TOWN OF
WINDSOR

Town of Windsor

Zoning Ordinance

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Town of Windsor

ZONING ORDINANCE

TOWN OF WINDSOR

Zoning Ordinance
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TOWN OF WINDSOR

ZONING ORDINANCE

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Article 1
Zoning Ordinance Applicability

CHAPTER 27.01 - PURPOSE AND APPLICABILITY OF ZONING ORDINANCE

27.01.010 - Purpose of Zoning Ordinance

The Town of Windsor Zoning Ordinance carries out the policies of the Windsor General Plan by classifying and regulating the uses of land and structures within the Town, consistent with the General Plan. This Zoning Ordinance is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Town. More specifically, the purposes of this Zoning Ordinance are to:

A. Provide standards and guidelines for the orderly growth and development of the Town that will assist in protecting the rural characteristics and community identity of Windsor;

B. Conserve and protect the Town's natural beauty and setting, including the rolling hills and oak trees, scenic vistas, and historic and environmental resources;

C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;

D. Minimize automobile congestion by promoting pedestrian oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and

E. Ensure compatibility between residential and commercial development and land uses.

27.01.020 - Authority

This Zoning Ordinance is enacted based on the authority vested in the Town of Windsor by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

27.01.030 - Responsibility for Administration

This Zoning Ordinance shall be administered by: the Windsor Town Council, hereafter referred to as the "Council"; the Planning Commission, referred to as the "Commission"; the Town Planning Director, referred to as the "Director"; and the Town Planning Department, hereafter referred to as the "Department."

27.01.040 - Applicability of the Zoning Ordinance

This Zoning Ordinance applies to all land uses, subdivisions, and development within the Town of Windsor, as provided by this Section.

A. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 27.06.020 (General Requirements for Development and New Land Uses), and Chapter 27.50 (Nonconforming Uses, Structures, and Parcels).

B. Subdivisions. Any subdivision of land proposed within the Town after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements of Article 2 (Zoning Districts and Allowable Land Uses), the subdivision requirements of the Town of Windsor Subdivision Ordinance, and all other applicable requirements of this Zoning Ordinance.

C. Continuation of an existing land use. An existing land use is lawful and not in violation of the this Zoning Ordinance only when operated and maintained in compliance with all applicable provisions of this Zoning Ordinance, including Chapter 27.50 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Ordinance or any applicable amendment.

D. Effect of Zoning Ordinance changes on projects in progress.

1. A land use permit application that has been accepted by the Department as complete prior to the effective date of this Zoning Ordinance or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete.

2. A project that is under construction on the effective date of this Zoning Ordinance or any amendment, need not be changed to satisfy any new or different requirements of this Zoning Ordinance, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

E. Minimum requirements. The provisions of this Zoning Ordinance shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Ordinance provides for discretion on the part of a Town official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Ordinance, as may be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Zoning Ordinance.

F. Conflicting requirements:

1. **Zoning Ordinance and Town Code provisions.** If conflicts occur between requirements of this Zoning Ordinance, or between this Zoning Ordinance, the Town of Windsor Code, or other regulations of the Town, the most restrictive shall apply.

2. **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.

3. **Private agreements.** This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The Town shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

G. Other requirements may apply. Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the Town, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.

27.01.050 - Interpretations

A. Authority. The Director has the authority to interpret any provision of this Zoning Ordinance. Whenever the Director determines that the meaning or applicability of any Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.

B. Language. When used in this Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."

C. Time limits. Whenever a number of days is specified in this Zoning Ordinance, or in any permit, condition of approval, or notice provided in compliance with this Zoning Ordinance, the number of days shall be construed as calendar days. A time limit shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Zoning Map boundaries. See Section 27.04.020 (Zoning Map and Zoning Districts).

E. **Allowable uses of land.** See Section 27.06.030 (Allowable Land Uses and Permit Requirements).

F. **State law requirements.** Where this Zoning Ordinance references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

ARTICLE 2

Zoning Districts, Allowable Land Uses, and Zone-Specific Standards

CHAPTER 27.04 - ZONING MAP

27.04.010 - Purpose

This Chapter establishes the zoning districts applied to property within the Town and adopts the Town's Zoning Map.

27.04.020 - Zoning Map and Zoning Districts

The Council hereby adopts the Town of Windsor Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Zoning Ordinance by reference as though it were fully included here.

A. Zoning districts established. The Town of Windsor shall be divided into zoning districts which implement the Windsor General Plan. The zoning districts shown in Table 2-1 are hereby established, and shall be shown on the Zoning Map.

B. Interpretation of zoning district boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the precise location of the boundary shall be determined by the Director.

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;

2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map; and

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

TABLE 2-1
ZONING DISTRICTS

Zoning District Symbol	Zoning District Name	General Plan Land Use Classification Implemented by Zoning District
Residential Districts		
CR	Compact Residential	High Density Residential*
ER	Estate Residential	Estate Residential Rural Residential*
SR	Surrounding Residential	Very Low Density Residential*
VR	Village Residential	Low Density Residential
MDR	Medium Density Residential	Mobile Home Park Medium Density Residential
HDR	High Density Residential	High-Density Residential
Commercial Districts		
BC	Boulevard Commercial	Boulevard Mixed Use*
RC	Regional Mixed Use	Gateway Commercial*
NC	Neighborhood Center Commercial	Neighborhood Commercial Mixed Use*
CC	Community Commercial	General Business, Retail Commercial
TC	Town Center Commercial	Town Center Mixed Use
SC	Service Commercial	Service Commercial
GC	Gateway Commercial	Gateway Commercial
Industrial Districts		
BPI	Industrial/Business Park	Light Industrial
LI	Light Industrial	Light Industrial
HI	Heavy Industrial	Heavy Industrial
Special Purpose Districts		
OS	Open Space	Open Space
PD	Planned Development	All
PI	Public/Institutional	Public/Quasi-Public*
REC	Recreation	Parks & Recreation*
Overlay Districts		
-AS	Airport Safety	All
-F	Flood Hazard	All
-HO*	Historic Overlay*	All*

*Revised 04/18/18, ORD. 2018-325

CHAPTER 27.06 -DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

27.06.010 - Purpose

This Chapter describes the Town's requirements for the approval of proposed development and new land uses. The permit requirements established by this Zoning Ordinance for specific land uses are in Chapters 27.08 through 27.14.

27.06.020 - General Requirements for Development and New Land Uses

All land uses and structures shall be established, constructed, reconstructed, altered, or replaced in compliance with the following requirements.

A. Allowable use. The land use shall be allowed by this Zoning Ordinance in the zoning district applied to the site. The basis for determining whether a use is allowable is described in Section 27.06.030 (Allowable Land Uses and Permit Requirements).

B. Permit and approval requirements. Any land use permit or other approval required by Section 27.06.030 (Allowable Land Uses and Permit Requirements) shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 27.06.040 (Exemptions from Development and Land Use Approval Requirements).

C. Development standards, conditions of approval. Land uses and structures shall comply with the development standards of this Chapter, the provisions of Article 3 (Site Planning and General Development Standards), and any applicable conditions imposed by a previously granted land use permit.

D. Legal parcel. The proposed site shall be a parcel that was legally created in compliance with the Subdivision Map Act and the Town's Subdivision Ordinance.

27.06.030 - Allowable Land Uses and Permit Requirements

A. Allowable land uses. The uses of land allowed by this Zoning Ordinance in each zoning district are listed in Tables 2-2, 2-4, 2-6, and 2-8, together with the type of land use permit required for each use.

1. Uses not listed. Land uses that are not listed in tables or are not shown in a particular zoning district are not allowed, except as otherwise provided Subsection A.2., or Section 27.06.040 (Exemptions from Land Use Permit Requirements).

2. Similar uses may be allowed. The Director may determine that a proposed use not listed in this Article is allowable if all of the following findings are made:

a. The characteristics of, and activities associated with the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the district;

b. The proposed use will be consistent with the purposes of the applicable zoning district; and

c. The proposed use will be consistent with the General Plan and any applicable Specific Plan.

3. Applicable standards and permit requirements. When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Zoning Ordinance apply.

4. Commission determination. The Director may forward questions about equivalent uses directly to the Commission for a determination at a public meeting.

B. Permit requirements. Tables 2-2, 2-4, 2-6, and 2-8 provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Zoning Ordinance, subject to first obtaining a Zoning Clearance (Section 27.42.020). These are shown as "P" uses in the tables;

2. Allowed subject to the approval of a Minor Use Permit (Section 27.42.050), and shown as "MUP" uses in the tables; and

3. Allowed subject to the approval of a Use Permit (Section 27.42.050), and shown as "UP" uses in the tables.

Note: any land use authorized through the approval of a Zoning Clearance, Minor Use Permit, or Use Permit may also require Site Plan and Design Review approval (Section 27.42.030), a Building Permit, or other permit required by the Town Code.

27.06.040 - Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Ordinance do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zoning districts subject to compliance with this Section.

A. General requirements for exemption. The land uses, structures, and activities identified by Subsection B. below are exempt from the land use permit requirements of this Zoning Ordinance only when:

1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article

(Zoning Districts and Allowable Land Uses) and Article 3 (General Development and Performance Standards); and

2. Any permit or approval required by regulations other than this Zoning Ordinance is obtained (for example, a Building Permit).

B. Exempt activities and uses. The following are exempt from the land use permit requirements of this Zoning Ordinance when in compliance with Subsection A. above.

1. Decks, paths and driveways. Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit by the Town Code.

2. Fences and walls. See Chapter 27.26 (Fences, Walls, and Hedges). A Building Permit is required for any fence or wall over six feet in height.

3. Interior remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within the structure, or a change in the permitted use of the structure.

4. Portable spas, hot tubs, and fish ponds. Portable spas, hot tubs, and fish ponds, etc., that do not: exceed 120 square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed three feet in depth, and are outside required setbacks. These facilities shall comply with the side and rear setback requirements established in Section 27.20.070 (Setback Measurement and Exceptions) for the applicable zoning district, or Section 27.34.170 (Residential Accessory Uses and Structures), where applicable.

5. Repairs and maintenance. Ordinary repairs and maintenance, if:

a. The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and
b. Any exterior repairs employ the same materials and design as the original construction.

6. Small, portable residential accessory structures. A single portable structure per lot or unit, including pre-manufactured storage sheds, small play structures/houses and other small structures in residential zoning districts that are exempt from Building Permit requirements in compliance with the Town Code and the Uniform Building Code Structures under this section are subject to the setback requirements in Section 27.34.170.
(Revised 09/06/08, ORD. 2008-241)

7. Solar collectors. The addition of solar collection systems to the roofs or sides of existing structures, provided that the collectors comply with applicable height limit requirements.

8. Utilities. The erection, construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments shall be permitted in any zoning district. These

include: water; gas; electric; telecommunication; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. Satellite and wireless communications antennas are subject to Section 27.34.200 (Telecommunications Facilities).

27.06.050 - Prohibited Land Uses

A. **Medical Marijuana Dispensary**. A Medical Marijuana Dispensary, as defined in Section 27.60.020(M), is a prohibited land use in the Town of Windsor. No conditional use permit, temporary permit, or permit of any nature shall be issued for a prohibited land use. (Revised 06/20/07, ORD. 2007-217)

B. **Nonmedical (Recreational) Marijuana Dispensary.** A Nonmedical (Recreational) Marijuana Dispensary, as defined in Section 27.60.020(N), is a prohibited land use in the Town of Windsor. No conditional use permit, temporary permit, or permit of any nature shall be issued for a prohibited land use.

C. **Nonmedical (Recreational) Marijuana Outdoor Cultivation.** Outdoor cultivation of nonmedical marijuana is prohibited in all zoning districts of the Town. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot or site within any zoning district in the Town of Windsor to cause or allow such lot or site to be used for the outdoor cultivation of marijuana plants for nonmedical (recreational) use.

D. **Nonmedical (Recreational) Marijuana Indoor Cultivation.** Indoor cultivation of nonmedical marijuana is prohibited in all zoning districts of the Town, except when such cultivation occurs on property with a private residence. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any dwelling unit within any zoning district in the Town of Windsor to cause or allow for the indoor cultivation of more than six marijuana plants. The limit of six plants per residence for nonmedical marijuana cultivation shall apply regardless of how many adult individuals reside at the private residence.

E. The following marijuana-related activities and uses are prohibited within the Town of Windsor:

1. Mixed-light cultivation of marijuana.
2. Marijuana nurseries.
3. Manufacturing of marijuana products.
4. Testing facilities for the testing of marijuana or marijuana products.
5. Retail sales of marijuana, marijuana products, or marijuana accessories.
6. Facilities for the distribution of marijuana, marijuana products, or marijuana accessories.
7. Marijuana microbusinesses.
8. Marijuana cultivation as a home occupation.

(Revised 04/09/18, ORD. 2017-318)

CHAPTER 27.08 - RESIDENTIAL ZONING DISTRICTS

27.08.010 - Purpose of Chapter

This Chapter lists the land uses that may be allowed within the residential zoning districts established by Section 27.04.020 (Zoning Map and Zoning Districts), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

27.08.020 - Purposes of Residential Zoning Districts

(Revised 4/18/18, Ord. 2018-325)

The residential zoning districts are provided to preserve, enhance, and expand the existing housing stock to provide a range of safe housing opportunities for all members of the Windsor community, and to blend in with the natural setting of the community. The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

A. ER (Estate Residential) District. The ER zoning district is intended for areas suitable for single-family residential development on larger parcels. The allowable density ranges from zero to three dwelling units per acre. The ER zoning district is consistent with the Estate Residential and Rural Residential land use classifications of the General Plan.

B. SR (Surrounding Residential) District. The SR zoning district is intended for areas appropriate for a mixture of housing types. The primary housing type is single-family homes; however, duplexes and triplexes are encouraged within the allowable density range. The allowable density ranges from three to six dwelling units per acre. The SR zoning district is consistent with the Very Low Density land use classification of the General Plan.

C. VR (Village Residential) District. The VR zoning district is intended for areas appropriate for a mixture of housing types on smaller lots. The allowable density ranges from five to eight dwelling units per acre. The lower end of the density range may be appropriate adjacent to the SR or ER zoning districts, with the higher end of the range being appropriate near neighborhood centers, parks, and transit stops. The VR zoning district is consistent with the Low Density Residential land use classification of the General Plan.

D. MDR (Medium Density Residential) District. The MDR zoning district is intended for areas appropriate for multi-family housing, and is suitable near activity centers and along major thoroughfares. This zoning district allows for a variety of residential opportunities including small single-family units, row houses, townhomes, and small apartment complexes. The allowable density ranges from eight to sixteen dwelling units per acre. The MDR zoning district is consistent with the Medium Density Residential and Mobile Home Park land use classifications of the General Plan.

E. HDR (High Density Residential) District. The HDR zoning district is intended for areas appropriate for high-density, multi-family housing. Typical dwelling units include

townhouses and apartments. The allowable density ranges from sixteen to thirty-two dwelling units per acre. The HDR zoning district is consistent with the High Density Residential land use classification of the General Plan.

F. CR (Compact Residential) District. The CR zoning district is intended for areas of compact high density housing, especially in association with nearby mixed use development and near transit corridors or stops. Typical dwelling units include apartments, condominiums and town homes. In limited circumstances, schools, parks and other public facilities may be provided to serve the residential community. The allowable density ranges from twelve to twenty-four units per acre for CR-24 zoned sites to twelve to thirty-two units per acre for CR-32 zoned sites. The CR zoning district is consistent with the High Density Residential land use classification of the General Plan.

27.08.030 - Residential District Land Uses and Permit Requirements

Table 2-2 identifies the uses of land allowed by this Zoning Ordinance in each residential zoning district, and the land use permit required to establish each use, in compliance with Section 27.06.030 (Allowable Land Uses and Permit Requirements).

Note: the far right column in the tables ("Specific Use Regulations") will show a section number for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

A. Windsor Station Area/Downtown Specific Plan: Properties within the adopted Windsor Station Area/Downtown Specific Plan area are subject to additional design and development standards. Where conflicts arise between the Zoning Ordinance and the Windsor Station Area/Downtown Specific Plan, the Windsor Station Area/Downtown Specific Plan criteria and standards shall apply." (Revised 02/06/13 Ord 2013-277)

TABLE 2-2
Allowed Uses and Permit Requirements for Residential Zoning Districts

P Permitted Use (2) (3)
MUP Minor Use Permit Required (3)
UP Use Permit Required (3)
— Use not allowed

LAND USE (1)	PERMIT REQUIREMENT BY ZONE						Specific Use Regulations
	ER	SR	VR	MDR	CR**	HDR	
AGRICULTURE, RESOURCE & OPEN SPACE USES							
Animal keeping	P	P(4)	P(4)	P(4)	P(4)	P(4)	27.34.040
Crop production and horticulture	P	—	—	—	—	—	
Roadside stands	MUP	—	—	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Parks and Playgrounds	P	P	P	P	P	P	
Religious places of worship	UP	UP	UP	UP	UP	UP	
Schools – Private, K-12	UP	UP	UP	UP	UP	UP	
RESIDENTIAL USES* **							
Accessory dwelling units******	P	P	P	P	—	—	27.34.180
Guest house	P	P	MUP	MUP	MUP	MUP	27.34.090
Home occupations	P	P	P	P	P	P	27.34.100
Indoor Marijuana Cultivation (Nonmedical, up to 6 plants)*****	P	P	P	P	P	P	27.37.030 27.42.020
Junior accessory dwelling units******	P	P	P	P	—	—	27.34.185
Kennels, hobby	MUP	MUP	MUP	MUP	MUP	MUP	
Mobile home parks	—	UP	UP	UP	—	UP	27.34.120
Multi-family dwellings	—	UP	UP	P	P	P	27.08.060
Organizational houses (convents, fraternities, etc.)	UP	UP	UP	UP	UP	UP	
Residential accessory uses and structures	P	P	P	P	P	P	27.34.170
Residential care homes – 6 or fewer clients	P	P	P	P	P	P	
Residential care homes – 7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	
Single family dwellings	P	P	P	P	—	—	
Single room occupancy housing (SRO)****	—	UP	UP	P	P	P	27.08.070
Zero lot line projects	—	—	UP	UP	UP	UP	
PROHIBITED USES***							
Marijuana accessories sales	—	—	—	—	—	—	27.06.050
Marijuana cultivation	—	—	—	—	—	—	27.06.050
Marijuana distribution facilities	—	—	—	—	—	—	27.06.050
Marijuana microbusinesses	—	—	—	—	—	—	27.06.050
Marijuana mixed-light cultivation	—	—	—	—	—	—	27.06.050
Marijuana nurseries	—	—	—	—	—	—	27.06.050
Marijuana product manufacturing	—	—	—	—	—	—	27.06.050
Marijuana retail sales	—	—	—	—	—	—	27.06.050
Marijuana testing facilities	—	—	—	—	—	—	27.06.050

Notes:
(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
(2) Zoning Clearance required, see Section 27.42.020.
(3) Site Plan and Design Review may also be required. See Section 27.42.030.
(4) Animal keeping shall be limited to domestic animals in compliance with Section 27.34.040.

** Zone CR added 8/3/05 Ord. 2005-192
*** Revised 09/17/14, ORD. 2014-287 to remove supportive housing facility
**** Revised 09/17/14, ORD. 2014-287 to add single room occupancy housing (SRO)
*****Revised 04/09/18, ORD 2017-318 regulating marijuana cultivation
******Revised 04/09/18, ORD 2017-319 requirements for ADUs and JADUs

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed						
	PERMIT REQUIREMENT BY ZONE						Specific Use Regulations
LAND USE (1)	ER	SR	VR	MDR	CR*	HDR	
RETAIL TRADE USES							
Neighborhood markets	—	UP	UP	UP	UP	UP	27.34.130
SERVICES							
Adult day care facilities, 6 or fewer clients	P	P	P	P	P	P	
Adult day care facilities, 7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	
Bed and breakfast inns (B&Bs)	MUP	MUP	MUP	—	MUP	MUP	27.34.060
Cemeteries, mausoleums	UP	UP	UP	UP	UP	UP	
Child day care – Large family day care homes	MUP	MUP	MUP	MUP	MUP	MUP	27.34.070
Child day care – Small family day care homes	P	P	P	P	P	P	
Child day care centers	UP	UP	UP	UP	UP	UP	27.34.070
Public utility or safety facilities	MUP	MUP	MUP	MUP	MUP	MUP	
TRANSPORTATION & COMMUNICATIONS USES							
Utility infrastructure	P	P	P	P	P	P	

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
(2) Zoning Clearance required, see Section 27.42.020.

* Zone CR added 08/3/05, ORD. 2005-192

27.08.040 - Residential District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-3, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development and Performance Standards).

TABLE 2-3
RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District		
	ER	**SR**	**VR**
Minimum lot size	*Minimum area and width for parcels proposed in new subdivisions.*		
Area	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Width (1)	80 ft.	60 ft.	
Maximum Density **(2)**	0.2 to 3 dwelling units per gross acre	3 to 6 dwelling units per gross acre	5 to 8 dwelling units per gross acre
Setbacks	*Minimum and maximum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.*		
Front – Minimum, infill development (3)	The average of the front setbacks of the two nearest buildings on the same block face, or the minimum setback shown below for new development, whichever is less.		
Front - Minimum, new project (3)	20 ft.	15 ft.	13 ft.
Front – Maximum, new project (3)	30 ft.	25 ft.	20 ft.
Front – Minimum for garage (9)	35 ft. (4)	25 ft. (4)	18 ft., but not less than 5 ft. further from the street than the façade of the residence.
Sides – Minimum	5 ft.; 10 ft. on street side (5) (8)		
Rear – Minimum	20 ft.		
Rear – Minimum for attached garage	5 ft.		
Between structures	See Section 27.08.050 (Minimum Distance Between Residential Structures)		
Accessory structures	See Section 27.34.170 (Residential Accessory Uses and Structures)		
Site coverage (6)	35%	40%	50%
Height limit (7)	35 ft. for principal structures; 15 ft. for accessory structures; 15 ft. for detached accessory dwelling units, except as allowed by Section 27.34.180*		35 ft.
Landscaping	As required by Chapter 27.28 (Landscaping)		
Parking	As required by Chapter 27.30 (Parking and Loading).		

***** Rev 04/09/18, ORD. 2017-319

TABLE 2-3
RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District			
	MDR	**HDR**	**CR-24***	**CR-32***
Minimum Lot Size	*Minimum area and width for parcels proposed in new subdivisions.*			
Area	5,000 sq. ft.		3,500 sq. ft.	
Width (1)	50 ft.		20 ft.	
Maximum density (2)	8 to 12 dwelling units per gross acre	12 to 16 dwelling units per gross acre	12 to 24 dwelling units per gross acre	16 to 32 dwelling units per gross acre
Setbacks	*Minimum and maximum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.*			
Front – Minimum, infill development (3)	The average of the front setbacks of the two nearest buildings on the same block face, or the minimum setback shown below for new development, whichever is less.			
Front, Minimum, new project (3)	13 ft.		5 ft.	
Front – Maximum, new project (3)	20 ft.		10 ft.	
Sides – Minimum	5ft.; 10 ft. on street side (5) (8)		5 ft.	
Rear – Minimum	15 ft.		10 ft.	5 ft.
Rear – Minimum for attached or detached garage	5 ft.			
Between structures	See Section 27.08.050 (Minimum Distance Between Residential Structures)			
Accessory structures	See Section 27.34.170 (Residential Accessory Uses and Structures)			
Accessory dwelling units**	See Section 27.34.180 (Accessory Dwelling Units)	N/A		
Site coverage (6)	50%		80%	100%
Height limit (7) Primary structures	35 ft. maximum		2 stories maximum 4 stories maximum	
Accessory structures**	15 ft. for accessory structures			
Accessory dwelling unit**	15 ft., except as allowed by Section 27.34.180	N/A		

	Requirement by Zoning District			
	MDR	**HDR**	**CR-24***	**CR-32***
Landscaping	As required by Chapter 27.28 (Landscaping)			
Parking	As required by Chapter 27.30 (Parking and Loading)		In rear of lot only	
Maximum Block Perimeter	N/A	2,000 ft.	1,600 ft.	

* Revised 08/03/05, ORD. 2005-192

** Revised 04/09/18, ORD. 2017-319

Notes:

(1) Lot widths, lot sizes, and setbacks below the minimum may be authorized by Use Permit approval or through rezoning to apply the -PD overlay district where the review authority finds that a lesser lot width, lot size, or setback will be adequate after first reviewing the design and layout of the proposed housing units.

(2) Allowable density will be determined for each specific site by the review authority through the Minor Use Permit, Use Permit, Tentative Map, or -PD rezoning process, as applicable.

(3) A porch with a minimum depth of six feet may encroach into a required front setback.

(4) But not less than 10 feet further from the street than the front facade of the residence.

(5) In the MDR zoning district, the required side setback shall be increased by one foot for each four feet of building height in excess of 15 feet.

(6) Maximum percentage of lot area that may be covered by structures.

(7) Maximum allowed height of structures, except as otherwise provided by Chapter 27.20 (General Property Development and Use Standards).

(8) None required on one side for a zero lot line project authorized by Use Permit approval.

(9) The Town of Windsor encourages diversity in house design and, therefore, requires a minimum of three different garage configurations or setbacks within each subdivision of 10 or more units.

(10) The Town of Windsor desires a walkable community; therefore, entrances to dwelling units (single or multi-family, but not including accessory dwelling units) shall generally be located on the front facade and directly face the street. However, a prominent porch may be substituted where side doors are used but should not comprise more than 25% of all homes along a street. On multi-family units, front doors or common vestibules should face a street or a courtyard that provides a direct walkway to a street. (Revised 08/1/01, ORD. 2001-148)

(11) For single-family houses, duplexes and townhouses, garages should not make up more than 50% of the street-facing width of the house. However, where lot widths are less than 45 feet, wider garage doors may be allowed with a Conditional Use Permit if garage door dominance is minimized through innovative lot patterns, deeper garage setbacks or architectural excellence. (Revised 08/1/01, ORD. 2001-148)

(12) New homes should provide a minimum of 48 square feet of covered porch (with a minimum depth of 6 feet clear of railings and supports). Porches should cover at least 20% of the street-facing width of a house, inclusive of the width of attached garages. For up to 50% of all units within a project, arbors, trellises, courtyards and similar landscape architectural features may substitute for porches at the front door if they are accompanied by fast-growing vines, and if the front door is protected from rain. (Revised 08/1/01, ORD. 2001-148)

(13) Corner lots shall have enhanced architecture – such as windows, bay windows, doors, wraparound porches (strongly recommended), room projections, changes in roofline features, etc. – on both street frontages. These enhanced architectural features shall be provided for a minimum of 50% of the side street frontage elevation. (Revised 08/1/01, ORD. 2001-148 and Revised 03/15/05 ORD. 2005-189)

(14) Garages must be located in the rear of lot, in a parking lot or off an alley. (Revised 08/3/05, ORD. 2005-192).

(15) To provide a transition in density ranges, a single row of housing units up to 3 units per acre along the

southern, northern and eastern boundaries of General Plan Special Planning Area "J." (Revised 08/3/05, ORD. 2005-192)

(16) To provide a transition in density ranges, a single row of 3-6 housing units per acre may be allowed along the northern portion of the "Village Residential" area of General Plan Special Planning Area "J." (Revised 08/3/05, ORD. 2005-192)

(17) Properties within the boundaries of the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Refer to the Windsor Station Area/Downtown Specific Plan for specific information. (Revised 02/06/13, ORD 2013-277)

27.08.050 - Minimum Distance Between Residential Structures

Residential structures on the same parcel shall be separated by the minimum distances shown in the following table.

Characteristics of Structures	Minimum Distance Between Structures
1-story structures	10 ft.
2-story structures	15 ft.
Where one or both walls contain windows.	Add 5 ft. (1)

Notes:

(1) Landscaping shall be incorporated into multi-family residential projects to effectively screen views and provide privacy for adjoining units. (Revised 08/1/01, ORD. 2001-148)

27.08.060 - Multi-Family Project Open Space Standards

Proposed residential projects of two or more dwelling units shall be designed to provide on the site a minimum of 400 square feet of usable open space per dwelling unit, in compliance with the following standards.

A. Composition of open space. The open space may be a combination of common open space accessible to all project residents, or private open space for the exclusive use of a single dwelling; however, no unit shall have less than 50 square feet of private open space when it is provided by a deck or balcony, or 100 square feet when provided by a yard at ground level. Porch areas can apply toward these requirements, but driveways and service areas shall not be counted as applying.

B. Location of open space. At least one-half of the required open space shall be provided at the ground level.

C. Minimum dimensions. At ground level, common open space shall have a minimum contiguous area of 400 square feet and no dimension less than 20 feet. Private yards at ground level shall have no dimension less than 10 feet. Balconies and bay windows shall not encroach into these dimensions by more than three feet. Required porches, decks, and balconies shall have no dimension less than six feet.

Exceptions: (Revised 08/3/05, ORD. 2005-192)

D. Mixed use projects. Shall have a minimum of 50 square feet of private open space for the exclusive use of a single dwelling. It may be provided by a porch, balcony or roof top garden.

E. Compact Residential (CR) zoning designation. Shall provide a minimum of 200 square feet of usable open space per dwelling unit, in compliance with "A" above.

27.08.070 – Single Room Occupancy Housing (SRO) Standards*

The purpose of this section is to provide development standards for properties that operate Single Room Occupancy Housing (SRO).

A. **Size:** Minimum unit size is 150 square feet and a maximum of 400 square feet and occupancy is limited to two people.

B. Laundry facilities:

a. One washer and one dryer for every 20 units or fraction thereof.
b. At least one washer and one dryer per floor.

C. Bathroom Facilities: An SRO unit is not required to, but may, contain a partial or full bathroom facility. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the Town of Windsor Municipal Code for congregate residences with at least one full bathroom per floor.

D. **Kitchen Facilities:** An SRO unit is not required to, but may, contain a partial or full kitchen facility. If a kitchen is not provided, at least one common full kitchen must be provided per floor.

E. Closets: Each unit must have a separate closet.

F. On-Site Management: Provide a management plan that contains the policies and operations for the site, rental procedures, residency and guest rules, security and staff needs. Facilities with 6 or more units require a 24-hour resident manager.

G. Parking: 0.5 parking spaces for each SRO unit, one space for an on-site manager (where required), and one parking spaces for each additional employee. Parking reductions may be considered at the discretion of the Community Development Director and/or Planning Commission, if a parking analysis is prepared.

* Section Added 09/17/2014, ORD. 2014-287

CHAPTER 27.10 - COMMERCIAL ZONING DISTRICTS

27.10.010 - Purpose of Chapter

This Chapter lists the land uses that may be allowed within the commercial zoning districts established by Section 27.04.020 (Zoning Map and Zoning Districts), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

27.10.020 - Purposes of Commercial Zoning Districts

(Revised 4/18/18, Ord. 2018-325)

The commercial zoning districts are intended to provide an open and inviting business climate for new and existing businesses, a balanced economic environment, and diverse tax base. The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

A. NC (Neighborhood Center Commercial) District. The NC zoning district is applied to areas where residents can shop, socialize, or recreate. This zoning district includes a mix of land uses that would be appropriate along major thoroughfares and adjacent to the MDR zoning district. Different NC land uses can be located in the same building or on the same site, and include retail, child care, and public uses. The NC zoning district is consistent with the Neighborhood Commercial Mixed Use land use classification of the General Plan.

B. CC (Community Commercial) District. The CC zoning district is applied to areas appropriate for a range of local- and community-serving retail and service land uses, including restaurants, shops, personal and business services. The CC zoning district is consistent with the Retail Commercial and General Business land use classifications of the General Plan.

C. TC (Town Center Commercial) District. The TC zoning district is intended to provide attractive areas within the Old Town where the community can gather to socialize, shop, recreate, or live. This zoning district includes diverse, compatible land uses that can be developed on the same site, and where desirable, in the same building. Appropriate land uses include retail, high density residential, public uses, hotels and motels, and offices. The TC zoning district is consistent with the Town Center Mixed Use land use classification of the General Plan.

D. TC (Town Center Commercial) Active Use Frontage Overlay District. The TC Active Use Frontage Overlay District is intended to provide attractive areas within the downtown where the community can gather to socialize, shop, recreate, or live. This zoning district includes diverse, compatible land uses that can be developed on the same site, and where desirable, in the same building. Appropriate land uses include retail, high density residential, public uses, hotels and motels. However, this District requires that the ground level have uses that are accessible to the general public, generate walk-in pedestrian clientele and thus contribute to a high level of pedestrian activity, and are engaging to pedestrians walking by. The TC zoning district is consistent with the Town Center Mixed Use land use classification of the General Plan and the

Station Area/Downtown Specific Plan. The TC Active Use Frontage Overlay zoning district is consistent with the Town Center land use classification of the Station Area/Downtown Plan.

E. TC (Town Center Commercial) Entertainment Overlay District. The TC Entertainment Overlay District is intended to promote entertainment uses and limit potential incompatibility with residential uses. The Entertainment Overlay restricts residential uses and serves community and regional retail needs with a focus on entertainment and recreation uses. This includes nightlife venues, various types of theaters, music venues, arcades/game rooms, and restaurants. While these uses are encouraged in this area by restricting housing, it is noted that entertainment uses are allowed throughout the Town Center designation. The TC zoning district is consistent with the Town Center Mixed Use land use classification of the General Plan. The TC Entertainment Overlay zoning district is consistent with the Town Center land use classification of the Station Area/Downtown Plan.

F. SC (Service Commercial). The SC zoning district is applied to areas suitable for land intensive personal and business service uses, including automobile repair shops, construction equipment sales and rental yards, service stations, and outdoor recreation uses. The SC zoning district is consistent with the Service Commercial land use classification of the General Plan.

G. GC (Gateway Commercial). The GC zoning district is applied to areas along highways that are visually prominent entryways into the town. Land uses in the GC zoning district are intended to serve the region, and include retail and tourist-related uses. Given the prominent locations of this zoning district, development will need to be of particularly high quality in design. The GC zoning district is consistent with the Gateway Commercial land use classification of the General Plan.

H. BC (Boulevard Commercial). The BC zoning district is applied to areas of intensive mixed use development with extensive pedestrian-oriented frontage on a boulevard street, near transit service and stops, and is intended primarily to serve local residents and businesses. A mix of compatible land uses is encouraged within the same building or on the same site, and could include public facilities or plazas, residential, retail, office and childcare uses. The BC zoning district is consistent with the Boulevard Mixed Use land use classification of the General Plan.
(Revised 08/3/05, ORD. 2005-192)

I. RC (Regional Commercial). The RC zoning district is applied in locations where more intensive employment opportunities, residential, shopping, visitor-serving, and institutional uses are mixed to serve Windsor and the surrounding community. This zoning district provides for a mix of diverse and compatible land uses in the same building or on the same site, and could include public facilities or plazas, retail, higher density residential, hotel/motel accommodations, conference facilities, health services and office uses. The RC zoning district is consistent with the Gateway Commercial land use classification of the General Plan.

27.10.030 - Commercial District Land Uses and Permit Requirements

Table 2-4 identifies the uses of land allowed by this Zoning Ordinance in the commercial zoning districts, and the land use permit required to establish each use, in compliance with Section 27.06.030 (Allowable Land Uses and Permit Requirements).

