

TOWN OF SAN ANSELMO
Ordinance No. 902

An Interim Ordinance of the Town Council of the Town of San Anselmo Prohibiting the Issuance of Development Permits for Construction of Development Projects which are Consistent with the current 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 determines:

(a) Findings

Current San Anselmo zoning regulations are not consistent with the San Anselmo General Plan as required by Section 65860 of the Government Code of the State of California.

The current inconsistency between the Town's general plan and the Town's zoning regulations has created significant confusion on the part of the Town's Planning Commission, Town staff, and the public, as to which document provides direction relative to land use in the community.

The current inconsistency between the general plan and the zoning regulations is a current and immediate threat to the public health, safety and welfare.

There is a need to revise the zoning ordinances to make them consistent with the general plan and a comprehensive review of the zoning ordinances is underway to create consistency.

(b) Purpose

The purpose of this ordinance is to protect the public safety, health and welfare by controlling, on an interim basis, development applications which would be contrary to, detrimental to, or jeopardize, the zoning proposals which the Town Council and Planning Commission are considering, all with public participation. The purpose of said zoning proposals is to make the zoning ordinances consistent with the general plan as required by section 65860 of the Government Code of the State of California.

(c) Scope

During such time as this ordinance is in full force and effect, no applications for subdivision, building, use, grading, variance and design review where such application is consistent with the current zoning of the property but inconsistent with the adopted San Anselmo General Plan will be accepted or processed, except as provided for in Section (d) of this ordinance.

(d) Exceptions

The following are exceptions to the provisions of this ordinance:

(i) 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 the manner 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. The granting of an exception shall exempt the owner from the prohibitions of this ordinance and allow the filing of an application with the Town with subsequent rights of construction if the application for exception is properly filed with and approved by the Town Council.

An application for an exception shall be made 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 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 in granting the exception facts exist which satisfy the following:

A. The special circumstances 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.

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

SECTION 2. If any property owner requests in writing a finding by the Town staff whether his or her property is zoned consistent with the General Plan, the Town staff shall respond in writing to said request within 30 days of receipt of the request.

SECTION 3. This ordinance is hereby declared to be an urgency measure and shall take effect immediately upon its adoption and shall remain in full force and effect from June 13, 1989 until July 28, 1989 unless sooner extended in the manner provided by law. It is the intent of the Town Council to keep this ordinance in effect until the General Plan and the Zoning Ordinances are made consistent as required by law.

INTRODUCED AND ADOPTED this 13th day of June, 1989 by the following vote:

AYES: Chignell, Colteaux, Sharp, Zaharoff
NOES: Walsh
ABSENT: (None)

Ann Walsh
MAYOR

ATTEST:

Beth Pollard, Deputy
TOWN CLERK