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3 **ORDINANCE NO. XXX N. S. (DRAFT)**
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5

6 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON**
7 **AMENDING MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) BY MAKING**
8 **VARIOUS TEXT AMENDMENTS PRIMARILY BUT NOT EXCLUSIVELY RELATED**
9 **TO PARKING AND LOADING**
10

11 **SECTION 1. FINDINGS.**
12

- 13 A. On _____, 2018, the Planning Commission adopted Resolution No. 2018-XX
14 recommending to the Town Council that various text amendments be made to Title IV,
15 Chapter 16 (Zoning) of the Tiburon Municipal Code.
16
17 B. The Town Council held a duly noticed public hearing on _____, 2018 and has
18 heard and considered all public testimony on the proposed Ordinance.
19
20 C. The Town Council finds that all notices and procedures required by law attendant to the
21 adoption of this Ordinance have been followed.
22
23 D. The Town Council finds that the amendment actions made by this Ordinance are
24 necessary for the protection of the public health, safety, and welfare.
25
26 E. The Town Council has found that the amendments made by this Ordinance are consistent
27 with the goals and polices of the Tiburon General Plan and other adopted ordinances and
28 regulations of the Town of Tiburon, and further the intent and purposes of General Plan
29 goals and policies.
30
31 F. The Town Council finds that adoption of this ordinance is exempt from the requirements
32 of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the
33 CEQA Guidelines, as well as being exempt from CEQA under the “general rule”,
34 pursuant to Section 15061(b)(3) of the CEQA Guidelines.
35

36 **SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.**
37

38 Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code is amended as follows:
39

- 40 (A) Section 16-21.030 (Table 2-1) is amended such that under the category of “Residential
41 Uses”, the text reading “Single family dwelling providing room/board for 1 paying guest”
42 shall be changed to read “Single family dwelling providing room/board for one paying
43 guest for a minimum of 31 consecutive days; vacation rentals are not permitted.”
44
45 (B) Section 16-32 is amended in its entirety to read as follows:
46
47

48 **16-32 Parking and Loading Standards**

49

50 **Sections:**

51

52 16-32.010 Purpose.

53 16-32.020 Applicability.

54 16-32.030 General parking regulations.

55 16-32.040 Number of parking spaces required.

56 16-32.050 Disabled/handicapped parking requirements.

57 16-32.060 Bicycle parking.

58 16-32.070 Motorcycle parking and electric vehicle charging stations.

59 16-32.080 Parking design and development standards.

60 16-32.090 Loading berths.

61 16-32.100 Multiple uses.

62 16-32.110 Change in use--Additions and enlargement.

63 16-32.120 In lieu payments.

64

65 **16-32.010 Purpose.**

66

67 The purpose of this Section 16-32 is to establish off-street vehicle and bicycle parking
68 requirements that balance the Town’s goal to encourage walking, bicycling, and transit use with
69 the goal to provide adequate off-street parking to meet the needs of residents, shoppers, and
70 visitors. The Town discourages providing parking in excess of that required by the standards
71 herein except where good cause can be demonstrated. It is also the purpose of this chapter to
72 provide flexibility and allow alternative means of addressing parking demand in the commercial
73 zones. Off-street parking requirements and provisions set forth herein consider various factors,
74 including the context of Downtown’s transit availability, generous overall supply of parking in
75 the Downtown commercial area, demonstrated on-street and off-street parking availability,
76 density and mix of uses, extensive shared parking, walkability, and the use of alternative modes
77 of transportation.

78

79 **16-32.020 Applicability.**

80

81 Each land use and structure, including a change or expansion of a land use or structure, shall
82 provide continuously maintained off-street parking and loading areas in compliance with Section
83 16-32. A land use shall not be commenced and a structure shall not be occupied until the
84 improvements required by Section 16-32 are satisfactorily completed.

