they existed at the time of adoption of this Title;
 2. To provide an environment compatible with surrounding marine and commercial districts;
 3. To maintain the ark's existing appearance and characteristics; and
 4. To provide requirements for any future work on the arks.
- B. Sewer.** Each single-family ark dwelling shall be provided with a City-approved sewer connection.
- C. Historic Landmarks Board review.** Any exterior renovation, restoration, reconstruction or replacement of a single-family ark dwelling shall be subject to review and approval by the Historic Landmarks Board as provided in Section 10.80.060 (Historic Landmarks Board) of this Title.
- D. Reconstruction or replacement.** Reconstruction or replacement of any single family ark dwelling that cannot feasibly be repaired may be permitted, provided the exterior design of the new construction is in character with the historic design of the ark which is being replaced. This section also applies to any alteration required by law, by order of the City of Sausalito, or other governmental agency having jurisdiction.
- E. Parking.** Notwithstanding the provisions of Section 10.40.100 (Parking Standards) et seq. no off-street parking spaces shall be required for an existing single-family ark dwelling.

10.44.140 Harbor and Marina Facilities

In addition to the general purposes of this Chapter, the specific purpose of this section is to provide for coordination of on-site and land-based harbor and marina facilities.

The following standards and conditions apply to marinas, harbors, and related uses, when such uses are allowed in the W or CW zoning districts, as provided by Chapter 10.24 (Commercial Zoning Districts):

- A. Maximum density.** The maximum density for marinas and harbors shall be twenty (20) berths per acre (43,560 square feet).
- B. Parking requirements.** Marinas and harbors shall provide off-street parking at a ratio of one (1) parking space for every two (2) berths, plus the required parking for any ancillary office space. Marinas and harbors shall also provide public parking at a ratio of one (1) space per ten (10) berths. Parking spaces shall be designed and improved as required

by Section 10.40.120 (Design and Improvement of Parking).

- C. **Sanitary facilities.** All marinas and harbors shall provide lavatories and water closets at the ratio required by the most recent edition of the Uniform Plumbing Code adopted by the City of Sausalito. Trash and recycling receptacles shall be provided at all gangways, restrooms and elsewhere as required by the granting authority. At least one dumpster and recycling station shall be provided on shore for the entire marina or harbor facility.
- D. **Pump-Out Facility.** Each houseboat marina with houseboats utilizing holding tanks shall provide a permanent holding tank pump-out facility or equivalent services. Said facility or services shall be operable and available for use at all times and capable of servicing all houseboats berthed, docked, or moored at said marina or anchorage area.
- E. **Mooring.** The mooring plan of every marina shall be individually tailored to provide optimal personal safety and aesthetics. All houseboats shall float a minimum of eight feet above mean lower/low water. A greater depth may be required by Conditional Use Permit, subject to surrounding uses.
- F. **Residential uses.** Refer to Sections 10.44.160 (Houseboats) and 10.44.170 (Liveboards) for additional requirements of residential uses in a marina or harbor.

10.44.150 Reserved.

10.44.160 Houseboats

- A. **Purpose and Applicability.** Houseboats are subject to the requirements of this section when allowed by Chapters 10.22 (Residential Zoning Districts) or 10.24 (Commercial Zoning Districts) in the H or W-M zoning districts. In addition to the general purposes of this Chapter, the specific purposes of this section regulating houseboats are as follows:
 - 1. To provide a unique residential opportunity in water areas;
 - 2. To ensure compatibility with adjacent land uses;
 - 3. To ensure environmentally sensitive use of water areas for residential uses;
 - 4. To provide specific regulations governing the reconstruction, alteration, and exterior remodeling of houseboats;
 - 5. To ensure houseboat design reflects the maritime character of the area and encourages creativity and variety;
 - 6. To preserve existing water views, privacy and sunlight for adjacent homes; and
 - 7. To provide for public access to the shoreline.
- B. **Residential Density.** The maximum density for residential uses in the H zoning district is one dwelling unit per 10,000 square feet, as specified in Section 10.40.030 (Minimum Parcel Standards). For houseboats located in marinas or harbors and outside the H zoning district, the maximum density shall be ten percent (10%) of the total number of berths in the marina or harbor. The ten percent total includes the combination of any houseboats and liveboards (Section 10.44.170, Liveboards).
- C. **Houseboat requirements.** Houseboats shall be used or occupied for living quarters, either permanently or on a temporary basis, within the City, only in designated locations

(as specified by the City), or in conformance with subsection A (Purpose). Houseboats must meet the following additional requirements:

1. **Construction.** Every houseboat shall be inspected and approved by the Sausalito Building Official, or any individual qualified to render such inspection and duly authorized by the City to review buoyancy, windage, stability and structure, and for compliance with this Section.
2. **Safety.** Every houseboat shall be supplied with lifesaving equipment and extinguishers, access to circumference of the houseboat, and adequate means of egress.
3. **Water Connection.** Every houseboat shall have a secure water connection above the waterline with an approved back-flow prevention device subject to the approval of the Sausalito Building Official and Fire Marshall.
4. **Electrical Connection.** Every houseboat shall have a permanent and adequate electrical connection.
5. **Sewer.** Every houseboat shall be connected to a public sewer system with adequate vents, tanks and ejector devices, consistent with the Uniform Building Code. Should a public sewer not be available, then other devices acceptable to the Regional Water Quality Control Board may be used.
6. **Mooring.** Every houseboat shall maintain adequate lines, cleats and other necessary mooring equipment. This shall be inspected by the owner and/or operator of the marina or property upon which or within which such watercraft are located preceding the winter season.
7. **Gangway (Secondary Walkway).** Every houseboat shall have a firm and substantial walkway extending from houseboat to mooring docks.
8. **Construction Specifications.** All construction shall conform to the specifications of the most recent Uniform Building Codes adopted by the City of Sausalito.

