



# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

## USE PERMIT FACT SHEET

### DEFINITION

All land in Marin County is divided into different zoning districts. For each zoning district, there are land uses which are permitted by right without further County review and those uses which may be conditionally permitted by approval of a Use Permit. Uses which are not permitted by right or permitted with a Use Permit are prohibited.

The Deputy Zoning Administrator (DZA) will hear all applications for Use Permits. However, when the DZA finds that significant policy questions are at issue, an application may be referred to the Planning Commission for action.

### TIME FRAME FOR PROCESSING

Generally, action is taken on a Use Permit application within four to six weeks from the date when the application is deemed complete.

### MANDATORY FINDING

In order for a Use Permit to be granted, the use must be listed as a conditionally-permitted use within the zoning district and findings must be made that the development will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the property is located. The proposed use must be found to be consistent with the Countywide Plan and applicable Community Plan and must not impair the architectural integrity and character of the zoning district. Finally, the design, location, size, and operating characteristics of the proposed use must be found to be compatible with the existing and future land uses in the vicinity.

### USE PERMIT APPLICATION PROCESS

- STEP 1** PRE-APPLICATION RESEARCH - Before starting plans, call or visit the public information counter for information on restrictions and other policies/regulations which may affect your project. It will save you time at the counter if you know your Assessor's Parcel Number; it can be found on your tax bill.
- STEP 2** SUBMIT APPLICATION AT ZONING COUNTER - The submittal requirements for a Use Permit are listed in the Zoning/Development Application Submittal Checklist. Please check with the counter planner if you have any questions regarding any of these items. Incomplete or unclear applications will not be accepted for processing.
- STEP 3** STAFF APPLICATION PROCESSING - A planner will be assigned to process your application. He/she will transmit your plans and any other pertinent materials to relevant public agencies, such as the Department of Public Works, Fire Department and, when

applicable, to the local design review board for their review and comments.

If a design review board is to review your project, you will be notified of the person to contact and location and the tentative date of the meeting when your project will be on the agenda. Your attendance is encouraged.

**STEP 4** DETERMINATION OF COMPLETENESS - The planner assigned to your project will review your application for completeness. State law requires that staff determine whether the application is complete within 30 days from submittal. You will be sent a Notice of Project Status informing you whether your application is complete or incomplete and, if incomplete, what items must be submitted before processing can begin.

**STEP 5** PUBLIC NOTICE - Once it has been determined that a complete application has been submitted, a notice will be sent to the owners of all properties within 300 or 600 feet of your property. The notice will state the date, time and place for a public hearing. Additionally, the site of the proposed project will be posted with a copy of the notice at least 10 days prior to the date of the hearing on the project.

**STEP 6** ACTION - At the public hearing, your application can either be approved, approved with conditions, or denied. The DZA will consider public testimony and any information or comments from relevant departments, agencies, design review boards and the general public.

**STEP 7** APPEAL - The action of the DZA is final unless an appeal is received by the Planning Department within ten business days from the decision date (five business days for properties in the coastal zone). The Planning Commission will act on the appeal to sustain, modify, or overrule the previous action. Action taken by the Planning Commission may be appealed to the Board of Supervisors. Check at the public information counter regarding applicable fees and other details of the appeal process.

#### **FOR FURTHER INFORMATION**

- Visit the Marin County Community Development Agency's public information counter at the Civic Center - Room 308, San Rafael, California, Monday through Friday (closed holidays), 8:00 a.m. - 4:00 p.m., or call (415) 499-6269.
- Please refer to Marin County Development Code, Chapter 22.48. (For projects in the coastal zone, see Marin County Code Interim Title 22 Zoning Ordinance Chapter 22.88.)