85

86 **16-32.030 General parking regulations.**

87

88 **A. Location.**

89

90 **1. Parking.** The required parking shall be provided on site, except that required

91 parking may be provided on another lot providing that the lot is in a commercial
92 zone within the Town and is reasonably convenient to the subject lot, as
93 determined and approved by the Review Authority.
94

95 If the building, structure, use, or improvement requiring parking space is located
96 on one lot and the required parking is on another lot, partially or wholly, then one
97 of the following shall apply:
98

- 99 a. There shall be recorded with the county recorder of Marin County a
100 covenant by the owner or owners of such lots for the benefit of the Town,
101 in a form approved by the Town, that the owner or owners will continue to
102 maintain the required number of parking spaces so long as the building,
103 structure, use or improvement is maintained within the Town. The
104 covenant shall stipulate that the title to and right to use the lot or lots upon
105 which the parking spaces are to be provided shall be subservient to the
106 title to the premises upon which the building has been or is to be erected
107 and that it is warranted that such lot or lots are not and will not be made
108 subject to any other covenant or contract for use without prior written
109 consent of the Town.
- 110 b. The Town may permit required parking spaces to be secured by a lease
111 agreement. The terms of any such lease agreement shall be reviewed and
112 approved by the Town prior to establishment of the use to determine
113 whether the provisions of Section 16-32 are satisfied. A copy of any such
114 lease shall be maintained in the files of the Town. It shall be understood
115 that the loss of required parking spaces secured by such method shall be
116 valid cause for revocation of a Conditional Use Permit, or other Zoning
117 Permit, allowing such use.
- 118 c. Other equivalent methods satisfactory to the Review Authority.
119

- 120 2. **Loading.** The required loading shall be permanently available, marked, and
121 maintained for loading purposes for the use it is intended to serve. Loading spaces
122 shall be located as required in Section 16-32.090 (Loading Berths).
123

124 **B. Recreation vehicle, trailer and truck parking.**
125

- 126 1. It is unlawful for any person to place, keep or maintain, for dwelling purposes on
127 any property, any travel trailer, automobile, truck, recreation vehicle, camper,
128 boat or other temporary or movable facility (excluding mobile homes).
- 129 2. Parking or storage of trucks having gross weights of less than five thousand
130 pounds (two and one-half tons), trailers, boats and campers for periods in excess
131 of seventy-two hours is permitted without a Conditional Use Permit in accordance
132 with Section 16-52.040 (Conditional Use Permit) in completely enclosed

133 structures or when not plainly visible from any public right-of-way.
134 3. Public agency or utility company vehicles for emergency responders on official
135 business or when assigned by the agency or company to an employee as a
136 “company car” may be kept or placed in residential zones.
137

138 **C. Parking log and map.** The Town may maintain a log and/or map of all parking lots in
139 commercial zones, noting the buildings and/or uses assigned to each. However, it shall be
140 the responsibility of the property owner and/or applicant to demonstrate the availability
141 and adequacy of parking for a use or building to the satisfaction of the Review Authority.
142

143 **16-32.040 Number of parking spaces required.**
144

145 **A. Parking requirements.** The minimum number of parking spaces (stalls) established in
146 Subsection B. below shall be required to serve the uses or buildings listed. The ratios
147 listed shall apply to normal occupancy densities and uses. Higher or lower ratios may be
148 used for other than normal occupancy densities and uses, availability of public
149 transportation and other special conditions, as determined by the Review Authority.
150

151 **B. Minimum number of parking spaces.** It is the intent of the Town that parking areas be
152 adequate but not excessive. When units of measurement determining the number of
153 required parking spaces result in the requirement of a fractional space, any fraction of
154 over one-half shall be rounded up to the next parking space. In the case of any use that is
155 not specifically mentioned in Table 3-1 below, the provisions for a use that is so
156 mentioned and is similar, or as determined by the Director if no similar uses are
157 mentioned in Table 3-1, shall apply, with the Review Authority having final approval
158 authority.
159

