

CITY OF SAN ANSELMO

ORDINANCE NO. 582

AN ORDINANCE AMENDING ARTICLES 4, 5, 6, 7, 9, 10, 11, 12, 19 and 23 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. The following sections of Articles 4, 5, 6, 7, 9, 10, 11, 12, 19, and 23 of Chapter 3, Title 10 of the San Anselmo Municipal Code are each amended as follows:

1. Sec. 10-3.435. Parking space, is amended to read as follows:

"Parking space" shall mean land or a space, having unobstructed access to a public street at all times, not less than ten (10') feet wide by twenty (20') feet long and seven (7') feet high privately owned, covered or uncovered, and laid out for, surfaced and used, or designed to be used, by standing motor vehicles.

2. A new section 10-3.435.1 is added to the Code as follows:

10-3.435.1. Restaurant.

"Restaurant" shall mean any business establishment which sells or offers for sale prepared food or meals to the public principally for consumption on the premises within or upon the structure or other facilities provided by the vendor. Restaurant does not include drive-ins or take out establishments.

3. Sec. 10-3.504 (e)(2) is amended to read as follows:

"Street side of corner lot twelve (12') feet except as provided in sec. 10-3.504(g)."

4. To section 10-3.504(g) add the following:

"Required parking spaces, whether covered or uncovered, shall be set back at least twenty (20') feet from any street from which vehicular access is provided and shall otherwise conform to all other required set backs."

5. Sec. 10-3.604(e)(2) is amended as follows:

"Street side of corner lot twelve (12') feet except as provided in sec. 10-3.604.(g)."

6. Sec. 10-3.604.(g) is amended by adding the following:

"Required parking spaces, whether covered or uncovered, shall be set back at least twenty (20') feet from any street from which vehicular access is provided

and shall otherwise conform to all other required set backs."

7. Sec. 10-3.704.(e)(2) is amended to read as follows:

"Street side of corner lot twelve (12') feet except as provided in section 10-3.704.(h)(3)."

8. To sec. 10-3.704.(h)(3) add the following:

"Required parking spaces, whether covered or uncovered, shall be set back at least twenty (20') feet from any street from which vehicular traffic is provided and shall otherwise conform to all other required set backs. Parking spaces, including driveways, shall be constructed and paved at the time the lot is improved with such all weather surface as may be approved by City Engineer.

9. The existing sec. 10-3.1909. is hereby repealed and is reenacted as follows:

"Upon application therefor the Planning Director or his designate may summarily grant permission for the outdoor display of merchandise for a limited period not to exceed thirty (30) consecutive days."

10. To sec. 10-3.2301. add the following:

"Except as otherwise provided by the San Anselmo Municipal Code the nonconforming use of land for outdoor display or sale of goods, wares or merchandise, whether or not such land is improved by any building, shall cease and be unlawful from and after February 15, 1971, which period of time the City Council finds is fair and reasonable to permit the transition from a non-conforming use to a use which conforms to the Code.

11. Sec. 10-3.902. is amended to read as follows:

Sec. 10-3.902. Uses Permitted.

(a) Uses permitted in R-1 districts, except that living quarters may be permitted only upon the securing of a use permit and shall be secondary to commercial uses.

(b) 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;

(c) The following agencies and services:

(c) 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;

(d) Public Buildings, public utility buildings, structures, substations and offices, communications equipment buildings; the routes of proposed electric transmission lines shall be submitted to the Planning Commission for recommendation prior to acquisition of rights-of-way therefor;

(e) Incidental and accessory uses on the same lot with and necessary for the operation of any permitted use, provided that the same 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, and provided further that a Use Permit shall be first had and obtained for any such use involving the outdoor sale, rental, display, or storage of any merchandise, equipment or services.

(f) 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), provided that all operations including storage and display, but excepting servicing with gasoline, oil, air and water, shall be conducted within an enclosed building;
- (2) Commercial parking lots and parking garages;
- (3) Laundry or dry cleaning establishments where the principal work or operation is done by the customer;
- (4) The off sale business of selling, or offering for sale alcoholic drinks or beverages.

(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.

12. Sec. 10-3.1002. is amended to read as follows:

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, and except that a Use Permit must be obtained for any other use permitted in a C-1 district if such a permit is required for such use in that 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 shops, beauty parlors, blueprinting shops, bookstores, bus depots, business machines sales and repair, butcher shops, and "off-sale" liquor sales;
- (2) Restaurants, cafes (but not drive-ins or take-out establishments), candy shops, caterers, cigar stores, cleaning and pressing agencies, delicatessens, department stores, drug stores, florists, food (retail), furniture, furs (retail), gifts and hardwares (retail);
- (3) Jewelry, leather goods (retail), millinery, 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, sub-stations, 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) incidental and accessory uses and accessory uses on the same lot with and necessary for the operation of any permitted use, provided that the same 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, and provided further that a Use Permit shall be first had and obtained for any such use involving the outdoor sale, rental, display, or storage of any merchandise, equipment or services.

(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.

(f) The following uses subject to a Use Permit first had and obtained:

- (1) Places of amusement, entertainment or recreation; and
- (2) The "on-sale" business of selling alcoholic drinks or beverages.

(g) 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.

13. Section 10-3.1102. is amended to read as follows:

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 all uses permitted in either R, C-1 or C-2 districts, subject to obtaining a Use Permit if such a permit is required as a condition to such use in the R, C-1 or C-2 district.

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

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

(2) Veterinary offices and day treatment facilities.

(c) The following uses subject to 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, (including, without limitation, customer-operated car washing installations);
- (3) Any business which is primarily conducted through the outdoor sale, display, rental, or storage of any merchandise, equipment or service;
- (4) Any business where the customer may either conduct his business transaction or be served or serviced without necessarily leaving or departing from his automobile;
- (5) Any business which dispenses food and/or beverages which are intended to be or could reasonably be consumed in the customer's vehicle or on the premises of the business establishment, except that the foregoing shall not apply to businesses dispensing food and/or beverages dispensed and consumed solely in a fully-enclosed building which would normally be considered a restaurant or a cafe;
- (6) Wholesale distribution uses and warehouses; and
- (7) Any other commercial uses except any commercial uses specified in Article XII and 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) Incidental, storage, and accessory uses, including repair operations and services, provided that such uses are clearly incidental to the permitted sale, rental, display or storage of merchandise or equipment at retail, or to 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, and provided further that a Use Permit shall be first had and obtained for any such use involving the outdoor sale, rental, display, or storage of any merchandise, equipment, or services.

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

Section 2. This ordinance shall become effective thirty (30) days from and after its final passage and adoption, and shall be published once, in full, within fifteen (15) days of its final passage and adoption in the Reporter, a newspaper of general circulation in the City of San Anselmo, and printed and published in the County of Marin, which newspaper is designated for that purpose.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the City Council of the City of San Anselmo, held on February 11, 1969, and was thereafter at a regular meeting of the City Council held on February 25, 1969, duly passed and adopted by the following vote:

AYES: COUNCILMEN: Reed, Capurro, Scott, Anderson  
NOES: COUNCILMEN: None  
ABSENT: COUNCILMEN: Ragan

DUANE C. RAGAN  
MAYOR

ATTEST:

Anita Gannon  
ANITA GANNON, CITY CLERK