Note: the far right column in the tables ("Specific Use Regulations") will show a section number for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

A. Windsor Station Area/Downtown Specific Plan: Properties within the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Where conflicts arise between the Zoning Ordinance and the Windsor Station Area/Downtown Specific Plan, the Windsor Station Area/Downtown Specific Plan criteria and standards shall apply." (Revised 02/06/13, ORD 2013-277)

TABLE 2-4
Allowed Uses and Permit Requirements for Commercial Zoning Districts
(Rev. 02/06/13 Ord. 2013-277, 04/09/18 Ord2017-318)

P Permitted Use (2) (3)
MUP Minor Use Permit Req. (3)
UP Use Permit Req. (3)
— Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	
INDUSTRY, MANUFACTURING & PROCESSING USES										
Contractors storage yards	—	—	—	—	—	MUP	—	—	—	
Electrical & electronic equipment, instruments	—	—	—	—	—	UP	—	—	—	
Food and beverage manufacturing	—	—	—	—	—	UP	—	—	—	
Handcraft industries	P	P	P	P (10)	—	—	—	P	P	
Laundries and dry cleaning	—	P	—	—	—	—	—	—	—	
Marijuana cultivation**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana distribution facilities**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana mixed-light cultivation**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana nurseries**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana product manufacturing**	—	—	—	—	—	—	—	—	—	27.06.050
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	—	—	—	
Recycling facilities – Large collection facility	—	—	—	—	—	UP	—	—	—	27.34.160
Recycling facilities – Reverse vending machines	—	—	P	—	—	P	—	—	—	27.34.160
Recycling facilities – Small collection facility	—	—	—	—	—	UP	—	—	—	27.34.160
Warehousing, wholesaling and distribution	—	—	—	—	—	UP	—	—	—	
Wineries	—	—	—	—	—	UP	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES										
Adult business establishments	—	—	—	—	—	UP	—	—	—	27.34.030
Clubs, lodges and private meeting halls	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Community centers	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Health/fitness facilities	P	P	P	UP	UP	P	P	P	P	
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP	UP	UP	
Libraries and museums	P	P	P	MUP	—	P	P	P	P	
Outdoor commercial recreation	—	—	—	—	—	UP	UP	—	—	
Parks and playgrounds	P	—	P	—	—	—	—	P	P	
Recreational vehicle parks	—	—	—	—	—	UP	UP	—	—	
Religious places of worship and related facilities	UP	UP	UP	—	—	UP	UP	UP	UP	
Schools - specialized education and training	—	MUP	MUP (5)	—	—	MUP	—	—	—	
Studios (art, dance, music, photography, etc.)	P	P	P	—	MUP	P	P	P	P	
Theaters and auditoriums	—	—	UP	UP (8)	UP	—	—	—	UP	
RESIDENTIAL USES										
Agricultural worker housing	—	P	—	—	—	—	—	—	—	
Caretaker housing	—	P	—	—	—	P	P	—	—	
Emergency shelters*	—	P	—	—	—	—	—	—	—	27.21.030
Indoor Marijuana Cultivation (Nonmedical, up to six plants)**	P	P	P	P	—	P	P	P	P	27.37.030 27.42.020
Live-work facilities	P	P	P (9)	P (9)	—	P	UP	P	P	
Multi-family dwellings, in a mixed-use project	UP(4)	P(4)	P(4)	P	—	UP(4)	UP (4)	P(4)	P(4)	27.08.060 27.34.110
Residential care homes	MUP (4)	MUP (4)	MUP (4)	—	—	—	—	MUP (4)	MUP (4)	
RETAIL TRADE USES										
Alcoholic beverage sales, off-site	P	P	P	P	P	P	P	P	P	

TABLE 2-4
Allowed Uses and Permit Requirements for Commercial Zoning Districts
(Rev. 02/06/13 Ord. 2013-277, 04/09/18 Ord2017-318)

P Permitted Use (2) (3)
MUP Minor Use Permit Req. (3)
UP Use Permit Req. (3)
— Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	
Art, antique, collectable and gift sales	P	P	P	P	P	P	P	P	P	
Auto and vehicle sales/rental	—	—	—	—	—	P	UP	—	—	
Auto parts sales	—	P	—	—	—	P	P	—	—	
Bars and nightclubs	UP	UP	UP	UP	UP	UP	—	UP	UP	
Building material stores	—	—	—	—	—	UP	UP	—	—	
Convenience stores	P(6)	P(6)	—	—	—	P(6)	—	P(6)	—	27.34.130
Drive-in and drive-through sales	—	UP	—	—	—	UP	UP	—	—	
Equipment sales and rental	—	UP	—	—	—	P	—	—	—	
Furniture, furnishings and appliance stores	—	P	P	P	P	P	—	P	P	
Garden supply and equipment sales and services	—	P	P	—	—	P	P	—	P	
Gas stations (fuel sales without vehicle services)	—	UP	—	—	—	UP	UP	—	—	27.34.190
General retail stores not otherwise listed	P	P	P	P	P	P	P	P	P	
Grocery stores	P	P	P	P	P	P	—	P	P	
Hardware store	P	P	P	P	—	P	P	P	P	
Marijuana accessories sales**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana microbusinesses**	—	—	—	—	—	—	—	—	—	27.06.050
Marijuana retail sales**	—	—	—	—	—	—	—	—	—	27.06.050
Mobile home, recreational vehicle and boat sales	—	—	—	—	—	P	MUP	—	—	
Neighborhood markets	P	P	P	P	P	P	P	P	P	27.34.130
Outdoor retail sales and activities	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	27.34.140
Plant nurseries and garden supply stores	P	P	P	—	—	P	P	P	P	
Plant nurseries, wholesale	—	—	—	—	—	P	P	—	—	
Restaurants	P	P	P	P	P	P	P	P	P	
Restaurants, take-out	P	P	MUP	MUP	MUP	P	P	P	MUP	
Restaurants, with alcohol sales	P	P	P	MUP	MUP	P	P	P	P	
Restaurants, with live entertainment	MUP	MUP	MUP	MUP	UP	MUP	MUP	MUP	MUP	
Restaurants, with outdoor dining	P	P	P	P	P	P	P	P	P	
Second hand stores	—	P	—	P	P	P	P	—	—	
Wine/Beer tasting accessory to retail	—	P	P	P	P	—	P	P	P	
Warehouse retail sales	—	—	—	—	—	UP	UP	—	—	

SERVICES

Ambulance services	—	—	—	—	—	P	—	—	—	
Automated teller machines (ATMs)	P	P	P	P	P	P	P	P	P	
Banks and financial services	P	P	P	P	P	—	P	P	P	
Bed and breakfast inns	MUP	—	P	P	—	—	MUP	MUP	MUP	27.34.060
Business support services	P	P	P	MUP	MUP	P	P	P	P	
Car wash	UP	UP	—	—	—	UP	UP	—	—	
Child and adult day care centers	MUP	P	MUP (7)	P	—	—	—	MUP	MUP	27.34.070
Child day care – Large family day care homes	MUP	MUP	MUP	—	—	—	—	MUP	MUP	27.34.070
Child day care – Small family day care homes	P	P	P	—	—	—	—	P	P	
Drive-in and drive-through	—	UP	—	—	—	UP	UP	—	—	
Hotels and motels	—	P	P	P	—	—	P	—	P	
Kennels, commercial	—	—	—	—	—	MUP	—	—	—	
Marijuana testing facilities	—	—	—	—	—	—	—	—	—	27.06.050
Medical services – Clinics, offices, laboratories	P	P	P	—	—	P	P	P(4)	P	
Medical services – Extended care	—	UP	UP	—	—	—	—	UP	UP	
Medical services – Hospitals	—	UP	—	—	—	UP	—	UP	UP	
Mortuaries and funeral homes	—	UP	—	—	—	UP	—	—	—	
Offices – Accessory to primary use	P	P	P	—	—	P	P	P	P	
Offices – Business and professional	P	P	P	—	—	P	P	P	P	
Personal services	P	P	P	—	P	P	P	P	P	
Personal services, restricted	—	—	—	—	—	MUP	MUP	—	—	27.34.175
Public safety and utility facilities	UP	UP	P	—	—	UP	UP	UP	P	

TABLE 2-4
Allowed Uses and Permit Requirements for Commercial Zoning Districts
(Rev. 02/06/13 Ord. 2013-277, 04/09/18 Ord2017-318)

P Permitted Use (2) (3)
MUP Minor Use Permit Req. (3)
UP Use Permit Req. (3)
— Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT									Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	
Spas and Tanning Salons	P	P	P	—	P	P	P	P	P	
Storage – Automobile storage yards	—	—	—	—	—	UP	—	—	—	
Storage – Personal storage facilities(mini-storage)	—	—	—	—	—	UP	—	—	—	
Storage – Outdoor	—	—	—	—	—	UP	—	—	—	27.34.150
Vehicle services – Maintenance/minor repair	—	—	—	—	—	P	P	—	—	
Vehicle services – Major repair/body work	—	—	—	—	—	P	P	—	—	
Vehicle services – Service stations	—	UP	—	—	—	UP	UP	—	—	
Veterinary clinics, animal hospitals	P	P	—	—	—	MUP	—	—	—	
TRANSPORTATION & COMMUNICATIONS USES										
Broadcast studios	—	P	—	—	—	P	—	—	—	
Heliports	—	P	—	—	—	P	—	—	—	
Park and ride facilities	P	P	P	—	—	P	P	P	P	
Parking facilities	—	—	P	—	—	P	—	P	P	
Telecommunications facilities	—	UP	UP	—	—	UP	UP	UP	UP	27.34.200
Transit stations and terminals	—	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Utility infrastructure	P	P	P	P	P	P	P	P	P	
Vehicle and freight terminals	—	—	—	—	—	UP	—	—	—	

* Revised 09/17/2014, ORD 2014-287
** Revised 04/09/2018, ORD 2017-318

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
(2) Zoning Clearance required, see Section 27.42.020.
(3) Site Plan and Design Review may also be required. See Section 27.42.030.
(4) Residential uses may be permitted only on second or higher floors, above nonresidential uses. Accessible units that meet ADA requirements may be located on the ground floor. Home Occupations are permitted in residential units subject to Section 27.34.100
(5) Schools (specialized education and training) may be permitted with a MUP on ground floor commercial only and shall provide on-site restroom facilities.
(6) Convenience stores are a permitted use only when they comply with the requirements of Section 27.34.130 for neighborhood markets; convenience stores required Use Permit approval otherwise. (Rev. 03/03/04, Ord. 2004-178)
(7) Child and adult care centers may be permitted with a MUP on ground floor commercial only and shall provide on-site restroom facilities. (Rev. 04/18/07, Ord. 2007-214)
(8) Not in mixed use buildings with residential uses. (Rev. 02/06/13, Ord. 2013-277)
(9) Work component must be an allowed use in the AUFO (Rev. 02/06/13, Ord. 2013-277)
(10) Requires retail sales of products manufactured on site (Rev. 02/06/13, Ord. 2013-277)
(11) Designations of Entertainment and Active Use Frontage must meet the spirit of both overlay districts (Rev. 02/06/13, Ord. 2013-277)

27.10.040 - Commercial District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-5, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development and Performance Standards).

TABLE 2-5
COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District		
	NC	**CC**	**TC**
Minimum lot area (1)	6,000 sq. ft.	2,000 sq. ft.	
Setbacks	*Minimum and maximum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.*		
Front – Minimum (2)	0 ft.	0-10 ft.*	None required.
Sides – Minimum	10 ft. adjacent to a residential zone; none otherwise.	5 ft. adjacent to a residential zone; none otherwise.	10 ft. adjacent to a residential zone; none otherwise.
Street side – Minimum	0 ft.	10 ft.	0 ft.
Rear – Minimum	10 ft. adjacent to a residential zone; none otherwise.	5 ft. adjacent to a residential zone; none otherwise.	10 ft. adjacent to a residential zone; none otherwise.
Site coverage	60%		No maximum.
Height limit (3)	35 ft. maximum (4)	45 ft. maximum (4)	20 ft. minimum, 57 ft. maximum
Landscaping	As required by Chapter 27.28 (Landscaping)		
Lighting	As required by Section 27.20.030B		
Parking	As required by Chapter 27.30 (Parking and Loading)		
Signs	As required by Chapter 27.32 (Signs)		
Maximum Block Perimeter (5)	N/A		1600’ or 2000’ for blocks with structured parking

Notes: * Revised 04/5/05, ORD. 2005-190

(1) Minimum area for parcels proposed in new subdivisions. The review authority may allow smaller parcels in condominium-type subdivisions provided that the common ownership parcel complies with this minimum area requirement.

(2) Refer to Table 3.1.3.b of the Town’s Design Guidelines. (Revised 02/06/13, ORD 2013-277)

(3) Maximum allowed height of structures. Exceptions may be allowed by Chapter 27.20 (General Property Development and Use Standards).

(4) Two story structures are encouraged in these districts.

(5) Block perimeter – the linear feet along the public street right-of-way. (Revised 08/3/05, ORD. 2005-192).

(6) Properties within the boundaries of the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Refer to the Windsor Station Area/Downtown Specific Plan for specific information. ((Revised 02/06/13, ORD 2013-277)

TABLE 2-5
COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District			
	SC	**GC**	**BC** (4)**	**RC****
Minimum lot area (1)	10,000 sq. ft.		5,000 sq. ft.	
Setbacks	*Minimum and maximum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.*			
Front – Minimum (2)	0-10 ft. (5)*		None required	
Front - Maximum	N/A		5 ft. – with up to 20% of façade setback 10 feet	
Sides (each)	15 ft. adjacent to a residential zone; none required otherwise.		None required.	
Street side	0 ft.			
Rear	10 ft.		0 ft.	
Site coverage	50% maximum		100% maximum	
Height limit (3)	45 ft. maximum (4)		2 story (5), 4 story maximum (6)	
Landscaping	As required by Chapter 27.28 (Landscaping) (8)			
Lighting	As required by Section 27.20.030B			
Parking	As required by Chapter 27.30 (Parking and Loading)		In rear of lot only.	
Signs	As required by Chapter 27.32 (Signs)			
Maximum Block Perimeter (9)	N/A		1600’ or 2000’ for blocks with structured parking	

Notes: * Revised 04-05/05, ORD. 2005-190 ** Revised 08/3/05, ORD. 2005-192

(1) Minimum area for parcels proposed in new subdivisions. The review authority may allow smaller parcels in condominium-type subdivisions provided that the common ownership parcel complies with this minimum area requirement.

(2) Refer to Table 3.1.3.b of the Town’s Design Guidelines. (Revised 02/06/13, Ord 2013-277)

(3) Maximum allowed height of structures. Exceptions may be allowed by Chapter 27.20 (General Property Development and Use Standards).

(4)**Additional design criteria for Boulevard Mixed Use:

a) Maximum square footage per non-residential use: 8,000 square feet. An exception for a 20,000 sq. ft. tenant is allowed for major tenants provided that they furnish an operable and unlocked door during business hours to a street front liner store entry along Boulevards. This entry must connect directly to a larger part of the store that is hidden behind the “liner” stores. A continuous façade of liner stores are to be located on Shiloh Road and at least one other main cross street, to screen the interior use on at least two sides.

b) Minimum space between door openings on ground level: 35-50 feet.

c) Glazing for commercial first floor façade must be a minimum of 12 feet in height.

(5)**The first floor façade must be a minimum of 12 feet in height.

(6)**Building height shall be limited to a maximum of two stories for all structures located within 150 feet of the Old Redwood Highway/Shiloh Road intersection in the CB Zoning District; buildings shall be a maximum height of 2-3 stories from 150 to 300 feet from the Old Redwood Highway/Shiloh Road intersection in the CB Zoning District.

(7)**In addition, buildings and site improvements shall be designed pursuant to any applicable area plan principles and guidelines.

(8)**Structural soil per the Town of Windsor’s Engineering Design Standards and tree grates are required for tree grates planted along major thoroughfares.

(9)**Block perimeter – the linear feet along the public street right-of-way.

(10)**Entrances to retail along major thoroughfares to be at sidewalk level.

CHAPTER 27.12 - INDUSTRIAL ZONING DISTRICTS

27.12.010 - Purpose of Chapter

This Chapter lists the land uses that may be allowed within the industrial zoning districts established by Section 27.04.020 (Zoning Map and Zoning Districts), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

27.12.020 - Purposes of Industrial Zoning Districts

The purposes of the individual industrial zoning districts and the manner in which they are applied are as follows.

A. BPI (Industrial/Business Park) District. The BPI zoning district is applied to areas appropriate for light industrial and business park land uses, including low-intensity manufacturing and assembly processes, research and development, and corporate headquarters offices. The land uses allowed and development standards required within the BPI district are intended to protect adjacent areas from impacts while allowing indoor, clean, and quiet industry. Land uses in the BPI zoning district are often organized as a business park, with tenants that may include some commercial activities. The BPI zoning district is consistent with the Light Industrial land use designation of the General Plan.

B. LI (Light Industrial) District. The LI zoning district is applied to areas appropriate for light industrial and manufacturing, warehousing, offices and assembly uses. Land uses allowed in the LI zoning district will not create objectionable noise, smoke, odor, dust, noxious gases, glare, heat, vibration, or industrial wastes. The LI zoning district is consistent with the Light Industrial land use designation of the General Plan.

C. HI (Heavy Industrial) District. The HI zoning district is applied to areas appropriate for a wider variety of land uses that are more land-intensive manufacturing uses than allowed in the LI district. These include industrial manufacturing, warehousing, offices, and assembly that may generate objectionable noise, smoke, odor, dust, noxious gases, glare, heat, vibration, and industrial wastes. The HI zoning district is consistent with the Heavy Industrial land use designation of the General Plan.

27.12.030 - Industrial District Land Uses and Permit Requirements

A. General requirements. Table 2-6 identifies the uses of land allowed by this Zoning Ordinance in each industrial and special purpose zoning district, and the land use permit required to establish each use, in compliance with Section 27.06.030 (Allowable Land Uses and Permit Requirements).

Note: the far right column in the tables ("Specific Use Regulations") will show a section number for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

B. Permit requirement for expansion. Any expansion of an existing use within an industrial zoning district shall require Minor Use Permit approval (Section 27.42.050).

TABLE 2-6 **Allowed Uses and Permit Requirements for Industrial Zoning Districts**	P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed

LAND USE (1)	**PERMIT REQUIRED BY DISTRICT**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
AGRICULTURE & OPEN SPACE USES				
Beekeeping	P	P	—	
Crop production and horticulture	—	P	P	
INDUSTRY, MANUFACTURING & PROCESSING USES				
Agricultural products processing	—	UP	UP	
Animal processing plants, rendering	—	—	UP	
Chemical product manufacturing	—	—	UP	
Concrete, gypsum, and plaster products	—	—	UP	
Electronics, equipment, and appliance manufacturing	P	P	P	
Fabric product manufacturing	P	P	P	
Food and beverage manufacturing	P	P	P	
Furniture and fixtures manufacturing, cabinet shops	P	P	P	
Handcraft industries, small scale manufacturing	P	P	P	
Laundries and drycleaning plants	P	P	P	
Lumber and wood product manufacturing	—	P	P	
Machinery manufacturing	—	P	P	
Metal products fabrication, machine/welding shops	—	P	P	
Metal products manufacturing	—	UP	UP	
Paper products manufacturing	—	P	P	
Paving material manufacturing	—	—	UP	
Pharmaceuticals manufacturing	P	P	P	
Plastics, synthetics, rubber products manufacturing	—	—	P	
Printing and publishing	P	P	P	
Recycling – Composting	—	P	P	27.34.160
Recycling – Large collection facility	—	UP	P	27.34.160
Recycling – Light processing facility	—	UP	P	27.34.160
Recycling – Scrap and dismantling yards	—	—	UP	27.34.160
Recycling – Small collection facility	—	P	P	27.34.160
Research and development (R&D)	P	P	P	
Structural clay and pottery product manufacturing	P	P	P	
Textile and leather product manufacturing	—	UP	P	
Warehousing, wholesaling and distribution	P	P	P	
Wineries, distilleries	—	P	P	

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.

(2) Zoning Clearance required, see Section 27.42.020.

(3) Site Plan and Design Review may also be required. See Section 27.42.030.

TABLE 2-6 **Allowed Uses and Permit Requirements for Industrial Zoning Districts**	P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed			
LAND USE (1)	**PERMIT REQUIRED BY DISTRICT**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
RECREATION, EDUCATION, AND ASSEMBLY USES				
Emergency Shelter***	—	UP	—	27.21.030
Health/fitness facilities	P	UP	UP	
Outdoor commercial recreation	UP	UP	UP	
Religious places of worship	—	UP	—	
RESIDENTIAL USES				
Agricultural worker housing *	—	P	P	
Caretaker housing	MUP	MUP	MUP	
Indoor Marijuana Cultivation (Nonmedical, up to six plants****)	P	P	P	27.37.030 27.42.020
Multi-family dwelling, in a mixed-use project	—	UP (4)**	—	
Live/work facilities	MUP	MUP	—	
RETAIL AND SERVICE USES				
Auto and vehicle sales/rentals	—	MUP	—	
Automated teller machines (ATMs)	P	P	P	27.34.050
Banks and financial institutions	P	P	—	
Building materials stores	P	P	—	
Business support services	P	P	P	
Child and adult day care centers	MUP	MUP	—	27.34.070
Construction equipment sales	—	P	P	
Hotels and motels	UP	—	—	
Marijuana accessories sales****	—	—	—	27.06.050
Marijuana cultivation****	—	—	—	27.06.050
Marijuana distribution facilities****	—	—	—	27.06.050
Marijuana microbusinesses****	—	—	—	27.06.050
Marijuana mixed-light cultivation****	—	—	—	27.06.050
Marijuana nurseries****	—	—	—	27.06.050
Marijuana product manufacturing****	—	—	—	27.06.050
Marijuana retail sales****	—	—	—	27.06.050
Marijuana testing facilities****	—	—	—	27.06.050
Mobile home, recreational vehicle, and boat sales	—	MUP	—	
Offices – Accessory	P	P	P	
Offices – Business and professional	P	P	P	
Public utility or safety facilities	P	P	P	
Restaurants	P	MUP	MUP	
Restaurants, accessory cafeteria	P	P	P	
Storage – Outdoor	P	P	P	27.34.150
Storage – Personal storage facilities (mini-storage)	—	P	P	
Vehicle services – Maintenance/minor repair	—	P	P	
Vehicle services – Major repair/body work	—	P	P	
Vehicle services – Service stations	UP	P	P	
Veterinary clinics, animal hospitals, kennels	P	P	—	

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.

(2) Zoning Clearance required, see Section 27.42.020.

(3) Site Plan and Design Review may also be required. See Section 27.42.030.

(4) Residential uses may be permitted only on second or higher floors, above nonresidential uses. Accessible units that meet ADA requirements may be located on the ground floor.*

* Revised 03/03/04, ORD. 2004-178

** Revised 11/03/04, ORD. 2004-184

*** Revised 09/17/2014, ORD. 2014-287

**** Revised 04/09/2018, ORD. 2017-318

TABLE 2-6 **Allowed Uses and Permit Requirements for Industrial Zoning Districts**	P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed

LAND USE (1)	**PERMIT REQUIRED BY DISTRICT**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
TRANSPORTATION & COMMUNICATIONS USES				
Broadcast studios	P	P	—	
Heliports	—	UP	UP	
Parking facilities/vehicle storage	—	UP	P	
Telecommunications facilities	UP	UP	UP	27.34.200
Transit stations and terminals	P	P	UP	
Utility infrastructure	P	P	P	
Vehicle and freight terminals	—	UP	P	

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.

(2) Zoning Clearance required, see Section 27.42.020.

(3) Site Plan and Design Review may also be required. See Section 27.42.030.

27.12.040 - Industrial Zoning District Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-7, in addition to any other applicable requirements of this Article, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development and Performance Standards).

TABLE 2-7
INDUSTRIAL ZONING DISTRICT DEVELOPMENT STANDARDS

	Requirement by Zoning District		
	BPI	**LI**	**HI**
Minimum lot size (1)	*Minimum area and dimensions for parcels proposed in new subdivisions.*		
Minimum lot area	10,000 sq. ft.	10,000 sq. ft.	20,000 sq. ft.
Minimum dimensions	100 ft.		
Setbacks	*Minimum setbacks required. See Chapter 27.20 for setback measurements, exceptions, and allowed projections into setbacks.*		
Front	10 ft.	10 ft.	10 ft.
Sides (each)	10 ft.	None required	None required
Rear	10 ft.	10 ft.	None required
Site coverage	50% maximum		
Height limit (2)	50 ft.		
Landscaping	As required by Chapter 27.28 (Landscaping)		
Lighting	As required by Section 27.20.030.B		
Parking and loading	As required by Chapter 27.30 (Parking and Loading)		
Signs	As required by Chapter 27.32 (Signs)		

Notes:
(1) Minimum area and dimensions for parcels proposed in new subdivisions. The review authority may allow smaller parcels and reduced dimensions in condominium projects through the subdivision approval process, provided that the common ownership parcel complies with this minimum area requirement.
(2) Maximum allowed height of structures. Exceptions may be allowed by Chapter 27.20 (General Property Development and Use Standards).

CHAPTER 27.14 - SPECIAL PURPOSE ZONING DISTRICTS

27.14.010 - Purpose of Chapter

This Chapter lists the land uses that may be allowed within the special purpose zoning districts established by Section 27.04.020 (Zoning Map and Districts), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

27.14.020 - Purposes of Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows.

A. OS (Open Space) District. The OS zoning district is applied to areas in the Town with natural resource values to be conserved, and also to areas that have hazardous conditions (such as floodways). The OS zoning district is consistent with the Open Space land use classification of the General Plan.

B. PD (Planned Development) District. The PD zoning district is intended for sites where the Town desires to achieve a particular mix of uses, appearance, land use compatibility, or special sensitivity to natural resources, including oak trees and vernal pools. The PD zoning district is consistent with all land use classifications of the General Plan. See Section 27.14.050 (PD District Standards and Procedures) for specific requirements applicable to the PD district.

C. REC (Recreation) District. The REC zoning district is applied to locations appropriate for the development of parks and recreational facilities. The REC zoning district is consistent with the Parks and Recreation land use classification of the General Plan.
(Revised 4/18/18, Ord. 2018-325)

D. PI (Public/Institutional) District. The PI zoning district is applied to areas appropriate for public facilities, utilities, and public gathering facilities including: public schools, libraries, government offices, etc. The PI zoning district is consistent with the Public/Quasi-Public land use classification of the General Plan.
(Revised 4/18/18, Ord. 2018-325)

27.14.030 - Special Purpose District Land Uses and Permit Requirements

A. General requirements. Table 2-8 identifies the uses of land allowed by this Zoning Ordinance in each special purpose zoning district, and the land use permit required to establish each use in compliance with Section 27.06.030 (Allowable Land Uses and Permit Requirements).

Note: the far right column in the tables ("Specific Use Regulations") will show a section number for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

B. PD district land uses and permit requirements. The land uses that may be allowed within the PD zoning district and the land use permit requirements for each use shall be determined through the process of rezoning property to the PD district.

TABLE 2-8 **Allowed Uses and Permit Requirements for Special Purpose Zoning Districts**	P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed

LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	OS	PI	REC	
AGRICULTURE & OPEN SPACE USES				
Crop production and horticulture	P	P	—	
Hiking trails	P	P	P	
Nature preserves	P	P	P	
INDUSTRY, MANUFACTURING & PROCESSING USES				
Recycling – Small collection facility	—	P	—	
RECREATION, EDUCATION &PUBLIC ASSEMBLY USES				
Community centers	—	UP	UP	
Golf courses, public	UP	UP	UP	
Health/fitness facilities	—	UP	UP	
Libraries and museums	—	P	—	
Parks and playgrounds	P	P	P	
Schools	—	UP	—	
Theaters and auditoriums	—	UP	—	
RESIDENTIAL USES				
Caretaker housing	MUP	MUP	MUP	
Residential care homes	—	UP	—	
RETAIL TRADE				
Accessory retail uses	MUP	MUP	P	
SERVICES				
Cemeteries, mausoleums	UP	UP	—	
Child/adult day care centers	—	MUP	MUP	27.42.070
Offices – Accessory	P	P	P	
Public utility or safety facilities	UP	UP	UP	
Storage – Accessory	P	P	P	
TRANSPORTATION & COMMUNICATION USES				
Heliports	—	UP	—	
Parking facilities/vehicle storage	—	P	—	
Telecommunication facilities	—	UP	—	27.34.200
Transit stations and terminals	—	UP	—	
Utility infrastructure	P	P	P	

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
(2) Zoning Clearance required, see Section 27.42.020.
(3) Site Plan and Design Review may also be required. See Section 27.42.030.

27.14.040 - Special Purpose District General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures in all special purpose districts except PD (Planned Development), shall be designed, constructed, and/or established in compliance with the requirements in Table 2-9, in addition to any other applicable requirements of this Chapter, and the development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development and Performance Standards). Projects within the PD zoning district shall comply with Section 27.14.050 (PD District Procedures and Standards).

TABLE 2-9
SPECIAL PURPOSE DISTRICT GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District		
	OS	**REC**	**PI**
Minimum lot size	*Minimum area and dimensions for parcels proposed in new subdivisions.*		
Lot area	No minimums	Determined through development review process	6,000 sq. ft.
Lot width			60 ft.
Density/Intensity	1 dwelling unit per 20 acres	Varies with type of development, determined through development review process	
Site coverage	N.A.	N.A.	40%
Setbacks required (1)	*Minimum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.*		
Front	20 ft.		
Sides	5 ft.		
Street side	10 ft.		
Rear	20 ft.		
Height limit (2)	Primary structure - 35 ft. Accessory structure - 15 ft.		
Landscaping	As required by Chapter 27.38 (Landscaping)		
Parking and loading	As required by Chapter 27.30 (Parking and Loading)		

Notes:
(1) Minimum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.
(2) Maximum allowed height of structures. See Chapter 27.20 for height measurement and height limit exceptions.

27.14.050 - PD District Standards and Procedures

The application of the PD district to property through the rezoning process will include identifying the specific land uses that may be allowed on the site, and establishing specific site planning and development standards (for example, setback requirements, height limits, site coverage, etc.), consistent with the General Plan land use classifications that apply to the site. The process of rezoning a site to the PD district shall comply with the following requirements, in addition to those of Chapter 27.54 (Amendments).

A. Application requirements. A rezoning application for the PD district shall include the information required by the Department for a Preliminary Development Plan, in addition to all information and materials required by Chapter 27.40 (Applications - Filing and Processing).

B. Preliminary Development Plan. A rezoning application for the PD district shall include a Preliminary Development Plan. The approval of a rezoning to the PD district shall also include Council approval of a Preliminary Development Plan for the site which identifies the following, consistent with the General Plan.

1. **Allowable land uses.** The land uses that may be allowed on the site, and any additional land use permit requirements for establishing the allowed uses after the approval of a Final Development Plan (i.e., whether specific uses will require Zoning Clearance, Minor Use Permit, or Use Permit approval).

2. **Density and intensity.** The maximum density allowed for residential land uses on the site in dwelling units per acre and the minimum lot size for new parcels.

3. **Development standards.** The Final Development Plan shall provide for the site all types of development standards that would otherwise provided by Article 2 (setback requirements, height limits, etc.) and Article 3 (landscaping requirements, parking requirements, etc.), or shall reference specific provisions of this Zoning Ordinance that shall apply.

4. **Preliminary phasing plan.** A preliminary phasing plan for the development of the site, if construction is proposed in phases. The plan shall identify the timing and sequencing of construction of proposed and required streets, drainage facilities, water and sewer systems, and all other utilities and infrastructure, and all proposed land uses and structures.

C. Final Development Plan. After approval of a rezoning to the PD district and prior to the issuance of any subsequent subdivision or land use approvals, or construction permits, the applicant shall submit, and the Council shall approve a Final Development Plan consistent with the Preliminary Development Plan and the General Plan. The Final Development Plan shall identify the following.

1. **Allowable land uses.** The list land uses that may be allowed on the site and their land use permit requirements, consistent with the Preliminary Development Plan.

2. **Density and intensity.** The maximum density allowed for residential land uses consistent with the Preliminary Development Plan.

3. **Final phasing plan.** A final phasing plan for the development of the site, if construction is proposed in phases, in substantial compliance with the Preliminary Development Plan, provided that the Council may approve changes to the phasing plan as it determines to be appropriate.

4. **Architectural standards.** Project-wide architectural standards, concepts, and themes.

5. **Comprehensive Sign Program.** A comprehensive sign program in compliance with Section 27.32.070.

D. Approval of Preliminary and Final Development Plans.

1. A Preliminary Development Plan shall be reviewed and acted upon by the Commission and Council as part of their respective reviews of and actions on the property rezoning request, in compliance with Chapter 27.54 (Amendments).

2. The Commission shall review a Final Development Plan prior to final action by the Council and, after public notice and a public hearing in compliance with the Government Code, shall recommend to the Council whether the Final Development Plan shall be approved as submitted, should be modified as specified by the Commission, or should be disapproved.

3. The Council shall approve, approve with modifications, or disapprove a Final Development Plan after public notice and a public hearing in compliance with the Government Code.

4. The applicant may choose to submit all information and materials required by the Department for both Preliminary and Final Development Plan approval together with the application for rezoning to the PD district. In this case, the Commission and Council shall approve a Final Development Plan at the same time as their actions on the rezoning request.

E. Effect of Final Development Plan. No subdivision shall be approved, or land use permit, or construction permit granted within a PD zoning district unless they are consistent with the approved Final Development Plan.

CHAPTER 27.16 - OVERLAY ZONING DISTRICTS

27.16.010 - Purpose of Chapter

This Chapter regulates new and existing structures and land uses in the overlay zoning districts established by Section 27.04.020 (Zoning Map and Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map (e.g. RM-H). The provisions of this Chapter provide guidance for development in addition to the standards and regulations of the primary zoning districts, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

27.16.020 - Applicability of Overlay Zoning Districts

A. Mapping of overlay districts. The applicability of any overlay zoning district to a specific site is shown by the overlay Zoning Map symbol established by Section 27.04.020 (Zoning Map and Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map (for example, CT-F).

B. Conflicting provisions. The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. In the event of any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Code, the most restrictive shall control.

27.16.030 - Airport Safety (-AS) Overlay District

A. Purpose. The intent of the -AS overlay zone is to protect people and property both in the air and on the ground by regulating structures that may affect navigable airspace, consistent with Federal regulations, and to minimize noise, safety, and other conflicts between airport operations and surrounding land uses. Land uses within this overlay zone are regulated in recognition that certain development and land use characteristics may conflict with the safe and efficient operation of the airport and aircraft.

It is further the intent of this district to establish consistency between the Town of Windsor's zoning regulations and the adopted policies of the Sonoma County Airport Land Use Commission as they exist at the time of ordinance adoption. (Revised 03/5/03, ORD. 2003-164)

B. Applicability. The -AS overlay zoning district is applied to lands within the Sonoma County Airport referral area that are subject to:

1. Sonoma County Airport Land Use Plan: adopted January 8, 2001, Resolution No. and Amended on October 9, 2001 Resolution No. by the Sonoma County Airport Land Use Commission. (Revised 03/5/03, ORD. 2003-164)

2. For purposes of this section, "Airport Land Use Plan" shall mean the "Comprehensive Airport Land Use Plan" for Sonoma County. (Revised 03/5/03, ORD. 2003-164)

C. Allowed land uses. Any land use normally allowed in the primary zoning district by this Chapter may be allowed within the -AS overlay zone, provided that the land use is also in compliance with any applicable Airport Land Use Plan standards.

D. Permit requirements. A proposed development and/or new land use within the -AS overlay district shall obtain the land use permit required by this Chapter for the primary zoning district.

E. Development standards. Development and new land uses within the -AS overlay zone shall comply with the Airport Land Use Plan, all applicable permit and development requirements of the primary zoning district, and the following requirements.

1. Height limits. The height limits of the Airport Land Use Plan apply if they are more restrictive than otherwise required by this Chapter for the primary zoning district, or by Article 3 (Site Planning and General Development Standards).

2. Lot Coverage. The lot coverage defined by the Airport Land Use Plan applies if after reviewing the Airport Land Use Plan as applied to the entire affected zone and not just those parcels within the Town of Windsor, it is more restrictive than otherwise required by this Chapter for the primary zoning district or by Article 3 (Site Planning and General Plan Development Standards). (Revised 03/5/03, ORD. 2003-164)

3. Intensity of Use. Intensity of proposed uses within the _ "AS" overlay shall be defined by the Airport Land Use Plan. Prior to issuance of any Building Permit on commercial properties in the AS overlay, the Town may require the property owner to execute and record an agreement or similar legal instrument limiting the number of employees and type of business to those allowed by the Airport Land Use Plan. (Revised 03/5/03, ORD. 2003-164)

4. Noise mitigation. Proposed structures shall be designed and constructed to provide noise insulation to reduce interior noise levels to the community noise equivalent level (CNEL) recommended by the Noise Element of the General Plan.

5. Aviation easements, noise agreements. Prior to the Town's issuance of any Building Permit, the approval of a Tentative Map, or the approval of a land use permit in compliance with this Zoning Ordinance, the property owner shall enter into an agreement with the County of Sonoma granting any necessary aviation easements for aircraft over flight, and acknowledging and permitting the ongoing exposure of the site to aircraft noise. The property owner shall record the agreement/easements with the Sonoma County Recorder.

27.16.040 - Flood Hazard (-F) Overlay District

A. **Purpose.** The -F overlay zoning district is applied to areas within the Town prone to flooding, to protect people and property by requiring that proposed development and new land uses be designed and constructed so as to minimize the risk of flood damage, and to not increase the flood hazard on other properties.

B. **Applicability**. The -F overlay zoning district is applied to areas determined to be at risk for flood hazards identified on the maps prepared by the Federal Emergency Management Act (FEMA), and to other areas that may be identified by the Town Engineer as being subject to flooding.

C. **Allowed land uses.** Any land use normally allowed in the primary zoning district by this Article may be allowed within the -F overlay district, provided that the land use is also in compliance with development standards identified below and other applicable development standards required by this ordinance, Article 3, (Site Planning and General Development Standards).

D. **Development standards.** Development and new land uses shall comply with the following requirements, to prevent encroachment of flood waters on adjacent properties, and prevent undue increases in flood heights and danger to life and property within this and adjoining districts.

1. New residential, commercial, and industrial structures will be permitted, if designed, constructed and utilized so that appreciable flood damage will not occur. No basements in buildings will be allowed to be constructed below ground level and the lower floor of structures will be elevated a minimum of one foot above the flood profile level. All foundations shall be constructed to withstand or resist water or water pressure, and the top of foundations shall be six inches above the flood profile level. On parcels not being subdivided nor involving more than a one acre development site, the Town Engineer will assist applicants for building permits in locating the flood profile levels. Subdivisions will be allowed provided that all of the area to be subdivided is filled to the elevation of the selected flood profile level prior to platting, and all development conforms to Federal flood insurance regulations and programs.

2. Any structure permitted shall be flood-proofed to the satisfaction of the Town Engineer and consistent with Federal requirements, and located so that it will minimize obstruction to water flow.

3. Where the Town determines that topographic data, engineering studies, or other professional studies are needed to determine the effects of flooding on a proposed structure, or the effect of the structure on the floodway, the Town may require the applicant to submit requested studies prepared by qualified professionals.

27.16.050 – Historic Overlay (-HO)

A. Purpose. The HO overlay is applied to protect structures, sites and areas that are reminders of past eras, events, and people important to the history of the Town. These areas provide significant examples of architecture and styles of the past, which are irreplaceable assets to the Town. These cultural resources are reminders of the Town's unique heritage and its place in the development of the state and nation.

B. Applicability. The HO overlay is applied to areas that have been identified as having special historical, architectural, or aesthetic interest or value.

C. Allowed land uses. Any land use normally allowed in the primary may be allowed in the HO overlay, provided that the land use is also in compliance with applicable development standards within the Zoning Code and the development standards identified below.

D. Destruction of Site. If the designated site or structure is demolished or destroyed by 50% of greater due to a natural disaster or occurrence (i.e. earthquake, fire, etc.) the owner may obtain a building permit to remove the structure if it posed an immediate health or safety issue, without first obtaining a discretionary permit. Remodeling the site or structure to something other than its original façade would require at a minimum a minor use permit. The Planning Director shall have the discretion of determining the appropriate permit process.

E. Permit Requirements. Due to the historical significance of the structures, sites, or areas a proposed development within the HO overlay shall be subject to the following:

1. Any new development shall be subject to the permitting process of the underlying zoning district. The development project will be subject to environmental review consistent with the California Environmental Quality Act (CEQA). Appropriate mitigation measures shall be required for any significant impacts identified.

2. Alterations or demolition shall be subject to the Minor Use Permit process. At the discretion of the Planning Director these items may be referred to the Planning Commission for consideration.

3. Interior renovations, re-roofs, and similar minor alterations are subject to administrative review and direction by the Planning Director.

F. Development standards. Development and new land uses within the HO overlay zone shall comply with the following requirements, to assure that alterations and/or use does not alter or destroy the significance of the architecture and style that is being protected. Refer to Section 27.20.060 – Historic Conservation and Preservation for additional criteria and standards.

1. Any structure, site, or area that has the HO overlay zoning shall be subject to the Use Permit process for development and/or demolition.

2. Efforts shall be made to incorporate the existing use into any new development of the site.

3. Development is encouraged to reuse architectural or historical buildings in a manner that preserves their historic architectural merit.

4. Development is subject to the Historic Conservation and Preservation Standards as provided in Section 27.20.060.

5. Development proposal shall be referred to the Northwest Information Center of the California Archaeological Inventory, Sonoma State University for review and recommendations.

6. Preservation, restoration, rehabilitation, alteration, and reconstruction are subject to the California Historical Building Code.

7. The Town may request the expertise of a design professional with a background in historic preservation to provide review and recommendations on development applications.

(Revised 03/5/03, ORD. 2003-163)

ARTICLE 3

Site Planning and General Development Standards

CHAPTER 27.20 - GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

27.20.010 - Purpose of Chapter

This Chapter expands upon the requirements of Article 2 by addressing additional details of site planning, project design and operation, to ensure that all development:

A. Produces an environment of stable and desirable character;

B. Is compatible with existing and future development; and

C. Protects the use and enjoyment of neighboring properties, consistent with the General Plan and any applicable specific plan.

27.20.020 - Applicability

These requirements apply to all proposed development and new land uses, and shall be considered in combination with the standards for each zoning district in Article 2 (Zoning Districts and Allowable Land Uses). If there is a conflict, the standards specific to the zoning district shall override these general standards.

27.20.030 - General Performance Standards

All land uses activities, and processes shall be operated and maintained so as to not be injurious to public health, safety or welfare, and to comply with the following standards.

A. Air emissions. No visible dust, gasses, or smoke shall be emitted, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.

B. Combustibles and explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code.

C. Ground vibration. No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for motor vehicle operations.

D. Light and glare.

1. Purpose. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with high intensity discharge lighting with sufficient wattage to provide adequate illumination to make clearly visible the presence of any persons on or about the premises during hours of business darkness and provide a safe, secure environment for all persons, property, and vehicles on site.
(Revised 01/2/02, ORD. 2002-152)

2. **Public property.** Town Engineer shall determine illumination standards for public rights-of-way and on Town-owned property.

3. **Lamp characteristics.** High-pressure sodium lights are generally required. Metal halide lights are generally limited to building entrances or other applications as approved by the Planning Director.

4. **Glare control.** All outdoor illumination, including security lighting, shall be indirect or diffused and directed downward, away from adjacent properties and public rights-of-way. Light fixtures shall have "house side" reflectors to minimize glare.

5. **Wattage maximum.** Individual lighting fixtures are limited to 250 watts maximum.

6. **Fixture height.** Outdoor light fixtures shall be limited to a maximum height of 20 feet or the height of the nearest building, whichever is less.

7. **Minimum illumination.** A minimum of 0.25-foot candle of illumination shall be maintained at the surface throughout the area to be illuminated.

8. **Director authority.** The Planning Director may require:
   - **a.** Photometric diagram and catalog cuts for conformity review with the light and glare standards.
   - **b.** Fixture replacement if it is found that glare continues to be an issue following installation of lighting fixtures.
   - **c.** Illumination for uses not listed in Table 3-A.
   - **d.** The Director may waive or modify illumination standards when security, energy conservation, aesthetics, and design requirements need to be addressed.

9. **Outdoor illumination requirements.** Outdoor illumination shall conform to the following table:

TABLE 3-A
OUTDOOR ILLUMINATION REQUIREMENTS BY USE
(AVERAGE FOOT CANDLES)

USE	ILLUMINATION (AVERAGE)
Financial Institution/Bank Parking Lot	1 foot candle
Bar/Restaurant	0.50 foot candle
Condo/Apartment/Mixed Use Residential	0.50 foot candle
Meeting Centers	1 foot candle
Convenience Stores	1 foot candle
Car Wash	1 foot candle
Drive Thru Business	1 foot candle
Gas Stations	1 foot candle
Hotels	1 to 2 foot candle
Laundromat	0.50 foot candle
Mini Storage+	0.50 foot candle
Office/Warehouse	0.50 to 1 foot candle
Retail/Commercial	1 foot candle
Fast Food	1 foot candle
Mixed Use Commercial/Residential	0.75 foot candle

(Revised 01/2/02, ORD. 2002-152)

E. Liquid waste. No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the North Coast Regional Water Quality Control Board.

F. Noise. No use, activity, or process shall exceed the maximum allowable noise standards identified in Table 3-1.

1. Noise measurement criteria. Exterior noise levels shall be measured at the property line of the noise source. Noise measurement shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise.