160 **C. Required Parking Reduction in Commercial Zones.** The Review Authority may
161 reduce the required parking spaces for proposed non-residential uses or structures located
162 in a VC, NC or O zone if it makes the following findings prior to approval of the non-
163 residential use, structure or expansion:
164

- 165 1. An adequate parking supply exists in the surrounding commercial area and the
166 proposed structure, use or expansion will not result, either individually or
167 cumulatively, in an inadequate parking supply. The Town may require an
168 independent parking study for the purpose of determining whether it can make this
169 finding.
- 170 2. The proposed structure, use or expansion will promote the general welfare of the
171 surrounding commercial area.
- 172 3. The reduction of required parking spaces will not result in a substantive detrimental
173 effect on the surrounding area due to identified factors including but not limited to
174 those set forth in Section 16-32.010.

- 175 D. **The California Building Code.** The required number of spaces in off-street parking
 176 facilities that are restriped or redesigned to meet accessibility requirements may be reduced
 177 as necessary to comply with Title 24 of the California Building Code.
 178
- 179 E. **Elimination of Parking Spaces.** Existing off-street parking spaces may not be eliminated
 180 without first obtaining Site Plan and Architectural Review approval pursuant to this
 181 Chapter, except as allowed in subsection D above.
 182

**TABLE 3-1
 MINIMUM NUMBER OF PARKING SPACES**

| Generalized Use | |
|---|--|
| Single-family, two-family, or multifamily dwelling units | 1 space per studio and one bedroom units for multifamily dwellings; 2 spaces per two or more bedroom units for multifamily dwellings; 1.5 spaces per dwelling unit, with a minimum of 2 spaces required, for single-family and two-family dwellings; condominium units require 2 spaces per unit |
| Bed and Breakfast Inn | One for each guest room plus 2 covered spaces for resident family |
| Place of assembly | One for each four seats of maximum seating capacity; or one for each forty square feet of assembly area, whichever is more |
| Restaurants, bars | One for each four seats of maximum seating capacity for indoor seating and one for each eight seats of maximum capacity outdoor seating; for restaurants or bars with no or nontraditional seating, 1 per 60 sq. ft. of the floor area (less kitchen and service area) |
| Retail sales, offices, banks, clinics, labs, service uses | 1 for each 400 sq. ft. of gross floor area |
| Employee parking | In addition to the clientele parking listed above for service uses, and for other bulk storage, wholesale, packing, fabricating, processing, and similar uses, 1 parking stall shall be provided for each 1.5 employees on the maximum working shift |
| Hotel, motel, rooming or boarding house | 1 per guest room plus 1 space for each 2 employees on the maximum working shift |
| Hospital, sanitarium, rest home | One for each four beds plus one space for each two employees of the maximum shift |
| Harbor or marina | 1 for each 2 berths, slips, or moorings except that none are required for berths reserved for visiting boats |
| Educational, child care, libraries, museums | |
| Child day-care centers | 3 minimum, plus 1 for each 10 children over the first 15 |
| Libraries, museums | 1 for each 500 sq. ft. of gross floor area |
| Adult education | 1 for each 4 seats of maximum session |

183

184 **16-32.050 Disabled/handicapped parking requirements.**

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186 Parking spaces for the disabled shall be provided in compliance with the Federal Accessibility
 187 Guidelines, and/or California Code of Regulations Title 24, as applicable. Parking spaces
 188 required for the disabled shall count toward compliance with the number of off-street parking
 189 spaces required by Section 16-32.040 (Number of parking spaces required).
 190

191 **16-32.060 Bicycle parking.**

192

193 For all uses except single-family and two-family dwellings, bicycle racks or stands shall be

194 provided at the rate of one bicycle per fifteen required parking spaces. Bicycle racks or stands
195 shall be located off-street so as to avoid undue interference with pedestrians and vehicular traffic,
196 and shall have adequate provision for secure locking of bicycles.