D. Permit required for construction or alteration of, or moving houseboat into, City. No person shall commence the construction, alteration or renovation of any houseboat within the City, or move a houseboat into the City, for use within the City, until a permit authorizing such work has been obtained from the Building Official. The fees for such permits shall be based upon the rates established by the latest Building Division fee schedule adopted by the City Council. All and any work thereafter shall comply with the requirements set forth in this Section.

E. Development Standards. All reconstruction, alteration, and exterior remodeling of houseboats shall comply with the following standards:

1. The houseboat shall not exceed a maximum height of eighteen feet (18'), as measured according to Section 10.40.060 (Height Requirements) of this Title;
2. The maximum floor area of a houseboat, as specified in Section 10.40.040 (Floor Area Ratio) of this Title, shall not exceed 1,700 square feet;
3. The floor area of any story above the lowest story of a houseboat shall not exceed 80 percent of the floor area of the story immediately below; and
4. In addition to the setback requirements for the district, the clear separation between houseboats on one parcel shall be at least ten (10) feet, plus an additional five feet for each story in excess of one story in each vessel, to a maximum distance of 20 feet.

- F. Design Standards.** Houseboats should be designed to include the following:
1. Compatible scale to recreational boats and other houseboats in the vicinity. Compact, well-organized interior spaces are encouraged.
 2. Large, two-story houseboats in areas of predominantly small, one-story houseboats or small recreational boats discouraged.
 3. Roof lines designed to visually reduce boat's bulk (e.g., curved, sloped or other articulated roof lines.)
 4. Architectural details and enhanced character to eliminate "box-like" appearance (e.g., eaves, bay windows, decks.)
- G. View and Water Access Standards.**
1. **Views, Sunlight and Privacy.** Houseboats should be placed so that they preserve, to the greatest extent possible, existing water views, privacy, and sunlight for adjacent homes. Design review approval shall not be granted if the proposal significantly obstructs water views, either from nearby structures, or from a distance.
 2. **Water Access.** Provision of public access to the shoreline is encouraged on parcels containing houseboat marinas and may be required as a condition of approval of discretionary permits.
- H. Parking standards.** All houseboats shall provide off-street parking in the amount and manner specified in Sections 10.40.100 et seq. (Parking Standards).
- I. Multiple units (H District only).** A Conditional Use Permit shall be required for multiple unit residential houseboats (not to exceed three units). Any application shall provide evidence of multiple unit houseboat's historic significance to the City of Sausalito and the houseboat's historic use as a duplex or three unit floating residence. The Community Development Director, upon consultation with the Historic Landmarks Board, shall determine the adequacy of said evidence.
- J. Commercial uses.** Commercial uses of any houseboat shall be limited to ancillary home occupations.

10.44.170 Liveboards

- A. Purpose.** Liveboards are subject to the requirements of this section, as provided by Chapter 10.24 (Commercial Zoning Districts) and when allowed in the W or CW zoning districts in accordance with Table 10.24-1. In addition to the general purposes of this Chapter, the specific purposes of allowing and regulating liveboards on private vessels in recreational marinas or harbors are as follows:
1. To provide affordable housing opportunities for low and moderate income households;
 2. To promote twenty four hour security in marinas and harbors;
 3. To ensure compatibility with adjacent land uses; and
 4. To ensure environmentally sensitive use of water areas for residential uses.
- B. Applicability.** Any vessel occupied in its berth for more than 180 nights in a calendar

year shall be classified as a liveaboard vessel and subject to this section.

- C. Residential Density.** The maximum density for residential uses in the CW and W zoning districts shall be ten percent (10%) of the total number of berths in the marina or harbor. The ten percent total includes the combination of any liveaboards and houseboat uses (Section 10.44.160, Houseboats).
- D. Liveaboard requirements.** Use or occupancy of a sailing vessel for living quarters, either permanently or on a temporary basis, shall be in conformance with subsection A (Purpose). Liveaboards shall also meet the following additional requirements:
- 1. Safety.** Every boat shall be supplied with lifesaving equipment and extinguishers and other safety equipment and placards as specified in the current United States Coast Guard regulations, access to circumference of the boat, and adequate means of egress.
 - 2. Reserved.**
 - 3. Sewer.** Every boat shall be connected to a public sewer system with adequate vents, tanks and ejector devices. Should a public sewer not be available, other devices acceptable to the Regional Water Quality Control Board and United States Coast Guard may be used. Holding tanks designed and intended to accept all waste discharges from boats may be approved by the City where direct sanitary sewer connections cannot be accomplished and the marina or harbor has pump out facilities or is under contract with a pump out service.
 - 4. Mooring.** Every boat shall maintain adequate lines, cleats and other necessary mooring equipment at all times. This shall be inspected by the owner and/or operator of the marina or property upon which or within which such watercraft are located preceding the winter season.
 - 5. Navigable Vessels.** Every vessel shall be able to move under its own power (sail or engine). Vessels inoperable for more than ninety (90) consecutive days shall be classified as houseboats and subject to the requirements of Section 10.44.160 (Houseboats) and shall not be deemed legal, nonconforming liveaboard uses.
- E. Parking standards.** Off-street parking spaces shall be provided in the amount and manner specified in Sections 10.40.100 et seq. (Parking Standards).
- F. Commercial uses.** No vessel used for liveaboard purposes may be used for commercial uses except marine service vessels. The provision of paid crew is not a commercial use under this section.
- G. Dockside Charters.** Dockside charters shall be prohibited. No vessel used for liveaboard purposes shall be rented or chartered except where the provision of living accommodation is incidental to the operation of the vessel. A minimum term of 30 days shall be required for liveaboard tenants, all boats used for liveaboard purposes must be operable, and the primary liveaboard tenant shall know how to operate the vessel that he or she is renting.

