

**TOWN OF SAN ANSELMO
ORDINANCE NO. 984**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING
ARTICLE 4 - DEVELOPMENT STANDARDS TABLE 4A, AND
ARTICLE 15 - DESIGN REVIEW PROCEDURES,
OF THE ZONING ORDINANCE RELATIVE TO ADDITIONS TO
EXISTING DWELLINGS AND ACCESSORY STRUCTURES
IN THE R-1 AND R-2 ZONING DISTRICTS.**

Section 1.

WHEREAS, the Town of San Anselmo Zoning Ordinance currently requires that all new residential development, including additions to existing homes, be set back a minimum of 8 feet from the interior side property line regardless of lot width or existing built conditions; and

WHEREAS, many of the older homes in the flatland area of San Anselmo were legally built, at the time, 5' from the side property line on lots which were often 50 foot wide; and

WHEREAS, owners of such homes typically plan additions that follow the original plane of the house thereby necessitating a Variance which requires findings related to characteristics of the size, shape, topography or surroundings of the actual lot; and

WHEREAS, the issue of requiring side yard setbacks is based in part on the need to provide adequate separation between homes and accessory buildings to ensure that a sufficient amount of light, air and privacy is maintained; and

WHEREAS, the Town of San Anselmo Planning Commission initiated an amendment to the Ordinance that would allow additions to follow the existing plane of a house or accessory structure in the R-1 and R-2 zones for structures originally built less than 8 feet but not less than 5 feet from interior side property line provided Design Review approval were granted.

WHEREAS, a Negative Declaration was prepared on March 8, 1997, relative to the Ordinance Amendment; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 15, 1996, March 4, 1996, July 29, 1996, March 17, 1997, and April 7, 1997, to consider the proposed Ordinance Amendment at which time they considered the staff report and public testimony; and

WHEREAS, the Town Council held a duly noticed public hearing on May 13, 1997, to consider the proposed Ordinance Amendment at which time they considered the recommendation of the Planning Commission, the staff report, and public testimony; and

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

The content of the Zoning Ordinance revisions is consistent with the General Plan.

General Plan policy 11.1 states that: "New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood"; and

That the proposed Amendment is consistent with these General Plan policies in that additions to existing residences located between 5 and 8 feet from interior side property lines will continue to be subject to Planning Commission approval, through the public hearing process, albeit subject to a broader criteria.

Section 2.

THEREFORE, THE TOWN OF SAN ANSELMO DOES ORDAIN that Title 10 of the San Anselmo Municipal Code is amended as shown in the following section with bold face, underlined, type:

**DEVELOPMENT STANDARDS TABLE
TABLE 4A**

See Exhibit A (attached) reflecting revisions to Table 4A.

ARTICLE 15. DESIGN REVIEW

Section 10-3.1505 Required findings for design review.

Approval of design review, which may include the imposition of conditions, shall be made only after the making of the following findings.

(a) Commercial, Professional, and Residential R-3 (4 or more units, churches, and convalescent homes) Design Review

- (1) Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;**
- (2) Provides for protection against noise, odors, and other factors which may make the environment less desirable;**
- (3) Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area;**

(4) Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel; and

(5) Will not adversely affect the health or safety of persons using the improvement or endanger property located in the surrounding area.

In making these findings, the Planning Director or Planning Commission shall consider the size, proportions, use, type, and quality of materials; architectural features and ornamentation; night lighting; color application; signs; site placement of all features; existing and proposed landscaping and topography; existing and proposed open spaces and paved areas; screening devices; and other matters and elements deemed to be pertinent to the criteria set forth in this section.

(b) Residential R-1-H, R-1-C, and R-1 Design Review on or above 150' msl (hillside)

(1) Conformance to the findings require by 10-3.1505(a);

(2) Conformance to the approved precise development plan;

(3) Adequacy of screening;

(4) Selection of architectural features and colors that enable the structure to blend with its environment and which results in a low visual profile.

For R-1-C, R-1 and R-3 properties, the level of compliance shall be less stringent than that required for R-1-H properties if the Planning Commission, in making its review, is able to quantify the extent of any reduced adverse impact the application has on the Town, as a whole, when compared with the impact of the development of a parcel zoned R-1-H.

(c) Residential Design Review if Exceeding Maximum Dwelling Size (Table 4E)

Conformance to findings in Sections 10-3.1505 (a) and (b) above, and those in Table 4E.

(d) Residential R-1, R-2, and R-3 (3 or fewer units) Administrative Design Review below 150' msl (flatland)

(1) Will not unreasonably impair access to light and air of structures on neighboring properties.

(2) Will not unreasonably affect the privacy of neighboring properties.

(3) Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare of injurious to property or improvements in such neighborhood.

(e) Residential R-1 and R-2 Design Review for additions to existing dwellings and accessory structures originally and legally built less than 8' but not less than 5' from the interior side property line

(1) Conformance to findings in Section 10-3.1505(d) above; and

(2) Is of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood.

Section 3.

