

CITY OF SAN ANSELMO

ORDINANCE NO. 633

AN ORDINANCE REPEALING ALL SECTIONS OF ARTICLE 13 (TITLE 10, CHAPTER 3), OF THE MUNICIPAL CODE, AND ENACTING NEW SECTIONS UNDER ARTICLE 13 BY PROVIDING FOR A PRELIMINARY PLANNED DEVELOPMENT DISTRICT (P-PD) AND A SPECIFIC PLANNED DEVELOPMENT DISTRICT (S-PD).

The City Council of the City of San Anselmo do ordain as follows:

Section 1. All sections of Article 13, Title 10, Chapter 3, of the Municipal Code are hereby repealed including the title of Article 13.

Section 2. Article 13, Title 10, Chapter 3, of the Municipal Code, including the title, is hereby reenacted as follows:

Article 13: PLANNED DEVELOPMENT DISTRICTS.  
PRELIMINARY AND SPECIFIC.

Sec. 10-3.1301. Scope of article provisions. The specific regulations set forth in this article and the general rules set forth in Article 19 of this chapter shall apply in all PD Districts; provided, however, when conflicts occur, the provisions of this article shall apply.

Sec. 10-3.1302(a) Necessity. The City of San Anselmo contains numerous parcels of land which because of size, hillside location, unusual topography, natural resources, or aesthetic appeal, cannot be appropriately developed through adherence to rigid zoning designations and restrictions. The special characteristics of such parcels of land make necessary a flexible approach to development thereof, which approach will provide for logical and orderly development and, at the same time, promote the general welfare of the City.

(b) Intention of Planned Development. Planned development contemplates flexibility and variety in the location of structures and diversity of lot sizes and building designs. Planned development zoning is intended to accommodate various types of development such as neighborhood and district shopping centers, professional and administrative areas, multiple housing developments, single family residential developments, commercial centers, or any other use or combinations of uses which can be made appropriately a part of a planned development.

Sec. 10-3.1303. Planned Development Districts -- Designation and Establishment

(a) Planned development districts are designated as either preliminary planned development districts (P-PD) or specific planned development districts (S-PD). A P-PD is a district established upon property which may only be developed pursuant to this Article, but for which no specific plan has been approved or is in effect. An S-PD refers to a planned development district or part thereof for which a specific plan has been approved by the City and is in effect.

(b) Planned development districts, whether P-PD or S-PD, may be established or rescinded upon the initiative of the property owner, the Planning Commission, or City Council in accordance with the procedures for amendment set forth in Article 25.

Sec. 10-3.1304. Preliminary Planned Development Districts (P-PD)

(a) Establishment

P-PD districts may be established on parcels which are of sufficient size and otherwise suitable for a planned development.

(b) Effect of Establishment of P-PD

All development or further development in districts established as P-PD shall thereafter take place only under the terms and conditions of this Article.

(c) Required Findings.

(1) The parcel is of sufficient size and otherwise suitable for planned development;

(2) The parcel can best be developed or further developed by a specific integrated plan, approved by the City in advance of development or further development; and

(3) Planned development of the parcel would promote the purpose specified in Section 10-3.1302 of this Article.

(d) Designation of Presumptive Use

(1) All parcels of land zoned P-PD shall be designated "P-PD" followed by a further zoning designation indicating the presumptive use for the parcel as found by the City Council. As a general rule, the presumptive use designation of a parcel shall be in accordance with the zoning designation on contiguous property. However, if the City Council shall find that a different

presumptive use designation is appropriate, the City Council shall so specify with regard to the P-PD being established. In making presumptive use designations, the City Council may use any of the zoning designations used in this Chapter or any other appropriate designation or designations which will give notice of the presumptive use as found by the City Council.

(2) Upon application for an S-PD within any P-PD or for an S-PD on a parcel not previously designated P-PD the presumptive use designation applied under the authority of this Section shall be used as a guideline for the Planning Commission and City Council in considering the specific plan but shall in no way limit the authority of the Planning Commission and City Council to consider the specific plan on its particular merits and to otherwise designate a use or combination of uses appropriate to the specific plan.

Sec. 10-3.1305. Specific Planned Development Districts (S-PD)

(a) Establishment

S-PD districts may be established on parcels of land which have been designated P-PD or on parcels of land not so designated but in regard to which the City Council finds that:

- (1) the parcel is of sufficient size and otherwise suitable for planned development;
- (2) the parcel can best be developed or further developed by a specific integrated plan, approved by the City in advance of development or further development;
- (3) planned development of the parcel would promote the purposes specified in Section 10-3.1302 of this Article.