- H. **Low and Moderate Income Housing.** As vacancies occur, marina operators shall give preference to qualified Low and Moderate income tenants until such tenants constitute at least 50% of the liveaboard vessels in the marina.

10.44.180 Veterinary Clinics

When allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in the zoning districts that are subject to the Marinship (-M) overlay district, veterinary clinics are subject to the requirements of this section:

- A. **Boarding.** Veterinary clinics may offer short-term boarding of animals to serve the primary purpose of providing health care for animals.
- B. **Noise.** All areas where animals have access or are kept shall be soundproofed to contain all sounds on-site prior to the issuance of a Zoning Permit.

10.44.190 Residential Use in Commercial Districts

- A. **Purpose and Applicability.** Residential uses located in CC, CR and CN zoning districts are subject to the requirements of this section, as provided by Section 10.24.030 (Allowable Land Uses, Commercial Zoning Districts). In addition to the general purposes of this Chapter, the specific purposes of regulating residential uses in commercial zones are as follows:
1. To further the objectives of the 1985 Traffic Initiative by prohibiting conversion of existing residential uses to commercial uses; and
 2. To encourage the retention of existing residential uses in the CR zoning district, by requiring a Conditional Use Permit for any commercial uses above street level.
- B. **Location.** All residential uses shall be located above the first (street or ground) level of all existing and new structures. Existing residential uses located on the first (street or ground) level of a structure are permitted to remain in their current location.
- C. **CC zoning district.** Existing residential uses located in the Central Commercial (CC) zoning district may be converted to commercial uses with the issuance of a Minor Use Permit pursuant to Chapter 10.58 (Minor Use Permits).
- D. **CR zoning district.** Existing residential uses located in the Mixed Commercial and Residential (CR) zoning district are to be preserved. Only new residential uses are allowed on levels above the street level. Commercial use on levels above the street shall require a Conditional Use Permit.
- E. **CN zoning district.** Residential uses are permitted above the ground floor in the CN Zoning Districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN Zoning District located along Bridgeway between Coloma Street and Ebbtide Avenue.

10.44.200 Recycling Collection Stations

Recycling collection stations are subject to the requirements of this section, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations). A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

- A. Purpose.** The purpose of this section is to establish standards for the placement of recycling facilities, in accordance with State law, in a manner that will protect the health, safety and general welfare of the community.
- B. Parking requirements.**
1. The area of the parking lot used by the facility and the attendant may not reduce available parking spaces below the minimum number required for the principal use of the site.
 2. Mobile recycling units shall have an area clearly marked to prohibit other vehicles parking during hours when the mobile unit is scheduled to be present.
 3. Recycling facilities shall not interrupt existing circulation patterns. Additional parking and/or temporary parking may be required.
- C. Property owner and supermarket responsibilities.**
1. **Litter.** Every property owner who agrees, by contract or otherwise, to the placement, construction, and/or operation of a recycling facility on his property shall be responsible for ensuring that the premises surrounding such facility are maintained free of litter, recyclable materials, and other debris.

Every supermarket which contracts for the placement, construction, and/or operation of any recycling facility within the Convenience Zone of such supermarket shall be responsible for ensuring that the premises surrounding such facility are maintained free of litter, recyclable materials, and other debris.
 2. **Information signs.** Every supermarket shall post, in convenient and visible locations within the supermarket or at the entrances or exits thereof, the locations of each permitted recycling facility within the Convenience Zone of such supermarket.
- D. Signs.** Recycling collection stations shall be subject to state sign requirements and Chapter 10.42 of this Title (Sign and Awning Regulations). All other signs (other than state mandated signs) are subject to Chapter 10.42 (Sign and Awning Regulations).
- E. Use Requirements.** Recycling collection stations shall not generally use power-driven processing equipment except in the case of some reverse vending machines. Collection facilities may include the following:
1. **Reverse Vending Machines(s).** In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption

rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

2. Small collection facilities that occupy an area of not more than 500 square feet and may include:
 - a. A mobile unit;
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet of floor area;
 - c. Kiosk-type units that may include permanent structures;
 - d. Unattended containers placed for the donation of recyclable materials.
3. Large collection facilities that may occupy an area of more than 500 square feet and may include permanent structures.

10.44.210 Restaurants

Any proposed restaurant is subject to the requirements of this section, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations).

A. Standard requirements. The following uses are excluded in all zoning districts and are not included in the definition of restaurants:

1. Retail catering establishments without on-site dining or accessory to a grocery store.
2. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within automobiles on the premises.
3. Establishments primarily preparing food intended for consumption off the premises.

