ORDINANCE NUMBER 254

AN ORDINANCE REGULATING AND ESTABLISHING THE LOCATION OF TRADES, INDUSTRIES, BUSINESSES AND DWELLINGS IN THE TOWN OF SAN ANSELMO, AND THE LOCATIONS OF BUILDINGS DESIGNED FOR SPECIFIC USES, ESTABLISHING DISTRICTS OR ZONES AND THE BOUNDARIES THEREOF FOR SAID PURPOSES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

The City Council of the Town of San Anselmo does ordain as follows:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance certain terms herein used are defined as follows:

ACCESSORY: A subordinate building or portion of a main building, the use of which is incidental to that of the main building, which is located on the same lot or parcel of land and includes garages, sheds, and similar out-buildings.

APARTMENT: A room or suite of two or more rooms occupied or suitable for occupation as a residence of one family with facilities for doing its cooking therein, and one person may be construed to be a family.

APARTMENT HOUSE: A building containing three or more apartments.

BUILDING: A structure for the separate shelter or enclosure of persons, animals or chattels, and when separated by division walls of masonry from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUSINESS AND COMMERCE: The occupation or employment of buying, selling, bartering or exchanging goods, wares and merchandise or other personal property or real property or any interest therein for profit or livelihood and also the ownership or management of office buildings, offices and recreational enterprises, and the renting or leasing of apartments, flats or rooms for boarders.

DISTRICTS OR ZONES: Any area or areas of the Town to which these regulations or portions of the same are made applicable and may be constituted of one lot, piece of parcel of land.

DWELLING: Any house or building or portion thereof which is designed for and/or occupied in whole or in part as a home, residence or sleeping place, either permanent or transient, of one or more human beings.

FAMILY: The collective body of persons who live in one dwelling as a
single, non-profit, domestic housekeeping unit and compose the household and may consist of one person living alone.

INDUSTRY: The storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of garages and stables.

LOT: Land bounded by division lines and occupied or to be occupied by a building or its accessory building together with the land, yards, courts and areas spaces used in connection with such buildings.

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN: Any card, cloth, paper, metal, painted, glass wood, plaster, stone or other sign or device of any kind or character whatsoever placed for outdoor advertising, identifying or display purposes on the ground or on any natural object or artificial structure. The term "placed" as used in the definitions of "outdoor advertising sign" and "Outdoor advertising structure" means the erecting, affixing, maintaining or making publicly visible in any manner.

OUTDOOR ADVERTISING STRUCTURE: Any structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

SET BACK LINES: A building line established by ordinance. Between such line and the street line, it shall be unlawful to erect a building or part thereof or other structure, including fences or walls over four feet high.

SIGN: Any outdoor advertising sign or any outdoor advertising structure.

SINGLE FAMILY DWELLING: A detached building containing one apartment designed for and/or occupied exclusively by one family with facilities for doing own cooking.

STREET LINE: The boundary line between a public or private street, boulevard or way and any parcel or lot or land.

TWO FAMILY DWELLING: A detached building containing two apartments.

USE: The purpose for which a building lot or piece of real property or a building thereon, is designed, arranged or intended, or for which it is or may be
occupied or maintained.

SECTION 2. DISTRICTS OR ZONES.

For the purpose of regulating and establishing the locations of trades, industries, businesses, professions and dwellings, and the locations of buildings designed for specific uses, the Town of San Anselmo is hereby divided into three classes of DISTRICTS OR ZONES, as follows, to-wit:

1. Commercial District.
2. Unrestricted District.
3. First Residential District.

Said districts or zones are delineated upon a map of said Town of San Anselmo prepared by the City Engineer, a copy of which said map is on file in the office of the City Clerk of the Town of San Anselmo. The area of said Commercial District being shown upon said map in green; the area of said Unrestricted District being shown upon said map in yellow; and the area of said First Residential District being all of said Town not included in the Commercial District or Unrestricted District. Said map is hereby adopted and made a part of this ordinance and declared to be the official zoning of said Town of San Anselmo. The City Engineer shall prepare three copies of said map and the City Clerk shall certify the same and deposit one thereof with the City Planning Commission, another thereof with the Building Inspector, and file the third of record in the office of the County Recorder of the County of Marin. The City Clerk shall furnish additional maps to any person or persons desiring the same upon payment of the cost of preparation thereof.

SECTION 3. COMMERCIAL DISTRICT.