TABLE 3-1
MAXIMUM NOISE LEVEL BY RECEIVING LAND USE

Type of Land Use	Maximum Allowable Noise Levels		
	Time Interval	Exterior Noise	Interior Noise
Single- or multi-family residential	10 p.m. to 7 a.m.	50 dB(A)	45 dB(A)
	7 a.m. to 10 p.m.	55 dB(A)	35 dB(A)
Commercial	10 p.m. to 7 a.m.	55 dB(A)	50 dB(A)
	7 a.m. to 10 p.m.	65 dB(A)	
Industrial or manufacturing	Any time	70 dB(A)	55 dB(A)
Public parks, public open space, and Civic Center	10 p.m. to 7 a.m.	50 dB(A)	N.A.
	7 a.m. to 10 p.m.	55 dB(A)	

Notes:

(1) Each of the noise limits specified in Table 3-1, above shall be reduced by 5 dB(A) for impulse or simple tone noises, or for noise consisting of speech or music. If the ambient noise level exceeds the resulting standard, the ambient noise level shall be the standard.

(2) It shall be unlawful for any person within a residentially zoned area of the Town to operate any noise amplified device (e.g., bull horns, microphones, musical instruments, speakers, etc.), that exceeds a noise level of 45 dB(A) measured at the property line or cause loud excessive noise which disturbs the peace of the neighborhood.

2. Exterior noise standards. Exterior noise levels, when measured at any receiving property, shall conform to the noise level standards identified in Table 3-1, above.

a. If the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted to equal the ambient noise level.

b. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 3-1, above.

3. Conflicts with late night, early morning, or 24-hour operations. Nonresidential activities shall not impact surrounding residential land uses (e.g., single-, multi-family, and mobile home parks).

4. Construction hours allowed. In order to allow construction schedules to take advantage of the weather, normal day light hours, to allow construction to proceed in an efficient manner, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the Town has adopted, in the Municipal Code of the Town of Windsor, Title VII Building and

Housing Section 7-1-190 which establishes construction working hours related to the days and hours in which construction activity can occur. In addition, the Municipal Code has established procedures for seeking relief from the restrictions. Construction hours and days and any relief sought shall comply with the Municipal Code of the Town of Windsor. (rev 3/7/12 Ord 2012-274)

5. Prohibited acts. The following acts shall be a violation of this Section:

a. Places of public entertainment. Operating or allowing to be operated, any loudspeaker, musical instrument, or other source of sound in any place of public entertainment that exceed 95 dB(A) at any point normally occupied by a customer;

b. Alarms. Sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm that run continuously for a sufficient time to become a nuisance; and

c. Residential air conditioning, refrigeration, and heating. A residential air conditioning or refrigeration system, heating system, or associated equipment installed after the effective date of this Section shall comply with the requirements in Table 3-1.

6. Exempt activities. The following are not subject to the noise limitations of this Section.

a. Emergencies. Sound for alerting persons to the existence of an emergency or in the performance of authorized emergency work;

b. Warning devices. Warning devices, necessary for the protection of public safety (e.g., ambulance, fire, and police sirens);

c. State or Federal preempted activities. Any activity regulated by State or Federal law;

d. Public health, safety, and welfare activities. Construction or maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, safety, and welfare;

e. Town Code provisions. Where noise standards are specified elsewhere in the Town Code;

f. Town parks. Public agency sanctioned recreational activities and programs conducted in public parks; or

g. Solid waste collection. Noise sources associated with the authorized collection of solid waste (e.g., refuse and garbage).

G. Odor. No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

H. Radioactivity, electrical disturbance or electromagnetic interference. None of the following shall be emitted:

1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or

2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

27.20.040 - Creekside Development

A. Purpose. This Section provides for adequate buffer areas between creek corridors and adjacent development, to protect the creek corridors as valuable natural, scenic, and recreational amenities.

B. Applicability. The provisions of this Section apply to proposed development, other than public works or infrastructure, on any site adjacent to or crossed by a creek or stream.

C. Streambed analysis required. The project permit application shall include a site-specific streambed analysis prepared by a hydrologist, civil engineer, or other qualified professional to determine the precise boundary/top of bank of the waterway. The Director may waive this requirement if it is determined that the project, because of its size, location, or design will not have a significant impact on the waterway, or that sufficient information already exists and further analysis is not necessary. A required streambed analysis shall include all information and materials required by the Department.

D. Development standards.

1. A building setback line along the waterway shall be measured from the toe of the stream bank outward a distance of 2.5 times the height of the stream bank plus 30 feet, or 30 feet outward from the stream bank, whichever distance is greater. Additional setbacks may be required for "Riparian Woodlands" as designated in the General Plan, or to preserve existing vegetation or other environmental resources along any waterway. Setbacks adjacent to creekside paths or open spaces shall be measured from the outside boundary of the path or open space.

2. Paths or trails may be located within a creekside setback; however, no structure, road, parking access, parking spaces, paved areas, or swimming pool shall be constructed within a creek or creekside setback area.

3. No grading or filling, planting of exotic/non-native or non-riparian plant species, or removal of native vegetation shall occur within a creek or creekside setback area.

4. Where drainage improvements are required, they shall be placed in the least visible locations and naturalized through the use of river rock, earthtone concrete, and landscaping with native plant materials.

5. The proposed development should incorporate permeable surfaces (for example, wood decks, sand-joined bricks, and stone walkways) where feasible, to minimize off-site flows and facilitate the absorption of water into the ground.

6. Development or land use changes that increase impervious surfaces or sedimentation may result in channel erosion. This may require measures to stabilize creek banks.

a. Creek rehabilitation is the preferred method of stabilization, with the objective is to maintain the natural character of the creek and riparian area. Rehabilitation may include enlarging the channel at points of obstruction, clearing obstructions at points of constriction, limiting uses in areas of excessive erosion, and restoring riparian vegetation.

b. Concrete channels and other mechanical stabilization measures shall not be allowed unless no other alternative exists.

c. If bank stabilization requires other than rehabilitation or vegetative methods, hand-placed stone or rock riprap are the preferred methods.

7. Public access and visibility to creeks should be provided through the use of single-loaded frontage roads adjacent to creeks, but outside of the creek setback. Structures or lots that back-on to creeks or creek frontage roads are discouraged.

8. The provision of multipurpose creekside trails and public open space is strongly encouraged. Open space areas should include planting for riparian enhancement with native shrubs and trees, paths and trails, lighting, benches, play and exercise equipment, and trash receptacles outside of the riparian habitat area, where appropriate.

9. Where streets are not used, frequent access to creekside trails and public open space should be provided at least every 300 feet, and may occur at the end of cul-de-sacs.

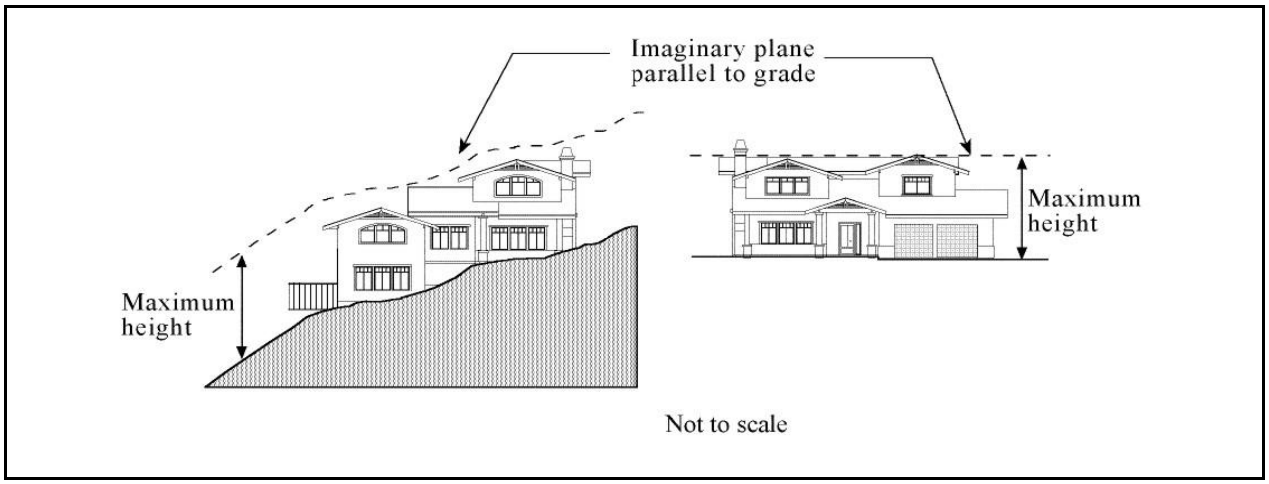
27.20.050 - Height Measurement and Exceptions

A. Purpose. This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Zoning Ordinance, and exceptions to the height limits established by this Zoning Ordinance.

B. Maximum height of structures. The height of structures shall not exceed the standard for the applicable zoning district established by this Chapter, except as otherwise provided by this Chapter.

C. Height measurement. The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 3-1.

FIGURE 3-1
HEIGHT MEASUREMENT



D. Exceptions to height limits. The review authority may approve exceptions to the height limits of this Zoning Ordinance as follows.

1. Non-residential districts. Minor projections, including elevator and mechanical equipment enclosures may exceed the height limit by 15 feet, provided they are screened by a parapet or pitched roof. Architectural features including clock towers, cupolas, and similar structures may exceed the height limit by:

a. Up to 20 feet, if located at a street intersection; and

b. Up to 12 feet, if located midblock.

These features shall not exceed a width of 25 feet or one-third of the length of the building facade, whichever is less. Signs shall not be included within the additional height allowed.

2. **Residential districts.** Chimneys, television antennas, and solar collectors not exceeding a dimension of six feet at their base may exceed the height limits of the applicable zoning district by a maximum of five feet.

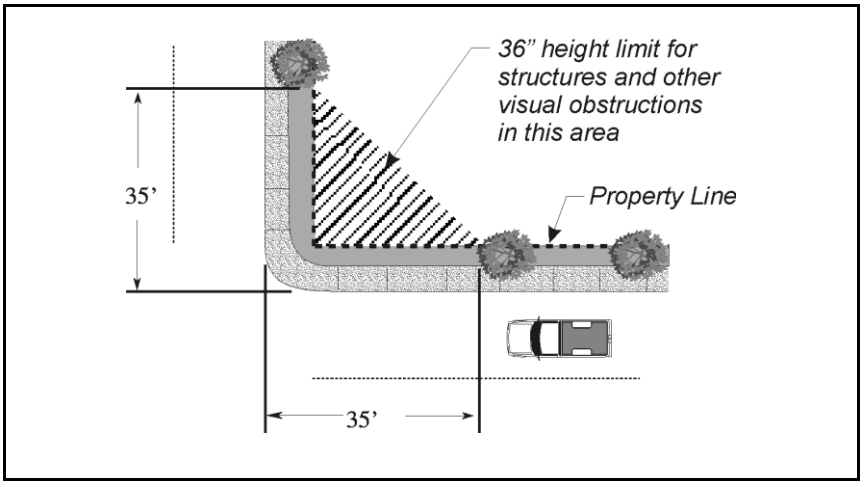
E. Height limit at street corners. Development proposed adjacent to any public or private street or alley intersection in other than the CT zoning district shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figure 3-2.

1. **Measurement of visibility area.** A traffic safety visibility area is a triangle measured as follows, and may include private property and/or public right-of-way.

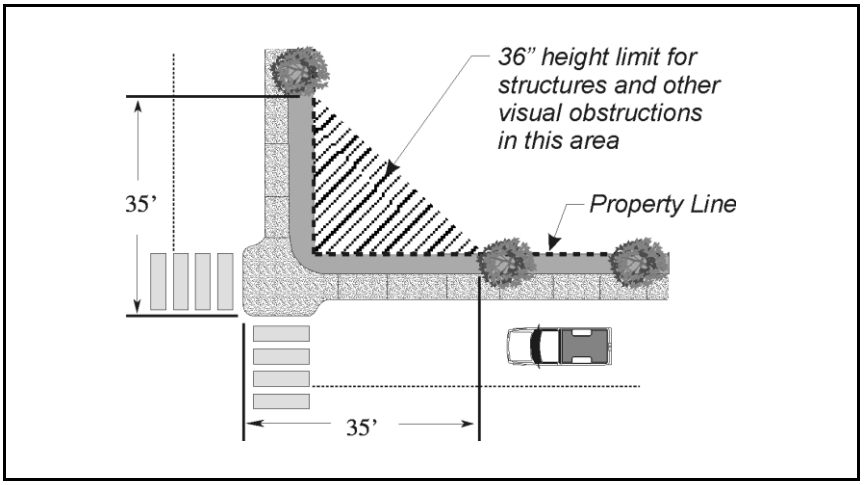
   The visibility area shall be defined by measuring 35 feet from the intersection of the extension of the front and street side curb lines and connecting the lines across the property.

2. **Height limit.** No structure, sign, or landscape element shall exceed 36 inches in height within the traffic safety visibility area, unless approved by the Director, except for trees with their canopy trimmed to a minimum of eight feet above grade.

FIGURE 3-2
TRAFFIC SAFETY VISIBILITY AREA HEIGHT LIMIT



Standard Street Corner



Street Corner with Bulb-out

27.20.060 - Historic Conservation and Preservation

A. Purpose. These standards are intended to protect sites and structures identified by the community as historically significant, that contribute to Windsor's character and identity, and that should be preserved and/or restored. For additional information refer to Section 27.16.050 – Historical (HO) Overlay. (Revised 03/5/03, ORD. 2003-163)

B. Applicability. No person shall alter the exterior of, construct improvements to, or demolish any historic structure until the analysis required by the California Environmental Quality Act (CEQA) is completed to determine the historic significance and the effects of the proposed alterations.

C. Historic landmark designation. The Council may designate an improvement, natural feature, or site as an historic landmark and any area within the Town as an historic district in compliance with this Section, based on the Council's evaluation of the age of the structure, distinguishing characteristics, geographically definable area, familiar visual feature, significant achievement, significant geographical patterns, and/or similar to other distinctive areas.

1. **Procedure.** The designation of an historic landmark or district, or the removal of an historic landmark or district from the Historic Register, shall comply with the procedure established by this Zoning Ordinance for amendments (Chapter 27.54), including public notice and a hearing in compliance with State law, a recommendation by the Commission, and a final decision by the Council.

2. **Permit issuance during nomination process.** No permit for any improvement or structure within a proposed historic district or relative to a nominated historic landmark shall be issued while the nomination process is pending.

3. **Placement on the Historic Register.** The nominated district, site, or structure shall be placed on the Historic Register after being officially accepted by the Council.

4. **Removal from the Historic Register.** The Commission shall not recommend removal from the Historic Register unless it discovers that the information relied that supported the original designation was erroneous, or that circumstances beyond the owner's control have rendered the resource ineligible for designation and it would be infeasible to restore the resource.

D. Criteria for approval. In considering an application for exterior alterations or new construction, the Director shall be guided by the Secretary of the Interior's Standards for Rehabilitation and the compatibility of the proposed architectural features, materials, and style with those of existing structures.

E. Findings for alteration or demolition. The Director may approve alterations or demolition only after first making all the following findings, unless economic hardship is determined in compliance with Subsection F.

1. The proposed change would not adversely affect any significant aesthetic, architectural, cultural, or historical features of the subject parcel or the historic district;

2. The proposed change is compatible in architectural style with the structure and with existing adjacent structures in an historic district;

3. The proposed decorative features, details, fenestration, massing, materials, proportions, scale, and textures are consistent with the period and/or compatible with adjacent structures; and

4. In the case of a demolition, the applicant has submitted satisfactory evidence that a financial commitment has been obtained by the applicant to ensure replacement of the existing feature, landmark, or structure and that a Building Permit has been issued for the replacement structure.

F. Economic hardship. Alterations or demolition not in compliance with the findings required by Subsection E. may be approved only in cases of economic hardship. Economic hardship is defined as a substantial cost to the owner of the property that is patently unreasonable in comparison to the benefit conferred to the community should the owner be limited to following the guidelines for preserving or protecting the property.

1. Supporting evidence. Material evidence supporting the request for a finding of economic hardship shall consist of any information required by the Director.

2. Findings. In order to approve the alteration or demolition on the basis of economic hardship, the Director shall first find all of the following:

a. Disapproval would substantially diminish the value of the property;

b. The sale or rental of the property is impractical when compared to the cost of holding the property for uses allowed in the subject zoning district;

c. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;

d. Disapproval would unreasonably damage the owner of the property in comparison to the benefit conferred on the community;

e. All means involving Town sponsored incentives (e.g., amendments to this Zoning Ordinance, Building Code modifications, financial assistance, and grants) have been explored to relieve possible economic hardship;

f. Without approval of the proposed construction, demolition, exterior alteration, remodeling, or removal, the reasonable use of or return from a designated landmark or property within an historic district will be denied a property owner; and

g. In the case of a proposed demolition, the Director shall make an additional finding that the designated landmark cannot be remodeled or rehabilitated in a manner that would allow a reasonable use of or return from the property to the owners.

3. Demolition of a nominated or designated historic landmark.

a. If approval with a finding of economic hardship would result in the demolition of a nominated or designated historic landmark, the applicant shall be required to provide documentation of the resource proposed for demolition to the standards of the Historic American Buildings Survey.

b. Documentation may include an archaeological survey, floor plans, measured drawings, photographs, or other documentation required by the Director and shall be submitted before issuance of a Demolition Permit.

G. Appeals. Any person dissatisfied with the Director's decision may appeal in compliance with Chapter 27.52 (Appeals).

H. Historic preservation participation incentives. The following incentives are available to historic landmarks and to historic districts:

1. State Historic Building Code. Any exterior alteration made to historic properties shall be compliance with the standards of the State Historical Building Code (California Health and Safety Code Section 18950 et seq.).

2. Mills Act contracts. The Council may authorize the use of State law (Government Code Section 50280 et seq.), alternately known as the Historical Property Contracts or Mills Act.

3. Recognition. The Commission shall establish a program to recognize historic properties with special plaques, signs, etc.

4. Financial benefits. Owners of historic properties are eligible to apply for local, State, and Federal financial benefits as may be available.

I. Maintenance requirements. The owner, occupant, or other person in actual charge of an historic landmark, or an improvement or structure in an historic district, shall keep the improvement properly maintained at all times.

27.20.070 - Setback Measurement and Exceptions

A. Purpose. This Section provides standards for the use and minimum size of setbacks. These standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

B. Setback requirements.

1. General requirement. All structures shall comply with the setback requirements of each zoning district and with any setbacks established for specific uses by this Article, except as otherwise provided by this Section. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or street right-of-way, without first securing an Encroachment Permit.

2. Infill development within previously approved projects. Where setbacks have been established for individual vacant parcels by a Specific Plan, a PC zoning district applied prior to the adoption of this Zoning Ordinance, a PD zoning district, an approved subdivision map, or other entitlement, those setbacks shall apply to continuing development within the approved project instead of the setbacks required by this Zoning Ordinance.

C. Measurement of setbacks. Setbacks shall be measured as follows, except that the Director may require different setback measurement methods where he or she determines that unusual parcel configuration makes the following infeasible or ineffective. See Figure 3-3. For streets with detached parkways, the property line is assumed to be the back of the sidewalk for the purposes of setback measurement.

1. Front yard setbacks. The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as provided in following Subsections C.1.a and C.1.b. The front property line is the narrowest dimension of a lot adjacent to a street.

a. Flag lots. For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, area of the required front setback shall be determined by the Director.

b. Corner lots. The measurement shall be taken from the nearest point of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for setback measurement shall be determined by the Director.

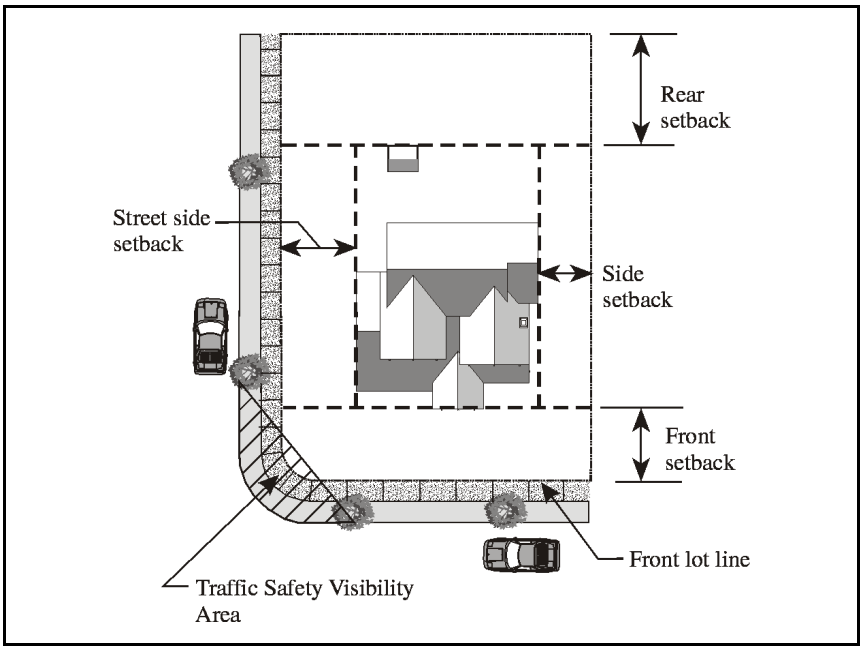
2. Side yard setbacks. The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure;

establishing a setback line parallel to the side property line, which extends between the front and rear yards.

3. **Street side yard setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line bounding the street, or the easement for a private road.

4. **Rear yard setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line. The Director shall determine the location of the required rear yard setback on a double-frontage parcel.

FIGURE 3-3
LOCATION AND MEASUREMENT OF SETBACKS



D. Exemptions from setback requirements. The minimum setback requirements of this Zoning Ordinance apply to all development and new land uses, except the following:

1. Fences or walls six feet or less in height above the grade of the site, when located outside of the front setback;

2. Decks, earthworks, free-standing solar devices, steps, terraces, and other site design elements that are placed directly upon grade and do not exceed a height of 18 inches above the surrounding grade at any point; and

3. Retaining walls less than 30 inches in height above finish grade. Embankments to be retained that are over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches.

E. Limitations on uses of setbacks.

1. Structures. Required setback areas shall not be occupied by structures other than:

a. The fences, walls, and hedges permitted by Chapter 27.26 (Fences, Walls, and Hedges); and

b. The projections into setbacks allowed by Subsection F.

2. Storage. No front or street side setback shall be used for the storage of scrap or junk.

3. Parking. Required residential parking spaces shall not be located within required setback areas. Temporary (overnight) parking is allowable within required setback areas only on paved driveways, in compliance with Section 27.30.080 (Parking Design and Development Standards).

F. Allowed projections into setbacks. Attached architectural features and certain detached structures may project beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with the following requirements.

1. Architectural features. Architectural features attached to the primary structure may extend beyond the wall of the structure and into the front, side and rear yard setbacks, in compliance with Table 3-3. See also Figure 3-4.

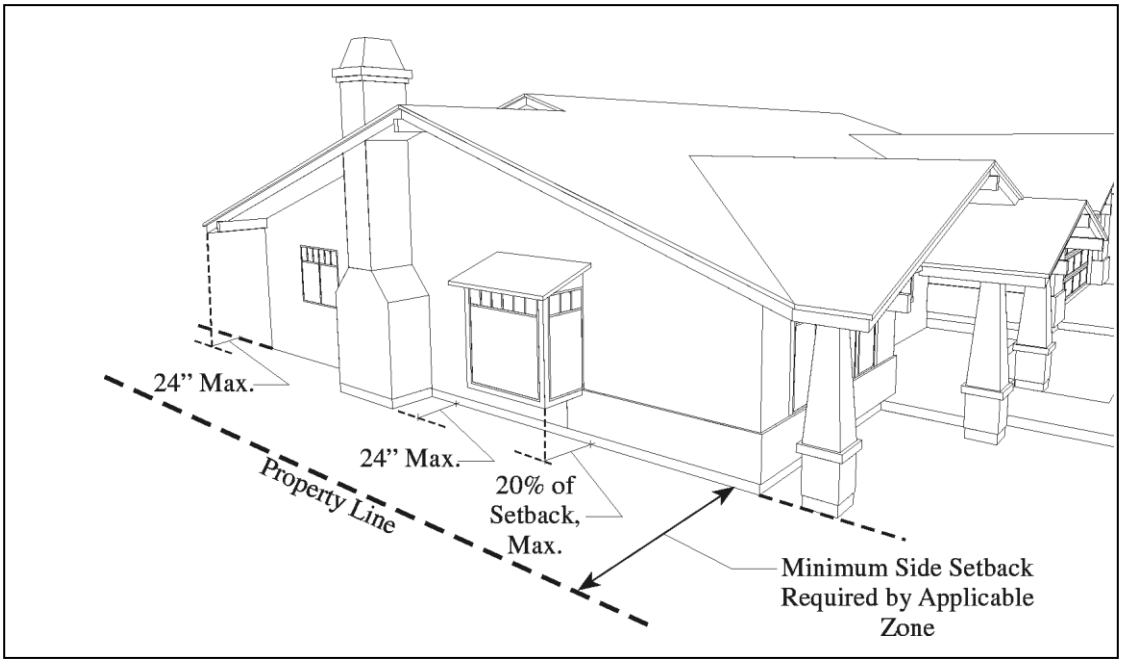
2. Equipment. Air conditioning, heating, and similar equipment may extend up to 30 inches into side and rear yards, but to no closer than 36 inches to any property line. Swimming pool, hot tub, and spa equipment are instead subject to Subsection G., below.

TABLE 3-3
ALLOWED PROJECTIONS INTO SETBACKS

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	**Side Setback**	**Rear Setback**
Bay windows, and similar projecting windows	36 in.	20% of setback (2)	36 in.
Chimney/fireplace, 6 ft. or less in breadth	24 in. (1)	24 in. (1)	24 in. (1)
Cornice, eave, awning, roof overhang	24 in.	24 in. (2)	24 in. (2)
Balcony, deck, porch, which may be roofed but is otherwise unenclosed	25% of setback to a maximum of 6 ft.	20% of side setback; 40% of street side setback	20% of setback
Deck, balcony, porch, stairway - Uncovered, and less than 30 in. above grade	May project to property line		
Deck, balcony, stairway - Covered	Not allowed		

Notes:
(1) Feature may project no closer than 36 inches to any side property line.
(2) Feature may project no closer than 24 inches to any property line.

FIGURE 3-4
EXAMPLES OF ALLOWED PROJECTIONS INTO SIDE SETBACKS



G. Setback requirements for specific structures:

1. **Accessory structures.** See Section 27.34.170 (Residential Accessory Uses and Structures).

2. **Fences.** See Chapter 27.26 (Fences, Hedges, and Walls).

3. **Decks and other site design elements.** Detached decks, freestanding solar devices, steps, terraces, and other site design elements which are placed directly upon the grade, and which exceed a height of 18 inches above the surrounding grade at any point, shall conform to the setback requirements of this Zoning Ordinance for detached accessory structures. (Note: site design elements less than 18 inches above grade are exempt.)

4. **Swimming pools, hot tubs, etc.** Swimming pools, hot tubs, spas, and associated equipment shall be set back a minimum of three feet from side and rear property lines, and shall not be located within a front setback.

27.20.080 - Solid Waste/Recyclable Materials Storage

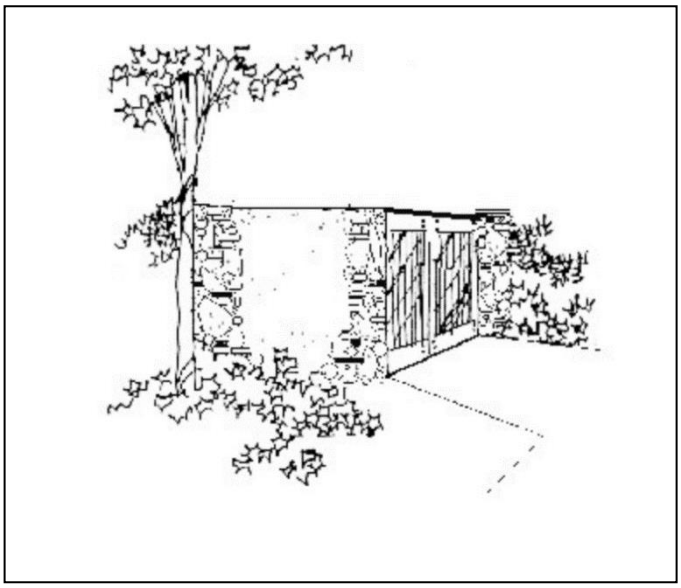
A. Purpose. This Section provides standards which recognize the Town's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).

B. Applicability. These requirements apply to new nonresidential development, or changes to existing development that increase gross floor area by 25 percent or more.

C. Extent of storage area required. Solid waste and recyclables storage areas shall be provided in the number, dimensions, and types required by the local waste hauler. Additional storage areas may be required, as deemed necessary by the Director.

D. Enclosure requirements. Storage areas shall be fully enclosed by a six-foot high masonry wall or other solid enclosure that is architecturally compatible with adjacent structures. Gates shall be solid and maintained in continual working order. Landscaping shall be provided to soften and screen the enclosure in compliance with Chapter 27.28 (Landscaping). See Figure 3-5.

FIGURE 3-5
SOLID WASTE AREA LANDSCAPING



CHAPTER 27.21 – EMERGENCY SHELTERS*

27.21.010 – Purpose of Chapter

The purpose of this chapter is to establish standards for emergency shelters in order to comply with requirements of State law under California Government Code Section 65583.

27.21.020 - Location of Emergency Shelters

Emergency shelters are permitted in conjunction with religious facilities, subject to the location restrictions identified in this Section. Emergency shelters are permitted by right in the "CC" Community Commercial district and are also permitted within the "LI" Light Industrial district with approval of a Use Permit. Emergency shelters shall not be located within three hundred feet of any other existing emergency shelter facility.

27.21.030 – Standards

In addition to the development standards in the underlying zoning district, the following standards apply to emergency shelters and each emergency shelter shall comply with the standards set forth in this section. In the event of a conflict between these standards and the underlying zoning district regulations, the standards in this section shall apply. Nothing in this section modifies the requirements for approval of a religious facility as otherwise provided in the Zoning Ordinance.

A. Facility compliance with applicable State and local standards and requirements.

1. Federal, State, and local licensing, as required, for any program incidental to the emergency shelter.

B. **Physical Characteristics**.

1. Compliance with applicable State and local housing and building code requirements.

2. Facility shall have on-site security during all hours when the shelter is open.

3. Facility shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Light shall reflect away from residential areas and public streets.

4. Facility shall provide secure areas for personal property.

5. If the emergency shelter is proposed in conjunction with a religious facility, the area utilized for emergency shelter facilities may not exceed 50 percent of the total floor area used for the religious facility.

C. **Limited Number of Bed per Facility**. Emergency shelters accessory to a religious facility shall not exceed 20 beds. Other emergency shelters located in the commercial or industrial zoning district shall not exceed 40 beds.

D. **Limited Terms of Stay**. The maximum term of staying at an emergency shelter is 6 months in a consecutive 12-month period.

E. **Parking.** Parking shall be provided on-site at a rate of 2 spaces per facility staff plus 1 space per 6 occupants allowed at the maximum capacity.

F. **Emergency Shelter Management.** A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and good services, evidence of the required permits and licensing for all services and programs associated with the emergency shelter. The plan shall be submitted to and approved by the Community Development Director prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the Community Development Director with updated information for review and approval.

* (Added 09/17/2014, ORD. 2014-287)

CHAPTER 27.22 - AFFORDABLE HOUSING REQUIREMENTS AND INCENTIVES*

27.22.010 - Purpose of Chapter

This Chapter provides incentives for the development of housing that is affordable to the types of households and qualifying residents identified in Section 27.22.020 (Eligibility for Bonus and Incentives), below. This Chapter is intended to implement the requirements of State law (Government Code Sections 65302, 65913, and 65915, et seq. and the goals and policies of the Town's Housing Element.

27.22.020 - Eligibility for Bonus and Incentives

In order to be eligible for a density bonus and other incentives as provided by this Chapter, a proposed residential project shall:

A. Consist of five or more units;

B. Low and Very Low Income:

Be designed and constructed to meet at least one of the following:

1. 10 percent of the total number of proposed units are for lower income households, as defined in the Health and Safety Code §50079.5; or

2. 5 percent of the total number of proposed units are for very low income households, as defined in the Health and Safety Code **§**50105; or

3. A senior citizen housing development as defined in the Zoning Ordinance and consistent with Civil Code §51.3 or §51.12;

C. Moderate Income – Mixed-Use, Multi-Family**,** Condominium, or Planned Developments:

Be designed and constructed to meet at least one of the following:

1. 10 percent of the total number of proposed units are for moderate income households, as defined by the Health and Safety Code **§**50093; or

2. Any senior citizen housing development as defined in the Zoning Ordinance and consistent with Civil Code§51.3 or §51.12;

D. Only those units that qualify may be used to be eligible for a density bonus.

E. All density bonus units shall be restricted for the use that qualified them for the incentive.

F. Satisfy all other applicable provisions of this Zoning Ordinance, except as provided by Section 27.22.030.D.

G. Residential projects may pay in-lieu fees or dedicate land to receive a density bonus as provided by Section 27.22.090 (In-Lieu Participation Fees) and Section 27.22.100 (Land Dedication).

27.22.030 - Types of Bonuses and Incentives Allowed

A residential development project that satisfies all applicable provisions of this Chapter shall be entitled to the following density bonus and other incentives**.** If a density bonus and/or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this Zoning Ordinance, modified standards may be considered based on the requirements and required findings in Section 27.22.030 D., E., and/or Section 27.22.060, which shall be reviewed and given final action by the Commission, unless associated project development entitlements require both a Commission recommendation and Council approval.

A. Minimum Density Bonus. The density bonus granted to a residential development project shall consist of an increase over the otherwise maximum allowable residential density under applicable zoning and land use element of the General Plan as of the date of application. Such increase shall be equal to at least:

1. A 20% increase for low/very-low income, and senior citizens.

2. A 5% increase for mixed-use, multi-family, condominium or planned development moderate income.

3. A fifteen percent (15%) increase in density, when an applicant for a residential development donates land to the Town in accordance with the requirements of Government Code Section 65915 (h) (1)-(6). Nothing in this subsection shall be construed to enlarge or diminish the authority of the Town to require a developer to donate land as a condition of development.

4. The Town has the authority to grant up to a 50% increase for projects that are 100% low and/or very low income. (Government Code 65915 (n)).

5. The Town may, at its discretion, grant a density bonus that is greater than that described in subsections (1), (2) and (3) for a development that meets the requirements, therein, or proportionately lower than that described in subsections (1), (2) and (3) for a development that does not meet the requirements therein. The request must be made in writing by the project applicant and must demonstrate the projects ability to comply with the requirements of Section 27.22.060.

B. Additional Density Bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the base percentage established in section 27.22.020. The amount of density bonus for a donation of land shall vary according to the amount by which the donation exceeds the base donation established by Government Code section 65915(h)(2):

1. Low income households. For each one percent (1%) increase above ten percent (10%) in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one half percent (1.5%).

2. Very low-income households. For each one percent (1%) increase above five percent (5%) in the percentage of units affordable to very low-income households, the density bonus shall be increased by two and one half percent (2.5%).

3. Moderate income mixed-use, multi-family, condominiums and planned developments. For each one percent (1%) increase above ten percent (10%) in the percentage of units affordable to moderate income households, the density bonus shall increase by one percent (1%).

4. Donation of land. For each one percent (1%) increase above the minimum ten percent (10%) land donation, the density bonus shall be increased by one percent (1%). Nothing in this subsection shall be construed to enlarge or diminish the authority of the Town to require a developer to donate land as a condition of development.

The base density bonus shall not be included when determining the number of housing units that is greater than five percent (5%) or ten percent (10%) of the total development. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the Town be required to grant more than a thirty five percent (35%) increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan.

TABLE 3-3
DENSITY BONUS PERCENTAGES

	QUALIFYING PERCENTAGE (of total units)	MINIMUM DENSITY BONUS (above maximum allowable density)	INCREASE IN DENSITY BONUS (for each 1% over qualifying percentage)
Low	10%	20%	1.5%
Very Low	5%	20%	2.5%
Moderate	10%	5%	1%
Senior Citizen	N/A	20%	N/A
Donation	10%	15%	1%

C. Number of Incentives. An eligible project shall receive one, two, or three incentives as follows:

1. Low income households. An applicant shall receive:

a. One incentive for a project that includes at least ten percent (10%) of the total units for low income households;

b. Two incentives for a project that includes at least twenty percent (20%) of the total units for low income households; and

c. Three incentives for a project that includes at least thirty percent (30%) of the total units for low income households.

2. Very low-income households. An applicant shall receive:

a. One incentive for a project that includes at least five percent (5%) of the total units for very low-income households;

b. Two incentives for a project that includes at least ten percent (10%) of the total units for very low income households; and

c. Three incentives for a project that includes at least fifteen percent (15%) of the total units for very low-income households.

3. Moderate income mixed-use, multi-family, condominiums, and planned developments. An applicant shall receive:

a. One incentive for a project that includes at least ten percent (10%) of the total units for persons and families of moderate income in a mixed-use, multi-family, condominium, or planned development;

b. Two incentives for a project that includes at least twenty percent (20%) of the total units for persons and families of moderate income in a mixed-use, multi-family, condominium, or planned development; and

c. Three incentives for a project that includes at least thirty percent (30%) of the total units for persons and families of moderate income in a mixed-use, multi-family, condominium, or planned development.

D. Incentives. A project that is eligible to receive incentives pursuant to subsection (C) above shall be entitled to at least one of the following incentives identified in Government Code Section 65915(l):

1. Modified standards such as reduction in the parcel development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).

2. Approval of mixed-use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.

3. Other regulatory incentives or concessions may be proposed by the developer. These incentives/concessions are subject to Town review and acceptance/denial. Denial is subject to the findings outlined in Section E. below.

4. Nothing in this section shall be construed to require the Town to provide, or limit the Town's ability to provide, direct financial incentives for housing development, including the provision of publicly owned land by the Town or the waiver of fees and dedication requirements.

E. Limitations and exceptions.

1. In order to receive incentives as described in Section 27.22.030 Subsections (C) and (D), an applicant must submit a proposal to the Town requesting the specific incentives that the applicant desires.

2. The Town shall grant the incentives requested by the developer pursuant to Section 27.22.030 Subsection (E)(1) and required pursuant to Subsection (C), unless the Town Council makes a written finding, based upon substantial evidence, of either of the following:

a. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5; or

b. The incentive would have a specific adverse impact, as defined in Government Code section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

3. The Town's granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

4. Nothing in this section shall be interpreted to require the Town to waive or reduce development standards or to grant an incentive that would have a specific, adverse impact upon health, safety or the physical environment for which there is no feasible method to mitigate or avoid the specific adverse impact; nor shall this subsection require the Town to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

F. **Town's right to disapprove project**. Nothing in this Chapter shall limit the Town's right to disapprove an affordable housing project if the Town finds, based on substantial evidence, any one of the following (consistent with State law [Government Code Section 65589.5]):

1. The Town has adopted an adequate Housing Element, and the project is not needed for the Town to meet its share of the regional housing needs of very low and low income housing;

2. The project as proposed would have a specific adverse impact upon public health and safety, which cannot be satisfactorily mitigated without rendering it unaffordable to very low and low-income households;

3. The disapproval of the project or imposition of conditions is required in order to comply with specific State or Federal law and there is no feasible method to comply without rendering the development unaffordable to very low and low income households; or

4. The development project is inconsistent with the General Plan land use designation, as it existed on the date the application was deemed complete, and the Town has adopted a Housing Element in compliance with State law.

27.22.035 – Child Day Care Center

A. When an applicant proposes to construct an eligible residential development project as defined in Section 27.22.020, and includes a Child Day Care Center that will be located on the premises of, as part of, or adjacent to, the project, the Town shall grant either:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child day care center; or

2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child day care center.

B. The Town shall require, as a condition of approving the housing development, the following occur:

1. The child day care center shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to section 27.22.040.

2. Of the children who attend the child day care center, the children of very low, low, and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, low, or moderate income households pursuant to subsection 27.22.020(B).

C. Notwithstanding subsections (A) and (B) above, the Town shall not be required to provide a density bonus or incentive for a child day care center if it finds, based upon substantial evidence, that the community has adequate child care facilities.