B. Music and/or Dancing. Music and/or dancing are only permitted as an accessory use to an approved eating or drinking establishment.

1. A **Minor Use Permit** is required (see Chapter 10.58).
2. **Findings.** The Zoning Administrator may approve or conditionally approve a Minor Use Permit if the following findings can be made in addition to those required by Section 10.58.050:
 - a. The proposed use is incidental to a primary restaurant use.
 - b. The proposed use will not adversely affect residential uses.
3. **Conditions.** All Minor Use Permits for music and/or dancing must meet the following conditions:
 - a. Under Planning Division supervision and at the cost of the applicant, prior to commencement of the use, the ambient noise levels shall be established from specific residential properties within 300 feet of the restaurant premises. The location of the ambient noise measurements shall be established by the Community Development Director during the completeness review of the Minor Use Permit application.
 - b. Under Planning Division supervision and at the cost of the applicant, noise measurements shall be taken after commencement of the use to ensure that the noise source does not exceed “audible” levels (See Chapter 10.88 for definition of “audible”). Thereafter, testing shall be done at any time so directed by the Community Development Director.
 - c. Noise from the music and/or dancing shall not be audible from any residential property or from within any residential unit.
 - d. Music and dancing shall only be allowed between the hours of 9:00 a.m. and midnight.

- C. Alcoholic beverages.** The sale of alcoholic beverages in restaurants is subject to the permits identified in Table 10.44-1 (Permits Required for Alcoholic Beverage Sales in Restaurants):

Table 10.44-1 PERMITS REQUIRED FOR ALCOHOLIC BEVERAGE SALES IN RESTAURANTS		
Permitted sales	District	Permit
Establishments serving any alcoholic beverage for consumption on the premises.	CC, CN, CW, IM	CUP
Establishments serving beer and wine only.	CR, W	MUP
MUP	Minor Use Permit (Chapter 10.58)	
CUP	Conditional Use Permit (Chapter 10.60)	

- D. Waterfront zoning district with Marinship overlay (W-M).** Commercial food service and small-scale restaurants in the Waterfront Marinship (W-M) zoning district shall meet the following requirements:

1. A needs analysis shall be completed that addresses the need to serve employees in the Marinship and the amount of food service square footage that will be allowed.
2. Occupancy shall be based on needs analysis and shall be limited to 20 persons.
3. A finding is required that the location and signing does not encourage use by persons outside the Marinship.

- E. Industrial Marinship (IM) district.** Eating establishments located within an existing industrial or office structure as accessory uses are permitted. Independent restaurants shall be subject to the following requirements:

1. The need for such a facility to serve employees in the Marinship area (as indicated with the -M overlay zoning designation) shall be determined.
2. New restaurants shall meet the following requirements:
 - a. Located on parcels of at least four (4) acres.
 - b. Limited to a maximum occupancy of forty (40) seats.
 - c. Subject to the issuance of a Conditional Use Permit pursuant to Chapter 10.60 (Conditional Use Permits).
3. A finding is required that the location and signage does not encourage use by persons outside the Marinship area.

10.44.220 Restaurants - Outdoor Dining Areas

- A. Purpose.** In addition to the general purposes of this Title, the specific purposes of allowing and regulating outdoor dining areas for restaurants are as follows:
1. To meet the desires of Sausalito residents to dine outdoors;
 2. To provide for the use of public sidewalks for outdoor dining consistent with the public's preeminent right to use the right-of-way for public passage and travel;
 3. To provide for improved business to restaurants and surrounding businesses;
 4. To allow Sausalito restaurants to be competitive with restaurants in neighboring communities that provide for outdoor dining;
 5. To protect the economic and social health and safety of Sausalito; and
 6. To provide a process for restaurant owners to request and obtain sidewalk dining encroachment permits.
- B. Private Property.** Outdoor dining areas located on private property where an approved restaurant is located shall require a Minor Use Permit pursuant to the provisions of Chapter 10.58 (Minor Use Permits).
- C. Sidewalks.** Outdoor dining on sidewalks shall require the issuance of a Minor Use Permit from the Zoning Administrator and a Sidewalk Dining Encroachment Permit by the Community Development Department as outlined in Title 17 (Streets, Sidewalks, and Public Places) and shall meet the requirements of this subsection.
1. **Encroachment Defined.** For the purposes of this section, "encroachment" is defined to include, but not be limited to, any utility, stairs on grade, sidewalk, curb and gutter, newspaper vending machine, garbage can, street excavation, installation and maintenance of landscaping, installation and maintenance of driveways with cuts or fills of less than six feet and concrete or asphalt surfacing, any dining table and/or chair and any device or structure intentionally placed within the public right-of-way.
 2. **Authority.** The Zoning Administrator is authorized to issue Minor Use Permits and the Community Development Director is authorized to issue Sidewalk Dining Encroachment Permits for encroachments defined by this Section only after approval of a Minor Use Permit for this use.
 3. **Conditions.** Permit issuance shall be subject to any special conditions imposed by the Community Development Department deemed necessary to protect the City's interests and to assure public safety and welfare, the provisions of this Title and all other provisions of applicable City and state laws. The following standard conditions shall also apply:
 - a. **Safe Passage.** The Community Development Director shall make a determination regarding the adequacy of the passageway. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of 48" width shall be provided both along the sidewalk and from the curb to the sidewalk (to provide for two pedestrians

walking side by side or by a single wheelchair.) No tables or chairs shall be placed or allowed to remain on any sidewalk that inhibits passage.

