

ORDINANCE NO. 541 N.S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) BY MAKING VARIOUS TEXT AMENDMENTS

SECTION 1. FINDINGS.

- A. On June 13, 2012, the Planning Commission adopted Resolution No. 2012-10 recommending to the Town Council that various text amendments be made to Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code.
- B. The Town Council held a duly noticed public hearing on August 1, 2012 and has heard and considered all public testimony on the proposed Ordinance.
- C. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.
- D. The Town Council finds that the amendment actions made by this Ordinance are necessary for the protection of the public health, safety, and welfare.
- E. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and policies of the Tiburon General Plan and other adopted ordinances and regulations of the Town of Tiburon.
- F. The Town Council finds that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15304 and 15305 of the CEQA Guidelines, as well as being exempt from CEQA under the “general rule”, pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.

Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code shall be amended as follows:

- (A) Section 16-21.030, Table 2-1, shall be modified to read as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zones	P Permitted Use								Specific Use Regulations
	U Conditional Use Permit								
	— Use not allowed								
	PERMIT REQUIRED BY DISTRICT								
LAND USE (1)	R-1	R-1-B	RO	R-2	R-3	RPD	RMP		

AGRICULTURAL & OPEN SPACE USES

Agriculture	U	U	U	U	U	U	U	
Botanical conservatories, outdoor nature laboratories, similar facilities	—	—	—	—	—	U	U	
Open space use	—	—	—	—	—	P	P	
Wildlife sanctuaries	—	—	—	—	—	U	U	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Equestrian facility (2)	U	U	U	—	—	U	U	Title VI, 20-5.1
Golf course/country club	U	U	U	—	—	U	U	
Library, museum	U	U	U	U	U	—	—	
Parochial or other nonprofit school - elementary, secondary, or college	U	U	U	U	U	U	U	
Philanthropic or charitable facility	U	U	U	U	U	U	U	
Private residential recreation facilities	U	U	U	U	U	U	U	
Public park	P	P	P	P	P	P	P	
Playground	U	U	U	U	U	U	U	
Publicly owned building or facility	U	U	U	U	U	U	U	
Religious places of worship	U	U	U	U	U	U	U	

RESIDENTIAL USES

Home occupation (5)	P	P	P	P	P	P	P	16-52.110
Intermediate or community care facility (3)	P	P	P	P	P	P	P	
Multifamily dwelling	—	—	—	—	P	—	P	
Secondary dwelling unit	P	P	P	—	—	P	—	16-52.100
Single-family dwelling	P	P	P	P	—	P	P	
Single-family dwelling providing room/board for 1 paying guest	P	P	P	P	—	P	P	
Two-family dwelling, attached	—	—	—	P	—	—	P	
Two-family dwelling, detached	—	—	—	P(4)	—	—	—	16-40.020
Transitional, supportive housing	P	P	P	P	P	P	P	

Key to Zoning District Symbols

R-1	Single-Family Residential	R-3	Multifamily Residential
R-1-B	Modified Single Family Residential	RPD	Residential Planned Development
RO	Residential Open	RMP	Residential Multiple Planned
R-2	Two-Family Residential		

Notes:

- (1) See Article X (Definitions) for land use definitions.
- (2) The keeping of horses subject to licensing of each horse pursuant to the Tiburon horse license ordinance. Use permits for keeping horses shall automatically terminate upon revocation of license issued under horse license ordinance.
- (3) As defined by state law or any other residential care facility for the handicapped (as defined by the Fair Housing Act) located in a single-family dwelling. All such facilities shall be subject to all regulations of the California Health and Safety Code.
- (4) Provided that design review board has approved or conditionally approved a detached two-family dwelling exception, as set forth in Section 16-40.020. Detached two-family dwellings that lawfully existed on June 4, 2003 are deemed legal nonconforming structures subject to provisions of Section 16-62.
- (5) Subject to the requirements of Section 16-52.110 (Home Occupations).

(B) Section 16-21.040 C.1., shall be modified to read as follows:

1. **Undeveloped land.** Maximum residential densities for undeveloped land in the RPD and RMP zones shall be as established on the Land Use Diagram in the Land Use Element of the General Plan.

(C) Section 16-23.030 D. a. shall be amended to read as follows:

- a. Include a minimum of five percent very low-income, ten percent low-income, and ten percent moderate-income housing units, as defined in Section 16-70.030 (General Inclusionary Requirements). Moderate-income rental units shall be counted only if they are below ninety percent of the median income.