Said Commercial District is described as follows:

COMMENCING at the intersection of the western line of San Anselmo Avenue and the northern line of Bolinas Avenue and running thence northerly along the western line of San Anselmo Avenue to the southern line of Ross Avenue; thence easterly in a straight line to a point on the easterly line of Sir Francis Drake Boulevard, which point is 100 feet southeasterly from the northwesterly corner of Lot 5 of the Barber Tract, as said Lot and Tract is laid down and delineated upon that certain Map entitled, "Barber Tract No. 1" filed for record July 8, 1904, in
the County Recorder's Office of the County of Marin in Book 2 of Maps at page 2, running thence North 74° 51 East 75 feet; thence at right angles and parallel to the Easterly line of Sir Francis Drake Boulevard 100 feet to the Southerly line of Barber Avenue distant thereon 75 feet from the aforementioned Northwesternly corner of said Lot 5 of the Barber Tract; thence Northwesternly in a straight line to the intersection of the eastern line of Sir Francis Drake Boulevard and northern line of Barber Avenue; thence easterly along the northerly line of Barber Avenue to the western line of Lot 9 of the Barber Tract as shown on the map of said tract recorded at page 3 of Volume 2 of Maps in the office of the County Recorder of Marin County, California; thence northerly along the said western line of Lot 9 to the northern line of the said Barber Tract; thence southwesterly along the said northern line of the said Barber Tract to the southeast corner of Lot 36 of the Osgood Tract as shown on the Map of said Tract recorded at page 61 of Volume 3 of Maps in the Office of the County Recorder; thence northerly along the eastern line of said Osgood Tract to a point thereon one hundred and twenty-five (125) feet northerly from the northern line of Bank Street; thence northwesterly in a straight line to a point on the western line of Lincoln Avenue distant thereon seventy-one (71) feet southerly from the southern line of Greenfield Avenue; thence easterly in a straight line to a point on the easterly line of Lot 75, San Rafael Heights Tract, Subdivision 1, as per map of said tract on file in the office of the County Recorder of Marin County, distant 71 feet from the most southerly line of Greenfield Avenue; thence northerly along the said easterly line of said Lot 75, to the southern line of Greenfield Avenue; thence westerly along the southern line of Greenfield Avenue and the extension thereof to the westerly line of Sir Francis Drake Boulevard; thence westerly in a straight line to a point in the southerly line of San Anselmo Avenue, which point is distant 165.7 feet from the most northerly corner of Lot 68 of Ross Valley Park Subdivision 2 as shown on the Map of said Subdivision recorded at page 130 of Volume 1 of Maps in the said office of the County Recorder; thence westerly along the said southerly line of said San Anselmo Avenue 124.7 feet; thence southerly in a straight line, to a point in the northerly line of San Rafael Avenue which point is distant easterly twenty-five feet from the southwesterly corner of Lot 68; thence southerly in a straight
line to the Northwestern corner of Lot 46 of Ross Valley Park Subdivision 1 as shown on the Map of said Subdivision recorded at Page 115 of Volume 1 of Maps in the office of said County Recorder; thence southerly (at right angles to the southern line of San Rafael Avenue) in a straight line to the northern line of Ross Avenue; thence southwesterly in a straight line across Ross Avenue to the northwest corner of Lot 37, Block 2, as the same are shown on the Map of said Tract recorded at page 12 in Volume 1 of Maps in the office of the aforesaid Recorder; thence southerly (at right angles to the southern line of Ross Avenue) in a straight line to the northern line of Mariposa Avenue; thence southwesterly in a straight line across Mariposa Avenue, to the northwest corner of Lot 22, Block 3, as the same are shown on aforesaid map of Sunnyide Tract; thence southerly in a straight line (at right angles to the southern line of Mariposa Avenue) to the Northern line of Belle Avenue; thence southeasterly in a straight line, across Belle Avenue, to the northeast corner of Lot 50, Block 4 as the same are shown on the aforesaid Map of the Sunnyide Tract; thence southerly in a straight line to the northern line of Bolinas Avenue at the southwest corner of Lot 1, Block 4 as the same are shown on the aforesaid Map of the Sunnyide Tract; thence easterly along the northern line of Bolinas Avenue to the point of commencement. ALSO commencing at the most northeasterly point of Lot 3 of the Bella Vista Tract as said lot and tract are shown upon the map of said tract, recorded at page 8 of the Book of License surveys in the office of the County Recorder of the County of Marin; thence southeasterly along the northerly line of said Lot 3 to the most northerly point corner of said Lot 3, thence in a southeasterly direction along the western line of Lots 1, 2 and 3, of the Bella Vista Tract, to the southeasterly corner of Lot 1; thence in a southeasterly direction crossing Madrone Avenue to the most westerly corner of Lot 156 of Ross Valley Park Subdivision 2 as shown on the Map of said Subdivision at page 130 of Volume 1 of Maps in the office of the County Recorder of the County of Marin; thence in a southeasterly direction along the western line of said Lot 156 extended to the center line of San Anselmo Creek in a southeasterly direction to the northerly line of Bridge Avenue; thence along the northerly line of Bridge Avenue to the northeasterly corner of Lot 152, as shown upon the above mentioned map of Ross Valley Park, Subdivision
2; thence along the westerly line of Sir Francis Drake Boulevard in a northwesterly direction to the point of commencement.