- b. Location.** Permits shall only be issued to allow the use of sidewalk immediately adjacent to the restaurant seeking the permit. The Community Development Department shall determine the most appropriate location along the sidewalk for the applicant's tables and chairs. The permit shall include a map of the portion of the sidewalk where tables and chairs may be located.
- c. Cleanliness.** Debris, litter or food matter shall be removed from the sidewalk, streets or surrounding property at least once each day during operating hours and at the time tables and chairs are removed from the sidewalk.
- d. Food Service.** The establishment obtaining the Permit shall be engaged in food service and shall provide such service at the tables subject to the Permit.
- e. Insurance.** The Applicant shall obtain liability insurance with policy limits of at least \$500,000 per incident. The City shall be named an additional insured and the policy shall remain in force at all times that the Permit is in effect.
- f. Hold Harmless.** The Applicant shall enter into a Sidewalk Dining Encroachment Permit Agreement prepared by and satisfactory to the City Attorney. The Applicant shall agree to conform to these conditions and all applicable city ordinances. The Applicant shall also agree to indemnify the City and hold the city harmless from and against all liability arising out of the Applicant's activities under the Permit or otherwise arising out of the Applicant's placement of tables and chairs in the City sidewalk and/or from permitting the use of such tables and chairs by patrons or otherwise.
- g. Orderliness.** All tables and chairs shall be removed from the sidewalk whenever the restaurant is closed or when the restaurant is not serving patrons on the sidewalk. The Permit shall provide for the placement of tables and chairs for the use of diners only. The restaurant shall not be permitted to place any other structures or objects of any sort along or in the sidewalk. No entertainment shall be permitted along the sidewalk by the restaurant. No food preparation shall take place along the sidewalk, and no serving trays or bus stations shall be located along the sidewalk.
- h. Preeminence.** The Applicant shall acknowledge that its use of the sidewalk under the Permit is subordinate to the public's right to use the sidewalk for passage and travel. Permit shall be revocable from time to time by order of the City to allow for a public event or other public use of the sidewalk subject to the Permit or if the use of the sidewalk for dining purposes conflicts with any public use of the sidewalk. The Applicant shall also acknowledge that the use of the sidewalk is subject to temporary suspension any time the City or any utility company or easement holder

requires access to the sidewalk or any utility under the sidewalk, or requires use of the sidewalk in conjunction with any construction project.

- i. **Fee.** The Applicant shall be required to pay the City an annual permit fee, based on square footage of the permit area, as established by Resolution of the City Council.
- j. **Compliance With All Regulations.** The Applicant shall comply with all regulations of State Alcoholic Beverage Control and the County of Marin Department of Public Health, and any other agency that controls the operations of the restaurant.
- k. **Revocable.** All Sidewalk Dining Minor Use Permits and Sidewalk Dining Encroachment Permits shall be subject to permanent revocation by the City at any time.

4. **Validity.** Sidewalk Dining Encroachment Permits become valid with signatures of the Community Development Director and the applicant. A copy of the valid Permit shall be placed on file with the Community Development Department.

5. **Alcoholic Beverages.** Consumption of alcoholic liquor or other alcoholic beverages on any public street, sidewalk or passageway or in any park or playground or highway shall require City Council approval. Said consumption may be allowed at any special civic event when policing is adequately provided.

D. **Capacity of outdoor eating area.** An outdoor eating area on private property shall not exceed the most restrictive of the following limits, unless otherwise authorized by the Zoning Administrator in the required Minor Use Permit:

- 1. Twenty-five percent (25%) of the indoor dining area of the restaurant; or
- 2. Five (5) tables; or
- 3. A capacity of 20 people.

E. **Parking.** Eating establishments with outdoor eating areas in public rights-of-way shall be exempt from additional parking requirements. The following requirements apply:

- 1. Additional outdoor eating areas (on-site) shall be subject to the same parking requirements as indoor eating areas.
- 2. Eating establishments without public street frontage shall be exempt from additional parking requirements for on-site outdoor eating areas in the amount that would have been allowed if there was public street frontage. However, any additional on-site outdoor eating areas shall be subject to the same parking requirements as indoor eating areas.

10.44.230 Visitor Serving Stores in the CC District and Art Galleries in the CR District

A. Purpose. In addition to the general purposes of this Chapter, the specific purposes of regulating the location and number of visitor-serving stores are as follows:

1. To provide economic and commercial diversity in the Downtown area; and
2. To encourage a mix of resident-serving and visitor-serving businesses.

B. Applicability. The following uses are determined to be visitor serving and are subject to the requirements of this section:

1. Apparel stores which inventory and sell the following types of apparel as more than 10 percent of their total display area and/or more than 10 percent of their window display area, either cumulatively or individually: tee shirts, baseball caps, sweatshirts, windbreakers, and fleecewear.
2. Art dealers including any store that engages in retail sales of art objects, including but not limited to paintings, graphic arts, sculpture or glass but excluding any art dealer primarily engaged in the sale of original art objects.
3. Camera stores.
4. Candy stores.
5. Eating places selling frozen dessert products including any eating place that sells as a primary product dessert products made of ice cream, frozen yogurt, freezes, ices, gelato and frozen custard.
6. Gift, novelty and souvenir stores engaged in the sale of any, or a combination of, the following: balloons, curios, novelties, post cards, souvenirs or any items bearing local place names.
7. Jewelry stores primarily engaged in the sale of costume jewelry.
8. Miscellaneous amusements including astrologers, palm readers, phrenologists, and fortunetellers.
9. Miscellaneous personal services including spas, steam baths, tattoo parlors and Turkish baths.
10. Photo supply stores.
11. Photo finishing laboratories.
12. Art dealers that engage in the sale of original works of art in the CR District.