27.22.040 - Continued Availability

The entitlement application for the affordable residential development project shall include the procedures proposed by the developer to maintain the continued affordability of the designated dwelling units as follows. These provisions shall apply to both rental and for-sale ownership units.

A. **Development projects receiving financial assistance.** Projects receiving direct financial assistance or other financial incentives from a public source (including the Town, Redevelopment Agency, the Department of Housing and Urban Development (HUD) or state tax credit program), or a density bonus and at least one other concession or incentive shall maintain the availability of the lower income designated dwelling units for a minimum of 30 years, as required by State law (Government Code Sections 65915(c) and 65916).

B. **Private projects density bonus only.** Privately financed projects that receive a density bonus as the only incentive from the Town shall maintain the availability of lower income designated dwelling units for a minimum of 10 years.

C. Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been received, the developer shall identify the restricted units and shall enter into a written covenant with the Town to guarantee one or both of the following, as applicable:

1. Low and very low income households; continued affordability. The continued affordability and availability of the low income and very low-income units shall be for a minimum of thirty (30) years, as required by state law (Government Code Sections 65915(c)(1) and 65916). Those units target for low income households, as defined in Health and Safety Code section 50079.5, shall be affordable at a rent that does not exceed thirty percent (30%) of sixty percent (60%) of the area median income. Those units targeted for very low income households, as defined in Health and Safety Code section 50105, shall be affordable at a rent that does not exceed thirty percent (30%) of fifty percent (50%) of the area median income.

2. Moderate-income households; equity sharing. The initial occupant of any moderate-income unit in a mixed-use, multi-family, condominium or planned development shall be a person or family of moderate income, as required by state law (Government Code section 65915(c)(2)). Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The Town shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price to the moderate-income person or family was less than the fair market value of the home at the time of initial sale. The Town shall spend recaptured funds within three years for any purposes to promote homeownership, as described in Health and Safety Code section 33334.2(e).

27.22.050 - Location of Designated Dwelling Units

A. Location/dispersal of units. The location of the designated dwelling units within the qualifying project shall be at the discretion of the Town with the goal to integrate the units into the overall project. However, the designated dwelling units shall be reasonably dispersed throughout the development where feasible, shall contain on average the same number of bedrooms as the non-density bonus units, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality.

B. Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the Town.

C. Alternative development site.

1. Circumstances may arise in which the public interest would be served by allowing some or all of the designated dwelling units associated with one housing development to be produced and operated at an alternative development site.

2. Where the owner/developer and the Town form an agreement, the resulting linked developments shall be considered a single housing development for purposes of this Chapter. The owner/developer shall be subject to the same requirements for the designated dwelling units to be provided on the alternative site.

27.22.060 - Processing of Bonus Requests

A. Use Permit required. Requests for bonus units shall require the approval of a Use Permit in compliance with Section 27.42.050, which shall be reviewed and given final approval by the Commission, unless associated entitlements require both a Commission recommendation and Council approval.

B. Findings for approval. In addition to the findings required for the approval of a Use Permit in compliance with Section 27.42.050, the approval of a density bonus shall require that all of the following additional findings be made:

1. The development project would be compatible with the purpose and intent of the General Plan and this Zoning Ordinance;

2. The development project would not be a hazard or nuisance to the Town at large;

3. The number of dwellings can be accommodated by existing and planned infrastructure capacities;

4. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing consistent with the purpose of this Chapter;

5. The Town has either granted an appropriate density bonus or provided other incentives of equivalent value in compliance with State law (Government Code Section 65915.); and

6. There are sufficient provisions to guarantee that the designated dwelling units would remain affordable in the future.

27.22.070 - Density Bonus Agreement

A. Procedures. An owner/developer requesting a density bonus, shall draft, and agree to enter into, a density bonus agreement ("agreement") with the Town. The terms of the draft agreement shall be reviewed and revised as appropriate by the Town Manager, or authorized designee, and/or the Town Attorney.

B. Execution of agreement.

1. Following execution of the density bonus agreement by all parties, the Town shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office. Moderate-income housing receiving a density bonus that does not require any government subsidies is exempt from the requirement of recording the agreement.

2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the units.

3. The agreement shall be binding to all future owners, developers, and/or successors-in-interest.

C. Agreement contents. The density bonus agreement shall include at least the following information:

1. The total number of units approved for the housing development, including the number of designated dwelling units;

2. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;

3. The marketing plan for the affordable units;

4. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

5. Tenure of the use restrictions for designated dwelling units of 30 years, in compliance with Section 27.22.040 (Continued Availability), above;

6. A schedule for completion and occupancy of the designated dwelling units;

7. A description of the additional incentive(s) being provided by the Town;

8. A description of the remedies for breach of the density bonus agreement by the owners, developers, and/or successor(s)-in-interest of the project; and

9. Other provisions to ensure implementation and compliance with this Chapter.

D. Agreement provisions. The density bonus agreement shall include at least the following provisions:

1. The developer shall give the Town the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

2. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the Town;

3. When providing the written approval, the Town shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low- and very low-income households, as published by HUD;

4. The Town shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

5. Applicable deed restrictions, in a form satisfactory to the Town Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy.

6. In any action taken to enforce compliance with deed restrictions, the Town Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the Town's costs of action including legal services.

E. For-sale housing conditions. In the case of for-sale housing developments, the density bonus agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable use restriction period:

1. Designated dwelling units shall be owner-occupied by eligible very low or low income households, or by qualified residents in the case of senior housing; and

2. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the Town which:

a. Restricts the sale of the unit in compliance with this Chapter during the applicable use restriction period;

b. Contains provisions as the Town may require to ensure continued compliance with this Chapter and State law; and

c. Shall be recorded against the parcel containing the designated dwelling unit.

3. The applicable restriction period shall be a minimum of 30 years for projects in compliance with Section 27.22.040 (Continued Availability).

F. Rental housing conditions. In the case of rental housing developments, the density bonus agreement shall provide for the following conditions governing the use of designated dwelling units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

2. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

3. Provisions requiring owners to submit an annual report to the Town, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

4. Low and very low income households; continued affordability. The continued affordability and availability of the low income and very low-income units shall be for a minimum of thirty (30) years, as required by state law (Government Code Sections 65915(c)(1) and 65916). Those units target for lower income households, as defined in Health and Safety Code section 50079.5, shall be affordable at a rent that does not exceed thirty percent (30%) of sixty percent (60%) of the area median

income. Those units targeted for very low income households, as defined in Health and Safety Code section 50105, shall be affordable at a rent that does not exceed thirty percent (30%) of fifty percent (50%) of the area median income.

G. Moderate-Income Conditions. In the case of for-sale moderate-income housing developments, the density bonus agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable use restriction period.

1. Moderate-income households; equity sharing. The initial occupant of any moderate income unit in a mixed-use, multi-family, condominium or planned development shall be a person or family of moderate income, as required by state law (Government Code section 65915(c)(2)).

2. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

3. The Town shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price to the moderate-income person or family was less than the fair market value of the home at the time of initial sale.

4. The Town shall spend recaptured funds within three years for any purposes to promote homeownership, as described in Health and Safety Code Section 33334.2(e).

H. Recordation of Agreement. The terms and conditions of the covenant required by this section shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the developer, and shall be recorded in the county recorder's office. In addition to the requirements described in subsection (A) above, the agreement shall include the following provisions:

1. The developer shall give the Town a continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;

2. The deeds to the designated units shall contain a covenant stating that the developer shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the Town confirming that the sales or rental price of the units is consistent with the limits established for low, very low and moderate-income households, which shall be related to the Consumer Price Index; and

a. The Town shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to ensure that the low and very low income units are continuously occupied by eligible households.

27.22.080 - Control of Resale

A. In order to maintain the availability of the affordable housing units as may be constructed in compliance with the requirements of this Section, the following resale conditions shall be imposed. The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the Bay Area Consumer Price Index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Prior to offering an affordable housing unit for sale, the seller shall provide written notice of intent to sell to the Town. The notice shall be provided by certified mail to the Director.

B. Home ownership affordable units constructed, offered for sale, or sold under the requirements of this Section shall be offered to the Town or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the Town by the first purchaser or subsequent purchaser(s). Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the Town according to the requirements of this Section. The seller shall not levy or charge any additional fees nor shall any "finder's fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

C. The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the Town, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the Town the right to enforce the attached declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions as required by this Section.

D. The Town shall monitor the resale of ownership affordable units. The Town or its designee shall have a 90-day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the Town for appropriate action.

E. Multi-family/mixed-use–income projects within the Downtown Plan Area are exempt from the requirements set forth in this Section. A Density Bonus Agreement under Section 27.22.070 is required to receive a density bonus for moderate-income projects in the Downtown Plan area.

27.22.090 - In-Lieu Participation Fees

The Town's intent is to provide a mix of housing units and types. The Town's General Plan Housing Element addresses a diverse housing stock and the Inclusionary Housing Ordinance further supports this intent. When circumstances in development support findings that the inclusion of affordable units is not suitable, but that greater density would better serve the project, the Town may consider payment of an in-lieu fee in place of actual construction of the units.

A. In-lieu fees may be appropriate for particular developments not suitable for affordable units due to factors including location, development density, accessibility to public transportation, environmental conditions, or in cases where the affordable requirement includes a decimal fraction of a unit and a combination of both affordable units and in-lieu fees is required to fulfill the affordable requirement. These in-lieu fees shall be used by the Town or its designee for the purpose of developing affordable housing for low and very low income households elsewhere in the Town.

B. The in-lieu participation fees for all residential development must be paid prior to the issuance of the first Building Permit for the project. The amount of in-lieu fees shall be established by resolution of the Council. The in-lieu fee shall be adjusted periodically to reflect changes in the Consumer Price Index (CPI), and may also be adjusted as necessary for changing conditions in the Town.

27.22.100 - Land Dedication

An Applicant may dedicate land to the Town or a non-profit entity or agency approved by the Town in place of actual construction of affordable units upon the approval of the Council. The intent of allowing a land dedication option is to provide the land needed to make affordable housing development feasible, thus furthering the intent of this Chapter. Reference Section 27.22.030 B for additional density bonus information in relation to donation of land.

* (All of Section 27.22 Revised 08/17/05, ORD. 2004-194)

CHAPTER 27.23- INCLUSIONARY HOUSING REQUIREMENTS

27.23.010- Purpose and Intent

The Town of Windsor recognizes the importance of achieving a diverse and balanced community with housing available for households of all income levels. Economic and social diversity cultivates a healthy social fabric that is beneficial to all residents of Windsor. The Town is experiencing an increasing shortage of housing affordable to very low, low and moderate-income households. New residential development does not provide housing opportunities for this segment of society. As a result, very low, low and moderate -income households are excluded from new housing, creating economic stratification in the Town that is detrimental to the public health, safety, and welfare.

The purpose of this chapter is to establish an inclusionary requirement on residential development projects. This Chapter will mitigate the impacts caused by these development projects for the additional demand for more affordable housing and rising land prices for limited supply of available residential land. The inclusionary requirements required by this chapter do not replace other regulatory requirements and processing fees or exactions, funding required pursuant to a development agreement or reimbursement agreement; assessment charged pursuant to special assessments or benefit assessments districts proceedings, etc., unless so specified.

27.23.020- Applicability

A. **Threshold.** The provisions of this Chapter shall apply to all new Residential Developments of ten (10) or more parcels or dwelling units intended and designed for permanent occupancy, including but not limited to single-family dwellings, multi-family residential projects which receive subdivision, Use Permit, or Design Review approval after the effective date of this Chapter.

B. **Exemptions**. The following shall not be subject to the provisions of this Chapter:

1. Residential dwelling for which a building permit has been issued by the Town prior to the effective date of this Chapter.

2. Residential and mixed-use development projects that the Town Council has determined have a vested right to proceed without complying with the provisions herein.

3. Existing residences, which are altered, improved, restored, expanded, or extended, provided that the number of units is not increased to five or more.

4. Accessory dwelling units constructed pursuant to Section 27.34.180 of the Zoning Ordinance. (Rev. 04/09/18, ORD. 2017-319)

5. Junior accessory dwelling units established pursuant to Section 27.34.185. (Rev. 04/09/18, ORD. 2017-319)

5. Dwelling units, which are offered and restricted for sale, lease or rent solely to individuals or households of very-low, low, or moderate-incomes as defined by this Chapter, and for the minimum terms set forth by this Chapter.

6. Replacement of any dwelling unit or residential development which is damaged or destroyed by fire or other catastrophe provided the number of units and the use of the building remain the same.

27.23.030- Inclusionary Requirements

A. **Percentage requirement**. In projects of ten (10)or more dwelling units, a ten (10%) inclusionary requirement applies if the inclusionary units are constructed for moderate-income households, seven and half (7.5%) requirement if the inclusionary units are constructed for low-income households, and a five percent (5%) requirement if the inclusionary units are constructed for very low income households. If, in the application of the requirements of this Chapter, a decimal fraction unit requirement is obtained, an in-lieu fee shall be provided equal to the applicable decimal fraction cost of a full housing unit. Council Resolution shall establish said fee.

B. **Payment of an in-lieu fee for all units**. The Town shall establish an in-lieu fee schedule, as defined in Section 27.23.130. Any fee required by this chapter shall be paid in full prior to the issuance of a Building Permit for the project. In multi-phase projects, the entire in-lieu fees required for the project, inclusive of all phases, shall be paid prior to issuance of any building permits for the first phase.

C. **Land Donation**. Dedicate with cost to the Town, a lot or lots within, contiguous to or elsewhere in Town sufficient to accommodate at least the required number of affordable units for the residential project. An election to dedicate land in lieu of compliance with other provisions of this chapter shall be allowed only if:

1. The appraised value, of the lot or lots to be dedicated, net of demolition and environmental remediation costs, is equal to at least 150 percent of the project's in lieu fee obligation and financing or a viable financing plan is in place for at least the required number of affordable units and;

2. The lot or lots are suitable for the construction of affordable housing at a feasible cost, defined by the Town Manager, are zoned appropriately for affordable housing development, served by utilities, streets and other infrastructure and there are no hazardous materials or other material constraints on the development of affordable housing.

D. **Off site construction**. Construct, or make possible construction by another developer, of units not physically contiguous to the market-rate units or units that are physically contiguous to the market-rate units if the Town determines that this will provide greater public benefit and if the inclusionary housing regulatory agreement is acceptable to the Town Manager or the Manager's designee.

E. **Construction of Inclusionary units**. The inclusionary units shall be provided at the same time as the other units. Both the inclusionary and market rate housing units shall be completed at the same time.

F. **Distribution of Inclusionary units**. Inclusionary units are encouraged to be distributed throughout the development. Distribution of units may take into account the number of required inclusionary units in the project, as well as consideration of environmental and aesthetic factors.

G. **Appearance of Inclusionary units**. The inclusionary units are encouraged to be substantially the same as the market rate units or buildings in exterior materials and finish. The developer may provide less expensive interior amenities for the inclusionary unit as long as there are not significant differences visible from the exterior. All units must conform to the requirements of the Building and Housing Codes, and subject to the approval of the Town Manager, or his/her designee.

H. **Bedroom Count of Inclusionary Units**. Inclusionary units shall be comparable in bedroom count distribution to the market rate units.

27.23.040- Pricing Requirements for Inclusionary Units.

Allowable rents and sales prices. Inclusionary units shall be made available at affordable rents or purchase prices and occupied by qualified income-eligible households, adjusted for household size and occupancy standards appropriate for the unit. The Planning Department shall set maximum allowable rents and maximum allowable purchase price for inclusionary units, adjusted by the household size appropriate for the unit. Such maximum allowable rents and maximum allowable purchase prices shall be set as rates such that qualified occupants pay no more than the affordable housing expense, as defined below:

For renters, affordable housing expense shall include rent plus a Utility Allowance and shall not exceed:

Very low income:	30% of 50% AMI, adjusted for household size
Low income:	30% of 60% of AMI, adjusted for household size
Moderate Income:	30% of 110% of AMI, adjusted for household size

For owners, affordable housing expense shall include principal, interest, PMI, property taxes, insurance, homeowners' association dues, property maintenance, repair and a Utility Allowance and shall not exceed:

Very low income:	30% of 50% AMI, adjusted for household size
Low income:	30% of 70% of AMI, adjusted for household size
Moderate Income:	35% of 110% of AMI, adjusted for household size
Moderate Income:	38% of 110% of AMI, adjusted for household size with no Town subsidy or concession

Household size adjustments shall be made using the Occupancy Standard defined in Exhibit "B," Chapter 27.60.020.

27.23.050 - Eligibility Requirements.

A. **Qualified households**. Only qualified households shall be eligible to occupy or own and occupy the inclusionary units. Developers shall utilize an entity such as a non-profit housing cooperation or a public Housing Authority to obtain qualified occupants. Developers shall select only qualified households to occupy or own and occupy inclusionary units. Inclusionary for-sale units must be owner-occupied by a qualified household, with an exception granted in the case of an owner's absence required by military service.

B. **Excluded persons**. The following individual, by virtue of their position or relationship, are ineligible to occupy an inclusionary unit.

1. The immediate relative of the project developer or owner.

27.23.060- In-Fractional Remainders and In- lieu Fees

A. **Eligibility for fee payment**. When the calculation of inclusionary requirements yields a fractional number, or if a developer if wishes to pay the in-lieu fee to satisfy the requirements of this ordinance a fee in-lieu of providing a full unit shall be paid to the Town,

1. Amount of fee. For purposes of this section, the fractional remainder and in-lieu inclusionary fee shall be as defined in Section 27.23.130 of this Chapter.

2. Payment of fee. Any fee required by this chapter shall be paid in full prior to the issuance of a Building Permit for the project. In multi-phase projects, the entire in-lieu fees required for the project shall be paid prior to issuance of any building permits.

3. Use of funds. Any funds received from in-lieu fee payments shall be placed in a reserve account used for the exclusive purpose of providing housing affordable to very-low, low and moderate-income households in the Town of Windsor.

27.23.070 - Deed Restrictions

When inclusionary units are required, a deed restriction shall be recorded setting forth the applicable restrictions in this Chapter. The minimum period of affordability for inclusionary units shall be set forth below:

A. **Affordability Period**. Except as may be otherwise provided in Section 27.22.040, inclusionary units which are built without a public subsidy, or density bonus or other concession granted pursuant to Government Code Section 65915, shall be required to maintain affordability in perpetuity for rental units and for the longest feasible time, but not less than forty-five (45) years, for owner units, or for a different period when required

by the Town of Windsor or State law. At the resale of an affordable owner unit, the affordability period of not less than forty-five (45) years shall be renewed. A program to assure affordability for these units for this period of time shall be administered by the Town or by a non-profit housing agency approved by the Town. The developer shall enter into an agreement with the Town or its designee to provide monitoring and to assure affordability of the inclusionary units in perpetuity for rental units and for the longest feasible time, but not less than forty-five (45) years, for owner units from the effective date of first occupancy or resale of an affordable owner unit. The Town Manager shall be authorized to enter into such agreement on behalf of the Town. The approved agreement shall be recorded with the Sonoma County Recorder prior to issuance of a building permit for the project.

1. All buyers of "for sale" inclusionary units shall enter into a Resale Agreement with the Town or its designee prior to the close of escrow for such inclusionary unit. The Resale Agreement shall specify the required affordability term, shall provide for an option for the Town or its designee to designate an eligible purchaser and shall provide the Town or its designee with first right of refusal to purchase the unit, and shall provide for a calculation of future equity assignment upon sale of the unit. Such agreement shall be recorded against each lot or unit.

2. Conversion of an inclusionary rental unit to a "for sale" unit, if otherwise permitted, shall not void any provisions of applicable inclusionary housing agreements or requirements.

27.23.080 - Monitoring of Inclusionary Units

Each owner of any rental inclusionary units shall submit an annual report to the Planning Department, no later than March 1, for the previous calendar year, identifying monthly rental rates, vacancy status of each inclusionary unit, income status for resident and any other related data deemed necessary by the Town while ensuring privacy for all occupants. The deed restriction for ownership units shall require a comparable conformance report to the Town upon sale of ownership of inclusionary units.

27.23.090- Developer Incentives

When a developer proposes a housing project that is subject to the inclusionary requirements of this Chapter, the Town shall provide the developer a density bonus compliant with State density bonus law, as defined in California Government Code section 65915 et seq, as revised periodically. Subject to the approval of the Town Manager or the Town Manager's designee, the Town may also provide other incentives, including, but not limited to: reduction in site development standards, modification of architectural design requirements, or other similar incentives that assist in making the project economically feasible. Subject to the approval of the Town Manager or the Town Manager's designee, other incentives may be offered for the production of very low, or low income housing units, include fee deferrals, fast track permitting, shared equity programs and exceptions from zoning ordinance requirements i.e. parking, setbacks and others.

27.23.100 - Inclusionary Housing Submittal Requirements

As part of any submittal to the Town of Windsor for the construction of ten (10) or more new dwelling units, or for the subdivision of land into ten (10) or more lots for residential use, each developer shall include information as to the total number of housing units included within the application; the number of inclusionary units; proposed sale or rental prices of the inclusionary units; identification of the agency which will monitor occupancy and continued affordability of the inclusionary units for the amount of time specified by this chapter; and any other information deemed necessary by the Town. It shall be the responsibility of the developer to negotiate any needed agreement with the monitoring agency to comply with Section 27.40.070 "Deed Restrictions".

27.23.110- Modification of Requirements, Hardship, Exception.

Notwithstanding any other provision of this chapter, the requirements of this chapter shall be waived, adjusted or reduced if the applicant shows, by the presentation of substantial evidence, that there is no reasonable relationship between the impact of a proposed residential project and the requirements of this chapter, or that applying the requirements of this chapter would take property in violation of the U.S. or California Constitution. To receive a waiver, adjustment or reduction under this subsection (c), the applicant must make a showing under this subsection when applying for a first approval for the residential project, and/or as part of any appeal which the City provides as part of the process for the first approval.

27.23.120- Appeals and Enforcement

A. **Application of requirements**. The provisions of this chapter shall apply to all agents, successors and assignees of the developer. No planning permit shall be issued after the effective date of this Chapter for any project which does not meet the requirements of this Chapter.

B. **Violations**. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this chapter, shall be guilty of a separate offense during each and every day during any portion of which any violation of this chapter is commenced, continued, or permitted by such person, firm or cooperation.

C. **Appeal to Planning Commission**. Any person aggrieved by any action involving denial, suspension or revocation of a building permit or denial, suspension or revocation of any development approval related to compliance with this chapter may appeal such determination to the Planning Commission, with further appeal possible to the Town Council, upon payment of the applicable appeal fee.

D. **Appeal to the Town Council**. Any developer or other person who contends that his or her interests are adversely affected by a determination or requirement of the Town or its designee in regard to this chapter and is not satisfied with the decision of the Planning

Commission may appeal to the Town Council upon payment of the applicable fee. The appeal shall set forth specifically wherein in action of the Town or its designee fails to conform to the provisions of this chapter thereby adversely affecting the developer's-or other person's interests. The Town Council may reverse or modify any determination or requirement of the Town or its designee if it finds that the action under appeal does not conform to the provisions of this Chapter.

27.23.130 – In Lieu Fee Schedule

A. **Per square foot in lieu fee amount**. The in lieu fee shall be calculated on a per square foot basis, based on the square footage of the market rate units, as follows:

1. A minimum per unit in lieu fee of $2,000 shall apply for units up to 1,000 square feet;
2. For units of 1,000 square feet, the fee shall be $2.00 per square foot;
3. For larger units, the per square foot fee shall increase by $0.015 per 50 square feet, or fraction thereof.

B. **Adjustments to the in lieu fee**. The in lieu fee shall be adjusted annually by an inflation factor equal to the percent increase in the median home sales price in the Town over the previous three (3) years. In years when the percent change in rolling three year average of median home sales price is negative, the in lieu fee shall remain unchanged.

C. In lieu fee schedule. The in lieu fee schedule for 2009 is as follows:

Table 1
Inclusionary Housing In Lieu
Fee Schedule

Unit Square Footage	Per Square Foot Fee	Total Per Unit Fee	Unit Square Footage	Per Square Foot Fee	Total Per Unit Fee
1,000	$2.00	$2,000	2,550	$2.47	$6,286
1,050	$2.02	$2,116	2,600	$2.48	$6,448
1,100	$2.03	$2,233	2,650	$2.50	$6,612
1,150	$2.05	$2,352	2,700	$2.51	$6,777
1,200	$2.06	$2,472	2,750	$2.53	$6,944
1,250	$2.08	$2,594	2,800	$2.54	$7,112
1,300	$2.09	$2,717	2,850	$2.56	$7,282
1,350	$2.11	$2,842	2,900	$2.57	$7,453
1,400	$2.12	$2,968	2,950	$2.59	$7,626
1,450	$2.14	$3,096	3,000	$2.60	$7,800
1,500	$2.15	$3,225	3,050	$2.62	$7,976
1,550	$2.17	$3,356	3,100	$2.63	$8,153

Unit Square Footage	Per Square Foot Fee	Total Per Unit Fee	Unit Square Footage	Per Square Foot Fee	Total Per Unit Fee
1,600	$2.18	$3,488	3,150	$2.65	$8,332
1,650	$2.20	$3,622	3,200	$2.66	$8,512
1,700	$2.21	$3,757	3,250	$2.68	$8,694
1,750	$2.23	$3,894	3,300	$2.69	$8,877
1,800	$2.24	$4,032	3,350	$2.71	$9,062
1,850	$2.26	$4,172	3,400	$2.72	$9,248
1,900	$2.27	$4,313	3,450	$2.74	$9,436
1,950	$2.29	$4,456	3,500	$2.75	$9,625
2,000	$2.30	$4,600	3,550	$2.77	$9,816
2,050	$2.32	$4,746	3,600	$2.78	$10,008
2,100	$2.33	$4,893	3,650	$2.80	$10,202
2,150	$2.35	$5,042	3,700	$2.81	$10,397
2,200	$2.36	$5,192	3,750	$2.83	$10,594
2,250	$2.38	$5,344	3,800	$2.84	$10,792
2,300	$2.39	$5,497	3,850	$2.86	$10,992
2,350	$2.41	$5,652	3,900	$2.87	$11,193
2,400	$2.42	$5,808	3,950	$2.89	$11,396
2,450	$2.44	$5,966	4,000	$2.90	$11,600
2,500	$2.45	$6,125			

(Revised: 01/07/09 ORD 2009-250)

CHAPTER 27.24 - AGRICULTURAL PRESERVATION

27.24.010 - Purpose of Chapter

It is in the public interest to preserve and protect agricultural lands and operations within the vicinity of the Town exclusively for agricultural and appurtenant uses. Non-agricultural land uses adjacent to agricultural lands and operations often lead to restrictions on the agricultural operations to the detriment of the economic viability of agriculture.

The purposes of this Chapter are to preserve and protect agricultural uses, support continued agricultural operations, alert prospective residents to the importance of agricultural land preservation, and provide suitable methods of land use separation and buffering provisions, in compliance with Section 27.24.020 (Buffering), below.

27.24.020 - Buffering

A. Buffering required. At the time of the subdivision or development of any parcel that adjoins lands zoned for and/or currently in agricultural use, an appropriate buffer shall be established on the parcel where the subdivision or development is proposed, between the urban development and existing agricultural operations.

B. Width of buffer. The minimum width of a buffer shall be 100 feet from the property line for row and field crops and 200 feet from the property line for vineyards and orchards. The Council may adjust the width of the buffer where deemed appropriate because of any of the following factors, provided that the buffer shall not be reduced to less than 100 feet:

1. Type of agricultural activity (e.g., animal husbandry, field crops, orchards, vineyards, etc.);

2. Agricultural practices;

3. Existing physical features (e.g., stand of trees, topography, water courses, etc.);

4. Man-made features (e.g., fences/walls, parking lots, streets, trails, etc.); and

5. Configuration, location, and size of the properties involved.

C. Setback from habitable structures. For development on individual parcels where a planning-related entitlement (e.g., Design Review, Tentative Map, Use Permit, etc.) is not required, a minimum buffer setback to all habitable structures of 100 feet shall be maintained.

27.24.030 - Disclosure

A. Disclosure by subdivider. The subdivider of any property located within 1,000 feet of land zoned and/or currently used for agricultural use shall disclose, through a notation on the final map of the subdivision, within Conditions, Covenants and Restrictions (CC&Rs), if prepared, and through the recordation of a separate acknowledgment statement, the presence of agricultural and appurtenant uses in the proximity of the subdivision through the following statement:

> *"The property(ies) within this subdivision is(are) located within 1,000 feet of land utilized or zoned for agricultural operations and residents/occupants of the property may be subject to inconvenience or discomfort arising from use of agricultural chemicals, including acaricides, fertilizers, fungicides, herbicides, insecticides, predacides, and rodenticides; and from the pursuit of agricultural operations, including crop protection, cultivation, harvesting, plowing, processing, pruning, shipping, and spraying, which may generate dust, light, noise, odor, smoke, and traffic. The Town has adopted policies to encourage and preserve agricultural lands and operations in the vicinity of the Town. Residents/occupants of property(ies) within this subdivision should be prepared to accept inconveniences or discomfort as normal and necessary to on-going agricultural operations."*

B. Disclosure before issuance of Building Permits. Where a new structure intended for human occupancy is to be located on property which is located within 1,000 feet of land zoned and/or currently used for agricultural use, the owner(s) of the property shall, before issuance of a Building Permit, be required to sign and record a statement in a form complying with Subsection A. (Disclosure by subdivider), above. In lieu of signing the statement required above, the owner(s) may submit evidence that the statement in Subsection A., above, has been made a part of subdivision documents creating the parcel on which the structure is to be located.

CHAPTER 27.25 – REASONABLE ACCOMMODATION

27.25.010 – Purpose of Chapter

The purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act ("Acts") in the application of zoning laws and land use regulations, policies, and procedures.

27.25.020 - Applicability

A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of the Zoning Ordinance or Town requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purpose of this chapter a "person with disability" is any person who has a physical or mental impairment that limits or substantially limits one or more major life activity, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a modification or exception to the rules, regulations, and/or practices for the siting, development, use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this chapter without the need for approval of a variance.

27.25.030 – Procedure

A. A request for reasonable accommodation shall be submitted in writing to the Community Development Director and shall contain the following information:

1. The applicant's name, address, and telephone number.

2. Address of the property for which the request is being made.

3. The current use of the property.

4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim.

5. The zoning code provision, regulations, or policy from which reasonable accommodation is being requested.

6. The reason why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (i.e. Use Permit, Design Review, etc.), the applicant shall file the information required by A. of this section for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation shall be reviewed by the Community Development Director or his/her designee. If no approval is sought other than the request for reasonable accommodation, the Director or his/her designee, shall make a written determination within 45 days of the application/written request being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission or designated hearing body. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission/designated hearing body, in compliance with the applicable review procedure for the discretionary review.

27.25.040– Approval Findings

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following:

A. Will the housing in the request be used by a person with a disability under the Acts?

B. Is the request for reasonable accommodation necessary to make specific housing available to a person with a disability under the Acts?

C. Will the request for reasonable accommodation impose undue financial, administrative, or enforcement burdens on the Town?

D. Will the request for reasonable accommodation require a fundamental alteration in the nature of a Town program or law, including but not limited to land use and zoning?

E. What, if any, are the potential impacts on surrounding uses?

F. What are the physical attributes of the property and structures?

G. Are there any other reasonable accommodations that may provide an equivalent level of benefit?

27.25.050 – Conditions of Approval

In granting a request for reasonable accommodation, the Community Development Director, his/her designee, or if applicable the Planning Commission or designated hearing body may impose any conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation complies with the findings in Section 27.25.040 above. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

27.25.060 – Appeals

The decision of the Community Development Director, his/her designee or if applicable the Planning Commission or designated hearing body shall be considered final unless an appeal is filed in compliance with Chapter 27.52 (Appeals).

* (All of Section 27.25 Revised 09/17/14, ORD. 2014-287)

CHAPTER 27.26 - FENCES, WALLS, AND HEDGES

27.26.010 - Purpose of Chapter

This Chapter establishes requirements for fences, walls, and hedges to ensure that these elements minimize screening of scenic views and sunlight, provide adequate buffering between different land uses and screening of outdoor uses and equipment, and are attractively designed.

27.26.020 - Applicability

The provisions of this Chapter apply to all fences, walls, and hedges except as provided by this Section.

A. Exemptions. The following fences and walls are exempt from this Chapter:

1. Required fences or walls. Fences or walls required by the Town for reasons of public safety, or by the regulations of a State or Federal agency; or

2. Retaining walls. Retaining walls that are regulated by Section 27.20.070 (Setback Measurement and Exceptions).

B. Waiver or modification of requirements. The requirements of this Chapter may be waived or modified by the Director through Site Plan and Design Review (Section 27.42.030).

27.26.030 - Height limitations

A. Maximum allowed heights. Fences, walls, and hedges shall not exceed the maximum heights shown in Table 3-5 (Maximum Height of Fences, Walls, and Hedges), and in Section 27.20.050.D (Height Limit at Street Corners).

B. Height measurement. Fence height shall be measured from finished grade at the base of the fence to the uppermost part of the fence; except when there is a difference in the ground level between two adjoining parcels of two feet or more, the maximum allowed height of a fence or wall shall be determined by the Director.

C. Residential fence location. Fences located on residential parcels shall not exceed 3’ in height in the front setback. Fences in excess of 3’ in height shall be located a minimum of 2’ behind the front façade. For the purposes of this section fences shall include walls, screens, trellises, and other similar linear features.
(Rev. 8/17/05 Ord. 2005-194).

TABLE 3-5
MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES

Location	Maximum Height (1)
Front setbacks (4)	3 ft.
Rear and side setbacks (2) (4)	6 ft.
At intersections of alleys, streets, and driveways within traffic safety visibility areas (27.20.050.E)	3 ft.
Fences and walls required to lessen noise impacts (e.g., a sound attenuation wall)	As deemed necessary by the Director

Notes:

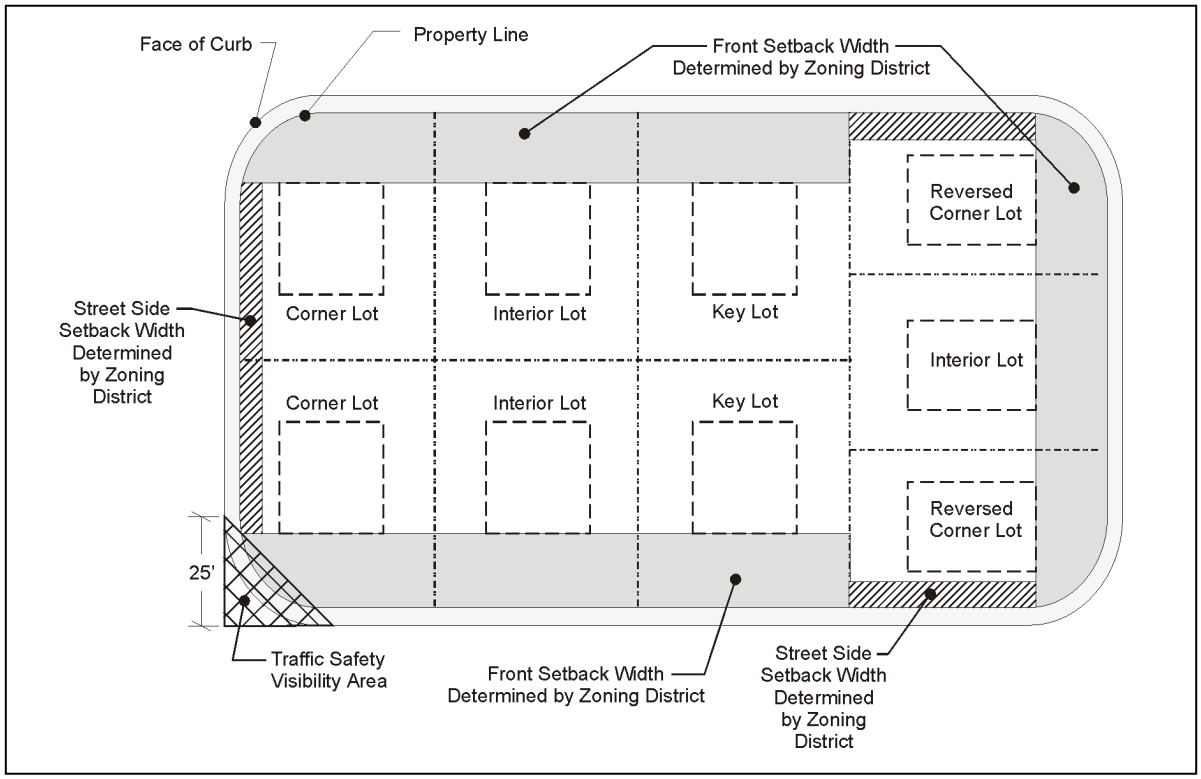
(1) In granting the Site Plan and Design Review, in compliance with Section 27.42.030, the Director may approve additional height to enclose or screen specific areas or uses.

(2) Two-foot tall open lattice may be allowed on top of a six-foot tall fence on rear and interior side setbacks only, with approval of the Director, and with a Building Permit when required.

(3) Maximum heights for fences may be different in the downtown planning area. Applicants should check with the Department prior to erecting fences in the downtown area.

(4) Fences exceeding 3' in height shall be located a minimum of 2' behind the front façade of the residence. (Revised 08/17/05, ORD. 2005-194)

FIGURE 3-6
FRONT & STREET SIDE SETBACK AREAS WITH 3-FOOT FENCE HEIGHT LIMIT



27.26.040 - Fence and Wall Design Standards

A. Pedestrian access to neighborhood shopping. To ensure the most direct and safe access routes for pedestrians walking between a neighborhood-serving commercial development and the neighboring dwelling units, an appropriate number of openings in the fences or walls shall be provided subject to the approval of the Director.

B. Allowable fence and wall materials. Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, or stone). Masonry walls should not consist exclusively of smooth-surfaced concrete masonry units (CMUs); the use of textured or split-face CMUs is strongly encouraged. Walls shall be of a solid masonry construction and be of a decorative design when visible from public rights-of-way. The use of chain link fencing is discouraged.

27.26.050 - Walls Required Between Different Zoning Districts

A. Where a nonresidential or multi-family zoning district adjoins property in a residential zoning district (other than a public right-of-way), a six to seven-foot high solid masonry wall shall be constructed on the zone boundary line, subject to the approval of the Director.

B. The Director may waive or modify the requirement for a zone boundary line wall in compliance with Section 27.26.080 (Screening and Buffering) and the height requirement that would allow the wall(s) to be constructed higher than six to seven feet if the viewshed would not be impacted. A heavy wood timber fence may be considered as an acceptable alternative to the solid masonry wall.

C. Where property in an industrial zoning district adjoins property in a nonindustrial zoning district, a solid masonry wall, a minimum of six to seven feet in height, shall be constructed on the zone boundary line.

27.26.060 - Special Wall and Fencing Requirements

Swimming pools/spas and other similar water features shall be fenced in compliance with the Town's adopted Uniform Building Code.

27.26.070 - Security Fencing

This Section provides standards for the installation and maintenance of security fencing which shall be subject to the following criteria and standards.

A. General standards.

1. Warning sign. A warning sign shall be posted whenever security fencing is used.

2. Maintenance. Security fencing shall be properly maintained at all times by the property owner to ensure the public health, safety, and welfare of the community. The property owner shall repair the security fencing within 24 hours from the time the Town issues the property owner a notice of correction.

3. Time for compliance for existing fencing. Security fencing existing on arterial or major collector streets that is not in compliance with the provisions of this Section shall have a period of 12 months from the date of adoption of this Zoning Ordinance to comply with this Section.

4. Prohibition in residential zones. Security fencing shall not be used in any residential zoning district.

B. Security fencing in nonresidential zoning districts.

1. Height. Security fencing in nonresidential zoning districts shall be a minimum of six feet in height before the installation of the barbed wire, and shall not exceed eight feet in height, including the barbed wire.

2. Limitation on materials. Concertina wire, razor wire, or similar products shall be prohibited. Security fencing is allowed with Director approval, where the fence below the barbed wire is at least six feet in height.

3. Review and approval. Plans for the use of security fencing shall be approved by the Director, and a Building Permit, as necessary, shall be obtained before installation.