197

198 **16-32.070 Motorcycle parking and electric vehicle charging stations.**

199

200 Motorcycle parking shall be provided for all commercial uses at a rate of one space per forty
201 required parking spaces, with a minimum of one motorcycle space for any lot with more than
202 twenty parking spaces. Electric vehicle charging stations for all uses shall be required at a rate of
203 one charging station for each forty required parking spaces, with a minimum of one charging
204 station for any lot with more than twenty parking spaces.

205

206 **16-32.080 Parking design and development standards.**

207

208 A. The layout of parking spaces, loading berths, parking aisles, landscaping, lighting and
209 other required information shall be submitted with the application for the applicable land
210 use permits and shall comply with all the requirements specified below, which shall be
211 completed prior to occupancy.

212 1. The required parking spaces, loading berths and parking aisles may not be located
213 on any street right-of-way;

214 2. The required parking spaces, loading berths and parking aisles, if outdoors, may
215 be located on the required side and rear setbacks, and within the required front
216 setbacks up to three feet from the street right-of-way;

217 3. Each parking stall and loading berth shall have vehicular access to the street,
218 accessway, or alley, without passing over other parking spaces;

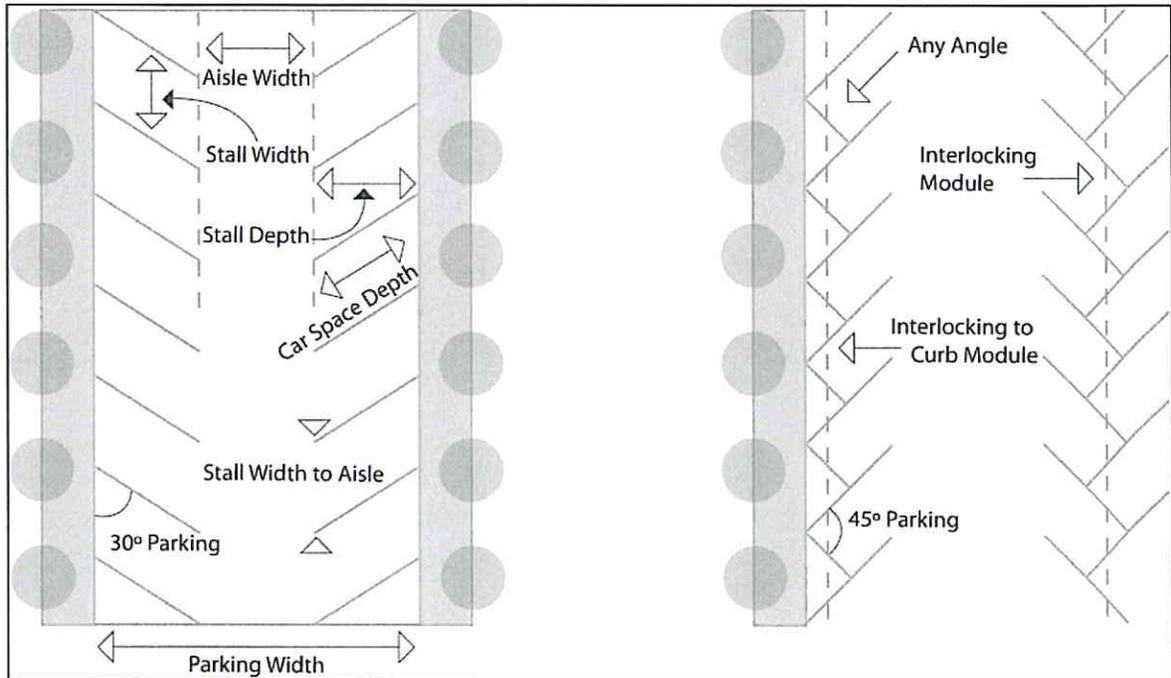
219 4. Each parking stall shall have vehicular access to the street without backing into it
220 or another stall, except where conditions of terrain or siting in the case of single-
221 and two-family dwellings makes this infeasible, as determined by the Review
222 Authority. Access driveways shall not be arranged so as to unduly increase
223 hazards to traffic or pedestrians;