C. Conditional Use Permit Required. A Conditional Use Permit (Chapter 10.60) shall be required for any new visitor-serving store in the CC District, any change from one type of visitor-serving store to another type of visitor-serving store, or for any art dealer selling original works of art in the CR District.

D. Findings Required. In addition to the findings required by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be made prior to issuance of Conditional Use Permits for Visitor-Serving Stores in the CC District or for any art dealer selling original works of art in the CR District:

1. The proposed use will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations.
2. The proposed use will not result in an over-concentration of a specific use within the district.

3. The proposed use would be mutually beneficial to, and would enhance the economic health of, surrounding uses in the district.
4. The proposed use will enhance and maintain the efficient use of available public and/or private parking in the applicable district.

E. Expansion. Visitor serving stores in the CC District may be expanded subject to the following limitations:

1. Any land uses located in the CC zoning district which have existed prior to August 19, 1994, and that are allowed with a Conditional Use Permit, shall not be enlarged or relocated if the floor area size increases by more than 20% without the issuance of a Conditional Use Permit.
2. Whenever this Title requires a determination of the predominance of an item or items of merchandise, or as to the amount of space devoted to a given use or to a line or lines of merchandise, the calculation shall be made with regard to the merchandise that is regularly located and maintained on the sales floor, and shall exclude any merchandise maintained or regularly located in any storage area or other non-retail space. In the instance where the calculation is required for a use existing as of August 19, 1994, the sales floor shall refer to the sales floor as it was configured on August 19, 1994.

F. Transfer/Grandfathering. Visitor-serving stores in the CC District and art dealers selling original works of art may be transferred to another location with the approval of a Minor Use Permit, provided the following requirements are met:

1. The floor space is equal to, or less than, the previously-occupied space;
2. Zoning allows a visitor-serving use in the new location; and
3. Less than three similar stores are located within a 300' radius of the new site.
4. The previously-occupied space is no longer occupied by a visitor-serving store.

10.44.240 Formula Retail

A. Purpose. The purpose of the standards in this Section regulate the location and operation of formula retail establishments in order to maintain the City's unique village character, the diversity and economic vitality of the community's commercial districts, and the quality of life of Sausalito residents. The City has determined that preserving unique architecture, signage, graphic and other design elements so that the City maintains a distinctive visual appearance and small-scale eclectic ambiance will promote the long-term viability of the community's businesses districts. The City has also determined that preserving a balanced mix of local, regional, and national-based businesses and small and medium sized businesses will maintain and promote the long-term economic health of visitor-serving businesses and the community as a whole. It is therefore the intention of the City that an over-concentration of formula retail businesses not be allowed, that all permitted formula retail establishments shall create a unique visual appearance that reflect and/or complement the distinctive and unique historical character of Sausalito, and that no such establishment shall project a visual appearance that is homogenous with its establishments in other communities.

B. Applicability. "Formula Retail" means a type of retail sales activity or retail sales establishment, including food service, which is required to maintain any of the following: standardized ("formula") array of services and/or merchandise, trademark, logo, service mark, symbol, sign, decor, architecture, layout, uniform, or similar standardized feature. "Service Stations" as defined in Zoning Ordinance Chapter 10.88 are exempt from these formula retail provisions.

C. Conditional Use Permit Required. A Conditional Use Permit shall be required for any Formula Retail establishment in the City.

1. A Formula Retail Establishment may be allowed only in the Central Commercial, Shopping Center and Neighborhood Commercial District and only with a Conditional Use Permit;
2. The expansion of any existing Formula Retail establishment shall require a Conditional Use Permit if the establishment does not already have a Conditional Use Permit.
3. The cumulative expansion of a permitted Formula Retail establishment by 500 or more square feet of floor area shall require a Conditional Use Permit amendment; and
4. A Formula Retail establishment shall fully comply with all applicable regulations of this Code including Design Review.

D. Required Findings for Approval. In addition to all of the findings required by Section 10.60.070, all of the following findings must be made prior to the issuance of a Conditional Use Permit for a Formula Retail establishment:

1. The Formula Retail establishment will be compatible with existing surrounding uses, and has been designed and will be operated in a non-obtrusive manner to preserve the community's distinctive character and ambiance;
2. The Formula Retail establishment will not result in an over-concentration of formula retail establishments in its immediate vicinity or the City as a whole;
3. The Formula Retail establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
4. The Formula Retail establishment will contribute to an appropriate balance of local, regional or national-based businesses in the community;
5. The Formula Retail establishment will be mutually beneficial to and would enhance the economic health of surrounding uses in the district;
6. The Formula Retail establishment will contribute to an appropriate balance of small, medium and large-sized businesses in the community, and
7. The proposed use, together with its design and improvement, is consistent with the unique historic character of Sausalito, and would preserve the distinctive visual appearance and shopping experience of Sausalito for its residents and visitors.

10.44.250 Office Conversions

A. Purpose. In addition to the general purposes of this Chapter, the specific purposes of regulating the conversion of certain commercial uses to office uses are as follows:

1. To provide economic and commercial diversity in the downtown area;
2. To provide an adequate level of resident-serving uses in all commercial areas; and
3. To maintain the character and attraction of Sausalito as a pedestrian oriented City.