C. Installation of security fencing in nonresidential zoning districts. The security portion of fencing shall be installed and maintained at a 45-degree or a 90-degree angle into the property, measured from the vertical axis representing the fence. Fencing shall not extend over adjoining public or private property.

27.26.080 - Screening and Buffering

A. Purpose and applicability. This Section establishes standards for the screening, separating, and buffering of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas.

B. General guidelines.

1. Project design should incorporate sound principles of land planning to ensure the highest level of compatibility between adjoining land uses and zoning districts, to minimize the need for screening and buffering.

2. The use of appropriately enhanced setbacks, fencing, landscape plantings, and other opportunities and techniques can assist in softening building forms and minimizing the need for screening and buffering as required by this Section.

C. Mechanical equipment, loading docks, and refuse areas.

1. Roof or ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation, and exhaust ducts, transformers, etc.), loading docks, refuse storage areas, and utility services shall be adequately screened from the view from adjoining public streets and rights-of-way, and surrounding areas zoned for residential or open space uses, by fences, landscaping, walls, or other methods approved by the review authority.

   The review authority shall consider security and crime prevention measures for ground-mounted mechanical equipment and structures by requiring that the screening material be grates, field fencing, or other forms of screening that allow visibility of the interior area while also providing adequate screening.

2. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

3. Landscaping shall be installed adjacent to the walls, at the discretion of the Director, in compliance with Chapter 27.28 (Landscaping).

D. Outdoor building and garden supply areas. Outdoor building and garden supply areas shall be screened with fencing, landscaping, walls, or similar material to minimize visibility of the storage area.

CHAPTER 27.28 - LANDSCAPING

27.28.010 - Purpose of Chapter

The purpose of this Chapter is to protect public health, safety, and welfare by:

A. Preserving and enhancing the positive visual character of the Town, and providing cooling shade, oxygen, and filtering of the Town's air;

B. Enhancing well-designed structures and increasing compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers; and

C. Provide for the conservation and safeguard of water resources through the efficient use of water, appropriate use of plant materials, and regular maintenance of landscaped areas.

27.28.020 - Applicability

A. Landscaping required. The provisions of this Chapter apply to all proposed development. Additions to structures that are 25 percent or more of the floor area of the existing structure shall require that the entire parcel be brought into compliance with the requirements of this Chapter. In the case of an existing use, if the amount of required landscaping cannot be accommodated because of physical constraints on the site, (e.g., structures, parking, circulation, etc.) the applicant shall provide whatever additional landscaping the site can accommodate towards meeting the landscape requirements of this Chapter.

B. Other requirements. Standards for the provision of landscaping within the public right-of-way are located in Title __ of the Town Code (Subdivisions).

C. Water-conserving landscape requirements. Water conserving landscape requirements are provided in Council Resolution 103-92.

27.28.030 - Landscape Plan Approval Required

A. Preliminary Landscape Plan. A Preliminary Landscape Plan shall be submitted as part of an application for a land use entitlement, for new development, and the significant expansion or redevelopment of an existing use as determined by the Director.

B. Final Landscape Plan. Following approval of the land use entitlement, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit.

C. Content. Preliminary Landscape Plans and Final Landscape Plans shall contain information as specified in the instructions for preparing landscape plans provided by the Department.

D. Review and approval. After initial application, the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may disapprove or require changes to a submittal that is not in compliance.

E. Statement of surety. When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the Town for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of the site.

F. Minor changes to approved plans. Landscape plan approval may include the Director authorizing minor changes from the requirements of this Chapter.

27.28.040 - Landscape Area Requirements

Landscaping shall be provided in the locations specified below except for single-family uses.

A. Setbacks. All setback and open space areas required by this Zoning Ordinance and easements for utilities, and drainage courses shall be landscaped, except where a required setback is screened from public view or it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

B. Unused areas. All areas of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

C. Parking areas. Parking areas shall be landscaped in compliance with the following requirements.

1. **Landscape materials.** Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and ground cover.

2. **Curbing.** Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles may be approved by the Director.

3. **Location of landscaping.** Parking lot landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands.

4. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions.

5. **Perimeter parking lot landscaping.**

   a. **Adjacent to streets**. Parking areas for nonresidential uses adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area equal in depth to the setback required by the zoning district or 10 feet, whichever is more. Parking areas for residential uses shall maintain the required setback areas for the zoning districts in which they are located.

      The landscaping shall be designed and maintained to screen cars from view from the street to a height of between 30 inches and 42 inches. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices which meet the intent of this requirement. Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 27.20.050.E (Height Limit at Street Corners).

   b. **Adjacent to side or rear property lines.** Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include a required yard or buffer area. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.

   c. **Adjacent to structures.** When parking areas are located adjacent to nonresidential structures, a minimum five-foot wide landscape strip shall be provided adjacent to the structure.

   d. **Adjacent to residential use.** Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall or fence and landscape buffer shall be provided along the property line to address land use compatibility issues such as nuisance noise and light/glare. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.

6. Interior parking lot landscaping.

a. Amount of landscaping.

(1) Multi-family, commercial, and office uses shall provide landscaping within the parking area at a minimum ratio of 10 percent of the gross area of the parking lot. One shade tree shall be provided for every five parking spaces.

(2) Industrial/manufacturing uses shall provide landscaping within the parking area at a minimum ratio of six percent of the gross area of the parking lot. One tree shall be provided for every 10 parking spaces.

b. Location of landscaping. Landscaping shall be evenly dispersed throughout the parking area. Use of an orchard-style planting scheme (placement of trees in uniformly-spaced rows) is encouraged for larger parking areas. Parking lots with more than 100 spaces should provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

27.28.050 - Maintenance of Landscape Areas

A. Maintenance required. All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.

B. Water waste prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

27.28.060 - Public Education

Developers shall provide information to prospective single-family homebuyers regarding water-efficient landscaping techniques. A sample of the information to be provided shall be submitted to the Director for approval prior to issuance of a Building Permit.

CHAPTER 27.30 - PARKING, LOADING, AND ACCESS

27.30.010 - Purpose of Chapter

This Chapter establishes regulations to ensure that sufficient off-street parking facilities are provided for all uses and that parking facilities are properly designed, attractive, and located to be unobtrusive yet meet the needs of the specific use.

27.30.020 - Applicability

Every use and structure, including a change or expansion of a use or structure shall provide off-street parking and loading areas in compliance with this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

27.30.030 - General Parking Regulations

A. Parking and loading spaces to be permanent. Parking and loading spaces shall be permanently available, marked and maintained for parking or loading purposes for the use they are intended to serve. The approval of a Temporary Use Permit may allow the temporary reduction of parking or loading spaces in compliance with 27.42.040 (Temporary Use Permits).

B. Parking and loading to be unrestricted. Owners, lessees, tenants or persons having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the Director.

C. Vehicles for sale. Vehicles, trailers or other personal property shall not be parked on private property for the purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property. However, one vehicle or trailer owned by the owner, renter, or lessee of the property may be displayed for the purpose of sale.

D. Recreational vehicle parking. The storage (parking for any period longer than 72 hours) of recreational vehicles and boats in residential zoning districts shall be allowed only when all portions of the vehicle or boat are located entirely within the property boundaries and do not extend into the public right-of-way.

27.30.040 - Number of Parking Spaces Required

A. Parking requirements by land use.

1. Each land use shall provide the number of off-street parking spaces required by Table 3-7. Additional spaces may be required/approved through discretionary entitlement approval.

2. Land uses not specifically listed by Table 3-7 shall provide parking as required by the Director. The Director shall use the requirements Table 3-7 as a guide in determining the minimum number of off-street parking spaces to be provided.

B. Expansion of structure, change in use. When a structure is enlarged, or when a change in use requires more off-street parking, additional parking spaces shall be provided in compliance with this Chapter except where the number of additional spaces required is 10 percent or less of the number of existing spaces. See also Chapter 27.50 (Nonconforming Uses, Structures, and Parcels).

C. Multi-tenant sites. A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use; except where the site is developed as a recognized shopping center, the parking ratio shall be that required for the entire shopping center as provided in Table 3-7. When a multi-tenant shopping center includes uses with parking requirements that are greater than a typical shopping center (e.g., theaters, restaurants) additional parking shall be required unless a parking reduction is approved in compliance with 27.30.050 (Reduction of Parking Requirements).

D. Excessive parking. Off-street parking spaces in excess of the requirements in Table 3-7 may be approved in conjunction with a discretionary entitlement, and when additional landscaping and pedestrian improvements are also provided.

E. Bench or bleacher seating. Where fixed seating is provided in the form of benches or bleachers, a seat shall be construed to be 18 inches of bench space for the purpose of calculating the number of required parking spaces as provided in Table 3-7.

F. Calculations based on gross floor area. When the parking requirements in Table 3-7 are based on structure floor areas in square feet, they shall be based on the gross floor area of the structure.

G. Nonconforming parking. A structure with nonconforming off-street parking may be physically changed or undergo a change in use subject to the following provisions.

1. Residential uses. No additional parking spaces shall be required, provided the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access.

2. **Nonresidential uses.** The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with Chapter 27.30 (Parking, Loading, and Access) for any additional floor area. If the use of the structure is changed to one that requires more parking than the previous use, the difference between the parking spaces required for the previous use and the new use shall be provided.

3. **Waiver by Director.** The Director may waive covered parking requirements when a nonconforming structure is proposed for rehabilitation if the Director determines that the existing structure location, lot size, or topography renders the requirement unreasonable.

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE

Land Use Type: Manufacturing, Processing and Warehousing	Vehicle Spaces Required
General manufacturing, industrial and processing uses	1 space for each 500 sq. ft. of floor area for the first 25,000 sq. ft.; and 1 space for each 1,000 sq. ft. thereafter. Office space may comprise up to 20% of the total floor area without providing additional parking. Parking requirements for office space comprising more than 20% of the total floor area shall be calculated separately as provided by this table for "Offices."
Recycling facilities	Determined by Conditional Use Permit.
Research and development, laboratories	1 space for each 300 sq. ft. of floor area, plus 1 space for each company vehicle.
Warehouses and storage facilities	1 space for each 1,000 sq. ft. of floor area for the first 20,000 sq. ft., and 1 space for each 2,000 sq. ft. thereafter. Office space may comprise up to 20% of the total floor area without providing additional parking. Parking requirements for office space comprising more than 20% of the total floor area shall be calculated separately as provided by this table for "Offices."
Wholesale and distribution operations not used exclusively for storage	1 space for each 1,000 sq. ft. of floor area for the first 10,000 sq. ft., and 1 space for each 2,000 sq. ft. thereafter. Office space may comprise up to 20% of the total floor area without providing additional parking. Parking requirements for office space comprising more than 20% of the total floor area shall be calculated separately as provided by this table for "Offices."

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: Recreation, Education, Public Assembly	**Vehicle Spaces Required**
Clubs, lodges and private meeting halls	1 space for each 100 square feet of floor area.
Dance floors	1 space for each 50 square feet of floor area.
Golf	
Golf courses and country clubs	3 spaces for each hole.
Golf driving range	1 space for each tee.
Miniature golf courses	2 spaces for each hole.
Indoor amusement/entertainment facilities	
Arcades	1 space for each 200 sq. ft. of floor area.
Skating rinks	1 space for each 100 square feet of floor area.
Bowling alleys	5 spaces for each alley.
Health/fitness facilities	1 space for each 100 square feet of floor area.
Pool and billiard rooms	2 spaces for each table.
Swimming pools (public, private and commercial)	1 space for each 100 square feet of pool area.
Outdoor commercial recreation	Determined by Conditional Use Permit
Libraries and museums	1 space for each 300 square feet of floor area.
Religious places of worship	1 space for each 4 seats or 1 space for each 75 square feet of floor area, whichever is greater.
Schools (public and private)	
Kindergarten and nursery schools	1 space per employee plus 1 space per 10 children.
Elementary/Junior high	1 space per employee plus 1 space per 8 students.
High school	1 space per employee plus 1 space per 6 students.
Colleges and universities (including trade, business, and art/music/dancing schools)	1 space for each employee plus 1 space for each 3 students.
Studios (art, dance, music, photography, etc.)	1 space for each 200 sq. ft. of floor area.
Tennis/racquetball/handball or other courts	2 spaces for each court, plus 1 space for each 300 sq. ft. of floor area for accessory uses.
Theaters, auditoriums & places of assembly	1 space for each 4 seats or 1 space for each 75 square feet of floor area, whichever is greater.

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: **Residential Uses**	**Vehicle Spaces Required**
Accessory Dwelling Unit (Rev. 04/09/18, ORD. 2017-319)	See Section 27.34.180(E)(10)
Farm worker housing	1 space for each 4 persons housed. Parking areas are not required to be covered or paved. Parking areas shall not be located adjacent to any scenic corridor unless screened from public view by buildings, fences, landscaping, or terrain features.
Group quarters	
Rooming and boarding houses	1 covered space for each bedroom.
Fraternities, sororities and dormitories	1 uncovered space for each bedroom.
Junior Accessory Dwelling (Rev. 04/09/18, ORD. 2017-319)	No parking required.
Mobile homes	
Individual mobile homes	1 covered space for each unit.
Mobile home park	1 covered space for each unit plus 0.5 uncovered guest parking spaces and 0.25 parking spaces for each unit for vehicle storage.
Multi-family dwellings	2 covered spaces per unit minimum, plus 1 additional space per each bedroom over 3, plus guest parking at a ratio of 1 uncovered space per unit.
Residential care homes	
Six or fewer clients	2 covered spaces.
Seven or more clients	1 space for each 2 residential units, plus 1 space for each 4 units for guests and employees.
Senior housing projects	1 space for each two units, with half the spaces covered, plus 1 guest parking space for each 10 units.

Land Use Type: Residential Uses	Vehicle Spaces Required
Single-family dwellings	Initial construction shall require 2 covered parking spaces. One covered space may be converted to habitable space for the single-family dwelling upon obtaining the appropriate permits and must have a direct connection to the to the single-family dwelling (Rev. 08/1/01, ORD. 2001-148) Required covered parking may be converted to an accessory dwelling unit in compliance with Section 27.34.180 and upon obtaining the appropriate permits. Covered parking converted to an accessory dwelling unit may be replaced with uncovered parking, which may be located in the driveway. (Rev. 04/09/18, ORD. 2017-319)

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: Retail Trade	Vehicle Spaces Required
Art, antique, collectable, and gift sales	1 space for each 200 square feet of floor area.
Auto and vehicle sales/rental	1 space for each 500 square feet of floor area or 1 space for each 2,000 square feet of outdoor sales area, with a minimum of 4 spaces.
Convenience stores	1 space for each 250 sq. ft. of floor area.
Furniture, furnishings, and appliance stores	1 space for each 500 square feet of floor area.
General retail stores	1 space for each 200 square feet of floor area.
Outdoor retail sales and activities	1 space for each 200 square feet of sales area, with a minimum of 4 spaces.
Plant nurseries and garden supply stores	1 space for each 2,000 square feet of site area; 1 loading space, 15 ft. x 30 ft., for each acre.
Restaurants	1 space for each 60 square feet of dining area.
Roadside stands and other outdoor vendors	3 spaces minimum, located at least 20 feet off the public right-of-way or 20 feet from the front property line with no automobile maneuvering permitted in the public right-of-way. The use permit may require additional parking, depending on the nature of the sales proposed.
Shopping centers	1 space for each 200 square feet of floor area.

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: **Service Uses**	**Vehicle Spaces Required**
Banks and financial services	1 space for each 250 square feet of floor area plus 5 tandem stacking spaces for each outdoor teller or teller station.
Bed and breakfast inns	1 space for each guest room plus 2 covered spaces for the resident family.
Car wash	
Self service	1 drying space for each stall.
Full service	10 spaces, plus 6 spaces for each wash lane for queuing and drying area.
Child day care	
Large family day care homes	3 spaces minimum; may include spaces provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.
Child/adult care centers	1 space for each employee plus 1 space for each 10 children.
Equipment rental	1 space for each 300 sq. ft. of floor area; none required for outdoor storage and rental area provided sufficient area is provided within the yard to accommodate all customer vehicles entirely on-site.
Hotels and motels	1 space for each unit, plus 1 space for the manager, plus 1 space for each 2 employees on largest shift, plus required spaces for accessory uses.
Laundry - Dry cleaning pick-up facilities and Laundromats	1 space for each 250 sq. ft. of floor area.
Laundry - Laundries and dry cleaning plants	1 space for each 1,000 sq. ft. of floor area.
Medical services	
Clinics, offices, and laboratories	1 space for each 200 square feet of floor area, or 4 spaces for each doctor, whichever is greater.
Extended care	1 space for each 3 beds or patients the facility is licensed to accommodate.
Hospitals	1 space for each 250 square feet of floor area.
Mortuaries and funeral homes	1 space for each 4 seats in sanctuary.
Offices - Business and professional	1 space for each 250 square feet of floor area, with a minimum of 4 spaces.

TABLE 3-7
PARKING REQUIREMENTS BY LAND USE (CONTINUED)

Land Use Type: **Service Uses** (Continued)	**Vehicle Spaces Required**
Personal services	
Barber/beauty shops	2 spaces for each barber or beautician, with a minimum of 4 spaces.
Pet grooming	1 space for each 400 sq. ft. of floor area.
Service stations	1 space for each 250 sq. ft. of floor area, plus 3 spaces for each service bay.
Storage	
Outdoor	1 space for each 3,000 square feet of lot area.
Personal storage facilities (mini-storage)	4 spaces for manager office.
Vehicle services - Major repair/body work	1 space for each 400 square feet of floor area.
Veterinary clinics, animal hospitals, kennels	1 space for each 250 square feet of floor area.
Kennels separate from other facilities	1 space per employee plus 2 spaces.

27.30.050 - Reduction of Parking Requirements

A. Reduction of parking through Minor Use Permit. The number of parking spaces required by this Chapter may be reduced with Minor Use Permit approval.

B. Reduction for shared use. Where two or more nonresidential uses are developed as a shopping or professional center and two or more uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Director, provided that the most remote space is located within 300 feet of the use it is intended to serve (as measured along the most direct pedestrian path). The amount of reduction may be up to the amount of spaces required for the least intensive of the two or more uses sharing the parking. A shared parking analysis may be required by the Director to support a request for a parking reduction.

C. Alternative shared-use parking reduction in TC, BC and RC zoning districts. The following shared-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination and that a single parking space will be available for short-term parking to serve a variety of different uses that may have different peak hours.

1. **Eligible projects.** The following categories of development shall be eligible to use the alternative shared-use parking standards within the TC, BC and RC zoning districts:

    a. Nonresidential new construction on sites of less than 20,000 square feet in size.

    b. New construction on sites greater than 20,000 square feet in size for retail commercial, restaurants (excluding fast food and drive-throughs), and theaters.

    c. Additions to existing structures or changes in use or occupancy. Existing uses shall not reduce current levels of parking as a result of the alternative shared-use parking standards.

2. **Ineligible projects.** The following types of uses are not eligible to use alternative shared-use parking standards:

    a. Residential uses that are not part of a mixed use project.

    b. New construction of hotel or office uses on sites greater than 20,000 square feet in size.

3. **Shared-use parking standards.** Once it has been established that parking is required, eligible projects within the TC, BC and RC zoning districts may choose to provide shared parking by using the Alternative Shared-Use Parking Standards in Table 3-8 below. Projects developed under the shared-use parking standards shall enter into an agreement with the Town and recorded with the Office of the County Recorder. The agreement shall require that the parking be operated on a nonexclusive basis, open and available to the general public for shared use at all times.

TABLE 3-8
ALTERNATIVE SHARED-USE PARKING STANDARDS
FOR THE TC, BC & RC ZONING DISTRICTS

Use	Minimum Parking Ratios
New construction of office or hotel uses on sites greater than 20,000 sq. ft.	Excluded from use of shared-use parking standards.
Office uses on sites less than 20,000 sq. ft. Including: 1. Banks, savings and loans, other financial institutions 2. Medical or dental offices 3. Professional and other offices	2.5 spaces for each 1,000 sq. ft. of floor area
Public assembly on any size site Including: 1. Movie or performance theater 2. Museum	 1 space for each 7 seats, plus 5 for employees 3 spaces for each 1,000 sq. ft. of floor area
Residential uses not part of a mixed use project.	Excluded from use of shared-use parking standards.
Restaurants on any size site Including: 1. Restaurant, deli, coffee house, juice bar under 1,000 sq. ft. of usable area 2. Restaurant over 1,000 sq. ft. of usable area 3. Outdoor dining areas associated with a restaurant	 No parking required. 6 spaces for each 1,000 sq. ft. of floor area No parking required.
Retail Commercial on any size site	3 spaces for each 1,000 sq. ft. of floor area

27.30.060 - In-lieu Parking Fee for TC Zoning District

The Council may waive some or all of the parking spaces required for a nonresidential use if an in-lieu fee is approved by the Council and contributed by the developer to a parking district improvement fund. The amount of the fee and the boundary of the parking district shall be established by Council resolution. The reduction in the total number of parking spaces required shall be based on the number of spaces purchased in the public parking facility.

27.30.070 - Disabled/Handicapped Parking Requirements

Parking spaces for the disabled shall be provided in compliance with the Uniform Building Code (UBC). These spaces shall count toward fulfilling the off-street parking requirements of this Chapter.

27.30.080 - Parking Design and Development Standards

Required parking areas shall be designed and constructed as follows.

A. Access to parking.

1. Parking areas shall provide suitable maneuvering area so that vehicles exit to a street in a forward direction. Parking lots shall be provided so as to prevent access at any point other than at designated access drives. Single-family homes and duplexes are exempt from this requirement.

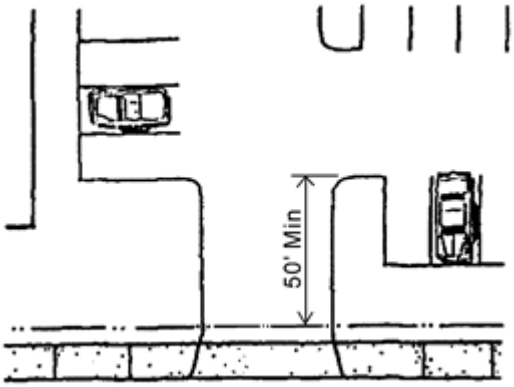


FIGURE 3.7 QUEUING AREA

2. Industrial uses located on arterial streets, and commercial uses that provide 50 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 50 feet from the street right-of-way, to provide stacking area for vehicles entering and exiting the site. See Figure 3-7.

3. A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential uses.

B. Access to adjacent sites. Applicants for nonresidential development are encouraged to provide shared vehicle access to adjacent nonresidential properties to provide for convenience, safety, and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Director, guaranteeing the continued availability of the shared access between the properties.

Shared pedestrian access between adjacent properties, including residential developments is also strongly encouraged.

C. Location. Parking areas shall be located as follows:

1. Residential parking shall be located on the same parcel as the uses served.

2. Nonresidential parking shall be located on the same parcel as the uses served or within 300 feet of the parcel if shared parking or public parking facilities are used to meet parking requirements.

3. Nonresidential parking shall not be located within a required front yard setback area. Parking may be located within a required side or rear yard setback provided it is separated from the side or rear property line by a minimum five-foot landscaped area.

D. Parking space and lot dimensions.

1. General requirements for residential uses. Minimum parking dimensions shall be as shown in Table 3-9.

TABLE 3-9
MINIMUM PARKING STALL DIMENSIONS
RESIDENTIAL USES

Standard Stall		Compact Stall	
Length	**Width**	**Length**	**Width**
Garage (interior dimension)			
20 feet	10 feet	N/A	N/A
Uncovered Spaces			
Spaces shall comply with the standards in Table 3-10		16 feet (1)	8 feet

Notes:
(1) Applies to 90-degree parking spaces.

2. General requirements for nonresidential uses. Minimum parking dimensions shall be as indicated in Table 3-10 and as illustrated by Figure 3-8.

TABLE 3-10
MINIMUM PARKING STALL AND LOT DIMENSIONS

Standard Parking Stall Dimensions	
Length	**Width**
20 feet including bumper overhang. See Subsection I. (below)	9 ft

One-Way Traffic and Double-Loaded Aisles

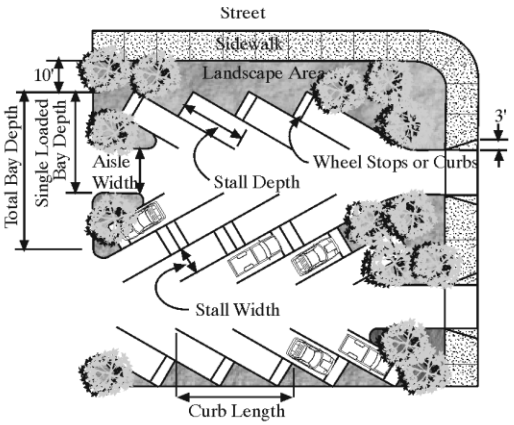
Parking angle (degrees)	Curb length	Interior stall depth, with bumper overhang	Perimeter stall depth, with bumper overhang	Aisle width (travel lane)
30	18 ft	16 ft, 6 in	17 ft, 10 in	13 ft
45	12 ft, 8 in	18 ft, 10 in	20 ft, 6 in	15 ft
60	10 ft, 5 in	19 ft, 7 in	21 ft, 10 in	19 ft
90	9 ft	20 ft	20 ft	27 ft

Two-Way Traffic and Double-Loaded Aisles

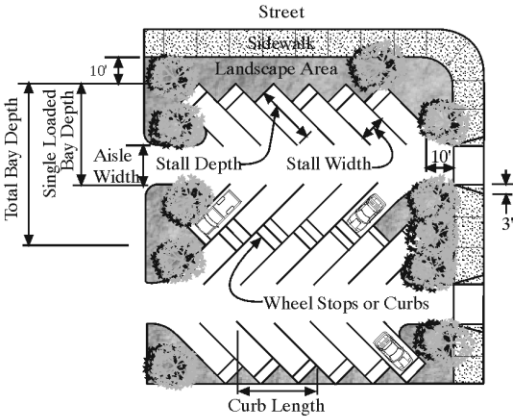
Parking angle (degrees)	Curb length	Interior stall depth, with bumper overhang	Perimeter stall depth, with bumper overhang	Aisle width (travel lane)
30	18 ft	16 ft, 6 in	17 ft, 10 in	27 ft
45	12 ft, 8 in	18 ft, 10 in	20 ft, 6 in	27 ft
60	10 ft, 5 in	19 ft, 7 in	21 ft, 10 in	27 ft
90	9 ft	20	20 ft	27 ft

3. **Parallel parking spaces.** Parallel parking spaces shall have minimum width of nine feet and a minimum length of 24 feet. Aisle widths shall be 12 feet for one-way traffic and 27 feet for two-way traffic**.**

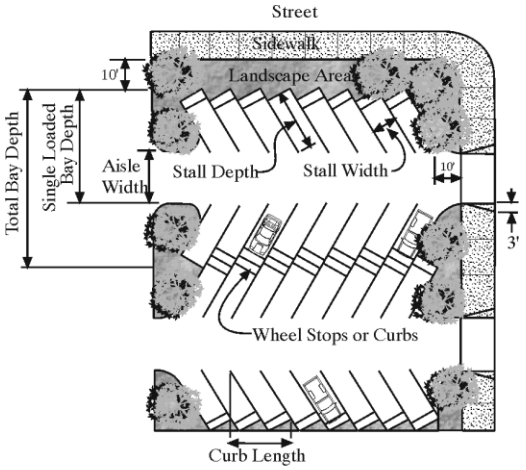
FIGURE 3-8
PARKING LOT DIMENSIONS



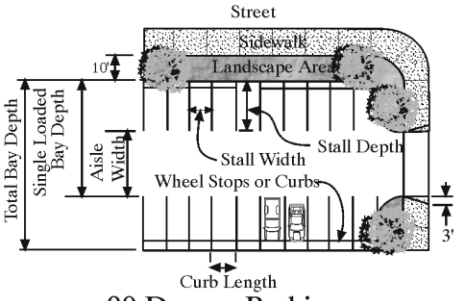
30 Degree Angle Parking



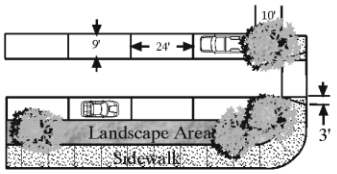
45 Degree Angle Parking



60 Degree Angle Parking



90 Degree Parking



Parallel Parking

Note: See section 27.28.040 for parking lot landscape requirements.

4. **Compact parking spaces.** When 40 or more parking spaces are required, compact car spaces may be provided as follows:

   a. **Maximum number of spaces.** Up to 30 percent of the parking spaces required for a multi-family residential project may be compact spaces; up to 15 percent of the spaces required for a nonresidential project may be compact spaces;

   b. **Dimensions.** Compact parking spaces shall have a minimum depth of 16 feet and a minimum width of 8 feet; minimum depth shall be at least 18 feet for parallel spaces. Bumper overhang areas may be provided in compliance with Section 27.28.040.C.4.

   c. **Markings.** Each compact space shall be clearly marked as a compact space in letters reading "Compact Only."

E. Landscaping. Landscaping shall be provided in compliance with Section 27.28.040.C (Landscape Area Requirements - Parking Areas).

F. Lighting. See Section 27.20.030.D (Light and Glare).

G. Striping and identification.

1. **Vehicular.** Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Car pool spaces shall be clearly identified for compact vehicle and Car pool use only.

2. **Restriping.** The restriping of any parking space or lot shall require the approval of a restriping plan by the Director.

H. Surfacing. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the Director.

I. Wheel stops/curbing. Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.

When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

27.30.090 - Driveways and Site Access

Driveways providing site access shall be from an improved street, alley or other public right-of-way, and shall be designed, constructed and maintained as follows.

A. Number of driveways. A maximum of two driveways shall be allowed for each multi-family and nonresidential parcel of two acres or less, unless the Director and Town Engineer determine that more than two driveways are required to accommodate the traffic for the specific project. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized.

Single-family and duplex residences shall be allowed one driveway. Circular driveways shall be allowed for parcels with 70 feet or more of street frontage.

B. Distance from street corners. Driveways shall be located a minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street. For parcels with frontages less than 150 feet, the minimum distance shall be 100 feet unless a lesser distance is approved by the Town Engineer.

C. Driveway spacing. Driveways shall be separated along the street frontage as follows:

1. Single-family and duplex residential development. Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Director. The six-foot separation does not include the transition or wing sections on each side of the driveway; and

2. Multi-family and nonresidential development. Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the approval of the Town Engineer.

D. Driveway width and length

1. Single-family uses.

a. Driveways are intended only to provide access to required off-street parking spaces in garages.

b. Driveways that provide access to garages having a setback greater than 24 feet from the street property line shall have a minimum width of 10 feet and a maximum width of 16 feet at the property line.

c. Driveways that provide access to garages having a setback less than 24 feet from the street property line shall not exceed the width of the garage door opening plus two feet.

d. When a garage is perpendicular (90 degrees) to the driveway, a minimum 26-foot deep unobstructed back-out area shall be provided.

e. Driveways may be allowed with greater widths than provided above with the approval of a Minor Use Permit in compliance with Section 27.42.050.

2. Multi-family uses. Driveways for multi-family uses shall have a minimum paved width of:

a. 20 feet for six or less; and

b. 24 feet for seven units or more.

3. Nonresidential uses. Driveways for nonresidential uses shall have a minimum paved width of 13 feet for one-way driveways and 27 feet for two-way driveways. The maximum driveway width shall be 30 feet, exclusive of the area provided for a median divider.

E. Clearance from obstruction. The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, utility pole, traffic signal, light standards, or other similar facilities. Street trees shall be a minimum of 10 feet from the driveway access, measured at the trunk. Driveways shall have an overhead clearance of 14 feet in height except within a parking structure which may be reduced to seven feet, six inches.

F. Traffic safety visibility area. Structures or landscaping over 30 inches in height shall not be allowed within a traffic safety visibility area. See Section 27.20.050.E.

G. Surfacing. Driveways shall be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the Director.

27.30.100 - Loading Space Requirements

A. Number of loading spaces required. Nonresidential uses shall provide off-street loading spaces in compliance with Table 3-11, below. Requirements for uses not listed shall be determined by the Director based upon the requirements for comparable uses.

TABLE 3-11
REQUIRED LOADING SPACES

Type of Land Use	Loading Spaces Required
Commercial uses	1 space for each 10,000 sq. ft. of floor area.
Manufacturing, research and development, institutional, and service uses	1 space for each 10,000 sq. ft. of floor area.
Office uses and public uses	1 space for each 25,000 sq. ft. of floor area.

B. Standards for loading areas. Off-street loading areas shall be provided as follows.

1. Dimensions. Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.

2. Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting shall also comply with the provision of Section 27.20.030.D (Light and Glare).

3. Loading ramps. Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances.

4. Location. Loading spaces shall be located and designed as follows.

a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible.

b. Situated to ensure that the loading facility is screened from adjacent streets to the greatest degree possible.

c. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front yard setback, adjacent public right-of-way, or other on-site traffic circulation areas.

d. Situated to ensure that vehicular maneuvers occur on-site.

e. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from the boundary of a residential district unless adequately screened and approved by the Design Review Committee.

5. Screening. Loading areas shall be screened from abutting parcels and streets with dense landscaping or solid masonry walls with a minimum height of six feet.

6. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

CHAPTER 27.32 - SIGNS

27.32.010 - Purpose of Chapter

This Chapter establishes sign regulations to:

A. Encourage signage in the commercial, office, and industrial districts that makes these attractive places to work and shop, and that is a positive attribute to the design image of Windsor;

B. Preserve and enhance the aesthetic, traffic safety, and environmental values of the community, and commercial, office, and industrial districts, while at the same time providing channels of communication to the public;

C. Ensure the public's ability to easily identify uses and premises and regulate signage on the basis of the characteristics, location, and proportion of signage;

D. Limit commercial signage to on-site locations to keep the proliferation of this signage to a more aesthetic proportion, and protect existing businesses from visual encroachment from new signage on neighboring properties;

E. Enhance aesthetics and traffic safety in the community by minimizing sign information to ensure that signage does not distract motorists, obstruct, or otherwise impede traffic circulation; and

F. Safeguard and protect the public health, safety, property, and general welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs.

27.32.020 - Applicability

The standards of this Chapter apply to signs in all zoning districts. Only the signs authorized by this Chapter shall be allowed.

27.32.030 - General Provisions for All Signs

A. **Maintenance of signs.** Signs and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance.

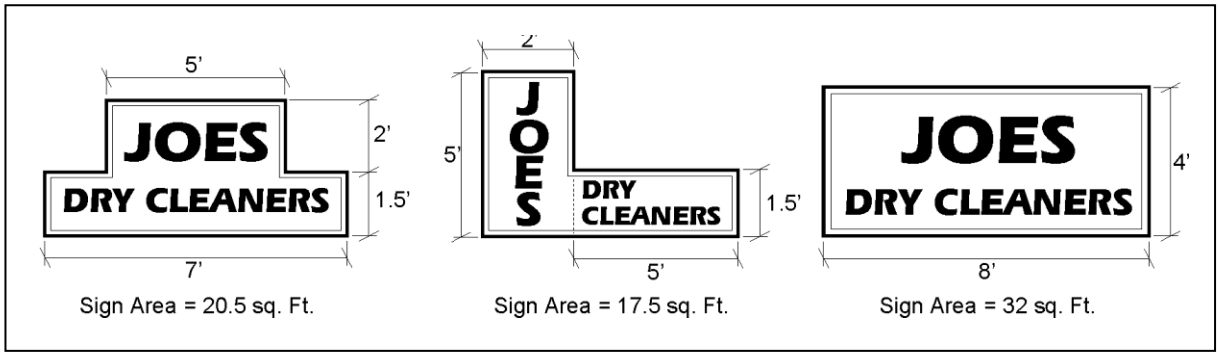
When existing signs are removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

B. Measurement of sign height. Sign height shall be measured from the upper most part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.

C. Measurement of sign area.

1. The surface area of a sign shall be calculated by enclosing the extreme limits of all writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines.

FIGURE 3-9
SIGN AREA MEASUREMENT



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

3. Signs composed of more than one sign face shall be computed as including only the maximum single display surface that is visible from any ground position at one time.

4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

5. For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.

D. Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties, and the public in general.

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

2. The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of properties in direct visual proximity to the sign.

3. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color.

4. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

5. Reflective- type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property.

E. Signs on public property.

1. No person, except a duly authorized public officer or employee, shall erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix any card, banner, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk or structure in or upon any public street, alley, public right-of-way, or upon any other public property, except as may be required or permitted by ordinance or law.

2. The Town Manager, or his or her authorized representative, shall cause the removal of any sign or other matter prohibited by Subsection E.1 above. Removal and abatement shall not be subject to any notice requirement, and any notice, appeal or other enforcement provisions of this ordinance shall not apply. The Town Manager, as appropriate, shall make a report of the cost of removal, and the origin of said or other matter, and shall forward a copy of that report to the Town Attorney to initiate recovery of costs.

27.32.040 - Prohibited Signs

A. Basis for prohibition. The signs prohibited by this Section are not allowed because, depending on the specific type of sign, they are:

1. Inconsistent with the purposes and standards of this Chapter; or

2. Inconsistent with the Town's aesthetic objectives for overall community appearance; or

3. Potentially distracting, and thereby hazardous to motorists or pedestrians.

B. Prohibited signs. The following signs are prohibited in all zoning districts.

1. Abandoned and/or dilapidated signs and sign structures.

2. Animals or human beings, live or simulated, designed or used so as to attract attention to the premises.

3. Animated, moving, flashing, blinking (intermittent light), fluctuating, reflecting, revolving, or other similar signs, except time/temperature devices and signs or decorations commemorating a National, State, or local holiday.

4. Bench signs, except at approved bus passenger loading areas.

5. Inflated signs, balloons, and figures, except as otherwise allowed in Section 27.32.060. (rev. Ord 2009-256)

6. Neon signs, except as part of a comprehensive sign program in compliance with Section 27.32.070.

7. Obscene or offensive signs containing statements, words, or pictures of an obscene, indecent or immoral character which appeal to a prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political, or scientific value.

8. Pole signs, except barber poles.

9. Price signs, except for price signs required by State law at gas stations.

10. Roof signs mounted on the roof of a structure or extending above the edge or eave of the roof.

11. Signs erected in a manner that a portion of its surface or supports will interfere with the free use of a fire escape, exit, or standpipe or obstruct a required ventilator, door, stairway, or window.

12. Signs not in compliance with the provisions of this Chapter.

13. Signs emitting audible sounds, odors, or visible matter.

14. Signs that may confuse or create hazards for motorists or pedestrians by conflicting with or imitating the color, wording, design, location or illumination of traffic control signs or devices, or that obstruct clear vision or the safe and efficient flow of vehicular or pedestrian traffic.

15. Signs on public property or projecting within the public right-of-way, except as permitted by this Chapter and approved by the Town Manager.

16. Mobile billboards that are carried, conveyed, pulled, or transported by any vehicle or wheeled conveyance to attract attention to business identification, business advertisement, service, or product, in the public right-of-way and/or on property where the business, service, or product is not conducted/provided. Prohibition not intended for buses, taxis, and signs/graphics on vehicles used in the course of business. (Rev. ORD. 2009-256)

17. Signs attached to trees, utility poles, governmental signs, or traffic control devices, including but not limited to, stop signs and street signs.

18. Strings of lights or signs outlined with individual light bulbs except when the bulbs are five watts or less.

19. Temporary signs, either on- or off-site, including banners, streamers, promotional flags, and pennants, except as specifically allowed by Section 27.32.060.

27.32.050 - Approval of Signs

Signs may be approved by the Director through the Building Permit process provided that the proposed sign is consistent with the purpose and provisions of this Chapter.

27.32.060 - Exemptions From Sign Permit Requirements

Sign Permits shall **not** be required for the signs listed in this Section. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or use.

A. Basis for exemption. The signs listed in this Section do not require a sign permit because these signs, subject to the limitations of this Section, have been determined by the Council to be:

1. Minor in nature, and consistent with the Town's aesthetic objectives for signs and overall community appearance; or

2. Essential for the protection of public health or safety; or

3. Of significant value in terms of providing for public convenience.

B. Exempt permanent signs without specific size limitations. The following signs are exempt from Sign Permit requirements subject to the following limitations.

1. Signs within buildings that are not visible from any point on the boundary of the premises.

2. Official and legal notices required by a court or governmental agency.

3. Signs erected and maintained in compliance with a governmental function or required by a law, ordinance or governmental regulation, including signs erected by a public utility.

