

CITY OF SAN ANSELMO  
PARCEL MAP ORDINANCE  
ORDINANCE NO. 635

AN ORDINANCE OF THE CITY OF SAN ANSELMO AMENDING THE MUNICIPAL  
CODE RELATING TO SUBDIVISIONS BY PROVIDING FOR PARCEL MAPS IN  
SUBDIVISIONS OF LESS THAN FIVE LOTS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN ANSELMO:

SECTION 1. Article 7 of Chapter 2 of the San Anselmo Municipal  
Code, Title 10, is amended to read:

Article 7, Parcel Maps

Sec. 10-2.701. PARCEL SPLIT DEFINED.

"Parcel split" means any real property improved or unimproved,  
or a portion thereof, shown on the latest adopted county tax rolls as a  
unit, or as contiguous units, which is divided for the purpose of sale, lease,  
financing, or any other purpose, whether immediate or future, by any person  
into four or fewer lots.

Sec. 10-2.702. SALE OF PARCEL SPLIT OR PART BEFORE PARCEL MAP  
APPROVED.

(a) Except as provided in Section 10-2.703 of this Code, no  
person shall offer to sell, contract to sell or sell, offer for lease or  
lease, finance or refinance any parcel split or any part thereof, until a  
parcel map thereof has been filed and approved in accordance with the  
requirements of this article or in accordance with the requirements for a  
subdivision as elsewhere provided in this code and by State law and which  
property is not further subdivided under the terms of Chapter 2, Title 10.

(b) Any deed of conveyance, sale or contract to sell, lease, or  
finance, made contrary to the provisions of this article, in addition to being  
a misdemeanor, shall be voidable to the extent and in the same manner  
provided in Article 3, Part 2, Division 4, of the Business and Professions  
Code.

Sec. 10-2.703. SAME -- EXCEPTION.

A person may offer to sell or contract to sell a parcel split prior to approval thereof in accordance with the requirements of this Article only if the offer to sell or contract to sell provides in writing that the transfer of title and close of escrow, if any, are conditioned upon the approval of the final parcel map in accordance with the requirements of this article prior to the consummation of the sale.

Sec. 10-2.704. FILING OF TENTATIVE PARCEL MAP FOR APPROVAL.

Any person, or his appointed agent, owning real property desiring approval of a parcel map shall cause thirteen prints of a tentative map showing the proposed parcel split to be prepared by a licensed land surveyor or registered civil engineer, signed by said owner or agent, and filed with the Planning Commission. The tentative parcel map shall conform substantially with the requirements for a tentative subdivision map as set forth in Article 5 of Title 10, San Anselmo Municipal Code. The Planning Commission shall transmit one print to the city engineer, one print each to the public utilities concerned, with eight prints being retained in the office of the Planning Commission. The Planning Commission shall have 30 days from the filing of the tentative map to approve, conditionally approve, or deny approval of said map. If said action is not taken within said time period, the tentative map shall be deemed approved.

Sec. 10-2.705. FEES.

The fee for filing a parcel map pursuant to this article shall be set by separate resolution, payable at the time of filing the map.

Sec. 10-2.706. STANDARDS APPLICABLE TO PARCEL MAPS.

(a) The standards prescribed by this chapter for subdivisions shall apply to parcel maps under this article.

(b) The Planning Commission may make exceptions to such standards provided it first finds all of the following:

(1) That the strict application of any standard prescribed by this chapter would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this chapter;

(2) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property in the city being subdivided or resubdivided;

(3) That the granting of the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the immediate vicinity;

(4) That the granting of the exception will not be contrary to the objectives of this chapter.

Such findings shall state the reasons and grounds for making such exceptions.

(c) Additional requirements shall be imposed by the Planning Commission when they determine that such requirements are necessary to preserve the purpose and intent of this article and of Chapter 3, Title 10, Zoning, ~~to conform to~~ the character of improvements and lot design of the neighborhood within 500 feet of the parcel split, and for the improvement of public and private streets, highways, ways or easements as may be necessary for traffic, drainage and sanitary needs. The Planning Commission may require dedications or an offer of dedication by separate instruments for street opening or widening or easements and, if so required, such dedications shall be shown and recorded on the final parcel map. Private easements appurtenant to the new lots shall be shown on the map.

Sec. 10-2.707. ACTION UPON TENTATIVE PARCEL MAP.--READJUSTMENT OF LOT LINES. ADJUSTMENT OF PROPERTY LINES.

When a tentative parcel map is filed, the Planning Commission, after investigation and receipt of reports of other divisions, may approve the map if they find in writing that the proposed parcel split conforms to all of the following requirements.

(a) Does not create an additional lot in any zone.

(b) Does not reduce the area of any lot in any zone as defined in Chapter 3, Zoning, by more than thirty per cent or more than ten per cent below the average area of similarly zoned lots within three hundred feet thereof.

(c) Does not cut off any lot from frontage on a public street, alley or access to a public utility easement.

(d) Does not cut off any lot from any utility service available prior to the parcel split.

Sec. 10-2.708. TIME LIMIT FOR PREPARATION AND FILING OF FINAL PARCEL MAP.

Within one- and one-half years after the action of the Planning Commission approving or imposing conditions upon the application and tentative map, the applicant shall cause the parcel split to be surveyed and a final parcel map to be prepared and submitted for recording, if all conditions imposed have been fulfilled. A subsequent approval of the tentative map upon fulfillment of conditions shall not be construed as extending the time within which the final map may be filed for approval, but for a good cause shown, the Planning Commission may grant an extension of time not exceeding one year. Failure to file a final map within the original and/or extended time period granted as herein provided shall terminate all proceedings.

Sec. 10-2.709. FINAL PARCEL MAP REQUIREMENTS.

(a) The applicant shall record a parcel map prepared pursuant to Article 6 (commencing with Section 11575) Chapter 2, Part 2, Division 4 of the Business and Professions Code. The map shall be prepared by a registered civil engineer or licensed land surveyor, and it shall substantially conform to the approved tentative map and any conditions attached thereto. This parcel map shall show:

(1) Title of map and name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts.

(2) All monuments found, set, reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto. Permanent monuments shall be set for all new lines created by the parcel split. This requirement may not be waived.

(3) Bearing or witness monuments, basis of bearing, bearing and length of lines, and scale of map.

(4) The area of each lot in acres and hundredths thereof, or square feet.

(5) Any required easements or dedications in the manner set forth in Sec. 10-2.706(c).

(6) All easements of record.

(7) When a parcel split is made for the sole purpose of joining a portion of a parcel with adjoining parcel, a statement to that effect.

(8) A Planning Director's Certificate.

(b) At the time of acting upon a tentative parcel map or at any time prior to the filing of the final parcel map, the City Engineer may waive, modify, or amplify any of the requirements of this section for a final parcel map if he finds that such action is necessary to avoid practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this article and that such waiver or modification will not be contrary to the objectives of this article.

Sec. 10-2.710. ACTION ON FINAL PARCEL MAP.

(a) When the requirements of this article relating to the preparation and timely filing of the final map are found to have been met, the city engineer shall pass upon the content of said final map and if he finds that the requirements of this article relating to content have been fulfilled, he shall certify the parcel map in accordance with the provisions of Article 5, Part 2, Division 4, of the Business and Professions Code. The city engineer shall send the original tracing of said map so certified to the city clerk, who shall cause it to be recorded as prescribed by the said provisions of the Business and Professions Code.

(b) Notwithstanding the provisions of this article relating to the fulfillment of all conditions prior to approval of the application and tentative map, an agreement may be made to construct public improvements when such improvements are necessary to preserve the general purposes and intent of the zoning Ordinance and of this article; provided, no such agreement shall be valid until secured by a good and sufficient surety bond or cash deposit adequate to cover all costs and administrative expense of the installation in case of default. Agreements relating to all public utility facilities, if made, shall be executed by the utilities involved and agreements relating to all other public improvements to be made shall be executed by the city engineer.

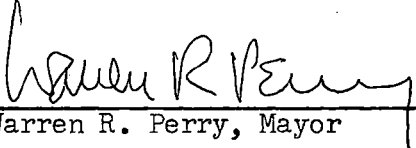
SECTION 2. The foregoing ordinance shall, within fifteen (15) days of its final passage and adoption, be published once in The Reporter, a newspaper of general circulation, published and circulated in the County of Marin, and hereby designated for that purpose, and said Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of the City Council of the City of San Anselmo on September 12, 1972 and was thereafter, at a regular meeting of the City Council held on September 26th., duly passed and adopted by the following vote:

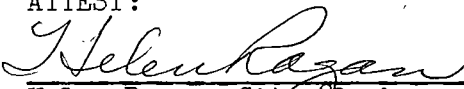
AYES: COUNCILMEN: Anderson, Capurro, Blinder, Stewart, Perry

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: None

  
Warren R. Perry, Mayor

ATTEST:

  
Helen Ragan, City Clerk