(D) Section 16-23.050 A.1. shall be amended to read as follows:

1. **Density/regulations.** Higher density and relaxation and/or flexibility in the development standards in Section 16-23.040 (Affordable Housing Overlay Zones General Development Standards). Densities toward the top of the range may be appropriate where units are significantly smaller and would have fewer impacts than the market norm. For purposes of calculating densities, the number of studio dwelling units shall be counted toward the total number of dwelling units allowed at a one and one-half to one (1.5:1) ratio provided that each studio unit does not exceed six hundred (600) square feet in floor area; and the number of one bedroom units shall be counted toward the total number of dwelling units allowed at a one and one-quarter to one (1.25:1) ratio provided that each one bedroom unit does not exceed eight hundred (800) square feet in floor area.

(E) Section 16-23.050 A. 2. shall be amended to read as follows:

2. **Architectural design.** Affordable units within a mixed affordable/market rate development shall be allowed to vary in design and square footage from non-affordable units as long as the project remains architecturally harmonious. Attached units, smaller (in square footage) units and other design variations from market rate units shall be permitted within reason by the Review Authority to reduce costs of providing affordable units. Affordable developments are encouraged to include shared common spaces in order to reduce the size of individual living units and increase community interaction. Examples include co-housing, live-work housing opportunities, or other types of housing that create shared spaces.

(F) Section 16-23.050 B. 2. shall be amended to read as follows:

2. **Architectural design.** Affordable units within a mixed affordable/market rate development shall be allowed to vary in design and square footage from non-affordable units as long as the project remains architecturally harmonious. Attached units, smaller (in square footage) units and other design variations from market rate units shall be permitted within reason by the Review Authority to

reduce costs of providing affordable units. Affordable developments are encouraged to include shared common spaces in order to reduce the size of individual living units and increase community interaction. Examples include co-housing, live-work housing opportunities, or other types of housing that create shared spaces.

(G) Section 16-23.050 A. 3. shall be amended to read as follows:

3. **Parking standards.** Parking standards shall be reduced within reason by the Review Authority depending on project characteristics and availability of on-street parking. Flexible parking standards may include shared parking, joint use parking, off-site parking, allowances for reduced standards depending on location (such as near transit), and modified parking stall dimensions and tandem parking.

(H) Section 16-23.050 B. 3. shall be amended to read as follows:

3. **Parking standards.** Parking standards shall be reduced within reason by the Review Authority depending on project characteristics and availability of on-street parking. Flexible parking standards may include shared parking, joint use parking, off-site parking, allowances for reduced standards depending on location (such as near transit), and modified parking stall dimensions and tandem parking.

(I) Section 16-23.050 A. 7. shall be added to read as follows:

7. **Other incentives and contributions.** Town financial contributions toward the construction of utilities, public road improvements and other traffic improvements; soils remediation; plan preparation and development; construction subsidies for the affordable units; and assistance and support in securing public financing, such as bonds or tax credits.

(J) Section 16-23.050 B. 7. shall be added to read as follows:

7. **Other incentives and contributions.** Town financial contributions toward the construction of utilities, public road improvements and other traffic improvements; soils remediation; plan preparation and development; construction subsidies for the affordable units; and assistance and support in securing public financing, such as bonds or tax credits.

(K) Section 16-25.030 B. 2. shall be amended to read as follows:

2. Berthing, mooring and landing facilities for boats.

(L) Section 16-25.030 B.4. shall be added to read as follows:

4. Facilities for yacht and boat clubs, except that yacht and boat sales, maintenance, haul-outs and similar facilities shall not be allowed.

(M) Section 16-30.030 H. shall be revised to read as follows:

H. Vehicle entry gates. Vehicle entry gates shall be set back a minimum of fifteen feet from a private or public roadway, shared driveway, curb, gutter or sidewalk so as not to impede vehicular or pedestrian traffic. The Review Authority shall have reasonable discretion to require a larger setback distance, if circumstances warrant.

(N) Section 16-30.100 B. shall be revised to read as follows:

B. The area of such lots that is below the mean high tide line shall not be used in the determination of lot coverage, floor area ratio, or any other land and structure regulation of the zone in which it is located, but submerged land under the same ownership may be applied toward the minimum lot area requirements and the required rear yard setback of a lot.

(O) Section 16-40 (index at the beginning of the section) shall be amended to read as follows:

Section:

16-40.010 - Purpose and Applicability
16-40.020 - Exceptions for Detached Two-family Dwelling Unit
16-40.030 - Bed and Breakfast Inns (B&Bs)
16-40.040 - Seasonal Rental Units
16-40.050 - Child Day-Care Facilities
16-40.060 - Emergency Shelters

(P) Section 16-50.020, Table 5-1 (Review Authority), shall be amended to read as follows:

Table 5-1 - Review Authority

Type of Permit or Decision	Role of Review Authority ¹			
	Director	Design Review Board	Planning Commission	Town Council
Site Plan and Architectural Review		Decide		Appeal Action
Site Plan and Architectural Review (Minor Alterations)	Decide	Appeal Action		
Variance, Site Plan and Architectural Review-related		Decide		Appeal Action
Variance, Other			Decide	Appeal Action
Conditional Use Permit			Decide	Appeal Action
Condominium Use Permit			Decide	Appeal Action
Precise Development Plan			Recommend	Decide
Secondary Dwelling Unit Permit	Decide			Appeal Action
Zoning Ordinance Text Amendment ²			Recommend	Decide
Rezoning or Prezoning ²			Recommend	Decide

Table 5-1 - Review Authority

Type of Permit or Decision	Role of Review Authority ¹			
	Director	Design Review Board	Planning Commission	Town Council
Home Occupation Permit	Decide ³		Appeal Action ³	
Temporary Use Permit	Decide ³		Appeal Action ³	
Tidelands Permit (minor and incidental)	Decide ³		Appeal Action ³	
Tidelands Permit (all other)			Decide	Appeal Action
Minor changes to an approved project	Decide ⁴			
Notes: <ol style="list-style-type: none"> 1. "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the authority makes the final decision on the matter; "Appeal Action" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 16-66 (Appeals). If the Planning Commission denies an application for a Precise Development Plan amendment, Zoning Text Amendment, Rezoning or Prezoning, that decision is final unless appealed to the Town Council. 3. The Director may refer any such application to the Planning Commission for review and action, in which case the Town Council will be the appeal body. 4. An appeal of the Director's decision shall be heard by the original project's Review Authority, whose decision shall be final. 				

(Q) Section 16-52.020 E. shall be amended to read as follows:

E. Design Review Board as Review Authority.

1. The Design Review Board (Board) shall be the Review Authority for all applications for Site Plan and Architectural Review, except as otherwise provided in Subsection F. Meetings and actions of the Review Authority shall be as set forth in Section 16-64 (Public Hearings).

The Review Authority shall meet and act on applications for Site Plan and Architectural Review within time limits in compliance with State law. The Review Authority shall determine from the reports and data submitted, supplemented by public comment and on-site inspections as the Review Authority may deem appropriate, whether the proposed use and structures will further the purpose set forth in Section 16-52.020 (A) and satisfy the applicable criteria of Section 16-52.020 (H), and shall, upon making affirmative findings, approve the application.

3. If the Review Authority finds, based on evidence in the record, that the project would be contrary to the purpose herein, or would not meet the applicable criteria herein, it shall deny the application or approve it subject to specified conditions or modifications.
4. The Review Authority may impose such reasonable conditions it determines are necessary to allow it to make the required findings and which insure that the principles, guidelines, provisions and standards will

be met. Conditions required by the Review Authority must be implemented prior to final inspection and occupancy, unless otherwise stipulated.

(R) Section 16-52.020 H. (introductory paragraph only) shall be amended to read as follows:

H. Guiding principles in the review of applications. In reviewing applications for Site Plan and Architectural Review, the Review Authority shall determine whether the project meets the applicable criteria below, as well as any other guidelines that the Town Council may have adopted to govern Site Plan and Architectural Review.

(S) Section 16-52-020 H. 11. shall be amended to read as follows:

11. Green building. The project design includes features that foster renewable energy and/or resource conservation.

(T) Section 16-52.080 F. shall be amended to read as follows:

F. Permitting Procedures. The Director shall act on Tidelands Permit applications if the application includes only repair to a structure, or is minor and incidental and without significant environmental impact. Otherwise, the application shall be referred to the Commission for consideration with a Conditional Use Permit (Section 16-52.040). The Director may refer any application for Tidelands Permit to the Planning Commission.

(U) Section 16-52.080 G. shall be added to read as follows:

G. Notices. The Director shall mail courtesy (i.e., not required by state or local law) notices of all applications for a Tidelands Permit to contiguous owners of property, as shown on the latest equalized Marin County assessment roll, but may include other property owners as determined by the Director. Failure of any party to receive a courtesy notice shall not invalidate the proceedings.