B. Applicability. A Conditional Use Permit (Chapter 10.60) shall be required to convert any existing retail trade use, bank, eating & drinking establishment, or residential use to business or professional office within the CC, CR, CN and CW zoning districts use per the requirements of this section.

C. Findings Required. In addition to the findings required by Section 10.60.050 (Findings, Conditional Use Permit), the following findings shall be made prior to issuance of Conditional Use Permits to replace any retail, commercial service, or eating & drinking establishment use with an office use, as described above:

1. The proposed use will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations.
2. The proposed use will not result in an over-concentration of a specific use within the district.
3. The proposed use would be mutually beneficial to, and would enhance the economic health of, surrounding uses in the district.
4. The proposed use will enhance and maintain the efficient use of available public and/or private parking in the applicable district.

10.44.260 Service Stations

Service stations are subject to the requirements of this section, when allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in the applicable zoning district.

A. Purpose. The purpose of regulating the use and conversion of service stations is to protect the public health, safety and welfare of the community by preserving available minor emergency services.

B. Location. No service station shall be located adjacent to a lot in a residential zoning district.

C. Use limitations. Service stations shall offer gasoline, oil, tires, batteries, lubrication, light mechanical repairs and other services as specifically defined in Chapter 10.88 (Definitions) of this Title. The above listed services may only be discontinued or converted to other uses if a Conditional Use Permit or amendment thereto is obtained pursuant to Chapter 10.60 (Conditional Use Permits) of this Title.

1. The size of the retail sales area shall be limited to five hundred (500) gross square feet.
2. The required parking for the accessory use shall be three (3) on-site parking spaces, one of which may be a handicapped parking space.

E. Conversion. An application to eliminate required services of an automobile service station or to convert the services to other uses shall not be approved or conditionally approved in whole or in part unless the Planning Commission makes the following findings:

1. The loss of services and facilities will not adversely affect public health, safety and welfare by diminishing the availability of minor emergency services.
2. Findings can be made pursuant to Section 10.60.070 (Findings, Conditional Use Permits).

Minor emergency services shall include, but not be limited to, the availability of minor automobile repairs, free open public restrooms, and refueling assistance.

F. Nonconforming Uses. A service station that is fully constructed as of the effective date of this Title shall not be considered to be a nonconforming use pursuant to Chapter 10.62 (Nonconforming Uses and Structures).

10.44.270 Freestanding Personal Structures

A. Purpose. This section establishes standards for the placement of antennae, satellite dishes, Digital Satellite System (DSS) antennae, communication towers, personal communication service (PCS) facilities, flagpoles, totem poles, and other freestanding structures for personal and commercial use in all zoning districts that are not otherwise governed by Chapter 10.45 (Standards and Criteria for Wireless Communications Facilities) or otherwise superceded by federal regulations . The purpose of this section is to minimize the adverse impacts of such equipment and structures on neighborhoods and surrounding developments by limiting the height, number, and location of such devices.

B. Personal Structures. Design Review by the Planning Commission shall be required for any personal structure that either:

1. Exceeds ten feet (10') in height from average grade; or
2. Has the potential to impair views.

10.44.280 Offices, Temporary

Temporary office uses are subject to the requirements of this section, as provided by Chapters 10.20 through 10.28 (Zoning District Regulations) for the applicable zoning district.

A. Permitted structures. Mobile homes, recreational vehicles, or modular units may be used as temporary business or construction offices during the course of construction of a permanent facility on the same site or as an office on the site of a temporary off-site

construction yard and as further defined in Chapter 10.88 (Definitions).

- B. **Location.** Temporary office structures must be located on private property unless an encroachment permit has been issued by the City of Sausalito.
- C. **Length of time.** Temporary office structures may be located on a subject site for no more than one year unless the Zoning Administrator has authorized an extended period of time.

10.44.290 Reserved

10.44.300 Temporary Outdoor Retail Sales

Outdoor retail sales is allowed in all zoning districts and is subject to the requirements of this section.

- A. **Applicability.** This section sets standards for temporary outdoor retail sales activities, including farmers' markets, and seasonal sales. Permanent outdoor retail sales as a principal use are permitted only for the identified uses in subsection H (Outdoor display) and subject to the conditions specified in subsection I (Conditions for outdoor display).
- B. **General requirements.** The following standards apply to all temporary outdoor retail sales activities unless otherwise provided by this section.
 - 1. **Hours of operation:** Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Night operations are allowed only when specifically authorized through Conditional Use Permit approval unless otherwise provided by this section.
 - 2. **Parking requirement:** None, provided sufficient open area is available to accommodate all employee and customer parking needs on the site, entirely outside of public rights-of-way other than designated parking spaces.
 - 3. **Food sales.** The sale of raw or processed foodstuffs is subject to Title 12 (Health and Safety) of this code, and any other applicable regulations of the Marin County Health Department.
- C. **Art and craft sales.** The temporary outdoor sale of handcrafted items and artwork is allowed only in conjunction with a temporary event (Section 10.44.310, Temporary Uses and Events.)
- D. **Farmers' markets.** A farmers' market pursuant to this section is the temporary use of a site for the sale of food and farm produce items from parked vehicles and requires a Conditional Use Permit (Chapter 10.60, Conditional Use Permits). Farmers' markets are also subject to all applicable provisions of Sections 1392 et seq. of the California Food and Agriculture Code.
 - 1. **Limitation on use.** Farmers' markets are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants and cut flowers.