224 5. Each parking stall, aisle and driveway shall be graded, drained and surfaced so as
225 to prevent dust, mud or standing water, to the satisfaction of the Town Engineer.
226 For non-residential lots and uses, all parking spaces, aisles, circulation directions,
227 motorcycle spaces, pedestrian spaces, no-parking spaces and the like shall be
228 clearly marked with durable traffic paint. Raised wheel stops or similar devices
229 acceptable to the Town Engineer, shall be provided to protect adjacent walks,
230 fences, walls, landscaping and the like but shall not be installed in locations that
231 may unduly increase hazards to pedestrians, such as between parking spaces;

232 6. Landscaping, including trees and shrubs for shading and visual buffering, shall be
233 required and shown as part of the parking layout. Large paved areas shall be given
234 some measure of visual relief by the interspersion of landscaping within the paved
235 area where reasonably feasible, as well as around the perimeter. Potentially

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- unsightly areas such as trash storage shall be screened from public view and other properties by opaque fences or walls. Landscaping shall be water-conserving types and shall be properly irrigated and maintained. Defective or dead landscaping shall be promptly replaced;
7. Sufficient lighting shall be provided to protect the public in a parking area during the time it is accessible to the public after daylight; glare shall be shielded from other properties.
- B. Each parking lot stall and aisle shall comply with the minimum dimension requirements in Figure 3-4, Figure 3-5, and Table 3-2.



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Figure 3-4. Parking Dimensions Diagram, 30 and 45 degrees

