

**TOWN OF SAN ANSELMO  
ORDINANCE NO. 913**

**AN INTERIM ORDINANCE OF THE TOWN OF SAN ANSELMO EXTENDING INTERIM ORDINANCE NO. 903, ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, ON JULY 25, 1989, AS AN URGENCY MEASURE PROHIBITING THE FILING OF DEVELOPMENT APPLICATIONS LEADING TO THE ISSUANCE OF DEVELOPMENT PERMITS FOR THE CONSTRUCTION OF DEVELOPMENT PROJECTS WHICH ARE CONSISTENT WITH THE ZONING ORDINANCE OF THE TOWN OF SAN ANSELMO BUT INCONSISTENT WITH THE GENERAL PLAN OF THE TOWN OF SAN ANSELMO**

**WHEREAS**, the Town Council of the Town of San Anselmo adopted a revised General Plan on December 13, 1988; and

**WHEREAS**, the General Plan contained provisions inconsistent with the existing Zoning Ordinance and regulations of the Town of San Anselmo; and

**WHEREAS**, Section 65860 of the California Government Code requires that Zoning Ordinances be consistent with General Plans; and

**WHEREAS**, the Town Council adopted Ordinance 902 on June 13, 1989, prohibiting the filing of development applications leading to the issuance of development permits for construction of development projects which were consistent with the Zoning Ordinance and regulations but inconsistent with the General Plan; and

**WHEREAS**, the purpose of Ordinance 902 was to provide the Town the opportunity to revise to the Zoning Ordinance and regulations to achieve consistency with the General Plan; and

**WHEREAS**, Ordinance 902 was effective for a period of 45 days, from June 13, 1989, through July 28, 1989; and

**WHEREAS**, the Town Council of the Town of San Anselmo issued a report on July 11, 1989, citing progress made by the Town toward achieving consistency between the General Plan and Zoning Ordinance and regulations; and

**WHEREAS**, the Town Council adopted Ordinance 903 on July 25, 1989, extending Ordinance 902 for a period of ten months and fifteen days, from July 25, 1989, through June 9, 1990; and

**WHEREAS**, the purpose of Ordinance 903 was to provide the Town the opportunity to revise to the Zoning Ordinance and regulations to achieve consistency with the General Plan; and

**WHEREAS**, the Town Council of the Town of San Anselmo issued a report on June 8, 1990, citing progress made by the Town toward achieving consistency between the General Plan and Zoning Ordinance and regulations .

**NOW, THEREFORE**, the Town Council of the Town of San Anselmo **DOES HEREBY FIND** as follows:

**Section 1.** The Town Council of the Town of San Anselmo hereby determines:

(a) Current Findings:

The Zoning Ordinance and regulations of the Town of San Anselmo is not consistent with the San Anselmo General Plan, adopted in 1988, as required by Section 65860 of the California Government Code.

The current inconsistency between the Town's General Plan and Zoning Ordinance and regulations has created significant confusion on the part of the Town's Planning Commission, Town staff, and the public as to which regulatory document provides direction for the use and development of lands within the Town.

The current inconsistency between the Town's General Plan and Zoning Ordinance and regulations is a current and immediate threat to the public health, safety, and general welfare.

There is a need to revise the Zoning Ordinance and regulations to achieve consistency with the General Plan. A comprehensive review of the Zoning Ordinance and regulations is underway to achieve the required consistency.

(b) Purpose:

The purpose of this Ordinance is to protect the public health, safety, and general welfare by controlling, on an interim basis, development applications which would be contrary to, detrimental to, or jeopardize the Zoning Ordinance and regulations revision which the Planning Commission and Town Council are considering, all with public participation. The purpose of the Zoning Ordinance and regulations revision is to achieve consistency between the General Plan and Zoning Ordinance as required by Section 65860 of the California Government Code.

(c) Scope:

During such time as this Ordinance is in full force and effect, no development applications for subdivisions, use permits, variances, design reviews, building permits, or grading permits, where such development applications are consistent with the Zoning Ordinance and regulations and Zoning District of property, but inconsistent with the General Plan, will be accepted or processed, except as provided for in Section (d) of this Ordinance.

(d) Exceptions:

The following are exceptions to this Ordinance:

- (i) Where the filing of a development application is prohibited because the Zoning Ordinance and regulations and Zoning District is deemed inconsistent with the General Plan, a development application can be accepted, processed, and acted upon by the Town, if an exception is approved in a manner described below.

In the event that an owner of a parcel or parcels of property is prohibited from filing a development application under this Ordinance, but desires to process a development application for the property, the owner may apply for an exception to the provisions of this Ordinance. The granting of an exception shall exempt the owner from the prohibitions of this Ordinance and shall allow the filing of a development application with the Town, with the subsequent rights of construction

if the development application is approved, 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 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 Ordinance and regulations.
  - B. The granting of the exception under the circumstances of the particular case, will not adversely effect the health, safety, or general welfare, or be detrimental to persons, property, or improvements in the vicinity of the property for which the exception is requested.
- (ii) A property owner prohibited from filing a development application under Section (c) of this Ordinance may apply for an exception because of hardship resulting from special circumstances applicable to the property. The granting of an exception 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 circumstances 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 exception.
  - C. The granting of the exception under the circumstances of the particular case, will not adversely effect the health, safety, or general welfare, or be detrimental to persons, property, or improvements in the vicinity of the property for which the exception is requested.

Fees associated with processing an application for an 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 property owned is zoned consistent with the General Plan, the Town staff shall respond in writing to said request within thirty (30) days of receipt of the request.

**Section 3.** This Ordinance is hereby declared an urgency measure and shall take effect immediately upon its adoption and shall remain in full force and effect from June 8, 1990, until March 8, 1991. It is the intent of the Town Council to keep this Ordinance in effect until the General Plan and Zoning Ordinance are made consistent as required by Section 65860 of the California Government Code.

INTRODUCED AND ADOPTED this 8<sup>th</sup> day June, 1990, by the following roll call vote:

AYES: COLTEAUX, ZAHAROFF, KANIS, CHIGNELL


NOES: WALSH

ABSENT: NONE



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PAUL CHIGNELL  
MAYOR



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ATTEST  
TOWN CLERK