ALSO that certain area embracing Lot 1 of Lincoln Park, and those Ptns. of Lots 134, 136, 138 in said Lincoln Park not included within the foregoing description.

ALSO Lot "B" as shown and delineated upon that certain Map entitled "Bunker Hill Tract", San Anselmo, Marin County, California, as said Map is shown and recorded on file in the office of the City Clerk of the Town of San Anselmo, Marin County, California, and also that portion of Warren Avenue, lying West of said Lot "B".

ALSO commencing at a point on the northerly line of Red Hill Avenue, formerly known as Olema and San Rafael Road, said point being at the southeast corner of Lot "A", as said lot and avenue are laid down and delineated upon that certain map entitled "Bunker Hill Tract", filed for record June 17, 1905, in the office of the County Recorder of the County of Marin in Map Book 2, at Page 24; thence North 13° 50' East parallel with and 150 feet from the northerly line of said Red Hill Avenue a distance of 750 feet, more or less, to a point which is North 1° 15'

East 25 feet from the northeasterly corner of Lot "C" as said lot is laid down and delineated upon that certain Map entitled, "Ancha Vista Tract", filed for record December 23, 1905, in Map Book 1, at Page 131; thence South 1° 15' West 150 feet along the Easterly line of said Lot "C" to the northerly line of said Red Hill Avenue; thence North 89° 31' West along the Northerly line of said Red Hill Avenue to the point of commencement; Also all of Lots 1, 2 and 3, of Block 1, as said lots and block are laid down and delineated upon that certain map entitled, "Sequash Park No.1", filed for record in the Office of the County Recorder of the County of Marin, September 17, 1912, in Map Book 4, at page 51.

ALSO commencing at a point on the northerly line of Red Hill Avenue (formerly known as Olema and San Rafael Road), said point being at the southwest corner of Lot 1, Block 1, as said lot and block are shown and delineated upon that certain map entitled "Sequash Park No.1" filed for record September 17, 1912, in the office of the County Recorder of the County of Marin; in Map Book 4 at page 31; thence north 4° 01' west 467.1 feet; thence north 22° 41' East 18 feet; thence south 82° 54' west 81.2 feet; thence south 52° 2' West 46.1 feet; thence south 20° 21' West 109.5 feet; thence south 10° 27' East 58 feet; thence north 88° 31' West 14.3 feet; thence south 10° 27' East 154.3 feet; thence north 88° 31' west
90 feet; thence south 1° 15' east 149.5 feet to the northerly line of Red Hill Avenue; thence south 88° 31' East 257.5 feet along said northerly line of Red Hill Avenue to the point of commencement.

ALSO commencing at a point on the northerly line of Red Hill Avenue (formerly Olema and San Rafael County Road), which point is the southeast corner of that certain piece or parcel of property conveyed by the Patton Estate to Annie W. Stephenson by deed recorded in Liber 193 of Deeds at page 68 in the office of the County Recorder of the County of Marin, California, running thence north 5° east 255 feet, thence north 71° 42' west 148.5 feet, thence south 3° 49' west 508.24 feet to the northerly line of said Red Hill Avenue, thence along said Avenue on Road north 85° 31' East 109.5 feet, thence south 81°15' East 59.6 feet to the point of beginning.

ALSO all that certain property bounded on the east by the San Rafael City Limits on the south by the northerly line of Red Hill Avenue (formerly Olema and San Rafael Road), on the west by Forbes Avenue and on the north by a line parallel with the northerly line of said Red Hill Avenue and distant therefrom 120 feet being a parcel of land 542 feet in frontage on Red Hill Avenue, by a depth of 120 feet.