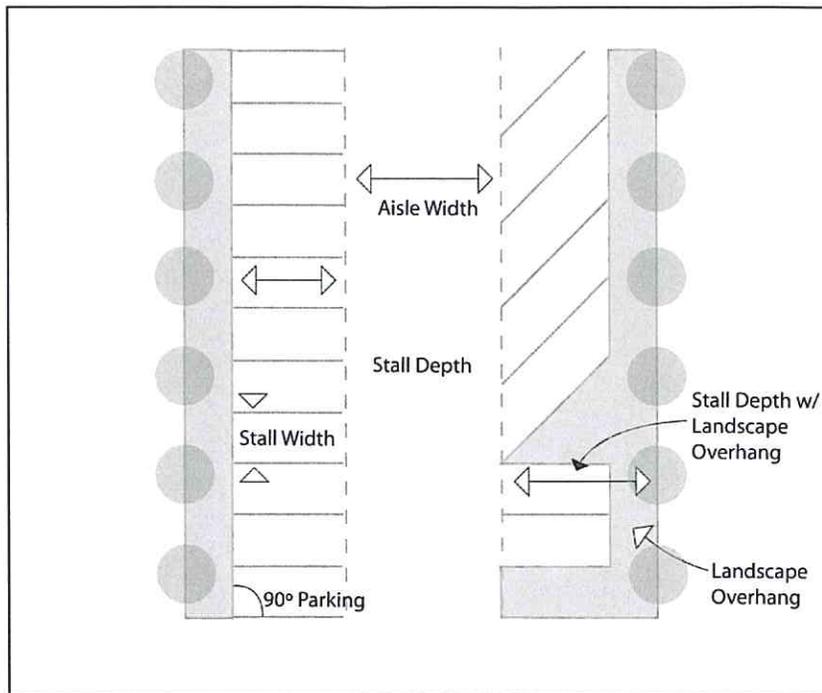


Figure 3-5. Parking Dimensions Diagram, 90 degrees

TABLE 3-2: PARKING DIMENSIONS

| Angle in Degrees | Stall Width | Aisle Width | Stall Depth | Car Space Depth | Stall Width to Aisle | Module Wall-to-Wall | Module Interlock | Stall Depth w/ Landscape Overhang |
|-----------------------------|-------------|-------------|-------------|-----------------|----------------------|---------------------|------------------|-----------------------------------|
| | A | B | C | D | E | F | G | H |
| Standard Size Spaces | | | | | | | | |
| 0 | 8.5 | 12 | 8.5 | 22 | 22.0 | 29.0 | 29.0 | 29.0 |
| 30 | 8.5 | 12 | 16.4 | 18 | 17.0 | 44.7 | 37.4 | 15.4 |
| 35 | 8.5 | 12 | 17.3 | 18 | 14.8 | 46.6 | 39.6 | 16.2 |
| 40 | 8.5 | 12 | 18.1 | 18 | 13.2 | 48.2 | 41.7 | 16.8 |
| 45 | 8.5 | 12 | 18.7 | 18 | 12.0 | 49.5 | 43.5 | 17.3 |
| 50 | 8.5 | 14 | 19.3 | 18 | 11.1 | 52.5 | 47.0 | 17.7 |
| 55 | 8.5 | 16 | 19.6 | 18 | 10.4 | 55.2 | 50.4 | 18.0 |
| 60 | 8.5 | 18 | 19.8 | 18 | 9.8 | 57.7 | 53.4 | 18.1 |
| 65 | 8.5 | 20 | 19.9 | 18 | 9.4 | 59.8 | 56.2 | 18.1 |
| 70 | 8.5 | 22 | 19.8 | 18 | 9.0 | 61.6 | 58.7 | 18.0 |
| 90 | 8.5 | 24 | 18.0 | 18 | 8.5 | 60.0 | 60.0 | 16.0 |
| Handicapped Spaces | | | | | | | | |
| 30 | 14.0 | 12 | 21.1 | 18 | 28.0 | 54.2 | 42.1 | 20.1 |
| 45 | 14.0 | 12 | 22.6 | 18 | 19.8 | 57.2 | 47.3 | 21.2 |
| 60 | 14.0 | 18 | 22.6 | 18 | 16.2 | 63.2 | 56.2 | 20.9 |
| 90 | 14.0 | 24 | 18.0 | 18 | 14.0 | 60.0 | 60.0 | 16.0 |

For parking spaces constrained by walls or other physical barriers on one side, one foot shall be added to the width required in Table 3-2, and for parking spaces constrained on both sides two feet shall be added to the width required in Table 3-2.

16-32.090 Loading berths.

Off-street loading spaces shall be provided as required by this Section. The Director may modify these requirements if the Director first determines that the operating, shipping, and delivery

286 characteristics of the use do not require the number or size of loading berths as required by this
287 Section, or determines that existing loading berths (public or private) are adequate to serve the
288 needs of the use.

289

290 A. A minimum of one loading berth shall be required for each building or related group of
291 buildings on a property containing more than five thousand square feet of floor area used
292 for the storage, receipt, distribution, processing, or display of goods, materials or
293 merchandise.

294 B. Loading berths shall be no less than twelve feet by thirty-five feet wide with fourteen feet
295 minimum height clearance.

296 C. Loading berths shall be located off-street and arranged to avoid undue interference with
297 parking, pedestrians, street traffic, and other properties. Berths may be open or covered.

298

299 **16-32.100 Multiple uses.**

300

301 Parking required for multiple uses shall be the sum of the requirements for each individual use;
302 provided that parking spaces required for one use or time may utilize the same spaces required
303 for another use or time upon Commission approval, by means of appropriate conditions, of such
304 dual parking. The Commission shall not grant such approval unless it is able to, and does, make
305 the following findings:

306

307 A. That the uses or times for which overlapping parking is being requested do not have
308 overlapping hours of operations sufficient to result in a deficiency of parking spaces;

309 B. That the parking lot in question is within a reasonable distance from the uses for which
310 parking requirements are to be overlapped.

311

312 Failure to abide by the conditions of the approval shall be cause for revocation of such approval
313 for all uses involved, regardless of previous approvals.