(V) Section 16-52.090 B. 5. shall be added to read as follows:

5. Temporary tents. A temporary tent not exceeding five hundred (500) square feet in area, for private recreational or promotional use, may be approved on a residential or commercial property for a time period not to exceed five (5) calendar days.

(W) Section 16-52.090 E. shall be added to read as follows:

E. Notices. The Director shall mail courtesy (i.e., not required by state or local law) notices of all applications for Temporary Use Permit to owners of property, as shown on the latest equalized Marin County assessment roll, located within three hundred (300) feet of the subject property. Failure of any party to receive a courtesy notice shall not invalidate the proceedings.

(X) Section 16-52.100 N. shall be added to read as follows:

N. Density. Pursuant to California Government Code Section 68552.2, no secondary dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the Land Use Element of the Tiburon General Plan.”

(Y) Section 16-52.110 A. shall be amended to read as follows:

A. Application and fee. Application for a Home Occupation Permit shall be made in compliance with the provisions of Section 16-50 (Application Filing and Processing), and shall be accompanied by the appropriate fee. A Home Occupation Permit is required for any use defined as a home occupation.

(Z) Section 16-60.020 D. shall be amended to read as follows:

D. Meetings. The Board shall adopt a regular schedule of meetings and should meet at least one time per month. Meetings shall generally be conducted in accordance with Rosenberg’s Rules of Order, but otherwise in accordance with reasonable rules and regulations established by the chairman.

(AA) Section 16-60.030 A. 1. c. shall be amended to read as follows:

c. Home Occupation Permits when referred by the Director, as set forth in Section 16-52.110 (Home Occupations),

(BB) Section 16-60.030 D. shall be amended to read as follows:

D. Meetings. The Commission shall adopt a regular schedule of meetings and should meet at least one time per month. Meetings shall generally be conducted in accordance with Rosenberg’s Rules of Order, but otherwise in accordance with reasonable rules and regulations established by the chairman.

(CC) Section 16-62.030 A. 4. c. shall be added to read as follows:

c. A two-family dwelling or multi-family dwelling that is involuntarily damaged or destroyed may be reconstructed, pursuant to the requirements of California Government Code Section 65852.25, or successor sections thereto.

(1) If the structure is proposed to be rebuilt substantially to the same floor area, form, appearance, elevations, footprint, volume, lot coverage and number of dwelling units as the previously existing structure, Site Plan and Architectural Review approval shall be required only for exterior materials and colors, provided that reasonable efforts are made to correct or mitigate conditions that do not conform to this chapter.

- (2) If the structure is not proposed to be rebuilt substantially the same as the previously existing structure as set forth in subsection (1) above, Site Plan and Architectural Review approval of all new and altered construction shall be required. Existing nonconforming conditions that are not directly affected by the new, enlarged or altered construction need not be brought into full conformity, unless otherwise required by law.

(DD) Section 16-66.020. C. 3. shall be amended to read as follows:

- 3. Appeal on completeness.** Any determination that a permit application or information submitted with the application is incomplete, in compliance with State law (Government Code Section 65943). Refer to Subsection 16-50.050.C. (Appeal of Determination of Completeness) for further information.

(EE) Article IX is hereby added to Chapter 16 read as follows:

ARTICLE IX REASONABLE ACCOMMODATION

Section:

16-90.010 – Purpose

16-90.020 – Applicability

16-90.030 – Application Requirements

16-90-040 – Review Authority

16-90-050 – Review Procedure

16-90-060 – Findings, Other Requirements, and Decision

16-90-070 – Appeal of Determination

16-90.010 – Purpose

This Article provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

16-90.020 – Applicability

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Article is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related

facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed in Section 16-90.030 (Application Requirements).

16-90.030 – Application Requirements

- A. Application.** Requests for reasonable accommodation shall be submitted on an application form provided by the Community Development Department, or in the form of a letter, to the Director of Community Development and shall contain the following information:
1. The applicant's name, address and telephone number.
 2. Address of the property for which the request is being made.
 3. The current actual use of the property.
 4. The basis for the claim that the individual is considered disabled under the Acts.
 5. The zoning code provision, regulation or policy that is the subject of the applicant's requested reasonable accommodation, and a narrative and graphic (where applicable) description of the specific accommodation requested.
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. Review with other land use applications.** If the project for which the request for reasonable accommodation is being made requires one or more discretionary approvals (including, but not limited to, conditional use permit, site plan and architectural review, encroachment permit, etc.), then the applicant shall file the information required by Subsection A. above, together for concurrent review with the application for discretionary approval.

