

TOWN OF SAN ANSELMO
ORDINANCE NO. 894

An Ordinance amending Title 10, Planning and Zoning, of the San Anselmo Municipal Code revising the procedures for appealing Planning Commission actions to the Town Council.

The San Anselmo Town Council does hereby ordain:

SECTION I

The current Town of San Anselmo Municipal Code is hereby revised as follows:

REPEAL: Section 10-3.2006 Appeals.

ADOPT: Section 10-1.05 appeals.

Provisions of this section shall prevail over any other conflicting sections of this Code which relate to the processing of appeals under Title 10 of this Code.

(a) Intent:

Any action of the Planning Commission may be appealed to the Town Council by any person, including any member of the Town Council by employing the procedure described in this section.

(b) Application:

An appeal shall consist of the filing of an appeal application with, and the payment of appropriate fees to the Town Clerk, within ten calendar days after the action of the Planning Commission, which is the subject of the appeal. The appeal application shall list those specific portions of the Planning Commission action that are being appealed and shall describe the reasons for making the appeal. The application form and the fees required to reimburse the Town for the cost of processing, analyzing and noticing the appeal shall be established by Town Council Resolution.

(c) Completeness of Application:

The Planning Director shall review the application for completeness. If the application is found not to be complete, the Planning Director shall notify the applicant within five days after the filing the application of the additional information needed to make the application complete. The applicant shall have 10 calendar days from the service of said notice to provide additional information on the appeal. At the end of said 10 calendar day period, all information provided by the applicant regardless of completeness shall be forwarded to the Council for consideration at the hearing. The gathering of additional information can occur concurrently with setting and noticing the hearing.

(d) Stay of Planning Commission Action:

The filing of an appeal, shall automatically stay the subject Planning Commission action until the appeal has been determined.

(e) Setting the Hearing:

In all cases, the Town Clerk shall endeavor to set the hearing date of the appeal no later than 30 calendar days after the appeal is filed. When setting the appeal hearing date, the Town Clerk shall consult with the Planning Director regarding the completeness of the application and shall set a date which will

allow the applicant the appropriate time to provide additional information on the appeal. This directory time limit for setting the appeal hearing date, shall become mandatory when state law associated with a specific type of action so requires.

(f) Noticing:

Once the hearing date is set, the Planning Department shall notice the appeal according to the applicable sections of all state and local laws, rules and regulations.

(g) Appeal Resolution:

Upon conclusion of the appeal hearing, or any continued hearing, the Town Council shall determine the appeal based upon the testimony and documents produced before it and any site visits. The Town Council may sustain, modify, reject, or overrule any recommendations or ruling of the Planning Commission, and may make such findings as are consistent with State law, this Code and other applicable regulations.

Revise: Section 10-2.504 (i) 3(iii) to read:

(iii) a subdivider may apply to the Planning Commission for a one-year extension at any time before the initial time period set forth in subsection (i) of this subsection expires. If the extension is denied, the subdivider may appeal such denial to the Town Council within ten (10) days.

Revise: Section 10-2.901 (e) to read:

(e) should the subdividers be dissatisfied with the action of the commission, they shall have the right within ten (10) days after the decision of the Commission to appeal the decision to the Town Council.

Revise: Section 10-2003 to read:

Public hearings.

The Planning Commission shall hold public hearings on all permit applications. Notice of such hearings shall be given in accordance with Section 65905 of the Government Code of the State. Notice shall be given by mail to all persons owning property within 300 feet of the proposed use or building. Such notice shall state that no further notice will be given of continued proceedings, unless requested at the first hearing.

Revise: Section 10-408 to read:

Section 10.4.08. Appeals and further review.

Any person may file with the Council an appeal of any approval, disapproval, or other disposition of any application for Design Review.

Revise: Section 10-4.09 to read:

sec.10-4.09. appeal procedure.

Each appeal shall be made in the form prescribed by the Council and shall be filed with the Town Clerk.

SECTION 2

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council on December 8, 1987, and was thereafter at a regular meeting of the Town Council held on December 22, 1987 duly adopted by the following vote:

AYES: Chignell, Walsh, Wooliever, Cordingley

NOES: (None)

ABSENT: Sharp



WILLIAM CORDINGLEY, JR., Mayor

ATTEST:



CAROLINE FOSTER, Town Clerk