314

315 **16-32.110 Change in use - Additions and enlargement.**

316

317 A. Whenever on any lot or site there is a substantial change in use, addition or enlargement,
318 or substantial increase in the number of employees or other unit of measurement used to
319 calculate the number of required off-street parking spaces, then additional off-street
320 parking spaces shall be provided corresponding to the increase in floor area, number of
321 employees, or such other applicable unit of measurement in accordance with Section 16-
322 32.040. The effects of additions, enlargements and changes in use shall be cumulative in
323 regard to off-street parking requirements.

324 B. For non-residential uses located in an NC, VC, or O zone, the provisions of subsection A
325 above shall not apply if the change in use, addition or enlargement, or increase in the
326 number of employees is not substantial as measured by increased parking demand, as
327 determined by the director or the Review Authority, and does not have the potential to

328 result, either individually or cumulatively, in an inadequate parking supply for the
329 surrounding commercial area. The Director may establish minimum thresholds for
330 determining whether a proposal would constitute a substantial change in use, addition or
331 enlargement.

332

333 **16-32.120 In lieu payments.**

334

335 In lieu of furnishing the parking spaces required by the provisions herein, the Town may permit
336 the requirements to be satisfied by the payment to the Town, prior to the issuance of the Building
337 or Occupancy Permit, of a sum equivalent to the estimated normal current cost to the Town of
338 providing required parking spaces to serve the contemplated uses. The amount of payment for
339 each required parking space shall be fixed by the Council by resolution. An application for
340 permission to make such in lieu payments shall be filed with the Town and set for public hearing
341 before the Council within forty-five days of filing. The Council may waive all or part of the
342 parking normally required, and require payment in lieu thereof and impose conditions when the
343 facts demonstrate that granting the application:

344

- 345 A. Will not result in an unreasonable burden on parking facilities serving the area in
346 which the subject use is to be located;
- 347 B. Will not materially adversely affect the use and enjoyment of property in the
348 vicinity; and
- 349 C. Will be consistent with the general purpose and intent of this Zoning Ordinance
350 and the General Plan.

351

352 (C) Section 16-52.020(O) of the Tiburon Municipal Code is amended to read as follows:

353

354 Expiration of site plan and architectural review approval. Site plan and architectural
355 review approval shall expire and become null and void three years after the date of
356 approval unless a building permit has been issued before the date of expiration, or in the
357 event no building permit is required, construction is complete. No time extensions are
358 permitted.

359

360 (D) Section 16-52.040(P) of the Tiburon Municipal Code is amended to read as follows:

361

362 Expiration of conditional use permit.

363

- 364 1. Conditional use permits issued in compliance with this section shall expire and
365 become null and void two years after their effective date unless the authorized use
366 has been commenced or an extension has been granted. Subsequent approval of a
367 site plan and architectural review permit in reliance on the conditional use permit
368 approval shall automatically extend the lifetime of the conditional use permit
369 coterminous with the expiration of the site plan and architectural review permit.
- 370 2. For good cause, an extension of the expiration date of the conditional use permit
371 not to exceed one additional year may be granted by the review authority. A

372 request for extension must be filed prior to the expiration date and shall be
373 accompanied by a filing fee. The permit holder shall submit sufficient information
374 for the review authority to determine whether good cause for an extension exists.
375 Consideration of the extension shall be made at a duly noticed public hearing.
376

377 (E) Section 16-52.050(H) of the Tiburon Municipal Code is added to read as follows:
378