2. **Duration of use.** Farmers' markets shall occur no more than three days per week on any site, unless the land use permit approval specifically authorizes a longer duration.
- E. **Seasonal sales.** Seasonal sales include the retail sale of holiday vegetation, including pumpkins and Christmas trees or other similar activity. Seasonal sales shall be of a noncommercial nature and sponsored by a group of persons residing in the neighborhood.
1. **Time limit.** The length of time during which seasonal sales may occur is limited to 30 days.
 2. **Guarantee of site restoration.** Security pursuant to Section 10.50.190 (Security for Performance) is required to guarantee site restoration after use and operation in accordance with the standards of this section. When required, the guarantee shall be in the amount of \$50.00 for each 5,000 square feet of use area.
 3. **Hours of operation:** 8:00 am to 9:00 pm for seasonal sales.
- F. **Flea markets and swap meets.** Flea markets and small-scale swap meets shall be subject to the provisions of Section 10.44.310 (Temporary Uses and Events).
- G. **Sales from parked vehicles.** Sales from parked vehicles are prohibited except in an approved farmers' market.
- H. **Outdoor display of merchandise.** All uses of approved business shall be conducted within completely enclosed buildings except the following:
1. Display of living plants or cut flowers by florist shops.
 2. Hardware by hardware shops.
 3. Outdoor dining facilities with the issuance of a Conditional Use Permit pursuant to the provisions of Chapter 10.60 (Conditional Use Permits).
 4. Recreation facilities on private property.
- I. **Conditions for outdoor display of merchandise.** All permitted outdoor display uses shall comply with the following conditions:
1. Use shall occupy an area no larger than 5 percent of that establishment's gross floor area devoted to retail sales within the building;
 2. Use shall not occupy any required parking area or any public right-of-way;
 3. Use shall not interfere with safe vehicular access to and from the site, emergency vehicle access, or pedestrian access, in the opinion of the City of Sausalito Community Development Department or the Police Department; and
 4. Use shall be directly adjacent to the building housing the retail establishment.

10.44.310 Temporary Uses and Events

This section applies to temporary events and land uses that are not normally allowed in a specified zoning district and are temporary in nature.

- A. **Temporary uses.** Any use, except mobile homes, may be authorized on a temporary basis in any zoning district.

1. **Permit requirement.** Minor Use Permit shall be required (Chapter 10.58, Minor Use Permits).
2. **Duration of temporary use.** The granting authority may authorize a temporary use for a maximum of one year in all zoning districts.
3. **Extension of time.** The granting authority may allow a single extension of the original time limit not to exceed the length of time originally allowed.

B. Temporary events. Temporary events involve the use of land or a building for an event of limited duration (see the definition of "Temporary Uses and Events" in Chapter 10.88, Definitions). Temporary events are subject to the following requirements:

1. **Applicability.**

- a. **Commercial recreational events.** A Conditional Use Permit (CUP) shall be required for the establishment, maintenance and operation of any commercial recreational events in all zoning districts. Events shall include circuses, open-air theaters, or other similar establishments involving large assemblages of people.
- b. **Outdoor festivals/concerts, etc.** A Minor Use Permit (MUP) shall be required for outdoor festivals/concerts, arts and crafts fairs and similar short-term events in any zoning district.
- c. **Temporary events not subject to this section.** The following types of temporary events are not subject to the requirements of this section, and are also not subject to the permit requirements established by Chapters 10.20 through 10.28 (Zoning District Regulations):
 - 1) **Approved public assembly sites.** A temporary event conducted in an approved place of public assembly, such as a theater, convention center, or meeting hall.
 - 2) **Parades and street events.** Parades and other temporary events within a public road right-of-way, provided that all requirements of the City Engineer and Police Department are met.
 - 3) **Public events.** Admission-free events where the event is conducted at a public park or on other publicly-owned land with the permission of the landowner. Public events shall comply with the requirements of subsections B.2 (Time limits) through B.4 (Guarantee of site restoration) for other types of temporary events.

The City Council may adopt, by resolution, standards for the above types of temporary uses.

2. **Time limits.** A temporary event shall be conducted for no more than nine consecutive days, except where a different time limit is established by the granting authority through permit conditions of approval.
3. **Site design and development standards.** All temporary events are subject to the following standards, except where alternate standards are established by the granting authority through permit conditions of approval:

- a. **Access.** Outdoor temporary events shall provide at least two unobstructed vehicle access points, each a minimum of eighteen feet wide, from the event site to a publicly maintained road. Additional access shall be provided as required by the City Engineer or Police Department.
 - b. **Fire protection.** Facilities shall be provided as required by the Fire Department.
 - c. **Water supply and sanitation.** Facilities shall be provided as required by the County Health Department.
4. **Guarantee of site restoration.** A bond or cash deposit may be required for approval of a temporary event to guarantee site restoration after use and operation, as required by this section. The guarantee shall cover both operation and restoration, and is subject to the provisions of Section 10.50.190 (Security for Performance).

10.44.320 Medical Marijuana Dispensaries

A medical marijuana dispensary (defined by Chapter 10.88, Definitions) is not an allowable use within any district of the City of Sausalito, and is prohibited as a home occupation in all districts. No other definition or term utilized herein shall be interpreted to allow such use.