

TOWN OF SAN ANSELMO

ORDINANCE NO.905

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING THE INTERIM ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTED JULY 25, 1989 AS AN URGENCY MEASURE PROHIBITING THE ISSUANCE OF DEVELOPMENT PERMITS FOR CONSTRUCTION AND DEVELOPMENT PROJECTS WHICH ARE CONSISTENT WITH THE GENERAL ZONING REGULATIONS BUT INCONSISTENT WITH THE 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 hereby amends Ordinance No. 903 to read as follows:

(d) Exceptions

Where a development application is prohibited because the existing zoning is deemed inconsistent with the General Plan, a development application can be accepted, processed and acted upon by the Town if the development proposal exception is approved in accordance with one of the procedures described below.

In the event that an owner of a parcel or parcels of property is prohibited from filing an application under this ordinance but desires to process an application for his or her property, said owner may apply for an exception.

(i) An application for an exception may be made directly 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 will not be contrary to the policies set forth in the General Plan nor detrimental to, or jeopardize, the orderly review and revision of the Town's zoning ordinances.

B. The granting of the exception 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.

(ii) 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 if facts exist which satisfy the following:

A. The special circumstances as are applicable to the property and not the particular circumstance of the owner or occupant.

B. 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 creates the very difficulties or hardships claimed as the basis for an application for an exception.

C. The granting of the exception under the circumstances of the particular case, will not adversely affect the health, safety, or welfare or be detrimental to persons, property or improvements in the vicinity.

(iii) An Administrative Exception may be granted on application for exception, if the application complies with any resolution adopted to implement this ordinance.

Fees associated with processing an exception shall be limited to the Town's actual cost of processing the exception request, including the cost of employing consultants.

SECTION 2. This ordinance amending Ordinance No. 903 is hereby declared to be an urgency measure because of the immediate need to process exception requests in a prompt and efficient manner and shall therefore take effect immediately upon its adoption and shall remain in full force and effect until June 9, 1990, unless sooner extended or terminated in the manner provided by law.

SECTION 3. If this ordinance, or any provision or clause of this ordinance, or the application thereof to any person or circumstance should be held unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions, or Ordinance No. 903, and every provision and clause hereof and Ordinance NO. 903 is declared to be severable and independent.

INTRODUCED AND ADOPTED this 26th day of September, 1989, by  
the following vote:

AYES: Chignell, Colteaux, Sharp, Zaharoff

NOES: Walsh

ABSENT: (none)

Ann Walsh

ANN WALSH, MAYOR

ATTEST:

Caroline Foster  
Caroline Foster, Town Clerk