ALSO commencing at a point formed by the intersection of the southerly line of Red Hill Avenue with the easterly boundary line of said Town, running thence southerly along said boundary line to the northerly line of the right-of-way of the Northwestern Pacific Railroad; thence westerly along the northerly line of said right-of-way to the point where said northerly line of said right-of-way intersects the Southerly Line of Red Hill Avenue; thence easterly along the southern line of Red Hill Avenue to the point of beginning.

YOLANDA SECTION

BEGINNING at the northwestern corner of Lot 1 as the same is shown on the Map of Resubdivision of the Davidson Tract on file in the office of the County Recorder, County of Marin, on page 65 of book 2 of Maps and running thence southerly along the western line of said Lot 1 and the southerly extension thereof to a line one hundred and five (105) feet southwesterly from and parallel to the southwestern
line of San Anselmo Avenue; thence southeasterly parallel to the southwestern line
of San Anselmo Avenue to the northwestern line of Laurel Avenue; thence northeasterly along the northwestern line of Laurel Avenue and the northeasterly extension thereof to the southwestern line of the right of way of the Northwestern Pacific Railroad; thence northwesterly along the said southwestern line of the right of way of the Northwestern Pacific Railroad to a point thereon distant eighty-seven and
four tenths (87.4) feet northwesterly from the northern line of San Anselmo Avenue;

thence at right angles southwesterly sixty-five and six tenths (65.6) feet to the
northern line of San Anselmo Avenue; thence crossing San Anselmo Avenue, this por-
tion of which Avenue was formerly known as Scenic Avenue, to a point on the sou-
thern line thereof distant thereon one hundred thirty-four and two tenths (134.2)
feet easterly from the northwestern corner of Lot No. 102 as the same is shown on
the amended Map of the Bush Tract on file in the office of the Recorder of Marin
County on page 91 of Book 2 of Maps; thence southeasterly in a straight line to
the northern line of Redwood Road distant thereon eight (80) feet westerly from
the southwestern line of San Anselmo Avenue; thence in a straight line crossing
Redwood Road to the point of beginning.

Also commencing at the Southerly corner of Lot 1, as said lot is laid down and de-
lineated upon that certain Map Entitled, "Yolanda Court Map No. 2", filed for re-
cord April 15, 1910, in the County Recorders Office of the County of Marin, in
Book 5 of Maps at page 44, running thence North 35 Degrees 25 Minutes East 50 feet;
Thence at right angles North 56 Degrees 15 Minutes West 100 feet; thence at right
angles South 35 Degrees 25 Minutes West 50 feet; thence at right angles South 56
Degrees 15 Minutes East 100 feet to the point of commencement.

LANSDALE SECTION

BEGINNING at a point on the northeastern line of the right of way of the Northwes-
tern Pacific Railroad distant thereon one hundred and five and nine-tenths (105.9)
feet southeasterly from the southeastern line of San Anselmo Avenue formerly known
as Willow Avenue and so shown on the Amended Map of the Bush Tract on file in the
office of the Recorder of Marin County on page 91 of Book 2 of Maps and running
thence northeasterly parallel to the southeastern line of San Anselmo Avenue to the
southwestern line of Fern Lane; thence northwesterly along the southwestern line of Fern Lane to the southeastern line of San Anselmo Avenue; thence across San Anselmo Avenue to the intersection of the northwestern line of San Anselmo Avenue with the southwestern line of Oak Knoll Avenue; thence northwesterly along the southwestern line of Oak Knoll Avenue ninety-nine and three tenths (99.3) feet; thence southwesterly parallel to, and one hundred (100) feet from, the northwestern line of San Anselmo Avenue to the northeastern line of the right-of-way of the Northwestern Pacific Railroad; thence southeasterly along said northeastern line of said railroad right-of-way to the point of beginning.

Also all of the Southwesterly 28 feet of Lot 27A, as said lot is laid down and delineated upon that certain Map entitled "Bush Tract Amended Map No. 2" filed for record July 13, 1907, in the office of the County Recorder of the County of Marin, in Book 2 of Maps at page 91.

SECTION 4. COMMERCIAL DISTRICT, PERMITTED USES.

In the commercial district or zone no premises or building shall be used, and no building shall be constructed or altered in construction for any other than the following purposes.

1. All businesses, shops and professional occupations.
2. Single family and two family dwellings, flat, tenement or Apartment Houses, boarding house or hotel.
3. Any use permitted in the first residential district.
4. Hospital or Sanitarium.
8. Automobile Repair Shop.
9. Any kind of light manufacturing conducted on the premises, incidental to any business.
10. Outdoor advertising signs and outdoor advertising structures.

SECTION 5. UNRESTRICTED DISTRICT.

Said unrestricted district is described as follows:

COMMENCING at a point on the northerly line of Red Hill Avenue distant South 62°5'...
East 208.1 feet from the southeast corner of land conveyed by Rosenthal to Mund by Deed recorded in Liber 9 of Deeds at page 54 in the records of the County Recorder of Marin County, running thence at a right angle to said line in a northeasterly direction 175 feet; thence westerly parallel with the northern line of Red Hill Avenue to the easterly extension of the most southerly line of Bella Vista Ave.; thence southwesterly along said line of Bella Vista Ave., so extended and along the said line of Bella Vista Avenue to the northwesterly corner of Lot 3 of the Bella Vista Tract as shown on Map of said Tract recorded at page 8 of the Book of License Surveys in the office of the said County Recorder; thence in a southerly direction along the western lines of Lots 1, 2 and 3 of said Bella Vista Tract to the southwestern corner of said Lot 1; thence in a southwesterly direction crossing Madrone Avenue to the most westerly corner of Lot 156 of Ross Valley Park, Subdivision 2 as shown on the Map of said Subdivision at page 150 Volume 1 of the Maps in the office of said County Recorder; thence in a southeasterly direction along the western line of said Lot 156 extended to the center of San Anselmo Creek; thence meandering and following the center line of San Anselmo Creek in a southeasterly direction to a straight line drawn between the following two points of intersections namely, the point of intersection of the western line of Main Street with the southern line of Greenfield Avenue extended westerly and in a point in the southern line of San Anselmo Avenue which point is distant easterly one hundred and sixty-five and seven-tenths (165.7) feet from the most northerly corner of lot 68 of Ross Valley Park subdivision 2 as shown on the map of said Subdivision recorded at page 150 in Volume 1 of Maps in the office of the said County Recorder; thence in a southerly direction in a straight line to the intersection of the westerly line of Main Street with the southerly line of Greenfield Avenue extended westerly; thence in a straight line northerly to the point of commencement.

SECTION 6. UNRESTRICTED DISTRICT, PERMITTED USES.

In the unrestricted district no use restrictions are placed on any of the property except such as are imposed by law or municipal ordinance, provided, however, no use shall be permitted in said district which constitutes a
nuisance or which may be noxious or offensive by reason of the emission of odor,
dust, smoke, gas, or noise.

SECTION 7. FIRST RESIDENTIAL DISTRICT.

The first residential district is hereby declared to be all other portions
of said town not included within the commercial district, or the unrestricted
district, as said districts are hereinafter described.

SECTION 8. FIRST RESIDENTIAL DISTRICT, PERMITTED USES.

In the first residential district no premises or building shall be used
and no building shall be constructed or altered in construction or moved into
said district which is arranged, intended or designed to be used for other than
the following purposes:

1. Single family dwelling as modified by Section 11 of this ordinance.
2. School, but not including riding school or riding academy.
3. Church.
5. Nurseries, truck gardens, and greenhouses but not including any sales-
   room or other buildings used for the retail sale of the products thereof,
   and further, not including chicken ranches, rabbitries, dog kennels,
   farms or other commercial livestock raising.
6. The usual accessory buildings and uses incidental to any principal
   use permitted on the premises, which accessory buildings and uses
   shall not exceed 1,000 square feet in total area, and which may include
   a garage or garages and/or standing space for the housing or park-
   ing of not to exceed three motor vehicles, which garages and/or standing
   space shall not exceed six hundred square feet in combined area.

7. Home occupation or professional office when situated in a dwelling
    when used by occupants thereof as a residence and when such occupation
    or office is clearly a subordinate use incidental to the use of the
    property for residential purposes, provided:

    (a) There shall be no external evidence of any such occupation, or
        office except a sign or name plate as specified by provisions of
        this ordinance relating to signs,
    (b) There shall not be employed more than one assistant in such home
        occupation or professional office other than the residents of
        the premises,
    (c) Such permitted home occupational or professional office shall
        be limited to the following uses: dressmaking, sewing, millinery,
        small handcraft and art work, the renting of rooms and/or the
providing of table board for not to exceed four persons, the office of a musician, tutor, writer, architect, physician, dentist, technical advisor, attorney, insurance agent, realtor or contractor, and other uses which may be determined by the City Planning Commission to be of the same general character as those herein enumerated and not objectionable or detrimental to the district in which located.

SECTION 9. PERMITTED AREA OF BUILDINGS - FIRST RESIDENTIAL DISTRICT.

No building or buildings shall be erected and no permit shall be granted for erection or construction of any building or structure, where the total area of all existing and/or proposed structures exceed 35% of the total lot area, excluding accessories, where the property is situated in the first residential districts. It is hereby declared that this section shall be in force upon all property in the first residential district, whether the same be subdivided by map or whether the same be now or hereafter subdivided by metes and bounds.

SECTION 10. YARDS.

Yard area districts are hereby established to contain all the area of the first residential districts.

1. Side Yards: In first residential districts, side yards entirely free from any part of a building (base cornices, and belt courses included) shall be maintained along both sides of each lot not less than four feet in width for the full depth of the lot (except as noted later) and not less than 2½ inches in width for each foot in height.

2. A garage or other similar out-building not exceeding 12 feet in height may be built against a side line provided that it is not within 70 feet of any street; otherwise garages and similar out-buildings must observe side yards limits.

3. Rear Yards: In first residential districts, garages and other similar accessory buildings may be built against rear lines; but where any detached out-buildings exceed twelve feet in height, such buildings must be built inside the rear line so as to leave an area between the rear lot line and said structure
2\frac{3}{8} inches wide for each foot of height of said building above average ground level at the location of said building.

SECTION 11. MINIMUM LOT AREA, FIRST RESIDENTIAL DISTRICT.

No single family dwelling in the first residential district shall be erected on a lot area of less than five thousand square feet; provided, however, that the construction of a single family dwelling shall be permitted on a lot of less area if such lot was of legal record in the office of the County Recorder of Marin County prior to the effective date of this provision. When two or more single family dwellings are erected on the same parcel of land, each dwelling must have an individual lot area of at least 5000 square feet. Provided further that rooms for sleeping quarters only, not including an "Apartment or Apartments" as "apartment" is herein defined, will be permitted over garages. The garages here referred to are those permitted under Section 9, subsection 8 of this ordinance.

SECTION 12. SETBACK LINES, FIRST RESIDENTIAL DISTRICT.

The Town of San Anselmo finds that public interest, convenience and safety require that buildings or other structures, including solid walls hereafter erected in the first residential district to be back not less than fifteen feet from the street line, in order to add to the protection of the City from conflagration, remove the danger of vehicular collision at intersections of streets, to prevent the shutting off of light or air from adjoining residences existing or which may be erected, and to set back residences away from noxious fumes generated on the streets by motor vehicles, thereby protecting the public health and making it possible to widen a public or private street, boulevard or way.

SECTION 13. BUILDING HEIGHT, FIRST RESIDENTIAL DISTRICT.

In the first residential districts, no frame building shall be erected hereafter to a height in any part, in excess of two stories and a finished attic, nor more than thirty-five feet to the finished ceiling of the attic story above the average lot grade of the lot upon which the building is constructed, provided however, that chimneys or spires may be permitted to a greater height by permission of the City Council of the Town of San Anselmo.

SECTION 14. NON-CONFORMING USES.

Any non-conforming use, business, or building existing in any district at the time of the passage of this ordinance, which said use is in violation of
ordinance number 190 of the Town of San Anselmo shall be and constitute a violation
of the provisions of this ordinance, wherein the provisions of this ordinance with
regard to use of property are the same as those set forth in ordinance number 190
of the Town of San Anselmo. It is not intended by the City Council in adopting this
ordinance that any use made of property in violation of ordinance number 190 of
the Town of San Anselmo, shall be considered as a mere non-conforming use hereinabove
mentioned.

If an existing non-conforming use or business be discontinued at any
time, such non-conforming use or business may not again be resumed in said district.
If a non-conforming use or business fails to be opened or conducted for a period
of six months continuously, such use or business shall be deemed discontinued. No
structural alterations in any premises or buildings used for a non-conforming use
or business may be made without a permit from the City Council of the Town of San
Anselmo.

SECTION 15. SIGNS.

Outdoor advertising signs and outdoor advertising structures (referred
to in this ordinance as "signs") shall be permitted within the first residential
district only in the following cases and under the following conditions:

(a) Signs not exceeding three square feet in area pertaining only to the
    prospective sale, rent, or lease, of or the offer to build on, the
    premises upon which displayed.

(b) Signs not exceeding three square feet in area, displaying the name only
    of the property or premises upon which displayed, or, of the owner, or
    the lessee thereof.

(c) Signs or name plates not exceeding one square foot in area advertising
    home occupations and professional offices, provided:

    1. Only one such sign shall be placed on each premises,
    2. Any such sign shall bear only the name of the occupant and/or the name
       of the occupation.
    3. There shall be no red illumination of any such sign.

(d) The following signs, upon the approval of the City Planning Commission as
to size, color, construction and placing, and further, upon the securing
of a sign permit from the Chief of Police of the Town of San Anselmo for each such sign, which permit shall prescribe any other conditions to be complied with as may be deemed to be necessary.

1. Signs advertising the sale of a subdivision and located therein or adjacent thereto.

2. Directional or informational signs of a public or quasi-public nature, erected and maintained by an official body or civic body.

3. Signs appurtenant to any use permitted in the district and situated on the buildings or the actual area of land occupied by such use.

In case any applicant for a sign permit is not satisfied with the action of the City Planning Commission, he may make written appeal from such action to the City Council which shall hold a hearing on said appeal and shall confirm, amend or reverse said action thereon within thirty days after the filing of said appeal.

SECTION 18. AMENDMENTS.

This ordinance may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Any such amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee of Twenty-five Dollars, no part of which shall be returnable to the petitioner; such petition shall be accompanied by a map or diagram showing the boundaries of the property or area desired to be affected or re-classified, and showing, all property and the owners thereof within a radius of 250 feet from the exterior boundaries of said property sought to be changed or affected; or by

(b) Resolution of intention of the City Council; or by

(c) Resolution of intention of the Planning Commission.

The Planning Commission, not later than at its next succeeding meeting following the filing of such verified petition or following the adoption of such resolution of intention, shall set the times and places for such public hearings
and shall give such notice thereof as may be required by law, and in addition there- 
to shall mail a postal card notice not less than ten days prior to the date of the 
first of such hearings to the owners of all property within a radius of 250 
feet of the exterior boundaries of the property sought to be changed, or affected, 
or re-classified, giving the times and places of said hearings and using for this 
purpose the last known name and address of such owners as shown upon the records of 
the assessor of the Town of San Anselmo. Any failure to mail said postal card 
notices as aforesaid shall not invalidate any proceedings for amendment of this 
ordinance. Following the aforesaid hearings the Planning Commission shall make 
a written report of its findings and recommendations with respect to the proposed 
amendment and file the same with the City Council within sixty days after the date 
of the meeting at which said Commission set the times and places for said hearings. 
Failure of the Planning Commission to so report within said sixty days period as 
aforesaid the City Council shall set the matter for public hearing after notice 
thereof and of the proposed amendment has been given as provided by law. After the 
conclusion of the public hearings the City Council may adopt the amendment or any 
part thereof set forth in the petition or in the Resolution of Intention, in such 
form as said City Council may deem to be advisable.

If any area is transferred from one district to another by a change in 
the district boundaries, the then existing provisions of this ordinance relating 
to any premises or business in the area so transferred, shall continue to apply 
thereto until such premises are put to another use or such business is discontin-
ued, at which time such premises shall conform to the uses and purposes permitted 
in the district in which they are then located.

SECTION 17. CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or permit the use of any building or 
premises, or any part thereof until a certificate of occupancy, to the effect that 
the building or premises or part thereof so constructed or altered and the proposed 
use thereof conform to the provisions of this ordinance, shall have been issued by 
the Building Inspector. It shall be the duty of the Building Inspector to issue such 
certificate within five (5) days after a request shall be filed in his office by 
any owner or such building or premises provided the proposed use thereof conform
to all requirements of this Ordinance.

SECTION 18. ADJUSTMENTS AND VARIANCES.

The Planning Commission, subject to the approval and confirmation
of the City Council in each case, as hereinafter provided, shall have power to
grant adjustments and variances in any of the provisions of this ordinance to the
extent of the following and no further:

1. To vary or modify the strict application of any of the regulations
or provisions contained in this ordinance in cases in which there are practical
difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof
divides a lot in one ownership at the time of the passage of this ordinance.

Application for any adjustment or variance permissible under the provi-
sions of this section shall be made to the Planning Commission in the form of a
written application for a building permit or for a permit to use the property or
premises as set forth in said application. Upon receipt of any such application
the Planning Commission may immediately grant said permit subject to confirmation
by the City Council or it may hold such public hearing or hearings as it may deem
advisable.

Thereafter said Planning Commission shall make its decision on the said
application and shall report such decision to the City Council.

No permit shall be issued under the provisions of this section unless
and until the decision of the Planning Commission as aforesaid, approving the same,
is approved and confirmed by resolution of the City Council of the Town of San
Anselmo.

SECTION 19. BUILDING PERMITS.

No building permit shall be issued by the Building Inspector for the
errection or alteration of any building or structure contrary to the provisions
of this Ordinance, and any permit so issued shall be void. Each and every appli-
cation for a building permit hereafter filed with the Building Inspector shall be
accompanied by a statement as to the proposed use of the building to be construc-
ted or altered, on blanks to be furnished by the Building Inspector. Accompany-
ing each application there shall be a block plan and lot number and location and
the position on the lot of the proposed structure.

Nothing herein contained shall require any change in the plans for
construction or designed use of a building or premises for which a permit has
heretofore been issued, provided, however, that such permit shall be deemed revoked
and void unless the work of construction, or use of such premises, be commenced
under such permit within thirty days after the passage of this ordinance, and
be diligently prosecuted until the completion of the structure for which such per-
mit was granted.

SECTION 20. VIOLATIONS, PROSECUTIONS.

Any building or structure set up, erected, constructed, altered, en-
larged, or converted, moved or maintained contrary to the provision of this ordinance
and/or any use of any land, building or premises conducted, operated or maintained
contrary to the provisions of this ordinance shall be and the same is hereby declared
to be unlawful and a public nuisance and the City Attorney of the Town of San
Anselmo shall, upon order of the City Council immediately commence action or proceed-
ings for the abatement and removal and enjoinder thereof in the manner provided
by law and shall take such other steps and shall apply to such court or courts as
may have jurisdiction to grant such relief as will abate and remove such building
or structure and restrain and enjoin any person, firm or corporation from set-
ting up, erecting, building, maintaining, or using any such building, or structure
or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 21. PENALTIES FOR VIOLATION.

Any person, firm, or corporation violating the provisions of this
ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be
punishable by a fine of not more than three hundred ($300.00) dollars or by im-
prisonment for a term not exceeding six (6) months or both. If such person, firm,
or corporation, after being notified of his or their violation of the provisions
of this Ordinance, fail to correct such violation or desist therefrom, such per-
son, firm, or corporation shall be deemed guilty of a separate offense for each
and every day during any portion of which any violation of the provisions of this
Ordinance is committed, and shall be punished as herein provided.
SECTION 23. VALIDITY.

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 24. REPEALING.

All of the provisions of other ordinances in conflict herewith are hereby repealed, but further providing that all of the provisions of ordinance number 190 shall be effective for the purpose of prosecuting any violation thereof existing at the time of the passage of this ordinance.

SECTION 25. ENACTMENT.

This ordinance is hereby declared to be an urgency measure immediately necessary for the protection and preservation of the public health, safety, peace, and general welfare, and shall take effect immediately upon its final passage and adoption, and shall thereafter be published once, within fifteen (15) days after the passage thereof, in the San Anselmo Herald, a weekly newspaper of general circulation, published and circulated in the Town of San Anselmo and hereby designated for that purpose. The facts constituting said condition of urgency are as follows: That at the present time there are no lot area, set-back line, or building height restrictions in the Town of San Anselmo; that many persons have questioned the validity of Ordinance number 190 of the Town of San Anselmo and many such persons contemplate the construction of buildings and the use of their property in such a manner as will be detrimental to the public health, safety and general welfare of the people of the Town of San Anselmo.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the City Council of the Town of San Anselmo, held in said town on the 11th day of April, 1939, and was thereafter at an irregular meeting of the said City Council held in said Town on the 23rd day of May.
1939, duly passed and adopted by the following vote:
AYES: COUNCILMEN: Millard, Carroll, Linch
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Nilo; ½ of Ciarchini
Signed and approved this 23rd day of May, 1939.

L. Linch
Mayor of the Town of San Anselmo.

ATTEST: J.R. Bruno
Clerk of the Town of San Anselmo.