

CITY OF SAN ANSELMO

ORDINANCE NO. 682

AN ORDINANCE OF THE CITY OF SAN ANSELMO TO PRESERVE SLEEPY HOLLOW AND SAN ANSELMO CREEKS BY THE ESTABLISHMENT AND MAINTENANCE OF STRUCTURAL SETBACK LINES.

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

SECTION 1. Amendment to Code. Title 10 of the San Anselmo Municipal Code is hereby amended to add Chapter 6 to read as follows:

Section 10-6.01. Purpose.

The provisions of this Chapter have been made necessary in order to protect, preserve and maintain natural resources within the City of San Anselmo of scenic and cultural importance and to protect the quality of life and public health, safety, and general welfare of the citizens of the City of San Anselmo.

Section 10-6.02. Setback Requirements.

Notwithstanding any other provision of law, ordinance, rule, or regulation, no structure shall be constructed within ten (10) feet of the top of the bank of Sleepy Hollow or of San Anselmo Creeks. "Top of the bank" shall be defined as follows: The intersection of a two to one (2:1) slope line with the natural grade above the creek, said line shall commence at a point at the toe of the natural bank of the creek or from a point which is the edge of the minimum channel width. In no case shall the minimum distance between structures on opposite banks of the creek be less than thirty-five (35) feet. Minimum channel widths (toe-to-toe of the slope) are as follows: Sleepy Hollow Creek ten (10) feet; San Anselmo Creek downstream of its confluence with Sleepy Hollow Creek twenty-six (26) feet; San Anselmo Creek upstream of its confluence with Sleepy Hollow Creek twenty-four (24) feet. "Structure" shall be defined for the purposes of this Chapter as structure is defined in Section 10-3.444 of the San Anselmo Municipal Code.

Section 10-6.03. Damage to Nonconforming Structures: Use Permits.

If any structure in existence at the time of the adoption of this Chapter does not thereafter conform to the requirements of Section 10-6.02 and which structure is either damaged, destroyed, or has become deteriorated to the extent of more than one-half of the value thereof (as shown on the latest assessment rolls), said structure may be reconstructed, refurbished, or repaired after securing a use permit from the Planning Commission so to do. Application for a use permit under this Section shall be without charge to the applicant. The Planning Commission shall hold a public hearing in accordance with Section 10-3.2001 et seq. and shall issue a use permit unless it finds:

(a) The proposed reconstruction, refurbishment, or repair exceeds in size the structure existing within the setback area provided above at the time of the adoption of this Chapter or;

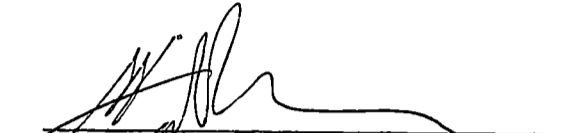
(b) Under the circumstances of the particular case the proposed repair or reconstruction is detrimental to the health, safety, and general welfare of the persons residing in the neighborhood or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City or;

(c) Said proposal is not essential for the preservation and enjoyment of substantial property rights of the applicant.

Section 10-6.04. Variances.

Where practical difficulties, unnecessary hardships, or results inconsistent with the purpose of this Chapter may result from a strict application of the requirements of this Chapter a variance from said requirements may be granted as provided in Section 10-3.2101 et seq. of the San Anselmo Municipal Code.

Dated: January 14, , 1975

  
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Martin G. Blinder, M.D., Mayor

ATTEST:

  
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Helen Ragan, City Clerk

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo City Council held on December 10, 1974 and was thereafter at a regular meeting of the City Council held on January 14, 1975, duly passed and adopted by the following vote:

AYES: Councilmen Anderson, Colteaux, Toal, Blinder

NOES: Councilman Capurro

ABSENT: Councilmen (None)

  
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Helen Ragan, City Clerk