

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Community Cultural Zoning Code Amendment for Marin Art & Garden
Center, 31 Sir Francis Drake Blvd.
Date: January 31, 2012

I. Project Summary

Town Council adoption of Ordinance No. 629 amending Title 18 “Zoning” of the Ross Municipal Code, Chapter 18.28, To Allow Uses Related to Environmental Conservation in the Community Cultural District and adoption of categorical exemption from CEQA.

II. Discussion

The Marin Art & Garden Center has requested the Town to amend the language in the Community Cultural District Zoning regulations to expand permitted uses to include “environmental conservation.” The zoning district regulations, which only apply to the Marin Art & Garden Center site, currently limit permitted uses to “art” and “garden” related uses.

Staff supports the amendment to the zoning code, which is in line with the purpose of the center and a goal shared by the Town. The change will allow the Center to expand their range of potential tenants.

III. Recommendation

That the Council adopt proposed Ordinance 629.

PROPOSED

TOWN OF ROSS

ORDINANCE NO. 629

AN ORDINANCE OF THE TOWN OF ROSS AMENDING TITLE 18 “ZONING” OF THE ROSS MUNICIPAL CODE, CHAPTER 18.28, TO ALLOW USES RELATED TO ENVIRONMENTAL CONSERVATION IN THE COMMUNITY CULTURAL DISTRICT

The Town Council of the Town of Ross does ordain as follows:

SECTION 1: Title 18, Chapter 18.28 “Community Cultural (C-C) District, “Permitted uses” Section 18.28.030 is hereby amended to read as follows (addition shown by underline):

18.28.030 Permitted uses. (a) Uses permitted in the C-C district are as follows: The maintenance and operation of a community cultural center, an art and garden center, a memorial building or center, an environmental conservation center, a museum, a botanic garden or gardens, buildings, halls, rooms, or spaces devoted to the creation, exhibit, display and occasional sale of objects of art, including exhibitions of art in all its forms, including music, dancing and theatricals, and including the holding or giving of lectures and instruction in all matters appurtenant or incidental to any of the arts or environmental conservation. The primary purpose of the uses enumerated in this section and any kindred uses shall not be commercial, but rather for the pleasure, enjoyment, education and instruction of the public generally, and of persons interested in art in all its forms.

(b) These provisions shall not prevent or prohibit the operation of a tea room, lunching or dining services for the comfort and convenience of persons attending such gardens, museums, buildings or center, nor the charging of admission thereto nor the charging of a fee or compensation for such services, nor the sale of objects of art thereat.

(c) There shall not be permitted in the community cultural center district any use or manufacture which by nature or by the manner or extent of such use will result in a nuisance or be injurious or obnoxious to the peace, quiet, health and welfare of the surrounding property and community or to the quiet and peaceful enjoyment thereof.

SECTION 2: CEQA. The Town Council has determined that the ordinance is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA). The project is exempt under CEQA Guideline 15303 as the conversion of existing small structures from one use to another where only minor (if any) modifications are made in the exterior of the structure. (14 Cal. Code Regs. §15303). No exception set forth in Section 15300.2 of the CEQA Guidelines (including but not limited to Subsection (b), which relates to cumulative impacts and Subsection (c) which relates to unusual circumstances) applies to the project (14 Cal. Code Regs. §15300.2).

SECTION 3: Severability. The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or

unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4: Inclusion in the Ross Municipal Code. It is the intention of the Ross Town Council that the text in Section 1 be made a part of the Ross Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 5: This Ordinance shall go into effect on _____, and shall be posted in three public places in Town.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Ross Town Council on the 12th day of January, 2012, and was adopted at a regular meeting of the Ross Town Council on the ____ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Carla Small, Mayor

ATTEST:

Linda Lopez, Town Clerk