

ORDINANCE NO. 190

AN ORDINANCE REGULATING AND ESTABLISHING THE LOCATION OF TRADES, INDUSTRIES, BUSINESSES AND DWELLINGS IN THE TOWN OF SAN ANSELMO, AND THE LOCATIONS OF BUILDINGS DESIGNED FOR SPECIFIC USES, ESTABLISHING DISTRICTS OR ZONES AND THE BOUNDARIES THEREOF FOR SAID PURPOSES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

The Board of Trustees of the Town of San Anselmo do ordain as follows:

Section 1. For the purpose of this ordinance certain terms herein used are defined as follows:

All words in the singular number shall include the plural number, and all words used in the present tense shall include the future tense.

The word "accessory" means a subordinate building or portion of a main building the use of which is incidental to that of the main building.

The word "Apartment" means a room or a suite of two or more rooms in a tenement house, occupied or suitable for occupation as a residence of one family, and one person may be construed to be a family.

The word "building" means a structure for the separate shelter or enclosure of persons, animals or chattels, and when separated by division walls of masonry from the ground up, and without openings, each portion of such building shall be deemed a separate building.

The words "business" and "commerce" mean the occupation or employment of buying, selling, bartering and exchanging goods, wares and merchandise or other personal property or real property or any interest therein for profit or livelihood, and also the ownership or management of office buildings, offices and recreational or amusement enterprises.

The word "dwelling" means any house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place, either permanent or transient, of one or more human beings.

The word "industry" means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of garages and stables.

The word "lot" shall mean land bounded by division lines and occupied or to be occupied by a building or its accessory building together with the lands, yards, courts and area spaces used in connection with such buildings.

The word "use" means the purpose for which a building, lot or piece of real property is or may be occupied.

The word "Zone" shall mean a district as herein delineated or as subsequently changed, and the words "zoning ordinance" shall mean this ordinance as passed or as amended.

Section 2. For the purpose of regulating and establishing the location of trades, industries, businesses, professions and dwellings, and the location of buildings designed for specific uses, the Town of San Anselmo is hereby divided into three classes of zones or districts:

1. Commercial District
2. Unrestricted District, and
3. Residential District.

Said districts or zones are delineated upon a map of said town prepared by the Town Engineer on file in the Office of the Town Clerk.

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The area of said Commercial District being shown upon said map in red, the area of said Unrestricted District being shown upon said map in green, and the area of said Residential District being all of said town not included within said Commercial District, or within said Unrestricted District. Said map is hereby adopted and made a part of this ordinance, and declared to be the official zoning map of said town. The Town Engineer shall prepare three copies of said map, and the Town Clerk shall certify the same and deposit one thereof with the City Planning Commission, and another thereof with the Building Inspector, and file the third of record in the office of the County Recorder of Marin County. The Town Clerk shall furnish additional maps to any person desiring the same upon payment of the cost of preparation thereof.

Section 3. The Commercial District is hereby declared to be all of those portions of said town included within the following described areas:

First:

COMMENCING at the intersection of the western line of San Anselmo Avenue and the northerly line of Bolinas Avenue and running thence northerly along the western line of San Anselmo Avenue to the Southern line of Ross Avenue; thence northeasterly in a straight line to the intersection of the eastern line of Main Street and the northern line of Barber Avenue; thence easterly along the northern line of Barber Avenue to the western line of Lot 9 of the Barber Tract as shown on the map of said tract recorded at Page 3 of Volume 2 of Maps in the office of the County Recorder of Marin County, California; thence northerly along the said western line of Lot 9 to the northern line of the said Barber Tract; thence southwestwardly along the said northern line of said Barber Tract to the southeast corner of Lot 36 of the Osgood Tract as shown on the map of said tract recorded at page 61 of Volume 3 of Maps in the office of said County Recorder; thence northerly along the eastern line of said Osgood Tract to a point thereon one hundred and Twenty-five (125) feet northerly from the northern line of Bank Street; thence northeasterly in a straight line to a point on the western line of Lincoln Avenue, distant thereon seventy-one (71) feet southerly from the southern line of Greenfield Avenue; thence easterly in a straight line to a point on the easterly line of Lot 75, San Rafael Heights Tract, Sub Division 1, as per map of said Tract on file in the office of the County Recorder of Marin County, distant seventy-one (71) feet from the most southerly line of Greenfield Avenue; thence northerly along said easterly line of Lot 75, San Rafael Heights Tract, Sub Division 1, to the southern line of Greenfield Avenue; thence westerly along the southern line of Greenfield Avenue to the eastern line of Main Street; thence westerly in a straight line to the intersection of the western line of San Anselmo Avenue and the southern line of San Rafael Avenue; thence westerly along the southern line of San Rafael Avenue to the northwestern corner of Lot 46 of Ross Valley Park Subdivision 1 as shown on the map of said subdivision recorded at page 115 of Volume 1 of Maps in the office of said County Recorder; thence at right angles southerly in a straight line to the northern line of Ross Avenue; thence southwestwardly across Ross Avenue to the northwest corner of Lot 37 of Block 2 of Sunnyside Tract as shown on the map of said tract recorded at page 22 of Volume 1 of Maps in the office of said County Recorder; thence southerly in a straight line to the northern line of Mariposa Avenue; thence southwestwardly across Mariposa Avenue to the northwest corner of Lot 22, Block 3, Sunnyside Tract as shown on the map of said Tract on file in the office of the County Recorder of Marin County; thence southerly in a straight line to the northern line of Belle Avenue; thence southeasterly across Belle Avenue to the northeast corner of Lot 30, Block 4, Sunnyside Tract as shown on the map of said Tract on file in the office of the County Recorder of Marin County; thence southerly in a straight line to the northern line of Bolinas Avenue at the southwest corner of Lot 1 of Block 4 of said Tract; thence easterly along the northern line of Bolinas Avenue to the point of beginning.

Second: YOLANDA SECTION

BEGINNING at the northwestern corner of Lot 1 as the same is shown on the Map of Resubdivision of the Davidson Tract on file in the office of the Recorder of Marin County on page 65 of Book 2 of Maps and running thence southerly along the western line of said Lot 1 and the southerly extension thereof to a line one hundred and five (105) feet southwesterly from and parallel to the southwestern line of San Anselmo Avenue; thence southeasterly parallel to the southwestern line of San Anselmo Avenue to the northwestern line of Laurel Avenue; thence northeasterly along the northwestern line of Laurel Avenue and the northeasterly extension thereof to the southwestern line of the right of way of the Northwestern Pacific Railroad thence northwesterly along the said southwestern line of the right of way of the Northwestern Pacific Railroad to a point thereon distant eighty seven and four tenths (87.4) feet northwesterly from the northern line of San Anselmo Avenue; thence at right angles southwesterly sixty five and six tenths (65.6) feet to the northern line of San Anselmo Avenue; thence crossing San Anselmo Avenue, this portion of which Avenue was formerly known as Scenic Avenue, to a point on the southern line thereof distant thereon one hundred thirty four and two tenths feet (134.2) feet easterly from the northwestern corner of Lot 102 as the same is shown on the Amended Map of the Bush Tract on file in the office of the Recorder of Marin County on page 91 of Book 2 of Maps; thence southeasterly in a straight line to the northern line of Redwood Road distant thereon eight (80) feet westerly from the southwestern line of San Anselmo Avenue; thence in a straight line crossing Redwood Road to the point of beginning.

Third: LANSDALE SECTION

BEGINNING at a point on the northeastern line of the right of way of the Northwestern Pacific Railroad distant thereon one hundred and five and nine-tenths (105.9) feet southeasterly from the southeastern line of San Anselmo Avenue formerly known as Willow Avenue and so shown on the Amended Map of the Bush Tract on file in the office of the Recorder of Marin County on page 91 of Book 2 of Maps and running thence northeasterly parallel to the southeastern line of San Anselmo Avenue to the southwestern line of Fern Lane; thence northwesterly along the southwestern line of Fern Lane to the southeastern line of San Anselmo Avenue, thence across San Anselmo Avenue to the intersection of the northwestern line of San Anselmo Avenue with the southwestern line of Oak Knoll Avenue; thence northwesterly along the southwestern line of Oak Knoll Avenue ninety nine and three-tenths (99.3) feet; thence southwesterly parallel to, and one hundred (100) feet from, the northwestern line of San Anselmo Avenue to the northeastern line of the right of way of the Northwestern Pacific Railroad; thence southeasterly along said northeastern line of said railroad right of way to the point of beginning.

Section 4.

In the Commercial District no premises or building shall be used, and no building shall be constructed or altered in construction for any other than the following purposes:

1. All Public Service Retail Businesses.
2. Flat, Tenement or Apartment House, Boarding House or Hotel.
3. Hospital or Sanitarium.
4. Printing Shops and Newspaper Publishing House.
5. Electric Sub-Station and Telephone Exchange.
6. Public Garage and Gasoline Service Stations.
7. Automobile Repair Shop connected with Public Garage.
8. Any kind of light manufacturing conducted on the premises incidental to any retail public service business.
9. Any business or use permitted in the residential district shall be permitted in the commercial district.

Section 5.

The Unrestricted District is hereby declared to be all of that portion of said town included within the following described area:

COMMENCING at a point on the northerly line of Red Hill Avenue distant south sixty two degrees (62 deg.) three minutes (3 min) east two hundred and six and one tenth (206.1) feet from the southeast corner of land conveyed by Rosenthal to Mund by deed recorded in Liber 9 of Deeds at Page 34 in the records of the County Recorder of Marin County, running thence at a right angle to said line in a northeasterly direction one hundred seventy five (175) feet; thence westerly parallel with northern line of Red Hill Avenue to the easterly extension of the most southerly line of Bella Vista Avenue; thence southwestorly along said line of Bella Vista Avenue so extended and along the said line of Bella Vista Avenue to the northwesterly corner of Lot 3 of Bella Vista Tract as shown on map of said tract recorded at page 8 of the Book of License Surveys in the office of said County Recorder; thence in a southerly direction along the western lines of Lots 1, 2 and 3 of said Bella Vista Tract to the southwestern corner of said Lot 1; thence in a southwestorly direction crossing Madrone Avenue to the most westerly corner of Lot 156 of Ross Valley Park Subdivision 2 as shown on the map of said subdivision at page 130 of Volume 1 of Maps in the office of said County Recorder; thence in a southeasterly direction along the western line of said Lot 156 extended to the center of San Anselmo Creek; thence meandering and following the center line of said San Anselmo Creek in a southeasterly direction to a straight line drawn between the following two points of intersection, namely: the point of intersection of the western line of San Anselmo Avenue and the southern line of San Rafael Avenue and the point of intersection of the eastern line of Main Street and the southern line of Greenfield Avenue; thence in a southeasterly direction in a straight line to the intersection of the western line of Main Street and the southern line of Greenfield Avenue; thence in a straight line northerly to the point of beginning.

Section 6.

In the Unrestricted District no use restrictions are placed on any of the property except such as are imposed by law or municipal ordinance. Provided, however, that no use shall be permitted in said district which constitutes a nuisance or which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

Section 7.

The Residential District is hereby declared to be all those portions of said town not included within the Commercial District or within the Unrestricted District, as said districts are hereinbefore described.

Section 8.

In the Residential District no premises or building shall be used and no building shall be constructed or altered in construction for any other than the following purposes:

1. Single Family Dwelling.
2. School.
3. Church.
4. Community Clubhouse.
5. Nurseries, farms, truck gardens and greenhouses.
6. The usual accessories located on the same lot, with these various buildings.
7. The office of a Musician, Physician, Attorney, Dentist or other professional occupations when situated in the same dwelling used by such persons as a residence.

Section 9.

The Board of Trustees may in its discretion issue permits for the erection of stables in the Residential District for not more than two (2) horses and not more than one (1) cow. The Board of Trustees may by an amendment to this Ordinance add to or further restrict the uses or purposes for which premises or buildings may be used in any district, whenever in their judgment it would be to the advantage of said town so to do.

Section 10.

Any nonconforming use, business or building existing in any district at the time of the passage of this Ordinance shall not be disturbed and may continue, but may not be changed to other nonconforming use.

If any existing nonconforming use or business be discontinued at any time, such nonconforming use or business may not again be resumed in said district.

If a nonconforming use of business fails to be open and conducted continuously for the hour customarily used by business of like character on each and every day, not including Sundays or holidays, such use or business shall be deemed discontinued.

No structural alterations in any premises or buildings used for a nonconforming use or business may be made without a permit from the Board of Trustees.

Section 11.

The Board of Trustees may, by amendment to this Ordinance, change the area or classification of any area or the uses or purposes for which premises or buildings within any area may be used, on its own initiative or upon the recommendation of the City Planning Commission, but if any change is made in any area of any district such change shall be made to appear on the official zoning map.

