

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. _____

AN ORDINANCE AMENDING TO THE MARIN COUNTY DEVELOPMENT CODE, MARIN COUNTY CODE TITLE 22

The Board of Supervisors of the County of Marin hereby ordains as follows:

SECTION I: FINDINGS. The Board of Supervisors makes the following findings.

1. The Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt a set of amendments to the Marin County Development Code, which establishes zoning and subdivision regulations in the unincorporated areas of Marin County. The amendments address various topics, including: (1) clarifications and corrections; (2) implementation of Housing Element policies and programs; (3) internal consistency between the Development Code and the Countywide Plan; (4) alignment with State law; (5) amendment to SB 9 provisions; and (6) amendments to Form Base Code. The amendments would apply to the Development Code only and no amendments are proposed for the Coastal Zoning Code.

The sections of the Development Code amended by the amendments accomplished through this ordinance (“Development Code Amendments”) are listed below, and the Development Code Amendments are shown in full in Exhibit A, attached hereto. All amendments are to provisions of Marin County Code Title 22.

ARTICLE I- DEVELOPMENT CODE ENACTMENT AND APPLICABILITY

- 02.020.C.2 – Residential density
- 02.020.C.3 – Floor Area Ratio
- 02.020.C.3 – All other calculations
- 02.020.F.1 – Other County Code provisions
- 02.020.F.1 – State and Federal Law

ARTICLE II- ZONING DISTRICTS AND ALLOWABLE LAND USES:

- 08.040, Table 2-2 Agricultural District Development Standards
- 08.040, Table 2-2, Footnote No. 3
- 08.040, Table 2-2, Footnote No. 6
- 08.040, Table 2-2, Footnote No. 7
- 10.040, Table 2-5 Residential District Development Standards
- 10.040, Table 2-5 – footnote No. 2
- 10.040, Table 2-5 – footnote No. 5
- 10.040, Table 2-5 - footnote No. 6
- 12.030.3 – Reference No. 5.
- 12.030, Table 2-6
- 12.030, Table 2-7
- 12.030, Table 2-6, footnote No. 5
- 12.030, Table 2-7, footnote No. 5

- 12.030, Table 2-8
- 12.040, Table 2-8, Footnote No. 2
- 12.040, Table 2-8, Footnote No. 6
- 12.040, Table 2-8, Footnote No. 7
- 14.050.B – Development Standards
- 14.050, Table 2-11 – Footnote No. 5
- 14.090 – Ministerial Review
- 14.090 Table 2-12
- 14.090 Table 2-12 – Footnote No. 2
- 14.100(B) – Application of combining district
- 16.030.I.1.a – Height limits for structures

ARTICLE III- SITE PLANNING AND GENERAL DEVELOPMENT REGULATIONS:

- Chapter 22.24 – Affordable Housing Incentives
- 32.150 – Residential Requirements in Commercial/Mixed Use Districts
- 32.184 – Senate Bill 9 Housing Development
- 32.188 – Residential Development under Assembly Bill 2011

ARTICLE IV- LAND USE AND DEVELOPMENT PERMITS:

- 64.020.C Type 3
- 64.060 – Application Review for Type 3 Projects (SB 35)
- 64.060.A.8.a – Preliminary Application Filing
- 64.060.A.8.c – Preliminary Application Filing
- 64.060.A.8.d – Preliminary Application Filing

ARTICLE VI- SUBDIVISIONS:

- 80.064.F.2 – Senate Bill 9 Urban Lot Split
- 82.025 – Density Range

ARTICLE VIII-DEFINITIONS:

- 130.030.B – Building, primary detached
- 130.030.D – Development Standards
- 130.030.M – Maximum Allowable Residential Density
- 130.030.T – Total Units
- 130.030.U – Urban Uses

FORM BASED CODE

- 040.050.D – Slope Standards
- 040.050, Table 04.050.A – Maximum Amount of Sloped Areas Allowed to be Developed
- 040.080.5 – Environmental Protection Standards
- 070.050.9 - Windows

2. On February 5, 2024, the Marin County Planning Commission held duly noticed public workshop to take public testimony and consider the Development Code Amendments, and on February 22, 2024, the Marin County Planning Commission recommended approval of the Development Code Amendments to the Marin County Board of Supervisors.

3. On April 16, 2024, the Marin County Board of Supervisors held a duly noticed public hearing to take public testimony and consider the Development Code Amendments.
4. Pursuant to Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15168, no additional environmental review is required to approve the Development Code Amendments for the following reasons:
 - A. Portions of the amendments are within the scope of the Supplemental CWP EIR prepared for the 2023 Housing Element.
 - B. Portions of the amendments codify the mandates of State law, which are already in effect and must be implemented.
 - C. Portions of the amendments are exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308 because the approved amendments would strengthen and ensure consistent application of standards for the maintenance, restoration, enhancement, and protection of natural resources and the environment.
5. Provided below is a list of those policies and programs in the Countywide Plan that directly or indirectly support the proposed amendments.
 - A. AG-2.c Review Existing Development Code Criteria and Standards
 - B. HE-1.1 Land Use
 - C. HE-1.4 Development Certainty
 - D. HE-Program 8 Development Code Amendments

SECTION II: ACTION

The Board of Supervisors hereby repeals and replaces the sections of the Development Code, Marin County Code Title 22, listed above as set forth in the attached Exhibit A.

SECTION III: EFFECTIVE DATE

Pursuant to Government Code §25123, this ordinance shall be, and is hereby declared to be, in full force and effect as of May 16, 2024. In accordance with Government Code §25124(b)(1), within fifteen (15) days after adoption the Marin County Board of Supervisors Clerk shall publish a summary of this Ordinance, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin, and shall also post in the office of the Marin County Board of Supervisors a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance.

SECTION IV: VALIDITY

If any section, subsection, sentence, clause, or phrase of the provisions depicted in this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The Board of Supervisors of Marin County hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases thereof shall be declared invalid.

SECTION V: VOTE

Notice of this Ordinance was published pursuant to Government Code §25124(b)(1), and a certified copy of the full text of this Ordinance was posted in the office of the Clerk of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it was adopted.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 16th day of April 2024 by the following vote:

AYES:
NOES:
ABSENT:

DENNIS RODONI
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK