

TOWN OF SAN ANSELMO

ORDINANCE NO. 893

AN INTERIM ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, AS AN URGENCY MEASURE, PROHIBITING APPLICATIONS FOR A GENERAL PLAN AMENDMENT; ZONE CHANGE; ZONING ORDINANCE AMENDMENT; ANNEXATION; PREZONING; SUBDIVISION OF LANDS IN THE R1-H ZONING DISTRICT; AND SUBDIVISIONS, DEVELOPMENT AND LAND USE APPLICATIONS ON PROPERTIES WHERE THE CURRENT ZONING IS INCONSISTENT WITH THE CURRENT SAN ANSELMO GENERAL PLAN.

The Town Council of the Town of San Anselmo ordains as follows:

SECTION 1. The Town Council of the Town of San Anselmo does hereby find, determine and declare:

(a) Findings. The facts constituting the need for this ordinance:

1. The current San Anselmo General Plan which was adopted in 1975 has undergone a number of amendments and is no longer internally consistent as required by Section 65300.5 of the Government Code of the State of California.
2. The current San Anselmo Zoning Ordinance and Zoning Map are not consistent with the current San Anselmo General Plan as required by Section 65860 of the Government Code of the State of California.
3. The current San Anselmo General Plan has not undergone a comprehensive review in 12 years, and at present does not provide adequate policy direction on many of the planning issues before the Town in 1987.
4. The current inconsistency between the Town's general plan and zoning ordinance has created significant confusion on the part of the Town, and the public, as to which document provides direction relative to land use and conservation in the community.
5. The current inconsistencies within the general plan, and between the general plan and the zoning ordinance are a current and immediate threat to the public health, safety and welfare as documented in sections 1-4 above.
6. There is an immediate need to undertake a comprehensive review of the general plan, and there is a need to revise the zoning ordinance to make it consistent with the general plan after the comprehensive review is completed.
7. Any land use or development application which requires the Town Council to formulate policy on a project specific basis, or where a land use or development application is inconsistent with the current general plan, is found to be detrimental to the orderly

review of the general plan and zoning ordinance and as such would result in a threat to the public health, safety and welfare.

(b) Purpose. The purpose of this ordinance is to protect the public safety, health and welfare by controlling, on an interim basis, land use and development applications which would be detrimental to, or jeopardize, the general plan and zoning proposals which the Town Council and Planning Commission intend to consider and study with public participation. The purpose of said general plan and zoning proposals is to make the general plan responsive to current planning issues before the town, and to make the the General Plan internally consistent, and the zoning ordinance consistent with the general plan as required by section 65860 of the Government Code of the State of California.

(c) Scope. During such time as this ordinance is in full force and effect, no application shall be accepted or processed for a general plan amendment; a zone change which is inconsistent with the adopted San Anselmo General Plan; annexation; rezoning; subdivision of land in the R1-H zoning district ; or applications for subdivision, building, use, grading permits, and design review where the current zoning of the property is inconsistent with the adopted San Anselmo General Plan. Except as provided for in Section (d) of this ordinance.

(d) Exceptions. The following are exceptions to the provisions of this ordinance:

1. All planning and zoning applications filed with the Planning Department of the Town of San Anselmo prior to March 24, 1987 are exempted from the provisions of this ordinance and can continue to be processed and constructed if approved. Exhibit 'A' contains a list of current applications which shall be exempt from the provisions of this ordinance.
2. Where a land use or development application is prohibited only because the existing zoning is deemed inconsistent with the current general plan; a land use or development application can be accepted, processed and acted upon by the town if the land use or development proposal is formulated so as to be deemed consistent with the current general plan.
3. In the event that an owner of a parcel or parcels of property is prohibited from filing an application under Section (c) of this ordinance but desires to process an application for his/her property, said owner may apply for an exception permit. The granting of an exception permit shall exempt the owner from the prohibitions under Section (c) of this ordinance and allow the filing of an application with the Town with subsequent rights of construction if said application filed with the Town is approved.

An application for an exception permit shall be made to the Town Council, the Town Council may grant an exception if it makes all of the following findings:

- a.) The granting of the exception permit will not be detrimental

to, or jeopardize, the orderly review of the general plan and zoning ordinance.

- b.) The granting of the exception permit under the circumstances of the particular case, will not adversely effect the health safety, or welfare or be detrimental to persons, property or improvements in the vicinity.
4. A property owner prohibited from filing an application under Section (C) of this ordinance may apply for an exception permit because of hardship resulting from special circumstances applicable to the property. The granting of an exception permit shall exempt the owner from the prohibition under Section (C) of this ordinance. The Town Council may grant the exception permit, but must find in granting the permit that facts exist which satisfy the following:
- a.) The special circumstances are applicable to the property, and not the particular circumstance of the owner or occupant.
 - b.) That the special circumstances are not the result of a self-created hardship. A self-created hardship results from actions taken by present or recent owners or users of the property which consciously creates the very difficulties or hardships claimed as the basis for an application for an exception.

Fees associated with processing an exception shall be limited to the Towns' actual cost of providing this service.

SECTION 2. If any property owner requests in writing a finding by the Town staff whether his or her property is zoned consistent with the General Plan; the Town staff shall respond in writing to said request within thirty days of receipt of the request.

SECTION 3. DECLARATION OF INTENT

- (a) This ordinance is hereby declared to be an urgency measure and shall take effect immediately upon its adoption and shall remain in full force and effect from December 4, 1987, until January 18, 1988; and to be extended in the manner prescribed by law.
- (b) It is the intent of the Town Council to keep this ordinance in effect until the General Plan is reviewed and the Zoning Ordinance is made consistent with the General Plan. A tentative timeline for accomplishing these objectives has been drafted, and is incorporated into this ordinance as Exhibit (A).

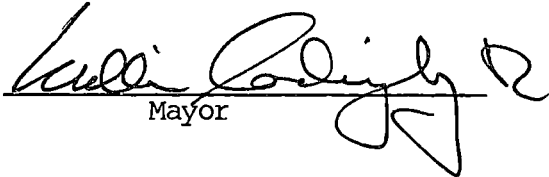
SECTION 4. The provisions of Section 1(c) and 3(b) shall prevail over any inconsistent or conflicting provisions contained in any other provision of the San Anselmo Municipal Code or previously adopted ordinance.

INTRODUCED AND ADOPTED this 4th day of December, 1987, by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

ABSENT (None)


Mayor

Caroline Foster
Attest

PROPOSED WORK SCHEDULE
YEAR 1

YEAR 2

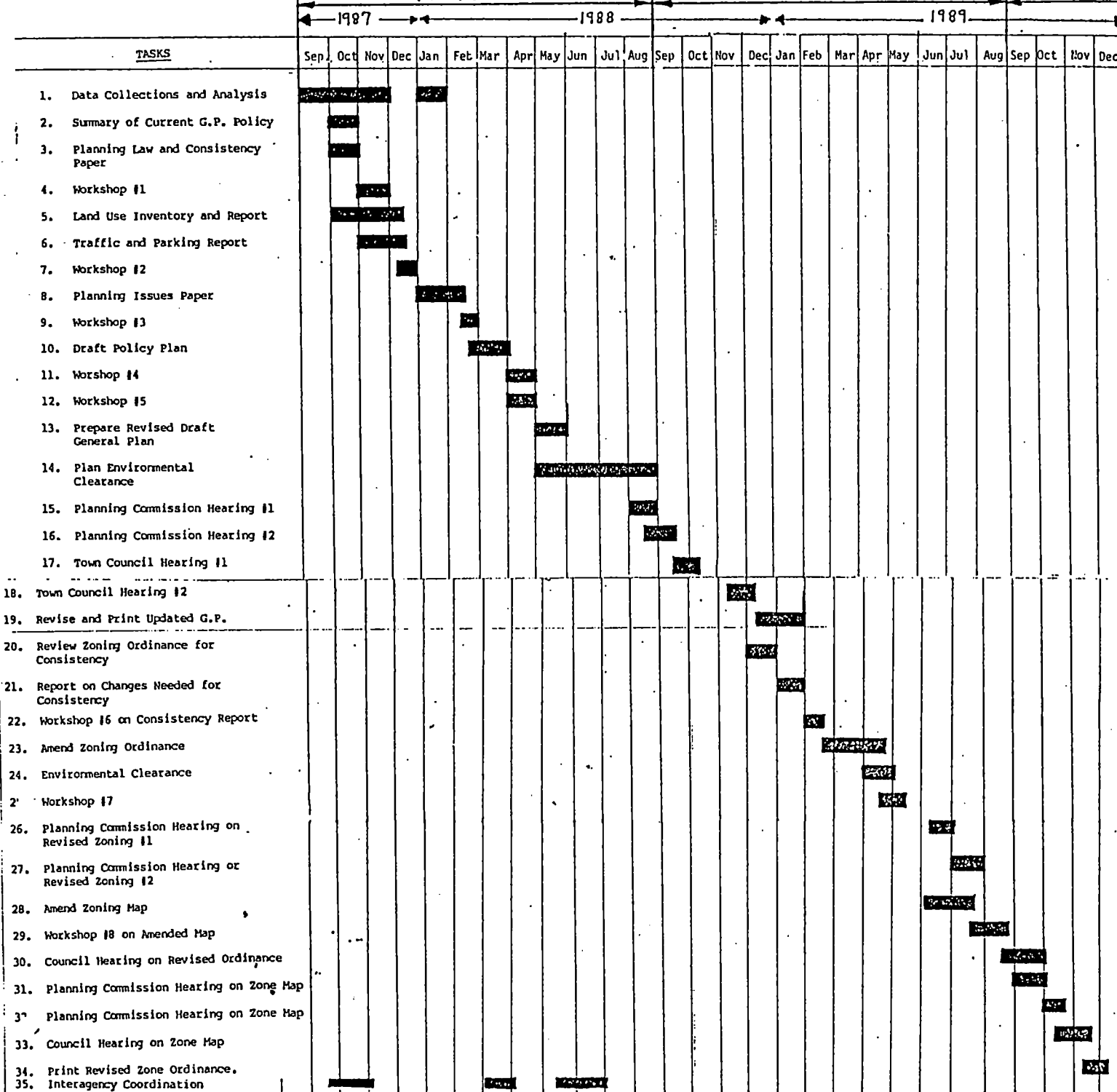


EXHIBIT "A"

8/21/87