4. Signs on licensed commercial vehicles, including trailers; provided, however, that vehicles/trailers shall not be used as parked/stationary outdoor display signs.

5. Change of sign copy within an approved Comprehensive Sign Program that conforms to the provisions of the specific Comprehensive Sign Program. (See Section 27.32.070.)

6. Public utility signs that indicate danger, serve as an aide to public safety, or show the location of underground facilities or public telephones.

C. Exempt permanent signs with specific size and height limitations. The following signs are exempt from Sign Permit review subject to the following limitations.

1. Affiliation signs. Affiliation signs for auto-related uses, motels, and hotels that show notices of services provided or required by law, trade affiliations, credit cards accepted, and similar signs, provided they are attached to an otherwise approved sign or structure. These signs or notices shall not exceed one-half square foot in area per sign, and no more than six signs are allowed per business.

2. Flags. Official flags of a nation, the State of California, other states of the Nation and municipalities provided that the pole height shall not exceed 25 feet in residential zoning districts and 35 feet in nonresidential zoning districts. The length of the flag shall not be more than 1/4 of the height of the pole. Larger flags may be approved by the Director.

3. Gas pump signs. Gasoline pump signs required by State law, which identify the brand, types, octane rating, etc., provided the signs do not exceed three square feet and are located on the pump face.

4. Name plates. The following signs are intended to assist emergency response personnel in locating a site.

a. Residential. Occupant name, street number, and street name signs not exceeding two square feet in area per single-family or multi-family unit. Street addresses shall be Arabic numbers a minimum of three inches in height.

b. Non-residential. Signs for commercial, office and industrial uses not exceeding two square feet, with copy limited to business identification, hours of operation, address, and emergency information.

5. On-site directional signs. Directional signs solely for guiding traffic, parking and loading on private property, with no advertising. Copy shall be limited to the facility name and address, instructions, and directional arrows. Sign area shall not exceed four square feet in residential zoning districts and six square feet in non-residential districts. The maximum height for freestanding signs shall be six feet unless additional height is be allowed by the Director after determining that the visibility of a lower sign will be impaired.

6. Permanent commemorative signs. Names of structures, commemorative plaques, tables, dates of construction, and the like when carved in stone, concrete, or similar materials or made of bronze, aluminum, or other similar permanent material and mounted permanently on a structure. These signs shall not exceed four square feet in area and five feet in height.

7. **Public information signs.** Signs for public convenience, including signs identifying restrooms, public telephones, walkways and similar features and facilities, with a maximum area of two square feet.

D. Exempt temporary signs limited by size and/or period of display. (Revised 09/02/2009, ORD. 2009-256)

1. **Construction signs.** Signs that provide the names of the architects, engineers, and contractors working on the site of a development project subject to compliance with the following limitations.

   a. One sign per street frontage not to exceed 20 square feet with a maximum height of six feet. Maximum size of 32 square feet if combined with a future tenant sign.

   b. Signs shall be removed upon first occupancy of the site.

2. **Inflated figures**. During a community event a business shall be allowed **one** inflated figure, subject to compliance with the following (rev. Ord 2009-256):

   a. The inflated figure shall not obstruct the accessible path of travel, public right-of-way, or pedestrian walkway.
   b. Guide wire, electrical cords, etc. shall not obstruct/or create a barrier to an accessible path of travel, public right-of-way, or pedestrian walkway
   c. The inflated figure shall be in place only during the event and/or during the hours of operation and shall not be left up overnight.
   d. Figure shall be located at ground level, no roof top mounted figures.
   e. Figure shall not be illuminated.
   f. Figure shall not exceed 10' in height.
   g. Applicant shall obtain a sign permit, prior to placement of the figure.

3. **Future tenant signs.** Future tenant identification signs that announce the future use of a project while under construction subject to compliance with the following limitations.

   a. One sign per street frontage except where a project has in excess of 500 linear feet of street frontage, one additional sign may be allowed.

   b. Signs shall be limited to a maximum of 32 square feet and six feet in height. Maximum 50 square feet if combined with a construction sign.

   c. Signs shall be removed upon occupancy of the site.

4. **Banners.** Businesses shall be allowed the use of one banner subject to the following (rev. Ord 2009-256):

a. Banners shall be affixed to the exterior wall(s) of the structure within which the business is located, and shall not hang between posts, or from trees, be within the public right-of-way, or be placed on a rooftop.
b. Banner shall not exceed a maximum area of 24 square feet.
c. Banners shall maintain a minimum of 80" clearance above an accessible path of travel or pedestrian walkway.
d. Banners shall be maintained in a clean and presentable manner

5. Portable signs. Non-residential uses shall be allowed one temporary portable sign subject to the following (rev. Ord 2009-256):

a. **Non-Residential Uses:**
   (1) Portable signs shall be located only in front of the business they are intended to serve.
   (2) Portable signs shall have a maximum sign area of six square feet.
   (3) Portable signs shall not exceed four feet in height, including supporting structure.
   (4) Portable signs shall be setback so as not to obstruct an accessible path of travel, public right-of-way, or pedestrian walkway.
   (5) There shall be a minimum 10-foot separation between portable signs.
   (6) Sign copy shall be applied on the sign face against a contrasting-colored background that is compatible with the surroundings.
   (7) Portable signs shall only be displayed during business hours.

b. Sites with Comprehensive Sign Programs: Businesses that are part of a site with a Comprehensive Sign Program may be allowed a specific number of portable signs for the site. Conditions of approval may establish the number, location, size, and separation of portable signs within the multi-tenant site. The provision for banners and/or portable signs in this Ordinance may take precedent over a Comprehensive Sign Program that prohibits banners and/or portable signs, if the property managers choose not to enforce the prohibition. If the Comprehensive Sign Program does not address portable signs then the businesses are subject to the provisions of this Ordinance.

6. Real estate and recorded subdivision signs. As required by State law, real estate and recorded subdivision signs are allowed on private property in any zoning district subject to the following limitations.

a. The signs shall be located entirely within the subject property and shall not be illuminated.

b. The signs shall be removed within 15 days after the close of escrow, or after rental, or lease of the property has been accomplished. Subdivision signs shall be removed when all units or lots are sold.

c. The maximum sign area for real estate signs shall be three square feet for lots of less than 10,000 square feet; six square feet for lots of less than 20,000 square

feet; 12 square feet for lots of less than one acre; 18 square feet for lots of less than five acres; 24 square feet for lots of less than 10 acres; and 32 square feet for lots of 20 acres or more.

d. Off-site "open house" real estate signs, used for the purpose of providing directions to open house locations, may be placed on private property with the permission of the property owner. Signs shall not be larger than six square feet in area and four feet in height. No more than two offsite signs may be placed for each open house, and for only the period during the time the property is available for public showing and an agent is present on the site.

e. A recorded subdivision shall be allowed 64 square feet of sign area for temporary use, with additional sign area allowed with the approval of a Minor Use Permit (27.42.050).

E. Exempt signs located in the public right-of-way. Signs located in the public right-of-way, not exceeding three square feet in area, providing direction to public facilities (e.g., Town Hall, hospitals, library, police and fire departments, etc.), or to the Chamber of Commerce office and key commercial/industrial areas within the Town, are allowed as approved by the Town Engineer and the Director.

27.32.070 - Comprehensive Sign Program

A. Purpose. The purpose of a Comprehensive Sign Program is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for multi-tenant projects and other users of multiple signs in order to encourage creativity and provide incentive and latitude in the provision of multiple signs and to achieve, not circumvent, the intent of this Chapter.

B. Comprehensive Sign Program required. The Commission may approve a Comprehensive Sign Program which may modify the development standards for signs for an eligible project. Standards for signs provided in this Chapter shall serve as a reference for evaluating Comprehensive Sign Program applications.

A Comprehensive Sign Program shall be required whenever any of the following circumstances exist.

1. New multi-tenant developments of three or more separate tenants that share either the same parcel or structure and use common access and parking facilities.

2. Whenever five or more signs are proposed for a new or existing development.

3. Whenever three or more signs are requested by a single tenant in an existing multi-tenant project that currently is not covered by a Comprehensive Sign Program.

4. Whenever signs are proposed on parcels adjoining U.S. Highway 101 and the signs will be located on elevations of structures facing the highway so that the signs will be visible from the highway. Signs shall comply with the standards for highway-oriented signs located in Subsection 27.32.100.D (Highway oriented signs) unless modifications to the standards are approved by the Commission through a Comprehensive Sign Program.

5. Whenever the Director determines that a Comprehensive Sign Program should be developed for a project due to special circumstances (e.g., the number or size of signs proposed, constrained visibility of the site, location of site relative to major transportation routes, etc.).

C. Contents of Comprehensive Sign Program request. A request for approval of a Comprehensive Sign Program shall clearly detail the type, number, size, and location of each proposed sign. Elevations of each sign shall be provided indicating the proposed text, letter size, colors, materials, use of logos, method of illumination, and method of attachment to the structure.

D. Lessees to be informed of Comprehensive Sign Program. Lessees within developments subject to the requirements of an approved Comprehensive Sign Program shall be made aware of the program in their lease and their responsibility to follow the approved Comprehensive Sign Program.

E. Revisions to Comprehensive Sign Programs. Revisions to a Comprehensive Sign Program may be approved by the Director if the Director determines that the revision is minor and that the intent of the original approval and any conditions are not affected. Revisions that would substantially deviate from the original approval shall require Commission approval.

27.32.080 - Temporary Off-Site Signs (Revised 09/02/2009, ORD. 2009-256)

A. Temporary Signs. Temporary signs are subject to the following standards.

1. Each permittee shall pay the fee required by the Town for a Sign Permit prior to the placement of any temporary sign.

2. In residential districts, no more than 32 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. Sign height shall not exceed four feet above the ground.

3. In all other zoning districts, no more than 64 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. No sign shall exceed six feet in height above the ground.

4. No sign shall be erected more than 45 days.

5. No sign shall be displayed without the consent of the legal owner of the property and/or person holding present right to possess and control property ("owner"). Each permittee, shall obtain permission from the "owner", prior to placing a sign on the property. The permittee may, upon request, be required to provide the Town with a copy of written permission from the "owner". In the event a permittee is unable to provide written permission to post signs, the signs shall be immediately removed or the Town may impose a penalty on the permittee sufficient to cover the costs of removal.

6. The maintenance and removal of the signs are the responsibility of the permittee. All signs shall be removed entirely within the allotted time on the permit. In the event that all signs are not properly removed within the allotted time, the Town may impose a penalty on the permittee sufficient to cover the costs of removal.

7. No portion of a sign shall be located within five feet of road, street, or common driveway and no sign may obstruct vision on the public rights-of-way or at any other location where, by reason of the sign's position, shape or color it interferes or may be confused with any authorized traffic sign, signal or device. Signs erected on public property and/or in the public right-of-way, may be abated by the Town without notice.

8. Signs shall not be erected above the height limitations of Section 9, on/or attached to a pole, or suspended without support from the ground (i.e. from a crane, or similar device). With the exception of magnetic signs attached to the doors, no signs shall be mounted on a vehicle or similar object.

9. The height of a sign shall be measured from the existing grade to the top of the sign and shall not exceed 4' in height in a residential zone nor 6' in height in a non-residential zone.

10. If the Town Manager determines that any sign has been posted in violation of these conditions, but not in such a manner that poses an immediate safety hazard, the Town Manager will notify the permittee by phone and in writing of the violation. The permittee will then have two working days to correct the violation. Any major violation, as determined by the Town Manager, to the provisions herein shall result in the immediate and summary abatement by the Town. The permittee shall be liable to the Town for any and all removal and abatement costs.

11. The permit shall be subject to revocation upon failure to comply with the above conditions.

B. Community event signs. Community event signs shall be allowed on public and/or private property as approved by the Town Manager, and may be subject to administrative design review. Signs may be posted two weeks prior to the activity and shall be removed within two days after the event.

27.32.090 - Off-Site Outdoor Advertising Signs

Off-site outdoor advertising signs (billboards) shall be prohibited within the Town, except that existing outdoor advertising signs may be maintained in compliance with State law.

27.32.100 - Standards for Specific Types of Signs

A. Arcade and marquee signs. Arcade and marquee signs shall:

1. Be mounted only on the front or sides of a marquee, or suspended below a marquee or arcade;

2. Not project more than six inches from the face of a marquee;

3. Not extend above the top of a marquee; and

4. Shall be installed so that a clear distance of eight feet is maintained from the lowest part of a suspended or cantilevered sign to the ground below.

B. Awning signs.

1. Signs on awnings shall only be located on building frontages, including those fronting a parking lot or pedestrian way.

2. Signs on awnings are limited to ground level occupancies only.

3. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

C. Community identification signs. One community identification monument sign is allowed at or within the Town boundary on each arterial street. The maximum allowed sign area is 100 square feet; the maximum height is 12 feet. The signs may include the Town name, slogans or mottos, information on community events, or the names of civic or other local organizations, but no names of businesses or commercial products.

D. Freestanding monument signs.

1. Signs are allowed only for frontages adjoining a public street.

2. Signs shall not be located closer than five feet from any property line unless otherwise provided in Section 27.32.110 (Sign Standards by Zoning District). Signs shall not obstruct traffic safety sight areas.

3. There shall be a minimum of 75 feet between two freestanding signs on adjoining sites to ensure adequate visibility for all signs. The Director may waive this requirement in

situations where its enactment would be impractical due to the locations of existing signs on adjacent properties.

4. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 sq. ft. of sign area = 60 sq. ft. of landscaped area.

5. Signs shall contain a number address plate identifying the project or use by specific street address to assist emergency response personnel in locating the site. The address plate shall not exceed four square feet of sign face area. Numbers shall be a minimum of three inches in height and shall be clearly visible from the adjacent street. Address plates shall not be calculated against the permitted sign face area.

E. Highway-oriented signs. Freestanding signs and wall signs that are located on parcels adjoining U.S. Highway 101, and are oriented toward and visible from the highway shall comply with the following standards, and shall require the approval of a Comprehensive Sign Program.

1. Highway-oriented wall signs. Highway-oriented wall signs shall comply with the following requirements, and those in Subsection E. below.

a. Maximum sign area shall not exceed one square foot for each linear foot of the building elevation on which the sign is placed. No sign shall exceed 100 square feet in area, and the length of the sign shall not exceed 50 percent of the length of the building elevation on which it is placed.

b. More than one sign per elevation for a single-tenant building, or more than one sign per portion of a building elevation occupied by an individual tenant in a multiple-tenant building may be allowed as long as all signs do not exceed the maximum sign area allowed for the use.

c. Individual letter height shall not exceed 18 inches. Logos shall not exceed a height of 24 inches.

d. The signs shall be an integral part of the building design.

e. Internal illumination shall be allowed; however, exterior neon signs are not allowed.

2. Highway-oriented freestanding signs.

a. Maximum sign area shall not exceed 50 square feet.

b. One sign per parcel or per center, including centers with multiple parcels, shall be allowed.

c. Maximum sign height shall be 20 feet. The Commission may approve greater sign heights due to special site conditions (e.g. lower site elevation than the highway/freeway). However, the Town encourages signs that are kept as low as possible while still maintaining reasonable visibility from the highway.

d. A minimum separation of 100 feet shall be required between all highway-oriented freestanding signs.

e. Signs may be internally illuminated.

f. Joint use of signs is encouraged for businesses located on adjacent parcels. To accommodate shared use of signs and reduce the overall number of freestanding signs along the highway, the Commission may approve signs up to a maximum of 60 square feet in area for two businesses sharing the sign, and up to 75 square feet in area for three or more businesses sharing the sign.

F. Wall signs. Wall signs shall:

1. Be located only on building frontages unless specifically approved through a Comprehensive Sign Program (27.32.070);

2. Not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches;

3. Not project above the edge of the roof of a structure; and

4. Not be placed to obstruct any portion of a window.

G. Window signs. Window signs shall:

1. Be permanently painted or mounted on the inside of windows and doors; and

2. Not occupy more than 25 percent of the area of any one window including permanent and temporary signs. Holiday and seasonal signs are exempt from this requirement.

H. Vending machines. Vending machines located outdoors and visible from a public street shall have the area of all visible sides containing advertising copy or product names counted as part of the maximum sign area allowed on the site by this Chapter.

27.32.110 - Sign Standards by Zoning District

A. Sign standards. The sign standards provided in this Section are intended to apply to signs in all zoning districts. Only signs authorized by this Section shall be allowed unless otherwise expressly provided in this Chapter. Standards for signs that are exempt from Sign Permits are provided in 27.32.060 (Exemptions from Sign Permits).

B. Adjustments to sign standards. Adjustments to sign standards may be allowed through Use Permit approval (Section 27.42.050).

TABLE 3-12
SIGN STANDARDS BY ZONING DISTRICT

C. Signs Permitted in Residential Zoning Districts:

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
1. Single-family and duplex identification	Name plate or street address	1 per dwelling or occupant	2 sf	Below edge of roof	Wall, fence, or mailbox	Yes	Name and address of occupant only.
2. Multi-family, condominium, and mobile home park (9 or more units) identification	Wall or freestanding	1 per facility	32 sf max.	Below edge of roof for wall; 4 ft for freestanding	10 ft minimum front setback, 5 ft side setback	Yes	Name and address of facility only. Shall not be internally illuminated. Shall be integrated with landscaping.
3. Bed and breakfast inn	Wall or freestanding	1 per facility	9 sf max.	Below edge of roof for wall; 4 ft for freestanding	10 ft min. front and streetside setback	Yes	Name and address of facility only. Shall not be internally illuminated. Shall be integrated with landscaping.
4. Religious, educational, and governmental facilities	Wall or freestanding	1 per street frontage	16 sf max. 24 sf with 100 ft or more of frontage	Below edge of roof for wall; 4 ft for freestanding	10 ft min. front and streetside setback	Indirect only	Name, address, and manual changeable copy board only. Shall be integrated with landscaping.
5. Subdivision - entry feature	Freestanding	1 per entrance	24 sf max. each	6 ft		Indirect only	Shall include minimum 50 sf of landscaping including trees.
6. Roadside Stand	Freestanding	2 per facility	64 s. f. max	4 ft		No	Does not include off-site seasonal signs allowed under Section 27.32.080.

TABLE 3-12
SIGN STANDARDS BY ZONING DISTRICT

C. Signs Permitted in Residential Zoning Districts (Continued):

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
7. Cemeteries and mausoleums	Freestanding	1 per facility	64 sf	4 ft		Yes	
8. Clubs, lodges, and fraternal organizations	Wall or Freestanding	unlimited wall plus 1 freestanding	1 sf for each 1 ft of property frontage devoted to the use	Below edge of roof for wall; 4 ft for freestanding		Yes	
9. Religious places of worship and places of public assembly	Wall or freestanding	unlimited wall plus 1 freestanding	1 sf for each 1 ft of property frontage devoted to the use	Below edge of roof for wall; 4 ft for freestanding		Yes	

D. Signs Permitted in Commercial/Industrial Zoning Districts:

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
A Single-tenant sites, not a center	The total area of all signs on a single site shall not exceed 200 sf						
1. Business identification	Wall	1 per street frontage	1 sf of sign area for each 1 ft of building frontage of the use.	Below edge of roof.		Yes	Refer to 27.32.100.E
	Freestanding	1 per street frontage	1 sf of sign area for each 1 ft of building frontage of the use.	4 ft		Yes	Refer to 27.32.100.C
	Window - permanent and temporary		25% of each window area. 100 sf max. per use.			No	Refer to 27.32.100.F
	Awning or canopy	1 per use	Single row of text or numbers, 7 in. max. high.		On valance only	No	Refer to 27.32.100.B
2. Service Station Identification & Pricing	Wall and freestanding	Unlimited wall plus 1 freestanding per facility	1 sf for each 1 ft of building frontage of the use	Below edge of roof for wall; 4 ft for freestanding		Yes	

D. Signs Permitted in Commercial/Industrial Zoning Districts (Continued):

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
B. Multi-tenant sites - shopping center							
1. Center identification	Freestanding	1 per street frontage	60 sf per sign	6 ft	Signs shall be set back 10 ft from property lines or ultimate row line and shall not block traffic safety area	Yes	Allowed in addition to other individual business identification signs. Sign may identify center name and up to 3 major tenants. Refer to 27.32.100.C
2. Business identification (detached buildings greater than 10,000 sf of G.F.A.)	Freestanding	1 per street frontage for business located within 40 ft of public street	20 sf per sign	4 ft	Signs shall be set back 10 ft from property lines or ultimate row line and shall not block traffic safety area	Yes	Refer to 27.32.100.C

D. Signs Permitted in Commercial/Industrial Zoning Districts (Continued):

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
3. Business identification	Wall	1 per tenant	1.0 sf of sign area per linear foot of building frontage for ground floor uses. 0.5 sf per linear foot of business frontage for uses on second floors.	Below edge of roof		Yes	Refer to 27.32.100.E
	Awning	1 per use	Single row of text/numbers 7 in. max. high.		On valance only	No	Business name and address only. Refer to 27.32.100.B
	Window Permanent and Temporary		25% of each window area. 100 sf max. per use.			No	Refer to 27.32.100.F

D. Signs Permitted in Commercial/Industrial Zoning Districts (Continued):

Sign Class	Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
C. Multi-tenant sites - business park							
1. Business park identification	Freestanding	1 sign at each street entrance to identify business park and individual uses.	175 sf max	6 ft	Signs shall be set back 10 ft from property lines or ultimate row line and shall not block traffic safety area	Yes	Signs shall not contain advertising copy. Refer to 27.32.100.C
2. Business identification	Wall, window, and awning	3 per use	Max. of 3% of the total area of the walls on any face of the structure to which they are attached.	Below edge of roof		Yes	Occupant signs shall be scaled proportionately to the amount of overall space occupied within the structure. Refer to 27.32.100
	Freestanding	1 per use with frontage on a public street.	32 sf max	4 ft	Signs shall be set back 10 ft from property lines or ultimate row line and shall not block traffic safety area	Yes	Parcels having over 200-ft frontage may have one additional sign provided they are spaced a minimum of 175 ft apart. Refer to 27.32.100.C

27.32.120 - Judicial Review

The judicial review of any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review in accordance with the time limits set forth in Code of Civil Procedure Sections 1094.8 et seq.

CHAPTER 27.34 - STANDARDS FOR SPECIFIC LAND USES

27.34.010 - Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) in individual or multiple zoning districts, and for activities that require special standards to ensure their compatibility with adjacent land uses and avoid problems for the community.

27.34.020 - Applicability

The provisions of each of the following Sections apply to the use identified in the Section title, as allowed in the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses).

27.34.030 - Adult Business Establishments

A. Purpose. The intent of this Section is to prevent community-wide economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods, which can be brought about by the concentration of adult business establishments in close proximity to incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The Council finds that it has been demonstrated in various communities that adult business establishments can cause an increase in the number of transients in the area, and an increase in crime and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Section to establish reasonable and uniform regulations to prevent the close proximity of adult business establishments to incompatible uses, while permitting the location of adult business establishments in certain areas.

B. Applicability. Adult business establishments are allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) and the following Standards.

C. Separation requirements. An adult business establishment shall not be established within 300 feet of another similar establishment or within 500 feet of any of the following:

1. Property classified in any residential zoning district;

2. Residential use;

3. Church, chapel, or similar place of worship;

4. Retirement or convalescent home or hospital;

5. School or day care establishment, or public or private park or playground;

6. Recreational facility, (e.g., game arcade, bowling alley, skateboard rink, skating rink), or similar area where minors regularly congregate; Town Hall, Town offices, libraries or other governmental facilities.

D. Measurement of distances. Distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the adult business is proposed to be located to the nearest property line of a use or district listed above.

E. Development standards.

1. Screening. New or existing structures intended to accommodate adult business establishments shall be designed so that windows and entries are oriented to prevent the interior of the premises from being visible to the public; however, screening or barriers to windows and entries are not allowed, so as to facilitate crime prevention by law enforcement agencies.

2. Signs, advertisements, and displays. Signs, advertisements, displays or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be visible from areas open to the general public.

3. Facilities for live entertainment. The following standards shall apply to adult business establishments that provide live entertainment depicting "specified anatomical areas" or involving "specified sexual activities":

a. There shall be no live entertainment performances, for patrons of an adult business establishment, except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons. Patrons shall not be allowed within six feet of the stage while the stage is occupied by an entertainer/performer;

b. The adult business establishment shall provide separate dressing room facilities and entrances/exits to the premises which are exclusively dedicated to the entertainers' use; and

c. The adult business establishment shall provide permanent access for entertainers between the stage and the dressing room facilities which is completely separated from the patrons and prevents any physical contact between the entertainers and patrons.

4. Arcade viewing area.

a. It is unlawful to maintain, operate, or manage or permit to be maintained, operated, or managed any adult arcade in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall, or other enclosure. For purposes of this Subsection, "viewing area" means the area where a patron or customer would ordinarily be positioned while viewing a film, performance, picture, or show.

b. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

c. It is unlawful to create, maintain, or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.

F. Operational requirements.

1. Employees required. It shall be the duty of the owners to ensure that at least one employee in addition to any performers is on duty at all times when any patron is present inside the premises.

2. Hours of operation. The adult business establishment shall not operate or be open between the hours of 2:00 a.m. and 7:00 a.m.

3. Security program. A security program shall be prepared and submitted for the approval of the Chief of Police. The security program shall be subject to change based on problem activity as identified by the Police Chief.

G. Judicial review. The judicial review of any permit issued or denied in compliance with this Section shall be subject to expedited judicial review in accordance with the time limits set forth in Code of Civil Procedure Sections 1094.8 et seq.

27.34.040 - Animal Keeping

The provisions of this Section are intended to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of animals. Potential adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation.

A. Nonconforming uses. Any legally established noncommercial animal keeping use that became nonconforming upon adoption of this Zoning Ordinance may continue in compliance with Chapter 27.50 (Nonconforming Uses, Structures, and Parcels).

B. Site and animal density requirements. All animal keeping shall comply with the following standards.

Type of Animal or Facility	**Maximum Number of Animals per Site** (1)	**Minimum Lot Area** (2)	**Minimum Setbacks** (3)
Chinchillas, guinea pigs, hamsters, rabbits, rodents, and similar small animals, not raised for commercial purposes	5 or less	None	10 feet
Horses, cows, goats, sheep, llamas, and other hoofed animals	1 animal for the first 2 acres and 1 additional for each additional acre, to a maximum of 4	2 acres	40 feet
Household pets (including birds, cats, dogs, and other non-poisonous and non-carnivorous small animals)	4 of each species, not to exceed an aggregate total of 8 animals	None	None
Poultry, fowl (not including roosters, ducks, geese, guinea fowl, or peafowl, which are not allowed)	5 or less	None	25 feet
Swine	Not allowed	N.A.	N.A.

Notes:

(1) Offspring are allowed in addition to the maximum number until weaned. The keeping of multiple species (for example, horses and poultry) is allowed, provided that the total number shall not exceed four large animals (horses, cows, goats, etc.), and 10 small animals (rabbits, poultry, etc).

(2) Minimum lot area required for the keeping of animals.

(3) Minimum setbacks from all property lines for areas and structures where animals are kept. Animals shall not be kept in a required front yard setback.

C. Maintenance and operational standards.

1. Odor and vector control. All animal enclosures, pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, to

discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.

2. **Erosion and sedimentation control.** In no case shall animal keeping be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. If sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Chapter 27.56 (Enforcement).

3. **Waterway protection.** The keeping of horses or cattle within 50 feet of any waterway shall first require Director approval of a good housekeeping plan to protect the waterway from the polluting effects of runoff from the animal keeping area.

D. Animal husbandry project exception. The keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds or other animals as a 4-H or Future Farmers of America (FFA) project is not subject to the requirements of this Section, provided that:

1. A minimum of one acre of site area shall be required for each large animal and swine;

2. The project animals shall be confined in a pen or fenced area that is located no closer than 25 feet to any residence other than that on the project site;

3. Hogs shall not be located closer than 100 feet from any dwelling other than those on the project site;

4. The number of animals complies with the limitations in Subsection B.; and

5. The animal keeping shall comply with the maintenance and operational standards in Subsection C.

27.34.050 - Automated Teller Machines (ATMs)

Automated teller machines shall be located and operated as follows.

A. ATMs may be attached to a structure or be freestanding. Whenever ATMs are provided on the exterior of a structure, they shall be located on that portion of the structure most visible from a public right-of-way.

B. Vehicle drive-up aisles for ATMs shall comply with the requirements of 27.34.080 (Drive-in and Drive-through Facilities); and

C. Security lighting shall be provided at each ATM equivalent to three-foot candles at the pavement surface adjacent to the machine. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

27.34.060 - Bed and Breakfast Inns (B&Bs)

A. Exterior appearance. The exterior appearance of the structure housing the B&B in a residential zoning district shall not be altered from its original residential character except for allowed signs and any structural modifications necessary to comply with Title 24 of the California Code of Regulations.

B. Limitation on guest rooms. The B &B shall be limited to five guest rooms.

C. Limitation on services provided. Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. A B&B within a residential zoning district shall not be used for receptions, private parties, or similar activities.

D. Off-street parking. Off-street parking shall be provided at a ratio of one space for each guest room, plus two covered spaces for the on-site owner/manager of the B&B. Parking shall not be located in the required front and side yard setback.

E. On-site management. A manager shall be present on the site at all times.

F. Signs. See Section 27.32.110.C (Table 3-12).

27.34.070 - Child Day Care Facilities

A. Applicability. Commercial child day care facilities shall comply with the following standards. These standards apply in addition to the other provisions of this Zoning Code and requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all facilities.

B. Standards for large family day care homes.

1. In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 500 feet of an existing small family day care home, large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.

2. The driveway may be used to provide required off-street parking, if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children.

3. Homes located on arterial streets shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the arterial (e.g. circular driveway).

4. Large family day care homes shall arrange staggered times for clients to drop-off and pick-up children.

5. Any side or rear yard areas intended for day care use shall be surrounded by a barrier to separate the children from neighboring properties. Examples of barriers include wood or chain link fences, walls, etc.

6. Outdoor recreation equipment over eight feet in height shall be set back a minimum of five feet from perimeter property lines.

7. Noise generated from the large family day care home shall not exceed the standards in Section 27.20.030.F (Noise).

8. Large family day care homes shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

C. Standards for child day care centers.

1. A six-foot-high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic safety visibility area (Section 27.20.050.D). Fences or walls shall provide for safety with controlled points of entry. Fences and walls shall be provided in combination with landscape materials to help mitigate the appearance of long, flat walls.

2. The minimum parcel size for a child day care center shall be 10,000 square feet.

3. Off-street parking shall be a minimum of one space per employee on the largest shift. (Rev 8/1/01 Ord 2001-148)

4. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

5. Potential noise sources shall be identified during the Use Permit process, and noise attenuation and sound dampening shall be addressed.

6. The minimum separation between the main assembly building of the center and a residential zoning district shall be 30 feet.

7. The facility shall be provided with both indoor and outdoor play areas in compliance with State requirements.

27.34.080 - Drive-In and Drive-Through Facilities

A. General standards. Drive-in and drive-through facilities shall be designed and operated to mitigate problems of congestion, excessive pavement, litter, and noise.

B. On-site circulation standards. Parcels with drive-through facilities shall be provided with internal circulation and traffic control devices as follows.

1. Aisle design.

a. The entrance/exit of any drive-through aisle shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.

b. Drive-through aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.

(Revised 08/1/01, ORD. 2001-148)

2. Stacking area. A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation.

a. The stacking area shall accommodate a minimum of five cars for each drive-through window in addition to the vehicle(s) receiving service.

b. The stacking area shall be located at and before the menu board, teller window, etc.

c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.

d. Stacking areas parallel to streets or public rights-of-way shall be discouraged.

3. Walkways. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility and shall be emphasized by enhanced paving.

C. Screening. An opaque screen consisting of plant material and a solid masonry wall, a minimum of six feet in height, shall be constructed on each property line that is adjoining a residentially zoned/occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.

D. Signs.

1. Directional signs. Each entrance to, and exit from, any drive aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

2. Menu boards. Menu boards shall not exceed 24 square feet in area, with a maximum height of six feet, and shall face away from public rights-of-way. Outdoor speakers shall be located at least 50 feet from any residentially zoned/occupied parcel.

27.34.090 - Guest House/Pool House

A. Intended use. A guest house is intended to provide temporary living quarters within a detached residential accessory structure, located on the same premises with the main dwelling, for short-term, temporary use by guests of the occupants of the premises.

A pool house is intended to provide changing and restroom facilities within a detached residential accessory structure, located on the same premise with the main dwelling and in conjunction with a swimming pool, spa, hot tub, or other similar facilities on site. Regulations for accessory dwelling units are provided by Section 27.34.180. Guesthouses and pool houses shall not be rented or otherwise used as separate dwelling units.

B. Deed restriction. A deed restriction shall be filed with the County Recorder prior to issuance of a building permit, which restricts the use of the guest house/pool house for temporary accommodation only and limits the improvements to those allowed by this Zoning Code.

C. Development and use standards.

1. Only one guesthouse or pool house is allowed on a single parcel. Both structures may be allowed on a single parcel with Use Permit approval, in compliance with Section 27.42.050.

2. The total site coverage including a guesthouse, the main dwelling and other accessory structures, shall not exceed the maximum allowable site coverage for the applicable zoning district.

3. A guesthouse/pool house shall not exceed 840 square feet. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. All floor area within the building envelope shall be identified and square footage for each area provided. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than 7’ in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

4. The architecture of the guesthouse/pool house shall be consistent and compatible with the main dwelling.

5. A guesthouse/pool house shall not contain kitchen/and or cooking facilities. A wet bar is permitted, with a maximum sink size of 12”x12”, unless otherwise approved by the Building Official and/or Planning Director.

6. The height of a guest house/pool house shall not exceed 15 feet, except where a greater height is authorized through Minor Use Permit approval.

(Rev, 04/18/07, ORD. 2007-214, Rev. 04/09/18, ORD. 2017-319)

27.34.100 - Home Occupations

A. Permit requirement. A Zoning Clearance shall be obtained in compliance with Section 27.42.020 (Zoning Clearances) to establish a home occupation. The applicant shall sign a statement certifying agreement and compliance with the operating standards identified in Subsection B., below before issuance of the Zoning Clearance.

B. Operating standards.

1. The home occupation shall be clearly secondary to the full-time use of the structure as a dwelling, and shall not be conducted within a garage or accessory structure. Garage areas converted to habitable space with the appropriate permits may be used.
(Revised 08/1/01, ORD. 2001-148)

2. The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from any adjoining public rights-of-way or from neighboring parcels.

3. The use shall not display advertising signs, merchandise or stock in trade, other than a single-family residential name plate in compliance with Section 27.32.110.A (Signs Permitted in Residential Zoning Districts).

4. The use shall be confined to not more than 25 percent of the floor area of the main dwelling nor more than 400 square feet of floor area, whichever is greater. Home occupation activities and storage shall not occur out-of-doors or within a required parking area.

5. Only one vehicle with a capacity not exceeding one ton may be used by the resident directly or indirectly in connection with a home occupation.
(Rev 8/1/01 Ord 2001-148)

6. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of pesticides or explosive, flammable, or hazardous materials.

7. The use shall not create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances.

8. The home occupation shall be limited to eight customers and two deliveries each day.

9. The use shall not employ any persons not residing on the premises.
(Revised 08/1/01, ORD. 2001-148)

C. Home occupations requiring Minor Use Permit approval. The following are activities that may not comply with the operating standards in Subsection B. above, but may be allowed with Minor Use Permit approval, in compliance with Section 27.42.050.

1. A use exceeding 400 square feet or 25 percent of the floor area of the main dwelling, whichever is greater. In no case shall the use, including storage areas and accessory structures, exceed either 1,000 square feet or 40 percent of the floor area of the main dwelling.

2. A use employing no more than one person living off-site and working at the dwelling.
3. Uses that entail food handling, processing, or packing.

4. Hand woodworking or machine work.

5. More than one home occupation in a single dwelling unit.

6. Uses generating up to two customer visits at a time or more than two deliveries each day. In no case shall customer or delivery traffic exceed more than 10 trips each day.

27.34.110 - Mixed-Use Development

A. Maximum density. When residential dwelling units are combined with office or retail commercial uses in a single building or on the same parcel, the maximum density shall be 16 dwelling units per acre, and up to 32 units per acre in the Shiloh Road Village Vision Plan area, plus any density bonus units approved in compliance with Chapter 27.22 (Affordable Housing Requirements and Incentives). (Revised 08/3/05, ORD. 2005-192)

B. Location of units. Residential units shall be located only on second or higher floors. Accessible residential units (as defined by the Town's adopted Building Code) that comply with ADA requirements may be located on the ground floor.
(Revised 03/03/04, ORD. 2004-178)

C. Access and parking. The number of parking spaces shall comply with the requirements of Chapter 27.30 (Parking, Loading, and Access). Residential parking and commercial parking may be located in the same location/facility.

D. Loading and refuse areas. Commercial loading areas and refuse storage facilities shall be located away from residential units and shall be completely screened from view from the residential portion of the project. Where appropriate, the Director may allow the shared use of refuse storage facilities.

E. Lighting. Lighting for the commercial uses shall be appropriately shielded so as not to spill over into other residential area or impact the residential units in any way.

F. Sound mitigation. All residential units shall be designed to be sound attenuated against present and future project noise. New projects, additions to existing projects, or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

G. Joint owners' association. A joint owner's association shall be formed where there is more than one property owner and shared interest in maintaining common facilities related to lighting, signage, landscaping, shared parking, etc. The association shall be formed of equal voting rights according to type of use (i.e., residential, commercial, office). The association bylaws shall be subject to review by the City Attorney and approval by the Director.

H. Design considerations. The design of mixed-use projects shall demonstrate compatibility between the different uses. In order to properly mix residential and nonresidential uses on the same site, potential noise, odors, glare, pedestrian traffic, or other significant impacts shall be reduced to a level of insignificance. Also, the design of the mixed use project shall take into consideration potential impacts on adjacent properties and shall include specific design features to properly mitigate any potential impacts.

The design of a mixed-use project shall ensure that the residential units are of a residential character. The design of the project shall ensure that privacy between residential units and between other uses on the site are maximized.

27.34.120 - Mobile Home Parks

A. Design and development standards.

1. Minimum area and density. Proposed mobile home parks shall comply with the following requirements:

a. Minimum site area for park: Four acres.

b. Minimum lot area: 2,400 square feet for each mobile home site.

c. Density: Maximum allowable density shall be determined by Use Permit approval.

2. Setbacks. Minimum setbacks between mobile homes and other structures shall be 10 feet on all sides, including front and rear, except for any side or rear abutting the project property line, in which case the minimum setback shall be 15 feet. When an awning, cabana, porch, or similar structure is attached to a mobile home, the minimum setback between these types of elements and other structures shall be six feet.

3. Site coverage. The maximum coverage allowed in the mobile home park shall comply with the requirements of the applicable zoning district.

4. Parking. On-site parking improvements shall comply with Chapter 27.30 (Parking, Loading, and Access) and the following:

5. Recreation space. Each mobile home park shall contain a minimum of 300 square feet of recreation space for each mobile home site. In family parks, an additional 300 square feet per site shall be added. In no case shall the total recreation space be

less than 6,000 square feet in area and each single recreation area shall be a minimum of 3,000 square feet in area.

6. **Access and roadway standards.** Park access shall be designed and constructed as follows:

   a. All streets shall comply with the Town's standards for local residential streets.

   b. No access driveway shall be located closer than 100 feet to any intersection.

   c. All cul-de-sac streets shall have a minimum outside turning radius of 40 feet.

   d. All corners shall have minimum 15-foot radii.

   e. Curbs, gutters, and sidewalks shall be installed on both sides of all streets.

   f. All streets shall be adequately lighted in compliance with the Town's standards for roadway lighting.

   g. Each site shall front on an access street.

   h. Stop signs shall be provided at all intersections with all public streets.

7. **Signs.** One nonilluminated or indirectly illuminated sign shall be allowed at each entrance to the park. The sign may be either wall mounted or freestanding monument-type. Signs shall not exceed 32 square feet in area. Freestanding signs shall not exceed a height of six feet.

8. **Landscaping.** All open areas shall be landscaped and continuously maintained. At least 60 percent of all open areas shall be landscaped with live materials. Landscaping shall include planting of trees along perimeter boundaries adjacent to adjoining properties. Trees shall be of a minimum 15-gallon size with a minimum of one tree for each mobile home site. Additional and more mature trees may be required through Use Permit approval.