16-90.040 – Review Authority

- A. Director of Community Development.** Requests for reasonable accommodation shall be reviewed by the Director if no discretionary permit approval is required other than the request for reasonable accommodation.
- B. Other Review Authority.** Requests for reasonable accommodation submitted for concurrent review with another discretionary permit application shall be reviewed by the Review Authority reviewing the discretionary permit application.

16-90.050 – Review Procedure

- A. Director Review.** The Director shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 16-90.060 (Findings, Other Requirements, and Decision). The

Director shall mail a notice of a request for reasonable accommodation to contiguous owners of property, as shown on the latest equalized Marin County assessment roll, but may include other property owners as determined by the Director. Said notice shall be mailed at least ten days prior to making a determination.

- B. Other Reviewing Authority.** The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Review Authority responsible for reviewing the discretionary permit application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 16-90.060 (Findings, Other Requirements, and Decision).

16-90.060 – Findings, Other Requirements, and Decision

- A. Findings.** The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on a consideration of the following factors:

1. Whether the housing which is the subject of the request will be used by an individual considered disabled under the Acts.

Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the Town.
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a Town program or law, including but not limited to land use or zoning.
5. Potential impact on surrounding uses.
6. Physical attributes of the property and structures.
7. Alternative reasonable accommodations that may provide an equivalent level of benefit.

B. Other Requirements.

1. An approved request for reasonable accommodation is subject to the applicant's compliance with all other applicable regulations.

A modification approved under this Article is considered a personal accommodation for the individual applicant and does not run with the land.

C. **Conditions of approval.** In granting a request for reasonable accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection A above, including but not limited to the following:

1. Inspection of the property periodically, as specified, to verify compliance with this article and any conditions of approval.
2. Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists.
3. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
4. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists.
5. Measures to reduce the impact on surrounding uses.
6. Measures in consideration of the physical attributes of the property and structures.
7. Other conditions necessary to protect the public health, safety and welfare.

16-90.070 – Appeal of Determination

A determination by the Review Authority to grant or deny a request for reasonable accommodation may be appealed within ten days of the decision to the Town Council in compliance with Section 16-66 (Appeals).

(FF) Section 16-100 [Definitions] shall be amended as follows:

1. The definition of “home occupation” shall be amended to read as follows

Home occupation. Any use which is conducted entirely within a dwelling and carried on by the inhabitants thereof, is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof or adversely affect the uses permitted in the residential zone in which it is located, and may be permitted in any residential zone. Subject to the regulations contained in Section 16-52.110 (Home Occupations).

2. The definition of “secondary dwelling unit” shall be amended to read as follows:

Secondary dwelling unit. An attached or detached additional dwelling unit on a single-family lot, which provides independent living facilities for not more than three persons, and which has kitchen/cooking, sleeping and sanitation facilities on the same lot as the primary unit is situated. See Section 16-52.100 (Secondary Dwelling Unit). The following definitions are used for secondary dwelling units:

1. **Attached secondary dwelling unit.** A secondary dwelling unit that shares a common wall with the primary unit.

Legal nonconforming secondary dwelling unit. A secondary dwelling unit that currently does not conform to the regulations for the zone in which it is situated but which did conform at the time it was constructed or erected.

3. **Owner of record.** The owner of at least fifty percent interest in the subject real property.

4. **Primary unit.** The building (or portion of the building in cases of an attached secondary dwelling unit) in which the principal residential use of the lot takes place. A secondary dwelling unit cannot constitute the primary unit.

5. **Principal place of residence.** A dwelling unit that is occupied by the owner of record as a primary place of residence.

3. The following definitions shall be added to read as follows:

Domestic housekeeping unit. One person or two or more individuals living together sharing household responsibilities, which may include sharing expenses, chores, and sharing meals together.

Target population. Adults with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act Division 4.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

4. The following definitions shall be deleted:

LEED®. Any one of the U.S. Green Building Council's Leadership in Energy and Environmental Design green building rating systems or programs.

LEED® accredited professional. A person who is accredited by the U.S. Green Building Council as having a thorough understanding of green building practices and principles and familiarity with LEED® requirements, resources and processes.

SECTION 3. SEVERABILITY.

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

SECTION 4. PUBLICATION AND EFFECTIVE DATE.

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

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on the 1st day of August, 2012, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on the 15th day of August, 2012, by the following vote:

AYES: COUNCILMEMBERS: Collins, Doyle, Fraser, Fredericks, O'Donnell

NAYS: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

JIM FRASER, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK