

CITY OF SAN ANSELMO

ORDINANCE NO. 541

AN ORDINANCE AMENDING ARTICLES 9, 10, 11 AND 12 OF
CHAPTER 3, TITLE 10 OF THE SAN ANSELMO MUNICIPAL
CODE BY REQUIRING USE PERMITS FOR CERTAIN USES IN
C-1, C-2, C-3 AND CM DISTRICTS

The City Council of the City of San Anselmo do ordain as follows:

Section 1. Articles 9, 10, 11 and 12 of Chapter 3, Title 10, of the San Anselmo Municipal Code are each amended as follows:

Sec. 10-3.902. Uses permitted.

(a) The following retail business uses:

- (1) Food stores, dairy products, and bakery goods stores;
- (2) Book stores and rental libraries;
- (3) Drug stores, including soda fountains and food service;
- (4) Florists and variety, hardware, and clothing stores; and
- (5) Other retail business uses which, in the opinion of the Planning Commission, are similar to the foregoing;

(b) The following agencies and services:

- (1) Laundry and cleaning agencies and pressing shops but excepting any which are principally customer or self-operated.
- (2) Barber shops and beauty parlors;
- (3) Repair shops for shoes, radios, and domestic appliances;
- (4) Professional offices, studios, and clinics;
- (5) Other services and agencies which, in the opinion of the Planning Commission, are similar to the above;

(c) Public Buildings, public utility buildings, structures, sub-stations, and offices, communications equip-

ment buildings, and the routes of proposed electric transmission lines shall be submitted to the Planning Commission for recommendation prior to acquisition of rights-of-way therefor;

(d) Incidental and accessory buildings and uses on the same lot with, and necessary for, the operation of any permitted use; and

(e) Exterior advertising signs pertaining to the business or use conducted on the premises, which signs shall conform to any and all laws regulating signs.

(g) The following uses subject to a use permit first had and obtained:

(1) Gasoline service stations (exclusive of automobile repairs) subject to a use permit first had and obtained, provided that all operations, including the storage and display, excepting the servicing with gasoline, oil, air, and water, shall be conducted within an enclosed building. The use permit may only be granted by the Council after hearing thereon by the Planning Commission and a report by it to the Council;

(2) The sale, rental, repairing, reconditioning, parking or storing of new or used internal combustion engines or motors or any vehicle, device, implement or equipment powered thereby;

(3) Business uses where the principal work, skill, art or operation is done by the customer. (For example, but not by way of limitation, customer-operated laundromats.)

(4) Places of amusement, entertainment or recreation;

(5) The "on sale" business of selling alcoholic drinks or beverages;

(6) The outdoor sale, display or storage of any

goods, wares, merchandise, equipment, machines, implements, or appliances;

(7) Any business wherein and whereby the customer, patron or client may either conduct his business transaction or be served or serviced without necessarily leaving or departing from his automobile. (For example, but not by way of limitation "drive-in" eating, beverage or soda fountain establishments.)

(h) If and whenever the Planning Commission shall entertain reasonable doubt as to whether or not a particular business use is permitted with or without a use permit then, in such event, the doubt shall be resolved by requiring a use permit.

Sec. 10-3.1002. Uses permitted.

(a) Uses permitted in R Districts, except that living quarters may be permitted only upon the securing of a use permit and shall be secondary to commercial uses, and C-1 uses, except gasoline service stations, which are prohibited in the Central Business District.

(b) Retail stores and business uses and services enterprises which, in the opinion of the Planning Commission, are of a character similar to the following:

(1) Appliance sales and services, apparel shops, bakeries (retail), bank and trust companies, barber shops, beauty parlors, ~~bar and liquor sales~~, blueprinting shops, book stores, bus depots, business machines sales and repair, and butcher shops;

(2) Cafes, candy shops, caterers, cigar stores, cleaning and pressing agencies, delicatessens, department stores, drug stores, florists, food (retail), furniture, furs, (retail), gifts and hardwares (retail); and

(3) Jewelry, leather goods (retail), millinery, theaters, opticians and optometrists (sales), pet shops

(sales only), phonograph records and musical instruments (repairing and sales), photography (sales and service), radio (sales and service), shoe repairing, sporting goods, stationers, stock and bond brokers, toys (retail), travel bureaus, variety stores, and wallpaper and paint(sales only); and

(c) Public utility offices, substations, communication equipment buildings, and other structures and uses, except that aboveground water or fuel storage shall be subject to approval by the Planning Commission, and the routes of proposed electric transmission lines shall be submitted to the Planning Commission for recommendation prior to acquisition of right-of-way therefor.

(d) The following uses subject to a use permit first had and obtained:

(1) The sale, rental, repairing, reconditioning, parking or storing of new or used internal combustion engines or motors or any vehicle, device, implement or equipment powered thereby;

(2) Business uses where the principal work, skill, art or operation is done by the customer. (For example, but not by way of limitation, customer-operated laundromats.)

(3) Places of amusement, entertainment or recreation;

(4) The "on sale" business of selling alcoholic drinks or beverages;

(5) The outdoor sale, display or storage of any goods, wares, merchandise, equipment, machines, implements or appliances;

(6) Any business wherein and whereby the customer, patron or client may either conduct his business transaction or be served or serviced without necessarily leaving or departing from his automobile. (For example, but not by way of limitation, "drive in" eating, beverage, or soda fountain

establishments.)

(e) If and whenever the Planning Commission shall entertain reasonable doubt as to whether or not a particular business use is permitted with or without a use permit then, in such event, the doubt shall be resolved by requiring a use permit.

Sec. 10-3.1102. Uses permitted.

(a) Uses permitted in R Districts, except that living quarters may be permitted only upon the securing of a use permit and shall be secondary to commercial uses, and C uses;

(b) The following and other uses which, in the opinion of the Planning Commission, are of a similar character:

(1) Wholesale distribution uses and warehouses;

(2) Retail building supply and lumber sales when confined within buildings; and

(3) Veterinary offices and day treatment facilities;

(c) The following uses subject to a use permit first had and obtained:

(1) Gasoline service stations (exclusive of automobile repairs) subject to a use permit first had and obtained, provided that all operations, including the storage and display, excepting the servicing with gasoline, oil, air, and water, shall be conducted within an enclosed building.

The use permit may only be granted by the Council after hearing thereon by the Planning Commission and a report by it to the Council;

(2) The sale, rental, repairing, reconditioning, parking or storing of new or used internal combustion engines or motors or any vehicle, device, implement or equipment powered thereby;

(3) Business uses where the principal work, skill, art or operation is done by the customer. (For example, but not by way of limitation, customer-operated laundromats.)

(4) Places of amusement, entertainment or recreation;

(5) The "on sale" business of selling alcoholic drinks or beverages;

(6) The outdoor sale, display or storage of any goods, wares, merchandise, equipment, machines, implements, or appliances;

(7) Any business wherein and whereby the customer, patron or client may either conduct his business transaction or be served or serviced without necessarily leaving or departing from his automobile. (For example, but not way of limitation, "drive-in" eating, beverage or soda fountain establishments.)

(8) Other commercial uses except any commercial uses specified in Article 12 which are permitted only in a CM District.

(d) If and whenever the Planning Commission shall entertain reasonable doubt as to whether or not a particular business use is permitted with or without a use permit then, in such event, the doubt shall be resolved by requiring a use permit.

(e) Additional incidental storage and accessory uses, including repair operations and services, provided such uses shall be clearly incidental to the sale of products at retail or the providing of permitted services on the premises and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise, vibration, traffic congestion, and other undue nuisances.

Section 2. This ordinance is declared to be an emergency ordinance enacted for the immediate preservation of public health, safety, and welfare which makes it imperative that it shall take effect upon final passage and adoption. The facts constituting such urgency are as follows: The serious traffic problem now extant in the City of San Anselmo requires that certain types of businesses

which greatly add to the mounting vehicular congestion in the City be controlled and that this ordinance is designed to provide such control. That unless this ordinance is made effective immediately it is entirely possible that a building permit may be requested for a type of business which by its nature will add to the traffic problem and endanger the life, limb, and property of persons lawfully using the public streets in the business sections of the City and otherwise prejudice the general welfare. That the provisions of this ordinance are urgently needed immediately so as to avoid the necessity of issuing certain building permits during the usual thirty (30) day waiting period to the type of business which will create increased traffic problems.

Section 3. This ordinance shall be published once, in full, within fifteen (15) days of its passage in the Independent-Journal, a newspaper of general circulation in the City of San Anselmo.

Section 4. This ordinance, pursuant to sections 36934 and 36937 of the Government Code of the State of California, shall take effect immediately upon passage after introduction.

The above and foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Anselmo held on January 10, 1967, and thereafter on January 10, 1967, was duly passed and adopted as an urgency matter by the following vote:

AYES:

Councilmen:

Scott, Cepurro, Ragan, Smith, Reichmuth

NOES:

Councilmen:

ABSENT:

Councilmen:

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JOHN M. REICHMUTH, Mayor

ATTEST:

ANITA GANNON, City Clerk