9. **Accessory uses allowed.** A mobile home park may contain accessory uses that are primarily for the convenience of the residents of the park. Any structure used for an accessory use shall meet all requirements for a main structure and shall be architecturally compatible with other structures on the site. Allowable accessory uses include laundry facilities, vending machines, a common car wash, storage area for recreational vehicles, management facility, recreational facility, and other uses which in the opinion of the Director are of a similar nature.

10. **Screening.** A six-foot-high wall, fence, or landscape screen may be required along all project boundaries. If a wall or fence is required, it shall not be less than six feet.

B. Staged development. Development may be in stages provided that each stage meets the minimum standards of this Section and there is no occupancy of any mobile home until at least 10 mobile home lots are developed and improved on at least two acres.

27.34.122 - Mobile Homes on Single-Family Lots

A. Applicability. One mobile home per lot is permitted wherever Article 2 of this Zoning Ordinance permits a single-family dwelling, subject to the standards of this Section.

B. Mobile home standards. A mobile home located on a parcel outside of a mobile home park shall be:

1. Placed on a permanent foundation system;

2. Constructed after September 15, 1971, and issued an insignia of approval by the California Department of Housing and Community Development; or constructed after July 1, 1976 and issued an insignia of approval by the U.S. Department of Housing and Urban Development, and has not been altered in violation of applicable codes;

3. Occupied only as a residential use type in compliance with all applicable regulations;

4. Subject to all Zoning Ordinance provisions applicable to residential structures;

5. Constructed with a minimum width of 12 feet, not including an "expander";

6. Covered with an exterior material (including, wood, stucco, Masonite and horizontal "lap" siding) customarily used on conventional dwellings and approved by the Director. The exterior covering materials shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering materials need not extend more than six inches above finished grade;

7. Constructed with a roof pitch of not less than three inches vertical rise for each 12 inches of horizontal run, and consisting of shingles or other material customarily used for conventional dwellings and approved by the Director; and

8. Have eaves of a conventional design.

27.34.130 - Neighborhood Markets

A. Limitations on use. Neighborhood markets shall be subject to the following limitations.

1. Hours of operation: 7 a.m. to 9 p.m., daily.

B. Site area. The minimum site area for a neighborhood market shall be 6,000 square feet; the maximum size of a site shall be 12,500 square feet.

C. Parking. Off-street parking shall be provided in compliance with Chapter 27.30, with a minimum of three vehicle spaces and three bicycle racks provided.

D. Trash and recycling. Trash and recycling receptacles shall be provided for patrons near the front door, outside of any public right-of-way.

E. Security and crime prevention. Neighborhood markets, convenience stores and service stations shall have drop safes, closed circuit television kept in operation and maintained, signage that discloses no more than $100 is kept on the premises after 9:00 p.m., and public telephones available on the site, either within the building, or outdoors.

27.34.140 - Outdoor Retail Sales and Activities

A. Applicability. The provisions of this Section apply to temporary and permanent facilities for outdoor display and sales (e.g., garden nurseries, lumber yards, and similar uses where merchandise is displayed for sale).

B. Temporary outdoor displays and sales. See Section 27.42.040 (Temporary Use Permits).

C. Permanent outdoor displays and sales. The permanent outdoor display and sale of merchandise (e.g., garden centers, nurseries, lumber yards, etc.) is allowed subject to the following standards.

1. The outdoor display of merchandise shall not exceed a height of 10 feet above finish grade, unless a greater height is allowed through the approval of a Use Permit.

2. Outdoor sales areas shall not encroach into required setback areas. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property line(s) unless otherwise allowed through the approval of a Use Permit.

3. Displayed merchandise shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. Displays shall not obstruct intersection visibility or otherwise create hazards for vehicle or pedestrian traffic.

4. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.

5. Outdoor sales and activity areas other than vehicle sales lots shall be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.

6. Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area.

27.34.150 - Outdoor Storage

Permanent outdoor storage areas shall be entirely enclosed by a six-foot high solid wall or fence as approved by the Director. Stored materials shall not be higher than the fence, except with Minor Use Permit approval. In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zoning district, and the set back area shall be landscaped to the approval of the Director, and in compliance with Chapter 27.28 (Landscaping).

27.34.160 - Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Reverse vending machines.

1. The machines shall be installed only as an accessory use to an allowed main use.

2. If located outside of a structure, the machines shall not occupy parking spaces required by the main use.

3. Sign area shall not exceed four square feet for each machine, exclusive of operating instructions. The sign area shall be subject to the overall site sign area limitations in Section 27.32.110 (Sign Standards by Zoning District).

4. The machines shall be illuminated to ensure comfortable and safe operation if machines are accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

B. Small collection facilities.

1. Collection containers shall not occupy more than 350 square feet nor three parking spaces, not including space that will be periodically needed for the removal of materials or exchange of containers.

2. Collection containers shall be set back at least 10 feet from any public right-of-way, and shall not obstruct pedestrian or vehicular traffic.

3. Collection containers shall be constructed of durable waterproof and rustproof materials, secured from unauthorized removal of material, and shall be of sufficient capacity to accommodate materials collected and the collection schedule.

4. Containers shall not be located within 50 feet of any residentially-zoned parcel.

5. Collection containers are encouraged to be of a color and design to be both compatible with the surrounding uses and neighborhood.

6. Signs may be provided as follows:

    a. Recycling facilities may have identification signs with a maximum area of 12 square feet for each side or exterior surface; and

    b. Directional signs may be installed with the approval of the Director if found necessary to facilitate traffic circulation.

7. Additional parking spaces shall not be required for customers of a small collection facility located in an established parking lot of a commercial/industrial use.

8. Use of parking spaces by the facility and by the attendant, if provided, shall not reduce available parking spaces below the minimum number required for the commercial/industrial use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility will be on the site.

9. The site shall be maintained clean, sanitary, and free of litter and other undesirable materials, and shall be cleaned of loose debris on a daily basis.

C. Large collection facilities.

1. The facility shall not abut a parcel zoned for residential use.

2. Structure setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located.

3. Exterior storage of materials shall be screened from view from adjacent public rights of way and adjoining parcels.

4. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.

5. Any containers provided for "after hours" deposit of recyclable materials shall be located at least 300 feet from any residential zoning district, constructed of sturdy, rustproof material(s), with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials.

6. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable from adjoining parcels.

D. Light processing facilities. Light recyclable materials processing facilities, excluding scrap and dismantling yards, are allowed in compliance with the following standards.

1. The facility shall not abut a parcel zoned for residential use.

2. Processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, sorting of source-separated recyclable materials, and repairing of reusable materials.

3. A processing facility shall not exceed 45,000 square feet, may have up to an average of two outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals other than beverage and food containers.

4. Outdoor storage shall be screened by a six-foot-high opaque fence or solid masonry wall in combination with landscape materials. Storage, excluding truck trailers, shall not be visible above the height of the required wall.

5. Any containers provided for "after hours" deposit of recyclable materials shall be located at least 300 feet from any residential zoning district, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of the materials.

6. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable from adjoining parcels.

27.34.170 - Residential Accessory Uses and Structures

(Revised 04/18/07, ORD. 2007-214, Revised 09/06/08, ORD. 2007-241, Revised 04/09/18, ORD 2017-319).

A. Applicability. The provisions of this Section apply to residential accessory structures, including garages, gazebos, greenhouses, patio covers, storage sheds, studios, recreation rooms, hobby shops, play structures/houses, workshops, and similar non-commercial uses. Regulations for accessory dwelling units are instead provided by Section 27.34.180 and Guest Houses/Pool Houses under Section 27.34.090.

B. Relationship of accessory use to main use. Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the main use. Accessory structures shall not contain kitchen/and or cooking facilities. Electrical lighting and/or plumbing fixtures shall be limited to a lavatory sink, shower, and/or toilet (as defined by the plumbing code, permits may be required). No structure identified in Sub-section A above shall be used as a living unit or for commercial purposes.

C. Attached structures. An accessory structure attached to the main structure shall comply with the requirements applicable to the main structure, including architecture, heights, parcel coverage, and setbacks.

D. Detached structures. An accessory structure that is detached from the main structure shall comply with the following standards.

1. Setbacks. Accessory structures shall not be located within a required front yard setback, shall maintain side and rear yard setbacks of at least five feet, (corner lot side yard setbacks shall comply with the minimum setback for the zoning district) and shall maintain a six-foot separation or minimum separation allowed by the Building Code, whichever is greater from other accessory structures and the main dwelling unit.

2. Height limitations. The height of an accessory structure shall not exceed 15 feet. In no case shall the accessory structure height exceed the height of the primary structure.

3. Coverage and size limitations. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district. Aggregate

coverage of all accessory structures shall not exceed a total of 840 square feet. The total square footage may be a single structure of 840 square feet or multiple structures totaling 840 square feet. When multiple accessory structures are placed on a parcel the minimum separation allowed by the Building Code shall be maintained. Structures shall be required to meet minimum rear and side yard setbacks in Section D.1 above.

A single portable structure per lot or unit, including pre-manufactured storage sheds and other small similar structures, which do not require a Building Permit are subject to regulations under Section 27.06.040 and shall comply with the minimum side and rear yard setback requirements in Section D.1 above. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district.

4. **Attached Open-sided patio covers.** Detached free standing patio covers are subject to all requirements of this section. Patio covers that are attached to the main dwelling, and open on at least three sides, are permitted subject to the limitations of Subsections D.1-D.3 above. Attached enclosed patio covers are subject to the same regulations as the primary structure.

5. **Detached Garages.** Single story detached garages shall not exceed 840 square feet. Detached garages are subject to the minimum rear and side yard setbacks in Section D.1, height limitations in Section D.2, and architectural compatibility in Section D.6. Detached garages with an accessory dwelling unit above are subject to the regulations in Section 27.34.180.

6. **Architectural Compatibility.** Structures that require a building permit shall have the similar architecture as the primary structure (colors, siding, roof materials and pitch, windows, doors, etc.).

7. **Minor Use Permit.** Requests to exceed or deviate from the minimum height and/or square footage requirements in the above sections are subject to the Minor Use Permit process, prior to building permit.

8. **Deed restrictions.** At the discretion of the Planning Director, a deed restriction may be required for accessory structures. The deed shall be filed and recorded with the County Recorder, prior to issuance of a building permit. The deed restriction shall identify the use of the structure at the time of issuance of the building permit.

27.34.175 – Personal Services, Restricted

(Adopted 11/18/09, Effective 12/18/09, Ord. 2009-258)

For the purposes of this Section refer to the definitions in Article 6 under Personal Services, Restricted:

A. Limitations on use:

1. Hours of operation: 9 a.m. to 8 p.m., daily.

B. Permit and License Requirements:

1. Regulatory Permits/License/Clearances: Uses shall obtain the appropriate permits/license/clearance from the County, State, or Federal agency that governs the use. Conditions of the Minor Use Permit/Use Permit shall include a provision requiring the applicant to provide written proof of the permit/license/clearance, prior to commencement of the use.

2. Town Requirements: Conditions of the Minor Use Permit/Use Permit shall include a provision requiring the applicant to obtain a Business Registration/License, as appropriate, prior to commencement of the use. The Business Registration/License shall be kept current during the duration of operation of the use.

3. Building Permit: Obtain appropriate building permits and clearances, prior to construction, remodel and/or tenant improvements.

C. Signs: All signs shall comply with the Town of Windsor Zoning Ordinance Sign Regulations. As part of the Minor Use Permit/Use Permit a comprehensive sign program or signs related to the use may be considered.

D. Massage Establishments/Businesses: Massage businesses are subject to obtaining a certificate issued by the Massage Therapy Organization pursuant to Business and Professions Code Section 4600 et. seq. or if allowed by Town Code, a Massage Practitioner's Permit in compliance with the Town's Municipal Code requirements for massage establishments.

E. Smoke Shops: Smoke shops are defined as devoting more than 15% of the total floor space and/or more than a two foot by four foot section of shelf space for display for sale of smoking, drug and/or tobacco paraphernalia. The following is required and will become conditions of the Minor Use Permit/Use Permit:

1. No smoking shall be permitted inside the shop.
2. All Town smoking regulations shall be abided by.
3. Signs shall be posted in accordance with the Town's Municipal Code Chapter 20.
4. No person under age 18 may enter the business even if they are accompanied by an adult.
5. All clerks/personnel shall be 18 or older.

6. Smoke shops may not be located within 600 feet of youth-frequented locations including schools, religious institutions, public libraries, and public parks.
7. Smoke shops may not be located within 500' of residential zoned areas.
8. No products may be sold by means of self-service or vending machine assisted.
9. May not display any form of advertising for tobacco products in visible locations with the exception of any onsite sign that contains the name or slogan of a business that lawfully sells tobacco products that have been placed at or upon the business premises for the purpose of identifying the business.
10. Business shall not distribute free tobacco products or promotional items.
11. Business shall not sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.
12. Compliance with State law including but not limited to Health and Safety Code Section 11364.5 and as amended from time to time.

F. Security and crime prevention. Checking cashing/cash advance businesses, pawn shops, and bail bond businesses are subject to review and approval by the Chief of Police, prior to commencement of the use. The following may be required and become provisions of the Minor Use Permit/Use Permit, at the discretion of the Chief of Police:

1. Installation of a CCTV(or equivalent) inside the business with retrievable videotapes maintained regularly and of sufficient resolution to identify customers involved in criminal offenses,
2. Central station silent intrusion alarming of the business with teller access in strategic locations within the premises.
3. Acceptance and use of the Sonoma County Sheriff's Department bank alarm response policy and training.
4. Money safe or vault as approved by the Chief of Police. Tellers/personnel shall have the ability to make frequent cash/check drops and a policy shall be instituted to limit available cash on hand.
5. While closed the business will provide sufficient interior night-lights for night time security.

G. Time Limitations, Revocation, and Revisions: Permits are subject to the time limits, extensions, and revocation requirements as provided for in the Town of Windsor Zoning Ordinance.

27.34.180 – Accessory Dwelling Units

Accessory dwelling units shall comply with the requirements of this Section, where allowed by Section 27.08.030 – Residential Land Uses and Permit Requirements.

A. Purpose. The provisions of this Section are intended to set standards, in compliance with California Government Code Section 65852.2, for the development of accessory dwelling units in order to increase the supply of smaller and affordable housing while ensuring such housing remains compatible with the existing neighborhood.

The provisions of this Section are intended to implement the provisions of the General Plan Housing Element that encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development.

B. Applicability. Except as otherwise provided by this Section, accessory dwelling units shall be ministerially permitted only in compliance with the requirements of this Section and all other requirements of the applicable zoning district in the following residential zoning districts: Estate Residential (ER), Surrounding Residential (SR), Village Residential (VR), Medium Density Residential (MDR), and Planned Development (PD) where not prohibited by a Policy Statement or conditions of approval.

C. General Requirements. An accessory dwelling unit:

1. May be located on any residentially zoned parcel that allows single-family or multi-family dwellings and that contains only one single-family detached dwelling;
2. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams;
3. Shall not be sold separately from the primary residence; and
4. Shall not be rented for term of less than 30 days. The single-family residence may be rented for term of less than 30 days.

D. Owner Occupancy. The property owner is not required to occupy the accessory dwelling unit or primary residence located on the parcel.

E. Permit Requirements. An application for an accessory dwelling unit that complies with all applicable requirements of this Section shall approved ministerially through the building permit process.

F. Development Standards. A building permit for an accessory dwelling unit shall be issued only if the unit complies with all of the following development standards:

1. Number of units per lot. One accessory dwelling unit shall be allowed on a parcel in a single-family or multi-family zoning district developed with a primary dwelling. An accessory dwelling shall not be allowed on a parcel developed with two or more dwellings.

2. Location. An accessory dwelling unit may be located within, attached to, or detached from the existing-primary dwelling. An accessory dwelling unit may also be located above a garage attached to or detached from the primary dwelling.

3. Existing Development. A single-family dwelling must already exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

4. **Setbacks.** Residential District. An accessory dwelling unit shall comply with the following setback requirements:

   a. **Attached Unit.** An attached accessory dwelling unit shall be subject to the same setback requirements applicable to the primary dwelling as determined by Section 27.08.040 of this Code (Residential District General Development Standards).

   b. **Existing Single-Family Dwelling.** An accessory dwelling unit that is fully contained within the existing space of a single-family dwelling or accessory structure and has independent exterior access from the existing single-family residence shall provide side and rear setbacks sufficient for fire safety.

   c. **Existing Garage.** No setback shall be required for an existing garage that is converted to an accessory dwelling unit. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing garage.

   d. **Detached Unit.** A detached accessory dwelling unit, including a unit located above a detached garage, shall not be located within a required front setback and shall be located a minimum of five feet from the interior side and rear property lines, and ten feet from a street side setback.

   e. **Distance between structures.** A detached accessory dwelling shall maintain a minimum of six feet of separation between the primary dwelling and other accessory structures on the site or the minimum distance required by the California Building Code, whichever is greater. An attached or detached accessory dwelling shall be no closer than ten feet to a primary dwelling on an adjacent parcel.

   f. **Planned Development (PD) District.** Within a PD District without specified setbacks for accessory structures in a Policy Statement or Development Plan, an attached or detached accessory dwelling unit, not consisting of a garage conversion and not contained within the existing space of a single-family dwelling or accessory structure, shall maintain the setbacks required in subsections a – e above. Within a PD District with specified setbacks in a Policy Statement or Development Plan, the setbacks shall be as required by the applicable Policy Statement or Development Plan.

5. **Maximum floor area.** Accessory dwelling units shall not exceed 840 square feet. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. All floor area within the building envelope shall be identified and square footage for each area provided. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than 7’ in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage. The increased square footage of an attached accessory dwelling unit shall not exceed fifty-percent of the existing living area, with a maximum increase of 840 square feet. Living

area means the interior habitable area of the dwelling, including basements and attics, but does not include a garage or any accessory structure.

6. **Height limit.** A detached accessory dwelling is limited to a maximum height of fifteen feet. An accessory dwelling located above a detached garage is limited to a maximum height of twenty-five feet. An accessory dwelling attached to the primary dwelling is limited to the height allowed in the underlying zoning district.

7. **Site coverage.** An accessory dwelling unit shall comply with the site coverage requirements of the applicable zoning district.

8. **Architectural compatibility.** The design of a detached accessory dwelling unit shall demonstrate an architectural relationship to the primary residence on the site. The architectural relationship may be demonstrated through the use of the same roof pitch, architectural style, colors, materials, window and door fenestration, or similar methods. An accessory dwelling unit that is attached to the primary residence and visible from the public right-of-way shall be architecturally compatible with the primary residence, including but not limited to, the architectural design, materials, colors, roof materials and pitch, and windows and doors.

9. **Privacy.** An accessory dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques may include use of obscured glazing, window placement above eye level, screening treatments, or orienting balconies, windows and doors away from residences on adjacent parcels.

10. **Parking.** One off-street, all-weather parking space is required for an accessory dwelling unit in addition to that required for the main dwelling, except as set forth below. The required off-street parking space may be covered or uncovered and shall be permitted in tandem and in setback areas, unless the review authority determines that such parking is not feasible due to specific site topographical or fire and life safety conditions. If the review authority determines that onsite parking is not feasible, on-street parking may be approved by the review authority. No off-street parking shall be required if any of the following circumstances exist:

    - The accessory dwelling is located within one-half mile of public transit.
    - The accessory dwelling unit is located on a property with a Historic Overlay zoning designation.
    - The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
    - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - Where there is a car share vehicle located within one block of the accessory dwelling unit.

    To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to public

transit or car share vehicle or on a lot with an Historic Overlay zoning designation, or proof of local parking permit requirements.

If a garage, carport or covered parking is demolished in conjunction with the construction of an accessory dwelling unit, replacement spaces may be provided in any configuration on the lot, including as tandem parking or within setbacks.

11. **Access.** A passageway that provides access to the unit from a street is not required.

12. **Fire sprinklers.** Fire sprinklers shall be required if required for the primary residence.

G. Connection Fees.

1. Except as provided in subsection (2), a separate utility connection payment of a connection or capacity charge pursuant to State law and Town fee schedule will be required for any new accessory dwelling unit.

2. No new or separate utility connection will be required for accessory dwelling units that are internal conversions of existing space within a single-family residence or a residential accessory structure.

H. Accessory dwelling unit and junior accessory dwelling unit. One accessory dwelling unit and one junior accessory dwelling unit are permitted per parcel, when in compliance with the requirements of this Code.

I. Illegal accessory dwelling units. This Section shall not validate any existing illegal accessory dwelling unit. The standards and requirements for the conversion of an illegal accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit.
(Rev/ 04/09/18, ORD. 2017-319)

Section 27.34.185 - Junior Accessory Dwelling Units

Junior accessory dwelling units shall comply with the requirements of this Section, where allowed by Section 27.08.030 – Residential Land Uses and Permit Requirements.

A. **Purpose.** The provisions of this Section are intended to set standards, in compliance with Government Code Section 65852.22, for the development of junior accessory dwelling units in order to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood. It is not the intent of this ordinance to override lawful use restrictions as set forth in Conditions, Covenants, and Restrictions.

The provisions of this Section also are intended to implement the provisions of the General Plan Housing Element that encourage the development of housing types for all

economic segments of the community and to minimize governmental constraints on residential development.

B. **Applicability.** Except as otherwise provided by this Section, junior accessory dwelling units shall be ministerially permitted only in compliance with the requirements of this Section and all other requirements of the applicable zoning district in the following residential zoning districts: Estate Residential (ER), Surrounding Residential (SR), Village Residential (VR), Medium Density Residential (MDR), and Planned Development (PD), where not prohibited by a Policy Statement or condition of approval.

C. **Definition.** For the purpose of this Section, a "Junior Accessory Dwelling Unit" means a dwelling unit not exceeding 500 square feet in size and contained entirely within an existing legally established single-family structure. A junior accessory dwelling unit shall include an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

D. **Density.** As provided by Government Code Section 65852.22 (d) and (e), junior accessory dwelling units are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan.

E. **Timing.** A junior accessory dwelling unit allowed by this Section must be installed after construction of the single-family dwelling.

F. **General Requirements.** A junior accessory dwelling unit:

1. May be located on any residentially zoned lot that allows single-family or multifamily dwellings and that contains only one single-family detached dwelling.
2. Is limited to one per parcel.
3. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
4. Requires property owner occupancy of the junior accessory dwelling unit or the remaining portion of the single-family residence.

G. **Permit Requirements.** An application for a junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially. A building permit shall be required for a junior accessory dwelling unit. A junior accessory dwelling unit shall not be considered a separate or new dwelling for the purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that otherwise may be associated with the provision of those services.

H. **Development Standards.** A permit for a junior accessory dwelling unit shall be issued only if the unit complies with the following development standards:

1. **Maximum floor area.** The junior accessory dwelling unit shall not exceed 500 square feet in area.

2. **Existing development.** The junior accessory dwelling unit shall be contained entirely within the existing walls of an existing single-family dwelling and shall utilize one of the existing bedrooms.
3. **Number per lot.** A maximum of one junior accessory dwelling unit shall be permitted on any lot.
4. **Kitchen.** The junior accessory dwelling unit must contain an efficiency kitchen as defined in Section 27.60.020. The efficiency kitchen shall be removed when the junior accessory dwelling unit use ceases.
5. **Sanitation.** A junior accessory dwelling unit may include a full bathroom, or the occupants of the junior accessory dwelling unit may share the bathroom facilities within the remainder of the single-family dwelling.
6. **Entrance.** The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the single-family dwelling, and an interior entry into the main living area. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.
7. **Parking.** Off-street parking shall not be required for a junior accessory dwelling unit.

I. **Deed Restriction.** Prior to occupancy of a junior accessory dwelling unit, the property owner shall record with the County Recorder and file with the Town a deed restriction, which has been approved by the Town as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The junior accessory dwelling unit shall not be sold separately from the single-family residence;
2. The junior accessory dwelling unit shall comply with all of the standards included in Zoning Ordinance Section 27.34.185.
3. The restrictions shall run with the land and be binding upon any successor in ownership of the property. Lack of compliance shall void the approval of the junior accessory dwelling unit and may result in legal action against the property owner and future purchasers.

J. **Junior accessory dwelling and accessory dwelling.** One junior accessory dwelling and one accessory dwelling are permitted per parcel, when in compliance with the requirements of this Code.
(Rev. 04/09/18, ORD. 2017-319)

27.34.190 - Service Stations

A. Location criteria. Service stations shall be allowed only on corner lots or lots with street and/or highway frontages on at least two sides, or incorporated as part of a shopping center that has a minimum of 30,000 square feet of building area.

B. Minimum site area. No service station shall be located on a site of less than 10,000 square feet, or less than 100 feet wide.

C. Setbacks. The minimum setback from a property line to canopies and roof eaves shall be 15 feet. Setback areas adjacent to streets shall provide a minimum 10 feet wide landscaped

area. Interior setback areas shall provide a minimum four feet wide landscaped area. Additional landscaping may be required through the Use Permit process to screen the service station from adjacent properties.

D. Access to site. Vehicle access shall comply with the following:

1. There shall be no more than two vehicular access points to/from the public right-of-way;

2. Driveways shall not be located closer than 70 feet from the nearest intersecting street property line.

3. The width of a driveway shall not exceed 35 feet, measured at the sidewalk; and

4. Driveway locations will be reviewed on a case-by-case basis by the Engineering Department.

E. Screening. A service station that adjoins property in a residential zoning district shall provide a six- to seven-foot high decorative masonry wall along the common property line, compatible with on-site development and adjacent properties, subject to the approval of the Director.

F. Building design. Service stations shall be designed to ensure compatibility with existing or anticipated development in the vicinity and the overall community.

G. Building orientation. Service stations shall be designed so that the main building or buildings are oriented to the adjacent right of way.

H. Limitation on outdoor activities. Activities and operations shall be conducted entirely within an enclosed structure, except as follows:

1. The dispensing of petroleum products, water, and air from pump islands;

2. The provision of emergency service of a minor nature; and

3. The area occupied by vending machines shall be next to the main structure in a designated area not to exceed 32 square feet.

I. Parking. Vehicles shall not be parked on sidewalks, driveways, alleys, or landscaped areas. Vehicles shall not be parked on the premises for the purpose of sales.

J. Storage.

1. Used or discarded vehicle parts or equipment, or disabled, junked, or wrecked vehicles shall not be located in an open area outside of the main structure.

2. Storage of trucks, vans, buses or similar vehicles is prohibited, except tow trucks, pick-up trucks and small vans incidental to the service station use. The storage of rental vehicles and trailers is not allowed, unless approved through the Use Permit process.

27.34.200 - Telecommunications Facilities

Cellular wireless telephone antennas, including supporting towers and related ground-mounted structures and equipment structures, shall comply with the following requirements.

A. Permit requirements. The establishment of wireless communication antennas and facilities shall be allowed in compliance with a use permit approved by the Town subject to the standards of this Section. At the time of permit application, the Director may require the applicant to submit a visual impact analysis of the proposed facility using mock-ups and photomontages.

B. Site selection. Sites for cellular wireless communications shall be selected according to the following order of preference:

1. On existing structures (e.g., a building, church steeple, communication tower, freestanding sign, water tank, etc.);

2. In locations where the existing topography, vegetation, or other structures provide the greatest amount of screening; or

3. On vacant land without significant visual resources and only in commercial, industrial, and public zoning districts.

As part of the application process, applicants for cellular wireless communication facilities shall be required to provide written documentation demonstrating a good faith effort in locating facilities in compliance with the site selection standards above.

C. Prohibited areas. Wireless communications facilities shall not be established within a residential zoning district or on a parcel that contains a legally established residential use.

D. Co-location. Town agencies, special districts, and utility providers shall encourage and allow co-location of cellular equipment on appropriate existing structures and towers subject to reasonable engineering requirements.

E. Construction materials. Telecommunication facilities shall be constructed of metal or other non-flammable and non-reflective materials.

F. Painting. The equipment and supporting structure shall be painted a single, neutral, nonglossy color (e.g., earth-tones, sky blue, light gray, sea ranch green, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

G. Setbacks. Equipment shall not be located within any setback in any zoning district, and shall not extend beyond the property lines. Telecommunication facilities shall be set back at least 20 percent of the tower height from all property lines and at least 100 feet from any public trail, park, riparian corridor buffer setback area, or outdoor recreation area.

H. Signs. Identification signs, including emergency phone numbers of the cellular service provider, shall be posted and readable at ground level at all equipment and tower sites. Signs shall not exceed four square feet in area.

I. Undergrounding required. Electrical and equipment wiring shall be placed underground.

J. Unused/obsolete equipment. Unused/obsolete equipment or towers shall be removed from the site within six months after their need has ceased.

K. Tower support. Towers shall be single pole self-supportive. The use of guy wires is prohibited.

L. Compliance with FCC regulations. Telecommunication facilities shall comply at all times with all applicable Federal Communications Commissions (FCC) and Federal Aviation Administration (FAA) rules, regulations, and structures.

M. Lighting. All telecommunication facilities shall be unlit except for the following:

1. A manual-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and

2. The minimum tower lighting required which shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

N. Height. Telecommunication facilities shall not exceed the height limit from grade established by the base-zoning district for the proposed facility, at the highest point of the antenna. An approved use permit may modify this provision if strict compliance would result in substandard reception/transmission.

O. Roads and parking. Existing roads shall be used for access, whenever possible. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, roadways shall meet the width and structural requirements of the Fire Chief and Town Engineer.

P. Noise and traffic. All telecommunication facilities shall be constructed and operated in a manner as to minimize the amount of disruption caused to nearby properties. Back up generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

Q. NIER exposure. No telecommunication facilities or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC adopted NIER (Nonionizing Electromagnetic Radiation calculations) standard for human exposure. Every telecommunication facility within 400 feet of an inhabited area shall demonstrate continued compliance with the NIER standard by submitting to the Planning Director a report annually demonstrating compliance with the FCC adopted NIER standard for human exposure.

R. Town of Windsor Exemption. The Town of Windsor is exempt from the provisions hereof when the telecommunication facility is located on Town owned property and approved by the Town Council.

27.34.210 – Mini-Warehouses

A. Setbacks. The minimum setback from the front property line shall be 10 feet, except that for sites located within 300 feet of a residential district, any enclosed structure, fencing, storage or parking area shall be set back a minimum of 20 feet. Variation of the setback to avoid the appearance of a continuous wall along the street frontage is strongly encouraged. Side and rear yard setbacks shall be as required for the zoning district, except that when the site is adjacent to a residential district, any enclosed structure, storage or parking area shall be set back a minimum of 20 feet.

B. Landscaping. All required setback areas shall be landscaped. Landscaping shall consist of a variety of evergreen and deciduous trees, high-profile shrubs, suitable ground cover and native grasses.

C. Screening. Fencing shall be provided around the sides and rear of the project. Such fencing shall be solid wood or masonry and shall be constructed to prevent the passage of debris or light and shall not be less than 6 feet as measured on the side with the highest ground elevation.

D. Building design. The project shall be designed to ensure compatibility with existing or anticipated development in the vicinity and the overall community. This can be accomplished by avoiding the appearance of a walled enclave along the street frontage, by providing architectural relief in the form of roofline variation, change in materials and the use of window treatments. Blank walls are to be avoided. The design of the project shall be oriented to the street and promote an inviting, walkable street environment.

E. Building heights. Enclosed structures shall be one and two stories in height not to exceed 35 feet, except that for sites within 300 feet of a residential district, structures of a minimum height of 20 feet shall be used on the outside perimeter adjacent to the residential district as physical barriers to protect adjacent residences from noise, nighttime glare and visual activity. (Revised 08/1/01, ORD. 2001-148)

F. Mixed uses. Mixed-uses, including residential and/or office uses should be located along the street frontage with driveway access to the mini-warehouse located behind the mixed-use to promote the Town design goals of defensible space along the street frontage.

CHAPTER 27.36 - TREE PRESERVATION AND PROTECTION

27.36.010 - Purpose of Chapter

The Town of Windsor is endowed with a wide variety of both native and non-native trees, giving the Town a unique visual character. Trees are a source of great beauty, provide shade and other environmental benefits, enhance property values, create community identity, and generally enhance the quality of urban life. The Town is committed to planting new trees, as well as protecting all existing trees to the greatest extent practicable.

This Chapter provides regulations for the protection, preservation, and maintenance of native Oak trees and trees of significance, groves and stands of mature trees, and mature trees in general. It is also the intent of this Chapter to perpetuate these trees through the replacement of trees removed as a result of a new development.

27.36.020 - Applicability

The provisions of this Chapter shall apply in all zoning districts to the removal or relocation of protected trees as identified in Section 27.36.040 (Protected Trees). Exceptions to the provisions of this Chapter are outlined in 27.36.030 (Exceptions). Town sponsored/funded projects are subject to tree protection and preservation requirements but are exempt from security deposit requirements.

27.36.030 - Exceptions

The removal or relocation of protected trees is exempt from the provisions of this Chapter under the following circumstances.

A. Existing trees on residential property. Existing trees on single-family residential property less than one acre in size but not including protected trees, or trees that were required to be preserved, relocated, or planted as a condition of approval of a Tree Removal Permit or other discretionary permit.

B. Emergency situation. Cases of emergency where the Director, a member of a law enforcement agency, or the Windsor Fire Department, determines that a protected tree poses an imminent threat to the public safety, or general welfare. In the case of an emergency situation on private property where persons or property are threatened the tree may be removed under the following conditions:

EMERGENCY REMOVAL CONDITIONS

1. Abatement

When a tree has partially failed and persons or property are threatened the tree may be removed without Town review or approval. The Town does not require an arborist report before the removal in this instance.

2. Authorization

Such cases must be substantiated after the fact by the property owner and tree professional with photographs, abatement information, insurance claim or other relevant information as well as completion of a Protected Tree Removal Application. The information is to be submitted to the Town Planning Department within five days of emergency removal. All other authorizations are subject to the standard procedure for tree removal.

C. Traffic visibility obstructions. Removal or relocation of trees necessary to maintain adequate line-of-sight distances as required by the Town's Traffic Engineer or Director of Public Works.

D. Public utility damage. Removal of trees for the protection of existing electrical power or communication lines.

E. Nursery. Removal of trees planted, grown, or held for sale by a nursery.

F. Orchards. Removal of orchards or fruit trees grown, planted, or held for sale for cash crop or commercial purposes.

27.36.031 - Hazardous Trees

Property owners are responsible for the trees on their own property. The Town does not require advance permission for removal of Protected or Designated Trees in emergencies. However, it does require documentation of the problem after the fact. This is to avoid the unlawful removal of sound trees on the grounds that they are hazardous. If there is no immediate danger, and the structural deficiency can be corrected, it should be. If the Town determines that there was no reasonable basis for believing there was an emergency, the property owner may face penalties for violating this Ordinance.

The health and safety of a tree are two distinct and separate functional characteristics. A vigorous and healthy tree may not necessarily be of sound wood or structure. To remove a dangerous protected or designated tree, it must first be evaluated and the tree determined to be "hazardous" as defined in this section. This must be verified in writing by the Town Arborist before the tree can be removed.

A. Tree Hazard Responsibility. On private property, it is the responsibility of the property owner to mitigate or abate a known hazardous condition of a protected or designated tree that may be of questionable structure or deemed as hazardous. Most tree hazards can be prevented with regular checkups by a tree care professional and timely maintenance action by the property owner.

B. Recognizing Tree Hazards - Criteria and Evaluation of Hazards. Determining whether or not a tree's defects constitute a condition that presents an imminent hazard to an area requires a high degree of knowledge and experience. Hazard tree assessment of a protected or designated tree should only be evaluated by an arborist. Refer to the Town of Windsor "TREE TECHNICAL MANUAL" for specific criteria in evaluating tree hazards. The manual includes a checklist for evaluation as well as reduction and prevention methods.

C. Town Liability for Public Right-of-Way, Publicly Owned Property. In the event that a tree on private property is evaluated by an arborist and a report is submitted that indicates that a tree may be a hazard to the public (overhang sidewalk, buildings, pedestrian use area, etc.) but recommends for reasons of health, maturity, etc. that the tree be retained, the Town may require that Risk Management review and make a determination on the issue of liability. If the tree is determined by the Town's Risk Manager to be a liability, maintenance and/or removal may be required. Payment of costs shall be determined by the Town Manager or his/her designee.

27.36.032 – Tree Technical Manual

Regulations to implement this Ordinance are entitled "Tree Technical Manual". The manual will be made available to the public and shall include but not be limited to standards and specifications regarding: (1) protection of trees during construction; (2) replacement of trees; (3) maintenance of protected trees; (4) format and content of tree plans/reports.

27.36.040 - Protected Trees

A protected tree is any of the following:

A. The following native oak trees six inch or greater:

Black Oak (Quercus kelloggii)	Valley Oak (Quercus lobata)
Blue Oak (Quercus douglasii)	Interior Live Oak (Quercus wislizenii)
Coast Live Oak (Quercus agrifolia)	Oracle Oak (Quercus x morehus)
Oregon Oak (Quercus garryana)	Chase Oak (Quercus x chaseii)

The following trees:

California Buckeye (Aesculus, californica) six inch or greater
California Bay (Umbellularia, californica) twelve inch or greater

Size is trunk diameter measured at a height of 4.5 feet from surrounding grade. Multiple trunk trees must possess at least one trunk with the above diameter (based on species) to be considered protected. (Smaller trees may also be protected under special circumstances. On projects where Planning Commission/Town Council approval is not required, determination will be made at the direction of the Planning Director.)

B. Heritage trees as identified by Council resolution

C. Significant groves or stands of trees. On projects where Planning Commission/Town Council approval is not required, determination will be at the direction of the Planning Director.

D. Mature trees located on a parcel of one acre or more. Smaller trees may also be protected under special circumstances. On projects where Planning Commission/Town Council approval is not required, determination will be at the direction of the Planning Director.

E. Any tree required, to be planted or preserved, as environmental mitigation for a discretionary permit.

F. Landmark trees are trees identified during the development process and for which preservation is encouraged during the design phase of the project by keeping development and construction activity outside the designated Tree Protection Zone (TPZ). An arborist report prepared by a Town approved arborist shall be prepared assessing the structural integrity and health of the tree(s). Project developers should be aware of their significance and understand that special measures, unusual protection techniques, and more rigid preservation standards will apply. Development density and project layout may be affected where landmark trees are located in order to protect them. Over-mature, senescent, or ancient trees may not qualify for preservation if they are unstable, hazardous, in poor health, or otherwise unsuited for preservation in an urban setting. However, if older larger trees are not in optimum condition that in itself would not be a reason for removal.
(Revised 04/18/07, ORD. 2007-214)

Landmark trees shall be designated on the development plan for preservation and protection. When a tentative map is part of the development entitlement the conditions shall include the following notes to be recorded on the map:

1. The location of the tree shall be identified by lot/parcel number.

2. The Tree is subject to all regulations of the Tree Protection Ordinance.

3. Maintenance shall be completed in accordance with the Tree Technical Manual.

4. Tree Removal is subject to Planning Commission review and action.

5. Standard Tree Protection Notes including references to the arborist report and supplemental reports shall be included.

27.36.050 - Preservation of Existing Trees

A. The design of each project shall recognize the desirability of preserving protected trees to the greatest extent feasible. The design of the grading and site improvements shall reflect consideration of the following safeguards:

1. Provision of sufficient growing areas as required by individual species;

2. No disruption or removal of structural roots;

3. Fencing of trees at or beyond their drip lines during grading and construction activities;

4. No ornamental landscape, filling, cutting, development, or compaction of soils within the drip line;

5. Preservation of oak leaf litter below the drip line; and

6. Other measures required by the particular species of tree(s) to be preserved as recommended by the consulting arborist, horticulturist, or landscape architect.

B. It is recognized that the preservation of all existing trees on a development site may sometimes conflict with reasonable land developmental considerations (e.g., adequate drainage, grading, circulation, safety, and provision of utilities.) However, the design of the proposed development shall address preservation of the most desirable and significant of the healthy trees and the developer is encouraged to utilize creative land planning techniques to achieve this goal.

C. Grading and landscaping plans shall implement the approved tree preservation plan. The locations of all protected trees shall be indicated on the plans by the number of the tree as described in the tree study. Notes shall identify which trees are to be preserved and which may be removed. Plans shall be consistent with the required tree protection mitigation measures included in the project application, initial study, mitigated negative declaration, or environmental impact report and monitoring plan, and the conditions of the development approval.