379 Expiration of condominium use permit.
380

- 381 1. Condominium use permits issued in compliance with this section shall expire and
382 become null and void two years after their effective date unless the authorized use
383 has been commenced or extension has been granted. Subsequent approval of a
384 tentative or vesting tentative subdivision map in reliance on the condominium use
385 permit shall automatically extend the lifetime of the condominium use permit
386 coterminous with the expiration of the tentative or vesting tentative subdivision
387 map.
- 388 2. For good cause, an extension of the expiration date of the condominium use
389 permit not to exceed one additional year may be granted by the review authority.
390 A request for extension must be filed prior to the expiration date and shall be
391 accompanied by a filing fee. The permit holder shall submit sufficient information
392 for the review authority to determine whether good cause for an extension exists.
393 Consideration of the extension shall be made at a duly noticed public hearing.
394

395 (F) Section 16-52.080(H) of the Tiburon Municipal Code is added to read as follows:
396

397 Expiration. A tidelands permit shall expire and become null and void three years after its
398 effective date, unless vested. No time extensions are permitted.
399

400 (G) Section 16-52.110(G) of the Tiburon Municipal Code is added to read as follows:
401

402 Expiration. A home occupation permit shall expire and become null and void one year
403 after its passage if the use approved therein does not commence. Failure to annually
404 renew the home occupation permit as set forth in subsection (H) shall cause the permit to
405 expire.
406

407 (H) Section 16-52.110(H) of the Tiburon Municipal Code is added to read as follows:
408

409 Annual renewal. A home occupation permit shall be subject to annual renewal. Said
410 renewal may occur in conjunction with renewal of the associated business license.
411

412 (I) In Section 16-100.020(C) of the Tiburon Municipal Code, the definition of “Community
413 apartment” is amended such that the reference to “Section 1351(d)” is changed to
414 “Section 4105”.
415

416 (J) In Section 16-100.020(C) of the Tiburon Municipal Code, the definition of
417

418 “Condominium” is amended such that:

- 419 1. The reference to Section 1351(d) is changed to “Section 4105”.
420 2. The reference to “Section 1351(f)” is changed to “Section 4125”.
421 3. The reference to Section 1351(m) is changed to “Section 4190”.
422

423 (K) In Section 16-100.020(S) of the Tiburon Municipal Code, the definition of “Stock
424 cooperative” is amended such that the reference to “Section 1351(m)” is changed to
425 “Section 4190”.
426

427 (L) In Section 16-100(V) of the Tiburon Municipal Code, the definition of “Vacation rental”
428 is amended to read as follows:
429

430 Vacation rental. Rental of any dwelling unit, in whole or in part, within the Town of
431 Tiburon to any person(s) for exclusive transient use of 30 consecutive calendar days or
432 less, in instances where the unit is only approved for permanent residential occupancy
433 and not approved for occupancy by transients, as that term is defined in Title II, Chapter
434 7 of this Code. Rental of units within Town-approved hotels, motels and bed and
435 breakfasts shall not be considered Vacation rental.
436

437
438 **SECTION 3. SEVERABILITY.**

439 If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this
440 Ordinance, or its application to any person or circumstance, is for any reason held to be invalid
441 or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability
442 of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of
443 this Ordinance, or its application to any other person or circumstance. The Town Council of the
444 Town of Tiburon hereby declares that it would have adopted each section, subsection,
445 subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or
446 more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof
447 be declared invalid or unenforceable.

448
449 **SECTION 4. PUBLICATION AND EFFECTIVE DATE.**
450

451 This ordinance shall be in full force and effect thirty (30) days after the date of adoption.
452 Pursuant to the provisions of the California Government Code, a summary of this ordinance shall
453 be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at
454 which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a
455 newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town
456 Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this
457 ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in
458 the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of the
459 ordinance along with the names of those Council members voting for and against the ordinance.
460

461 This ordinance was read and introduced at a regular meeting of the Town Council of the
462 Town of Tiburon, held on _____, 2018, and was adopted at a regular meeting
463 of the Town Council of the Town of Tiburon, held on _____, 2018, by the
464 following vote:

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AYES: COUNCILMEMBERS:
NAYS: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

JIM FRASER, MAYOR
TOWN OF TIBURON

ATTEST:

LEA STEFANI, TOWN CLERK