If any area is transferred from one district to another by a change in the district boundaries, the then existing provisions of this Ordinance relating to any premises or business in the area so transferred shall continue to apply thereto until such premises are put to another use or such business is discontinued, at which time such premises shall conform to the uses and purposes permitted in the district in which they are then located.

Section 12.

The owner or owners of any property desiring a change in the classification applicable to such property as the same appears upon the official zoning map shall file an application for such change with the Board of Trustees. Such application shall be accompanied by a map or diagram showing the boundaries of the property or area desired to be changed or reclassified, together with the names and addresses of the owners of all property within a distance of two hundred and fifty (250) feet outside of the exterior boundaries of said property sought to be changed or reclassified, and in addition thereto a written consent signed by fifty-one (51) per cent of all such property owners. Such application shall be referred by the Board of Trustees to the City Planning Commission for investigation and report, and upon receipt of such report the Board of Trustees shall consider the same and change or refuse to change the classification reported on.

Section 13.

It shall be unlawful to use or permit the use of any building or premises, or any part thereof, hereafter constructed or altered, wholly or in part, until a certificate of occupancy, to the effect that the building or premises or part thereof, so constructed or altered and the proposed use thereof conform to the provisions of this Ordinance, shall have been issued by the Building Inspector. It shall be the duty of the Building Inspector to issue such certificate within five (5) days after a

request therefor shall be filed in his office by any owner of such building or premises, provided the proposed use thereof conforms to all the requirements of this Ordinance.

Section 14.

No building permit shall be issued by the Building Inspector for the erection or alteration of any building or structure contrary to the provisions of this Ordinance, and any such permit so issued shall be void. Each and every application for a building permit hereafter filed with the Building Inspector shall be accompanied by a statement as to the proposed use of the building to be constructed or altered, on blanks to be furnished by the Building Inspector. Accompanying each application there shall be shown an accurate block plan and lot number and location and the position on the lot of the proposed structure.

Nothing herein contained shall require any change in the plans, construction or designated use of a building or premises for which a permit has heretofore been issued, provided, however, that such permit shall be deemed revoked and be void unless the work of construction, or use of such premises, be commenced under such permit within thirty (30) days after the passage of this ordinance, and be diligently prosecuted until the completion of the structure for which such permit was granted.

Section 15.

Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars (\$300.) or by imprisonment for a term not exceeding six (6) months, or both. If such person, firm or corporation after being notified of his or their violation of the provisions of this Ordinance, fail to correct such violation or desist therefrom, such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this Ordinance is committed, and shall be punished as herein provided.

Section 16.

Nothing in this Ordinance shall prevent the Town of San Anselmo from constructing or altering any building, or using any premises or any building thereon, in any district or zone, for any purpose necessary or appropriate to the exercise of its governmental functions.

Section 17.

This Ordinance shall be published once in the San Anselmo Herald, a newspaper of general circulation printed and published in said Town of San Anselmo.

AND WHEREAS numerous buildings are being erected in said town and the owners of lots and property in said town are devoting and are about to devote the same to uses not in accordance with the provisions of this Ordinance, and the erection of said buildings and the use of said property otherwise than in accordance with the provisions of this Ordinance will tend to greatly endanger the peace, health, happiness and public welfare of said town and of the people thereof, it is hereby declared by the Board of Trustees that such facts constitute an urgency, and this Ordinance is hereby passed for the immediate preservation of the public peace, health and safety of the inhabitants of said town, and shall go into effect immediately upon its passage and approval.

I hereby approve the foregoing Ordinance this 7th day of June, 1926.

L. Peyton, President of the Board
of Trustees of the Town of San Anselmo.

ATTEST- F.D.Burrows

I hereby certify that the foregoing Ordinance No. 190 was introduced at a regular meeting of the Board of Trustees ~~of said Town of San Anselmo~~ of said Town of San Anselmo held on Monday, the 21st day of May, 1926, and at a regular meeting of said Board of Trustees held on Monday, the 7th day of June, 1926, it was passed and adopted by the following vote:

AYES: Trustees, Schmidt, Carl, Smith, Hensley, Peyton
NOES: None
ABSENT: None.

I further certify that after said Ordinance was duly passed and adopted by said Board of Trustees the same was approved and signed on the 7th day of June, 1926, by L. Peyton, the President of said Board of Trustees of the said Town of San Anselmo.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the said Town of San Anselmo this 7th day of June, 1926.

(Signed) F. D. Burrows