

## **Frequently Asked Questions**

### **...Is it Permitted or Allowed?**

- ***Does a storage shed require a permit?***  
A storage shed less than 150 square feet does not require design review, between 120 – 149 square feet requires a building permit, less than 120 square feet may be installed without permits. The shed must still comply with the building setbacks for the subject property. Adding electric receptacles or windows will require any structure to have a building permit.
- ***My neighbor built a 6' fence right up to my property line in between our properties without a fence permit. Is this legal?***  
Yes. A fence permit is not required for fences below 7' in between properties. For more regulations please see the [Guide for Fence Regulations](#).
- ***Can I build a 15-foot fence at the front of my property? Is that allowed?***  
Fences located in the exterior (front) setback over 4-feet in height require a fence permit. Findings required to approve any fence permit include: a) the fence will not impair vehicle and pedestrian movements and sight lines; b) the fence will be structurally sound; c) the fence will be aesthetically attractive to the community and adjacent residents by incorporating design features such as lattice or trellis or consist of open wire fabric; and d) the fence will not unreasonably restrict natural animal movement. For more regulations please see the [Guide for Fence Regulations](#).
- ***My neighbor has a home day care. Is that allowed?***  
Large family day care operations (6 to 14 children) require a permit from the Director of Planning and Building. No public hearing is required for the permit, but either the property owner or affected property owner within 100 feet of the proposed large family day care business may request a public hearing. Small family day care (up to 6 children) requires no permit from the City. All day care operations are licensed and monitored by the [California Dept. of Social Services](#).

### **Planning Applications**

- ***How can I comment on my neighbor's project?***  
All applicants should discuss their plans and any potential concerns with their neighbors prior to submitting the application. A neighbor may contact the applicant directly or send a written letter or email to the project planner. The planner will then forward the letter to the applicant.
- ***What information is required for a Design Review application?***  
The Planning Department has created a [checklist](#) for new applications. If you are unsure what material is necessary for your project, please see the [planning application](#) webpage or contact a planner to discuss application requirements at the Planning counter at City Hall or by appointment.
- ***Will I need to present a model to the Planning Commission for my project?***  
The Planning Commission has requested 3-dimensional models for new homes. Models help the Commission and the public better understand the physical

relationship between your project and adjacent properties, as well as potential issues with the height, bulk or mass of your project.

- ***Can I get a list of property owners within 300 feet of my property line?***  
Yes. Call or email the Planning Department to make your request.
- ***My project is going to a public hearing. Why do I have to post a notice poster on my property when a public notice is already mailed to my neighbors within 300 feet?***  
The City requires a notice poster be placed on your property 10-days prior to the hearing to notify passersby of your project who may not live within 300' of your property and receive a notice by mail.
- ***How far in advance to story poles have to be put up? How long do they stay up?***  
Story poles need to go up a minimum of 10-days prior to the public hearing before the Planning Commission (the same time the public notice is sent out to property owners within 300 feet of the proposed project). This is intended to allow ample time for the public and Planning Commissioners to view the project dimensions.

## Second Units

- ***What is the purpose of a second unit? Am I required to rent out my second unit?***  
Residential Second Units are intended as independent living quarters, whether they are for renters or non-renters, such as an *au pair* or family member. Second Units are not intended to justify an increase the living space of a residence. Second units can be rented out; however, the property owner is required to occupy one of the two units on the property.

## Tree Removal

- ***Do I need a permit to remove trees on my property?***  
If you are removing 4 or more trees, or one heritage tree, a [tree removal permit](#) is required. Trees with less than 6 inches diameter can be removed without a permit on a developed lot. Municipal Code Section 20.67.020 defines heritage trees as tanbark oaks over 20 inches in diameter, oaks over 24 inches in diameter, madrones over 24 inches in diameter and coast redwoods over 30 inches in diameter (measured at 'breast height' or 4 ½ feet above ground). No tree greater than 4 inches in diameter may be cut on a vacant lot without a tree removal permit.

## Planning Details

- ***What is my zoning and minimum lot size?***  
Check out our [zoning map](#) or call City Hall.
- ***What is my maximum lot coverage for my property?***  
Lot coverage is based on your zoning and can be found in the [Municipal Code](#), see Section 20.16.040

- ***I'm a property owner and I like to get a copy of the original set of building plans for my house. Do I still need approval of the design professional?***  
Yes, Building plans are protected by copyright laws and the approval of the architect, designer or other design professional who prepared the plans is required, in writing, before the plans can be copied. Plans, however, can be viewed at the Building counter at City Hall.
- ***I'm a new business owner and will be replacing the old sign like for like with my new name. Do I still need a sign permit?***  
Yes a [sign permit](#) is required since it is considered a new sign.

## Planning Terminologies

- ***Is my house in a flood zone? What does that mean?***  
If you live in the vicinity of the Sycamore Triangle, Miller Avenue, near Old Mill Creek or Arroyo Corte Madera del Presidio, you may be in a flood zone. Use this link: <http://www.fema.gov/hazard/flood/info.shtm> for information on FEMA flood zones. The City is responsible for implementing the FEMA regulations for properties within flood zones, which allows homeowners to obtain flood insurance. Flood insurance is designed to provide an alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods.
- ***What is my zoning district and what does it mean?***  
You can find your zoning district by reviewing the City's [Zoning Map](#). You can zoom in to locate your address. Zoning Districts are classified for Residential Single-Family, Residential Multi-Family, Commercial, Professional Office and Open Areas. Most of Mill Valley is a Residential Zone. Only certain uses are allowed in any particular zoning district. In residential zones, the zoning district places limits on building lot size, coverage and width.
- ***What is a 'setback?'***  
A setback is the area adjacent to the property line where no buildings are permitted to be located. The setback area for a residential property is measured by taking 1% of the lot size. For example: a 7,500 square foot lot has 7.5-foot interior yard setbacks. The minimum interior setback is 5 feet (for lots less than 5,000 square feet) and maximum interior setback is 15 feet (for lots greater than 15,000 square feet). All residential lots have a 15-foot exterior yard setback.
- ***What are the differences between an 'exterior' setback and an 'interior' setback?***  
An 'exterior' yard setback is found along a property line which has legal access to a street. An 'interior' setback typically borders another property or is not adjacent to a street.
- ***There's an easement on my property. What is an easement?***  
An easement is a legal right to cross, enter or otherwise be allowed on private property. A 'utility easement' can contain electrical, water or sewer lines. An 'access easement' allow other parties to cross one property to access another,

typically present when one property does not have street frontage. Easements are private agreements and not enforceable by the City, although utility easements often permit access to maintain City facilities. Check your deed of record if you believe there is an easement affecting your property.

- ***I was told my house is nonconforming. What does that mean?***  
When a structure or use no longer conforms to the Municipal Code due to an update in the code, that structure or use is then classified as 'legal nonconforming.' All legal structures and uses in existence prior to December 19, 1956 are considered legal nonconforming. Any use or structure that was established legally since then, but no longer conforms to the Municipal Code due to a change is also legal nonconforming.