(b) Contents of Application - S-PD

The S-PD application shall include a map or maps and drawings prepared by a civil engineer or other authorized persons showing:

- (1) the topography of the land and contour intervals as required by the Planning Commission;
- (2) the proposed street system and lot design;
- (3) areas proposed to be dedicated or reserved for parks, parkways, open space, playgrounds, school sites, public or quasi-public buildings, and other such uses;
- (4) areas proposed for commercial uses, off-street parking, multiple and single family dwellings, and all other uses proposed to be established within the district;

(5) the proposed locations of buildings on the land;

(6) drawings shall also be submitted showing: elevations of all views and specific heights; perspective drawings of all proposed buildings and structures other than detached single family residences. The application shall also contain other data and information which may be deemed necessary by the Planning Commission for the proper consideration of the application.

(c) Initiation of S-PD - Developed Parcels

Upon the initiative of the owner, of the Planning Commission or the City Council, developed parcels may be rezoned to S-PD and the existing development and use or uses on such parcels at the time of any such rezoning shall be deemed the approved S-PD and use or uses for the parcels. When any such S-PD is established on the initiative of the Planning Commission or the City Council, the application for a use permit under the provisions of this Article shall not be required.

(d) Use Permit Required

Except as stated in sub-section (c) hereof, the establishment of S-PD districts and all development within said districts shall be based upon the submission of a specific integrated plan of development and the securing of a use permit from the Planning Commission for the implementation of said plan. The use permit shall be approved prior to the construction of any structure within the district. The time for submitting applications for use permits shall expire two (2) years after the parcel or parcels of land have been zoned S-PD and in such case the S-PD shall revert to P-PD.

(e) Use Permits - Application

Applications for use permits on a parcel or parcels of land zoned S-PD shall include eight (8) copies of all information currently required by the Design Review Committee for multiple and commercial uses including detailed grading plans, soils and geological reports, construction plans and cost estimates for all public improvements including utilities, building plans and elevations, irrigation and landscaping plans including existing native landscaping, recreational facility plans, and other plans or information as may be required by the Planning Commission. If the development is sufficiently large, use permits may be applied for covering a portion or portions of the development but use permits covering the balance of the development within the S-PD district must be applied for within the time limit specified in Section 10-3.1305(d).

Sec. 10-3.1306. Uses Permitted

Uses permitted in S-PD districts shall be all uses permitted in any other district, subject to the securing of a use permit as provided in Section 10-3.1305(d).

Sec. 10-3.1307. Building Restrictions; Off-Street Parking; Variances

Building height limits, building site area requirements, front, side and rear yard set-back requirements, percentage of site coverage requirements, and off-street parking requirement shall be as provided in the approved use permit. In specifying such requirements in the approved use permit, the Planning Commission shall use as guidelines the requirements otherwise provided by this Chapter for the particular uses in the districts in which they are otherwise permitted by the provisions of this Chapter; however, variations in such requirements and variations in the provisions of this Article may be approved by the Planning Commission when such variations will result in an improved design of the development and will permit desirable arrangements of structures in relation to topography, open space, streets, parking areas, parks and parkways, pedestrian walks, waterways and other features; and will not result in a substantial reduction of standards of this chapter.

Sec. 10-3.1308. Time Limitation - Extensions

(a) Where construction has not begun under the authority of an S-PD use permit within one (1) year of the granting of same, the use permit shall expire and become null and void, unless before the end of said one year period, the holder of said use permit shall apply to the Planning Commission and show good cause for an extension of said use permit.

Where construction has not been completed within the time set in the use permit for completion of constructions, the use permit shall expire and become null and void, unless before the end of such period, the holder of said use permit shall apply to the Planning Commission and show good cause for an extension of said use permit. In setting the time limit for completion of construction, the Planning Commission shall be guided by the application estimate of the time required unless such estimate is clearly excessive considering the size and scope of the development. Upon a finding that the applicant has shown good cause for an extension of any said use permit, the Planning Commission may grant a reasonable extension of time not to exceed

the time limits set by this Section. Good cause shall be considered as shown if the applicant's delay is not attributable to any fault or neglect on his part. Extensions of time shall be liberally granted when it appears that the applicant is diligently proceeding to complete the work of construction, but will not have enough time to do so according to the terms of the use permit.

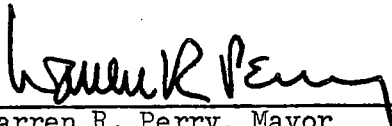
(b) When an S-PD use permit has been issued but has expired and become null and void by reason of non-use, then the particular parcel involved shall revert to a P-PD zoning status.

Section 3. This ordinance shall be published once in full, within fifteen (15) days of its final passage and adoption in The Reporter, a newspaper published and of general circulation in the City of San Anselmo.

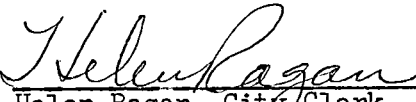
Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its adoption.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo City Council held on August 22, 1972, and was thereafter at a regular meeting of the City Council held on September 12, 1972, duly passed and adopted by the following votes:

AYES: Councilmen Anderson, Capurro, Blinder,  
Stewart, Perry  
NOES: None  
ABSENT: None

  
\_\_\_\_\_  
Warren R. Perry, Mayor

ATTEST:

  
\_\_\_\_\_  
Helen Ragan, City Clerk