This Ordinance was introduced on May 27, 1997, and adopted on June 10, 1997. This ordinance shall take effect 30 days following its adoption.

Adopted by the Town Council of the Town of San Anselmo this 10th day of June, 1997, by the following vote:

AYES: Breen, Chignell, Hodgens, Kroot, Overberger

NOES: None

ABSENT: None



Jeff Kroot, Mayor

ATTEST:



Debbie Stutsman, Town Clerk

Exhibit A

DEVELOPMENT STANDARDS TABLE

| DEVELOPMENT STANDARD DISTRICT | TABLE 4A | | | | | | | | | |
|--|----------|--------|--------|--------|--------|--------|--------|-----|-----|-----|
| | R-1-H | R-1-C | R-1 | R-2 | R-3 | P | C-1 | C-2 | C-L | C-3 |
| Lot Area, Minimum (Sq. Ft.) | 4000 | 43,560 | 43,560 | 47,500 | 47,500 | 47,500 | 49,500 | - | - | - |
| Density, Maximum (Units/Acre) | 40 | 41 | 40 | 42 | 40 | 41 | 42 | 43 | 44 | 45 |
| Lot Width, Minimum Average | 40 | 60 | 60 | 60 | 75 | 45 | - | - | - | - |
| Lot Width, Minimum Street Frontage | 40 | 40 | 40 | 40 | 50 | 45 | - | - | - | - |
| Lot Coverage, Maximum | 40 | 40 | 35% | 35% | 50% | 50% | - | - | - | - |
| Setback, Minimum Front ⁽¹⁾ | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 0 | 0 |
| Setback, Minimum Rear ⁽¹⁾ | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 0 | 0 |
| Setback, Minimum Adjacent to "R" Districts | - | - | - | - | - | 20 | 12 | 12 | 12 | 12 |
| Minimum Adjacent to "P" Districts | - | - | - | - | - | 12 | 0 | 0 | 0 | 0 |
| Minimum Adjacent to "C" Districts | - | - | - | - | - | 0 | 0 | 0 | 0 | 0 |
| Setback, Side ⁽¹⁾ | - | - | - | - | - | - | - | - | - | - |
| Minimum Interior Side | 8 | 8 | 8 | 8 | 8 | 8 | 0 | 0 | 0 | 0 |
| Minimum Street Side | 12 | 12 | 12 | 12 | 12 | 12 | 0 | 0 | 0 | 0 |
| Minimum Adjacent to "R" Districts | - | - | - | - | - | 5 | 8 | 0 | 0 | 0 |
| Minimum Adjacent to "P" Districts | - | - | - | - | - | 5 | 0 | 0 | 0 | 0 |
| Minimum Adjacent to "C" Districts | - | - | - | - | - | 0 | 0 | 0 | 0 | 0 |
| Floor Area Ratio, Maximum | 0.65 | 0.65 | 0.65 | 0.65 | 0.65 | 0.65 | 2.0 | 1.0 | 1.0 | 1.0 |

(16) (16)

§ 10-3-411

← New

§ 10-3-411

DEVELOPMENT STANDARDS TABLE

TABLE 4A (CONTINUED)

(15) *Fences, privacy walls, hedges, and screen plantings.*

- (a) The height of any fence, privacy wall, hedge, or screen planting shall not exceed six (6') feet in height above grade, including any supporting structures, when measured at any point and from either side of the fence, privacy wall, hedge, or screen planting.
- (b) The construction or installation of fences, privacy walls, hedges, and screen plantings within front and streetside side yard areas shall be subject to obtaining a permit from the Public Works Director. The Public Works Director shall determine the maximum height of any such fence, privacy wall, hedge, or screen planting, not to exceed six (6') feet in height above grade, based on safety factors necessary to maintain good vehicular and pedestrian visibility at intersections of streets, sidewalks, and driveways, after consideration of the terrain and topography of the lot involved, and the volume of vehicular and pedestrian traffic.
- (c) Fences, privacy walls, hedges, and screen plantings exceeding six (6') feet in height above grade, or those exceeding lesser heights as specified by the Public Works Director, within front and streetside side yard areas may be considered a public nuisance.

(16) Additions to existing dwellings and accessory structures

Additions to existing dwellings originally and legally built less than 8' but not less than 5' from the interior side property line may be expanded vertically or horizontally along the existing building plane subject to Design Review.

Additions to existing accessory structures originally and legally built less than 8' but not less than 5' from the interior side property line may be expanded horizontally along the existing building plane subject to Design Review.

Design Review approval must be in accordance with the provisions of Section 10-3.1505(e) of the San Anselmo Municipal Code.

This provision does not apply to:

- a) Additions to existing structures which are less than 8' from the interior side property line by virtue of a previously granted variance;
- b) Any construction less than 5' from the interior side property line; or
- c) Second story additions to accessory structures.

In such cases, a Variance is required.

§ 10-3.411

§ 10-3.411

287-17A

Reprint No. 52 - January 31, 1996

New