D. Prior to use inauguration, the preserved trees shall be trimmed for healthy balance, structural integrity and ornamental appearance.

E. The precise vertical and horizontal locations (plus or minus one foot) of all protected trees to be preserved or removed shall be shown on the site plan as part of the initial application unless the project does not involve exterior alterations or construction activities.

27.36.051 - Project Arborist Requirements

The Town strongly recommends the use of a Town arborist in the preparation of any required arborist report or Tree Preservation and Protection Plan. Arborist reports must be prepared by an arborist, pre-approved by the Town of Windsor. All approved arborists must possess a current Certified Arborist Certificate from the International Society of Arboriculture and be a current member of the American Society of Consulting Arborists. An applicant may submit an arborist report prepared by his/her own arborist who is certified, however, the report will require a peer review pre-approved Town arborist at the applicant's expense. A deposit fee will be collected when an application is submitted for review. The fee will be used to cover the cost of report preparation and recommendations. Additional fees will be collected if the actual costs exceed the initial deposit fees. The applicant will be provided with a written request for the fees. If the initial deposit fee exceeds the final report costs the applicant will be refunded the difference.

In the event that an applicant's arborist is used and the recommendations conflict with the Town arborist recommendation, the Planning Director will make a decision on the recommendations.

27.36.060 - Tree Removal

A. Permit required. No protected tree shall be removed, cut down, or otherwise destroyed, unless a written permit is issued by the Planning Department. For individual sites including single-residential lots a "Tree Removal Permit" must be completed and submitted to the Planning Department for review and action. For site development that allows for tree removal as part of a project's conditions of approval, the written permit may be in the form of signed authorization by the Planning Department, a tree preservation plan signed by the Planning Department, written approval for a grading permit, encroachment permit, or other similar permit. In all cases, removal of a protected or designated tree requires written authorization from the Planning Department.

B. Tree replacement requirement. The following conditions determine whether a protected or designated tree must be replaced.

1. Protected Trees – If the Town authorizes the removal of a protected tree(s) because it is dead, dangerous, or a nuisance, no tree replacement is required. In all other cases, the tree(s) must be replaced, with the exception of protected trees approved for removal by the approving body in relation to a development application.

2. Designated Trees – The Planning Director or the Director's designee shall require tree replacement if it is necessary or desirable to implement the intent of the original site design. The number and nature of the replacement trees shall be determined by the Director or designee, taking into consideration the value of the tree removed and the site design.

3. Street Trees – If the Town authorizes removal of a street tree in connection with a development project, it shall specify the replacement requirements in the permit authorizing removal.

4. Development Projects - If a project applicant chooses to remove trees only from development areas (building envelopes, access roads, etc.), the project applicant may be required to replace the tree/trees. Refer to the "Town of Windsor Tree Technical Manual" Sections 6.20, 6.30, 6.40 and 6.50 for approved forms of tree replacement. On projects where Planning Commission/Town Council approval is not required, replacement will be at the direction of the Planning Director. If the protected tree is dead, dying, or diseased replacement/in-lieu fee will not be required. For development projects that require Planning Commission/Town Council approval, protected trees authorized for removal will be addressed as part of the development conditions of approval. The approving body shall be the deciding factor on appropriate replacement/in-lieu fee and the project will be conditioned accordingly.

5. Development and General Plan Density Issues – The Town Council and/or Planning Commission may direct removal of protected and designated trees for development purposes. Certain levels of removal at the direction of the Council and/or Commission may be allowed to meet density and housing goals and policies of the General Plan. These levels are solely at the discretion of the Council and/or Commission and certain criteria and review is required, prior to a final determination. See the Tree Technical Manual for additional criteria.

C. Appraisal valuations. All trees to be replaced shall be the same native species as those removed, unless specific approval has been granted, by the Director. Appraisal value shall be determined by using the most recent edition of the "Guide for Plant Appraisal", published by the Council of Tree and Landscape Appraisers. The appraisals shall be completed on the most recent "Form for Northern California" published by the International Society of Arboriculture.

D. Location of replacement trees. Replacement trees may be located on residentially zoned parcels of at least 1.5 acres and on any commercial or industrial zoned parcel, regardless of size, where feasible. Where infeasible, replacement trees may be located on public land or maintained private open space. In-lieu fees may be used to acquire and protect stands of native trees in preserves or place trees on public lands.

E. Diseased or hazardous trees. In no case shall an applicant for a Tree Removal Permit be required to replace or otherwise pay for the value of a tree that is diseased or in danger of collapse, or that the Town has requested to be removed.

F. Posting of notification of pending permit. The applicant shall be issued a summary notice to be posted on a pole, tree, or fence nearest to the front of the subject parcel. Copies shall be posted on each corner of the parcel visible to the public. The notice shall state, "Application has been made to the Department to cut and/or damage certain trees on this site, previously described in a Council resolution as a protected tree. A copy of the tree removal plan is on file with the Department."

G. Considerations for denial of Tree Removal Permit. A finding of any one of the following situations shall be grounds for denial of the permit.

1. Removal or damage of a healthy tree could be avoided by:

    a. Reasonable redesign of the site plan prior to construction;

    b. Trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Director.

2. Adequate provisions for drainage, erosion control, land stability, windscreen buffers along the road and between neighbors have not been made where these problems are anticipated as a result of the removal.

3. The tree to be removed contains an active bird nest of a rare and endangered species and relocation of the nest is not possible.

H. Security Deposits. A security deposit shall be posted to cover the value of protected trees for preservation. The security deposit will be collected with and subject to the same requirements as site improvements. Typical methods may be improvement agreements, encroachment permit, building permit, or other similar methods used by the Town to secure improvement requirements. Release of security for tree preservation shall be the same as the time frames defined within the agreement/permit method used to secure improvements.

Security deposits for tree preservation shall be subject to a tiered system as defined below.

1. Up to the first $100,000 of tree value the deposit is 20%, thereafter tree valuations in excess of $100,000 shall be 10% of the valuation in excess of $100,000. Total security deposit amounts for any project shall not exceed $50,000.

Creeks, riparian corridors and significant groves or stands of trees are considered a biological resource and construction activity is restricted from these areas. Creeks, riparian corridors and significant groves or stands of trees are exempted from security deposit requirements.

Town of Windsor sponsored/funded projects are exempt from security deposit requirements.

If any tree fails to survive, or declines to a point where it is deemed to not be expected to survive, the Town may use the security value of the dead or declining tree(s) to purchase new trees for on or off-site use. In the event that replacement cannot be accomplished on-site, the security will be placed in a fund with the Town of Windsor for use in planting trees within public right-of-way, parks, public landscape areas, or other areas as deemed appropriate by the Town of Windsor.

If a tree or trees, that have been designated to be protected, are determined to have failed or died on their own and not through impacts from development, the security deposit shall not be used for replacement. This determination shall be made at the discretion of the Planning Director and may include an evaluation by the Town arborist, the cost to be borne by the developer.

NOTE: Single developed lot property owners that are proposing remodels, additions, pools, etc. are exempt from security deposits.

27.36.061 Tree Mitigation (Revision 02/21/07, ORD. 2007-212)

An arborist report is required for all development project sites that contain protected trees. The Town maintains a list of arborists approved to work on Town projects. An initial deposit amount to prepare the report shall be paid by the owner/developer of the project. The deposit amount will be used to cover the cost of the report preparation. Additional fees will be collected if the actual costs exceed the initial deposit amount. If an arborist is utilized who is not on the list that arborist's report is subject to a peer review by an approved Town arborist with the cost to be borne by the developer/owner of the project. Tree mitigation may be in the form of in-kind replacement, in-lieu replacement, and/or a combination of both.

A. New Commercial and/or Residential (2 or more units) Development Projects. In the event that there are no viable and/or practical alternatives except to remove a protected tree, the Town will require mitigation. All removed protected trees shall be replaced at the following ratios:

- All protected trees, determined by the project arborist to be in good (4) or excellent (5) health, and/or with moderate (3) to good (4) structure, shall be replaced on a one-to-one trunk diameter basis. (Example: A 24-inch protected tree in good or excellent condition must be replaced with new trees totaling 24 inches in trunk diameters.)

- All protected trees, determined by the project arborist to have fair (3) or marginal (2) health, and/or with marginal (2) structure, shall be replaced on a two-to-one trunk diameter basis. (Example: A 24-inch protected tree in fair-to-marginal condition must be replaced with new trees totaling 12 inches in trunk diameter.

- All protected trees, determined by the project arborist to have poor (1) health or poor (1) structure, are not required to be replaced.

1. Tree Mitigation. An approved arborist must determine that a tree designated for preservation in a development project has a good chance at long-term survival as determined by an assessment of proposed development impacts. Simply preserving a tree does not excuse it from designated mitigation requirements; it must, in the professional opinion of the arborist, have a good chance to survive after all the impacts of construction are considered.

a. In-Kind Replacement: If the location of replacement tree planting will remain as a natural area suitable for the healthy and long-term growth of native trees, replacement of protected trees should occur in-kind. That is, a native tree species shall be replaced with the same native tree species. If the location of replacement tree planting will be part of an irrigated, ornamental landscape area, replacement of protected trees may occur with a water tolerant oak tree species as identified by the project arborist. If an oak tree species cannot be used the project arborist may recommend a high-value ornamental tree species (as designated by a 70% species rating in the *Species Classification and Group Assignment Handbook*, which is an official publication of The Western Chapter of the International Society of Arboriculture).

Replacement tree ratios shall be applied as follows:

- 24-inch box replacement tree = 2-inch replacement trunk diameter
- 36-inch box replacement tree = 3-inch trunk replacement diameter
- 48-inch box replacement tree = 4-inch trunk replacement diameter

Replacement trees shall be a minimum 24-inch box size. If less than 6 inches are required, any combination of box sizes may be utilized. Where more than 6 inches of total replacement trunk diameter are required, the following minimum ratios of replacement tree sizes must be incorporated:

- 50% minimum must be a 48-inch box.
- 50% may be any combination of 24-inch and 36-inch boxes

Example: If a project requires removal of one 24" protected tree, a total of 24 trunk inches must be replaced. At least 12" of replacement trees must be 48" boxes. This requires at least 3 –48" boxes, and the balance of the requirement may be composed of either 24" or 36" boxes. If 36" boxes are chosen, then 4 would be required. A total of 24" of replacement trunk may be composed of 3-48" boxes plus 4-36" boxes.

Example: If a project requires removal of a 12", 26", and 10" protected trees, a total of 48 trunk inches must be replaced. At least 24" of replacement tree must be 48" boxes. This requires at least 6 – 48" boxes and the balance of the requirement may be composed of either 24" or 36" boxes. If 24" boxes are chosen, then 12 would be required. A total of 48" of replacement trunk may be composed of 6-48" boxes plus 12-24" boxes.

At the time of replacement, equivalent sizes of trunk are required. After ten years time it is expected that replacement trunks will yield an equivalent volume of canopy to that which was originally removed, even though the equivalent canopy will be spread across a greater number of individual trees. This achieves the Town's goal of "no net loss" of protected tree canopy.

b. **In-Lieu Replacement:** In the event that a development site is insufficient in size or use to plant any or all of replacement trees, the Town may accept payment of in-lieu fees by the applicant to the Town Oak Tree Fund. In-lieu fees will be utilized by the Town to purchase and install trees in future public open space, park space, or other areas designated for tree planting.

Replacement tree costs for the purposes of satisfying in-lieu fees shall be based on the following scale of typical northern California wholesale tree cost plus average installation cost:

- 24-inch box = 2-inch trunk diameter = $400
- 36-inch box = 3-inch trunk diameter = $800
- 48-inch box = 4-inch trunk diameter = $1,600

In-lieu fee replacement trees shall be a minimum 24-inch box size. If less than 6 inches are required, any combination of box sizes may be utilized. Where more than 6 inches of total replacement trunk diameter are required, the following minimum ratios of replacement tree sizes must be incorporated:

- 50% minimum must be a 48-inch box.
- 50% may be any combination of 24-inch and 36-inch boxes

Example: If a total of 24 trunk inches is to be replaced, the in-lieu fee requires half to be 48-inch box and the remainder may be 36-inch and/or 24-inch box. ((3, 48-inch (3 x $1,600), 2, 36-inch (2 x $800), and 3, 24-inch (3 x $400) for a total of $7,600)). (Revised 04/18/07, ORD. 2007-214)

2. Security Deposits. Security deposits may be collected with and subject to the same requirements as site improvements, as outlined in Section 27.36.060 H. Security deposits are subject to a tiered system based on a percentage of tree values with a deposit amount not to exceed $50,000. The project arborist prepares a final evaluation of the protected trees based on impacts, protection, and maintenance during the construction period. If a tree(s) is recommended for removal at the end of construction the security amount collected may not meet the requirements of this ordinance for replacement. The developer shall be subject to the replacement requirements outlined in this ordinance. The developer shall be responsible for payment of the difference between the bond amount and the mitigation amount defined in this ordinance. The health and structural rating of the project arborist report will be used in determining the mitigation amount of the lost tree(s).

B. Existing Residential Lots (additions, accessory structures, etc.) An arborist report is required for residential project sites that may impact protected trees. The Town maintains a list of arborists approved to work on Town projects. If an arborist is utilized who is not on the list that arborist's report is subject to a peer review by an approved Town arborist with the cost to be borne by the developer/owner of the project. Private property owners that are considering additions, decks, pools, and/or other accessory uses are required to identify protected trees that are located on the property and may be impacted by the proposed addition/use.

1. **Tree Protection/Removal Requirements.** The Town requires the land developer to protect and preserve trees during the development/ subdivision of residential parcels. The resulting lots are then sold to property owners with the understanding that the trees should be protected. Property owners may request any number of modifications to their properties that may in turn result in impacts to the protected trees. Lots with protected trees are subject to the following requirements for additions, pools, and/or other accessory uses that may result in an impact to the protected trees.

   a. An arborist report is required for all properties considering additions, pools, and/or accessory structures that may have an impact on a protected tree, including improvements within the tree protection zone.

b. In the event that there is no viable and/or practical alternative to removal of protected trees to accommodate the addition, pool, and/or accessory structure the following shall apply:

1. A request for a Tree Removal Permit for protected trees 15" or greater, determined by the project arborist to be in good (4) or excellent (5) health, and/or with moderate (3) to good (4) structure will require review and action by the Planning Commission at a noticed public hearing. The request will require a Tree Removal Permit, arborist report, statement justifying removal of the tree, and payment of a permit application fee. For protected trees 14" or less which are requested to be removed, the Planning Director shall review the request and make the determination for removal. If the Planning Director authorizes removal, mitigation shall be required either by in-kind replacement or in-lie fee payment, as defined in this ordinance. If the Planning Director denies the request for removal, the decision may be appealed.

2. A request for a Tree Removal Permit for all protected trees, determined by the project arborist to be in fair (3) or marginal (2) health, and/or with marginal (2) structure may be approved and require mitigation. The Planning Director shall review the request and make the determination for removal. If the Planning Director authorizes removal, mitigation shall be required either by in-kind replacement or in-lie fee payment, as defined in this ordinance. If the Planning Director denies the request for removal, the decision may be appealed.

3. A request for a Tree Removal Permit for all protected trees, determined by the project arborist to be in poor (1) health, poor (1) structure, or to be structurally unsafe or hazardous (1), will be approved and will not require mitigation.

c. Denial and/or appeal of a Tree Removal Permit and its conditions is subject to Section 27.36.090 – Appeals, Extensions, Revocation.

2. Tree Replacement Requirements:

a. **In-Kind Replacement –** In-kind replacement shall be the same as outlined in Section A.1.a. The arborist report shall specify the replacement value. The applicant/owner shall include a replacement landscape plan with the Tree Removal Permit. The building permit for the addition, pool, and/or other accessory use shall be conditioned to require installation of the replacement trees, prior to building permit final.

b. **In-Lieu Replacement –** In-lieu replacement shall be the same as outlined in Section A.1.b. The arborist report shall specify the replacement value. The

applicant/owner shall pay to the Town the in-lieu fee with the Tree Removal Permit. The building permit for the addition, pool, and/or other accessory use shall be conditioned to require a Tree Removal Permit and payment of the in-lieu fee, prior to initiation of the work.

C. Penalties for Unauthorized Tree Removal. Enforcement and Civil Penalties shall be applied to violations of this Tree Mitigation Ordinance per Section 27.36.100 Enforcement, in Chapter 27.36 of the Tree Preservation and Protection Ordinance.

Illegal or unauthorized removal of any protected tree will require payment of a determined 'replacement value,' as defined in Section 27.36.100, which is different and separate from mitigation replacement as addressed in Section 27.36.061.

27.36.070 - Tree Protection and Preservation Plan

A. Where an applicant proposes to remove one or more protected trees, the Director may require a tree plan for review by the Department.

B. Tree plans shall be prepared by an arborist, horticulturist, or registered landscape architect.

C. All Tree Protection and Preservation Plans must include the following basic information:

1. The location of all trees present that are greater than 6 inches in trunk diameter at a height of 4.5 feet above surrounding grade, including all that will be preserved, removed, or transplanted.

2. All trees that overhang the proposed project site and are located on immediately adjacent properties.

3. The report cover shall include the arborist's name, certification number, project reference name and address, and report date.

4. A cover letter describing the project site, the date of inspection and summarizing the total number of trees present, to be removed, and preserved.

5. A site plan that identifies the location of each tree, including its report reference number.
6. Assessment data for each tree.

7. Comments and observations regarding health or structure.

8. Estimate of the impacts of proposed development activities on long-term health and structural integrity.

9. Recommendations for removal or preservation based on the development impacts expected from the proposed plan.

10. Recommendations for modification of the proposed plan to reduce or eliminate impacts to the tree.

Refer to the Towns "TREE TECHNICAL MANUAL" for more detailed information related to the preparation and contents of the Tree Protection and Preservation Plan.

D. The Director may waive the requirement for a tree plan or the requirement for a survey based upon a determination that the tree(s) would have little or no ornamental value in an urban setting or that the tree(s) are located so that they would not be impacted by the proposed development.

27.36.080 - Tree Protection Requirements

The Director shall determine during project review whether and to what extent measures will be required to protect the existing trees during construction. This decision shall be based upon the proximity of the area of construction activity to existing protected trees. The protective measures shall include, but are not limited to, the following:

A. Prior to initiating any construction activity on a construction project, including demolition or grading, temporary protective fencing shall be installed at each site tree.

1. Fencing shall be located at the Tree Protection Zone (TPZ) illustrated on the Improvement Plans.

2. Fencing shall serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.

B. The Tree Protection Zone (TPZ) is illustrated on the Improvement Plans and represents the area around each tree, or group of trees, which must be protected at all times with tree protection fencing.

1. No encroachment into the TPZ is allowed at any time without approval from the project arborist.

2. Any unauthorized entry into the TPZ is a violation of this Ordinance and shall be subject to enforcement through civil, criminal or administrative remedies, including applicable penalties.

C. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area at all times until project is complete, and shall instruct personnel and sub-contractors as to the purpose and importance of fencing and preservation.

D. No grade changes shall be made within the protective barriers without prior approval by the Director.

E. No attachments or wires other than those of a protective or non-damaging nature shall be attached to a protected tree.

F. Excavation or landscape preparation within the protective barriers shall be limited to the use of hand tools and small hand held power tools and shall not be of a depth that could cause root damage.

G. When the existing grade around a protected tree is to be raised the project and/or Town arborist shall provide written directions on which method(s) may be used to drain liquids away from the trunk.

H. When the existing grade around a protected tree is to be lowered the project and/or Town arborist shall provide written directions on which method(s) may be used (terracing, retaining wall, etc) to allow the dripline to be left at the original grade.

I. No equipment, solvents, paint, asphalt, or debris of any kind shall be placed, stored, or allowed within the protective barrier.

Refer to the Town's "TREE TECHNICAL MANUAL" for additional information on tree protection requirements.

27.36.090 - Appeals, Extensions, Revocation

A. Appeals. The decision of the Director shall be considered final unless an appeal is filed in compliance with Chapter 27.52 (Appeals).

B. Expiration/extension. A Tree Removal Permit shall be exercised within one year from the date of approval or other time limit established through a discretionary permit approval. Time extensions, for up to a total of two additional years, may be granted in compliance with Chapter 27.44 (Permit Implementation and Time Extensions). If a Tree Removal Permit is not exercised within the established time frame, and a time extension is not granted, the provisions of Chapter 27.44 shall be initiated to consider the permit expired.

C. Performance guarantee. The applicant/owner may be required to provide adequate performance security for the faithful performance of conditions of approval imposed as part of the Tree Removal Permit.

D. Construction monitoring. Monitoring of tree protection and restoration measure specified as conditions of approval shall be performed by site inspection conducted by the Director.

E. Revocation. A Tree Removal Permit may be revoked or modified, as provided in Section 27.56.050 (Permit Revocation and Modification), with any of the following findings that the tree removal, relocation, or protection activities:

1. Cannot support the original findings;

2. Resulted from misrepresentation or fraud;

3. Has not been implemented in a timely manner;

4. Has not met, or has violated any condition of approval;
5. It is in violation of any code, law, ordinance, or statute;

6. Is detrimental to public health, safety, or welfare; or

7. Constitutes a nuisance.

27.36.100 - Enforcement

Enforcement. Any person who cuts, damages, or removes a protected tree in violation of this Chapter shall be deemed guilty of a misdemeanor and upon conviction may be punished in compliance with the applicable provisions of the law. A violation of this Chapter shall also constitute a public nuisance and may be abated and/or enforced through civil, criminal, or administrative proceedings in accordance with the Town Code. Further, a violation of this Chapter during construction may result in an immediate stop-work order until permits are obtained and required mitigation procedures are in place.

CIVIL PENALTIES

If a civil action or administrative enforcement is brought by the Town, a civil penalty in an amount not to exceed five thousand dollars ($5,000) per violation may be assessed, against anyone who violates any provision of this Ordinance or the Tree Protection and Preservation Plan.

Where a tree is illegally removed, or damaged to a degree that survival is not expected, the penalty shall be the replacement value of each tree, and shall be paid to the Town. Replacement values shall be developed using the most recent edition of the "Guide for Plant Appraisal," published by the Council of Tree & Landscape Appraisers. If a violation occurs during development, appraised values for each tree will be found in the Tree Protection & Preservation Plan. If a violation occurs outside the development process, values shall be determined by an arborist pre-approved by the Town.

Where a tree is illegally damaged, the damage cannot be fully corrected but the tree is expected to survive, then the penalty shall be the replacement value times the percentage of the tree damaged.

A civil or administrative action may also be implemented to provide appropriate relief to abate, enjoin, or otherwise compel the cessation of such violation.

If civil action is brought by the Town, the court shall award all costs associated with investigation, preparation for trial, costs of the trial, reasonable expenses including overhead and administration costs incurred when prosecuting the action, and reasonable attorney fees, to the prevailing party in such action.

(Revised 10/15/03, ORD. 2003-172)
(Revised 02/21/07, ORD. 2007-212)
(Revised 04/18/07, ORD. 2007-214)

CHAPTER 27.37 – MARIJUANA (NONMEDICAL) – INDOOR CULTIVATION

27.37.010 - Purpose of Chapter

It is the purpose of this chapter: to require that the indoor cultivation of marijuana occur only in appropriately secured, enclosed, and ventilated structures so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by marijuana plants from impacting adjacent properties; and to ensure that personal nonmedical marijuana cultivation remains secure and does not find its way to illicit markets; to establish reasonable limits on the personal cultivation of marijuana for nonmedical purposes within the Town of Windsor as defined by state law and subject to the provisions established herein. Nothing in this chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

27.37.020 - Applicability

All of the provisions of this chapter shall be immediately enforceable as to the personal indoor cultivation of nonmedical marijuana. Any person legally cultivating marijuana indoors prior to the effective date of this article shall have one hundred twenty (120) days from the effective date of this chapter to comply with the regulations. After the one hundred twenty-day (120) grace period, all the provisions of this article shall be immediately enforceable.

27.37.030 - Standards for Personal Indoor Cultivation (Nonmedical Marijuana)

The limit of six plants per residence for marijuana indoor cultivation (nonmedical) shall apply regardless of how many adult individuals reside at the private residence. Indoor cultivation may only occur within a private residence or fully enclosed and secure private residential structure. Attached and detached garages, designed and intended primarily for the use of vehicle parking are not considered private residences or fully enclosed and secure structures and may not be used for the cultivation of marijuana. Indoor cultivation may only occur in a locked space that is not visible by normal unaided vision from a public place.

Standards for personal indoor cultivation of nonmedical marijuana is as follows:

1. A Zoning Clearance, pursuant to Zoning Ordinance Section 27.42.020, shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this Zoning Ordinance for the proposed use.
2. The Town retains the right for Town officials to access a property to determine continued compliance with the standards for Personal Indoor Cultivation (Nonmedical Marijuana), pursuant to Zoning Ordinance Section 27.56.040.
3. No person other than an individual over 21 years of age may engage in the cultivation of nonmedical marijuana.
4. If the cultivation occurs in a dwelling unit, the dwelling unit shall retain at all times legal and functioning cooking, sleeping and sanitation facilities with proper egress. These

rooms shall not be used for nonmedical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.

5. Marijuana cultivation is permitted only on a lot or site with a dwelling unit. The primary purpose of the property on which the nonmedical cultivation occurs shall be as a private residence.
6. Indoor grow lights shall not exceed 1,200 watts and comply with the California Building, Electrical, Plumbing and Fire Codes as adopted by the Town. Gas products (CO2, butane, propane, natural gas, etc.) or generators may not be used indoors.
7. The residence or fully enclosed and secure structure used for the cultivation of marijuana must install a filtered ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Mechanical Code Section 402.3, Mechanical Ventilation, as amended. The filtered ventilation system must be approved by the building official and installed prior to commencing cultivation.
8. A fully enclosed and secure residential accessory structure used for the cultivation of nonmedical marijuana shall be located in the rear yard area of the property and must maintain a minimum ten-foot setback from any property line, and must comply with applicable height, site coverage and permit requirements of the Town of Windsor Zoning Ordinance. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.
9. Volatile solvents as defined in State Health and Safety Code Section l 1362.3(d) or generators are strictly prohibited and may not be used for the cultivation. manufacturing or processing of marijuana.
10. A portable fire extinguisher that complies with the regulations and standards adopted by the California State Fire Marshal and other applicable law. shall be kept in the area of cultivation at all times in a location that is easily accessible.
11. The private residence or the fully enclosed and secure structure shall comply with all provisions of California Building Standards Code (Title 24, California Code of Regulations) as adopted and amended by the Town of Windsor.
12. Adequate mechanical locking or electronic security systems must be installed to ensure the indoor nonmedical marijuana cultivation is secure from the entry or access or any person under 21 years of age and from theft or vandalism, prior to the commencement of indoor nonmedical cultivation.
13. Cultivation of indoor nonmedical marijuana shall only take place on impervious surfaces.
14. From a public right-of-way, there shall be no exterior evidence of nonmedical marijuana cultivation occurring on the property.
15. Written consent of the property owner to cultivate nonmedical marijuana within the residence or in a fully enclosed and secure structure shall be obtained and shall be kept on the premises, and available for inspection by the Building Official, Chief of Police, Fire Chief or their designee(s).
16. Public Nuisance Prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any lot, site, dwelling unit, and/or fully enclosed and secure structure within the Town to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any indoor location. A public nuisance may be deemed to exist, if such activity produces: (a) odors which are disturbing to people of normal sensitivity residing or present on adjacent

or nearby property or areas open to the public, (b) repeated responses to the parcel from law enforcement officers, (c) repeated disruption to the free passage of persons or vehicles in the neighborhood, (d) excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public, or (e) any other impacts on the neighborhood which are disruptive of normal activity in the area.

27.37.040 - Violation and Penalty

1. A violation of this article shall be prosecuted by the Town Attorney through the civil enforcement process, including injunctive relief, as set forth in Section 1-1-205 of the Town of Windsor Code. Each day a person is in violation of this article shall be considered a separate violation.
2. The administrative citation penalty for each and every marijuana plant cultivated in violation of this article shall be One Thousand Dollars ($1,000) per plant, plus One Hundred Dollars ($100) per plant per day the plant remains unabated past the abatement deadline set forth in the administrative citation.
3. Any property upon which a violation of this article is found shall be subject to immediate abatement by the Town.
4. In addition to any administrative penalty assessed for violation of this article, any person found in violation of this article will be charged abatement, actual, administrative and enforcement costs as defined in Section 1-1-260 of the Town of Windsor Code, calculated to recover the total costs incurred by the Town in enforcing this article.

Revised 04/09/18, ORD. 2017-318

CHAPTER 27.38: TEMPORARY HOUSING MEASURES FOR RECOVERY FROM THE NUNS AND TUBBS FIRES

27.38.010 - Purpose

This Chapter establishes interim regulations for the provision of temporary housing in response to the unprecedented loss of over 5,000 homes resulting from the Nuns and Tubbs fire events of October 8, 2017. The provision of temporary housing for people displaced by the fires and for workers who will be needed for recovery and reconstruction efforts will benefit the public health, safety and welfare by serving to stabilize the community and area's economy.

27.38.020 - Applicability

The temporary housing provisions of this Chapter are intended to serve people whose homes were destroyed by the Nuns and Tubbs Fires and workers who are involved in related recovery and reconstruction efforts.

27.38.030 - Location

The temporary housing options allowed by this Chapter shall be limited to properties that are located within the Town of Windsor town limits and that are zoned for residential or commercial uses by the Town of Windsor Zoning Ordinance.

27.38.040 – Temporary Housing Allowed on Residentially Zoned Properties

A. Single Units on Developed Residential Properties. The following may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with approval of a Ministerial Limited Term Permit.

1. One trailer, manufactured home or other similar structure when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures.

2. One recreational vehicle when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures. A recreational vehicle may also be allowed in the front driveway area of the property provided that it does not encroach into the public right-of-way when parked.

3. Use of an existing residential accessory structure with conditioned space, such as a pool house, guest house, recreation room or studio space, when in compliance with the following requirements:

a. The accessory structure shall have been constructed with a building permit.
b. The structure shall be subject to inspection by the Town of Windsor Building Official and Windsor Fire Protection District staff prior to occupancy as a temporary housing unit.

c. Compliance with any exiting and/or safety requirements determined to be necessary by the Town of Windsor Building Official and Windsor Fire Protection District staff.

4. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

B. Multiple Units on Developed Residential Properties. Multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. The total number of units, including any existing residence(s), does not exceed the maximum allowable density of the General Plan land use designation for the property.
2. The units are located in the side or rear yard area of the property and are sited in conformance with applicable side and rear yard setback requirements for accessory structures.
3. The total square footage of all structures on the property, permanent and temporary, does not exceed the maximum allowable lot coverage of the applicable zoning district.
4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit.
5. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

C. Units on Vacant Residential Properties. Single or multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for residential uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. The total number of units does not exceed the maximum allowable density of the General Plan land use designation for the property.
2. The units are sited in conformance with applicable front, side and rear yard setback requirements.
3. The total square footage of all structures on the property does not exceed the maximum allowable lot coverage of the applicable zoning district.
4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit. Parking for each unit shall be provided to the side or rear of the unit.
5. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

The Community Development Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

27.38.050 – Temporary Housing Allowed on Commercially Zoned Properties

A. Units on Vacant Commercial Properties. Single or multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for commercial uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. A 15-foot setback shall be maintained along the front, side and rear property lines.
2. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Zoning Ordinance standards for stall size and aisle widths.
3. A centralized refuse collection area shall be provided.
4. All units shall be accessible from a 20-foot wide emergency vehicle access way.
5. A minimum of 15-feet shall be provided between units to provide dedicated outdoor space for each unit.
6. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
7. Security lighting shall be provided to the satisfaction of the Town of Windsor Police Chief.

The Community Development Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

B. Units on Developed Commercial Properties. Placement of temporary housing units on developed commercially zoned properties is prohibited.

27.38.060 – Temporary Expansion of Existing Emergency Shelter Uses

A. Length of Stay. Existing emergency shelters, including shelters located at religious facilities, may extend the length of stay of shelter occupants until the expiration of the enacting ordinance.

B. Number of Beds. Existing emergency shelters, including shelters located at religious facilities, may increase the maximum number of beds to above 40, subject to review and approval of the Windsor Fire Protection District and the Town of Windsor Building Official.

C. Expiration of Expanded Use. The provisions of this section shall expire concurrently with the expiration of the enacting ordinance.

27.38.070 – Wine Country RV Park (8225 Conde Lane, APN 164-030-024).

A. Expansion of Non-Conforming Use. Additional recreational vehicles may be parked at the Wine Country RV Park property on a temporary basis, or a permanent basis with Town Council approval of any required permit(s) or other land use action(s).

For temporary parking of additional recreational vehicles, an Administrative Limited Term Permit approved by the Town Council shall be required, subject to the following:

1. Each RV unit shall acquire Town water service and electrical service. Sewage disposal to a legal disposal facility is the responsibility of each RV unit.
2. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
3. Any necessary approvals from the California Department of Housing and Community Development shall be secured prior to occupancy of the temporary units.
4. Parking of recreational vehicles and/or improvements needed to serve the additional temporary parking spaces shall avoid any impact to trees protected under the Town's Tree Preservation and Protection Ordinance.
5. Parking of recreational vehicles and/or improvements needed to the serve the additional temporary parking spaces shall be appropriately set back from any creek or waterway on or adjacent to the property.
6. Other conditions or requirements as determined to be appropriate by the Town Council.

Permanent expansion of recreational vehicle parking at the Wine Country RV Park may be considered subject to approval of any required land use entitlements by the Town Council.

27.38.080 – Limited Term Permit Required.

Unless otherwise stated in this Chapter, all temporary housing units permitted by this Chapter shall require approval of a Limited Term Permit. An application for a Limited-Term Permit shall be filed and processed in compliance with Chapter 27.40 (Applications - Filing and Processing).

A. Ministerial Limited Term Permit. A Ministerial Limited Term Permit processed at the staff level is required for a single temporary housing unit on a developed residentially zoned property.

B. Administrative Limited Term Permit. An Administrative Limited Term Permit considered through the administrative hearing process is required for more than one temporary housing unit on a developed residentially zoned property, for one or temporary housing units on a vacant residentially zoned property, for one or more temporary housing units on a commercially zoned property, and for additional recreational vehicle parking at the Wine Country RV Park.

C. Growth Control Ordinance. Limited Term Permits authorized by this Chapter are exempt from the Town's Growth Control Ordinance.

D. Public Notice. Notice of the administrative hearing required for an Administrative Limited Term Permit shall be sent to property owners and occupants located within 300 feet of the property a minimum of 10 days prior to the hearing.

E. Expiration of Permit. A Limited Term Permit shall expire concurrently with the expiration of the enacting ordinance or earlier if specified in the terms of the permit. The duration of all permits for temporary housing issued under the provisions of Ordinance 2017-320 or Ordinance 2018-321 shall automatically be extended and expire concurrently with the expiration of the current enacting ordinance for temporary housing.

Review Authority. The Community Development Director has the authority to elevate the review of any Administrative Limited Term Permit for Temporary Housing to the Planning Commission or Town Council when determined to be warranted in his/her opinion. Circumstances warranting elevation of review may include: unusual proposals or site conditions; requests for variation from applicable standards or procedures; and/or a high level of public interest or concern.

27.38.090 – Inspections

Inspection of a temporary housing unit and site by the Community Development Department, Public Works Department, Windsor Water District, and Windsor Fire District is required prior to occupancy of a temporary housing unit. The temporary housing unit shall comply with all Town, Windsor Water District, and Windsor Fire District requirements prior to use as a temporary housing unit.

27.38.100 - Fees

Because the provision of temporary housing for people displaced by the Fires and workers involved in the recovery and reconstruction efforts will provide an economic benefit to the Town by permitting residents to retain jobs, reside in the area, and shop in the community, and is temporary in nature, development impact and mitigation fees and application fees are not required and shall not be charged.

27.38.110 – Agreement

Property owners shall enter into an agreement with the Town and Windsor Water District governing the provision and termination of water and sewer services for temporary housing units prior to occupancy.

27.38.120 – Conflicting requirements

If a conflict occurs between the provisions of this Chapter and other requirements of the Zoning Ordinance, Station Area/Downtown Specific Plan, or Town of Windsor Municipal Code, the provisions of this Chapter shall control.

27.38.130 - Discontinuation of use

Upon the expiration of a Limited Term Permit for temporary housing or upon expiration of the enacting ordinance, the use of the property or structures for one or more temporary housing units shall cease and the condition of the property or structures shall be returned to the condition that existed prior to use for temporary housing.

27.38.140 - Land use, zoning, or other situations not addressed

The Community Development Director shall have the authority to make determinations regarding any land use, zoning, or other similar situation not addressed by this Chapter.

27.38.150 - Duration

All provisions of this Chapter shall be in effect until the expiration of the enacting ordinance. Any permits for temporary housing approved under the authority of this Chapter shall also expire at the time of expiration of the enacting ordinance.

27.38.160 – Appeals

Appeals of actions taken by the Administrative Hearings Officer on an Administrative Limited Term Permit application for Temporary Housing shall be considered by the Town Council.
(Rev. 04/09/18, ORD. 2018-322)

ARTICLE 4

Land Use and Development Permit Procedures

CHAPTER 27.40 - APPLICATIONS - FILING AND PROCESSING

27.40.010 - Purpose of Chapter

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Zoning Ordinance.

27.40.020 - Authority for Land Use and Zoning Decisions

Table 4-1 (Review Authority) identifies the Town official or body responsible for reviewing and making decisions on each type of permit application required by this Zoning Ordinance.

TABLE 4-1
REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)		
	Director	**Planning Commission**	**Town Council**
Administrative and Amendments			
Interpretations	Decision (2)	Appeal	Appeal
General Plan Amendments	Recommend	Recommend	Decision
Zoning Map Amendments	Recommend	Recommend	Decision
Zoning Ordinance Amendments	Recommend	Recommend	Decision
Land Use Permits/Development Approvals			
Comprehensive Sign Program	Recommend	Decision	Appeal
Limited-Term Permits	Decision (2)	Appeal	Appeal
Minor Use Permits	Decision (2)	Appeal	Appeal
Minor Variances	Decision (2)	Appeal	Appeal
Sign Permits	Decision (2)	Appeal	Appeal
Site Plan and Design Review			
a. Minor, 2 to 10 dwellings, or up to 20% increase in GFA (3)	Decision (2)	Appeal	Appeal
b. Major, 11 dwellings or more, or over 20% increase in GFA (3)	Recommend	Decision	Appeal
Specific Plan	Recommend	Recommend	Decision
Use Permits	Recommend	Decision	Appeal
Variance	Recommend	Decision	Appeal
Zoning Clearances	Decision (2)	Appeal	Appeal
Subdivisions			
Certificates of Compliance	Decision (2)	Appeal	Appeal
Lot Line Adjustments	Decision (2)	Appeal	Appeal
Minor Subdivisions	Decision (2)	Appeal	Appeal
Tentative Maps	Recommend	Decision	Appeal

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 27.54 (Appeals).

(2) The Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

(3) "GFA" means gross floor area.

27.40.030 - Application Preparation and Filing

A. Pre-application conference. A prospective applicant is strongly encouraged to request a pre-application conference with the Department before permit application submittal. The purpose of this conference is to inform the applicant of Town requirements as they apply to the proposed project, review the Town's permit review, possible project alternatives or modifications, and to identify necessary technical studies and required information relating to the environmental review of the project. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or disapproval of the application/project by Department representatives.

B. Application contents. Land use permit applications shall be filed with the Department using the forms provided by the Department. Applications shall include all necessary fees and/or deposits, and all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required by Chapter 27.42 (Permit Approval or Disapproval) for the approval of the permit or other approval being requested.

C. Compliance with Growth Control Ordinance. Any application for proposed residential dwelling units, whether through subdivision or non-subdivision application, shall include evidence of compliance with the Growth Control Ordinance, section 16-4.100 et seq., either through Reserved Allocations, exemption, or waiver. No application for proposed residential dwelling units shall be deemed complete until and unless the requirements of the Growth Control Ordinance have been met." (Revised 03/5/08, ORD. 2008-231)

D. Eligibility for filing. Applications may only be filed by the owner of the subject property, or other person with the written consent of the property owner.

E. Filing date. The filing date of any application described in this Chapter shall be the date when the Department receives the last submission of information or materials required by Subsection B., above, in compliance with Section 27.40.060 (Initial Application Review).

27.40.040 - Application Fees

A. **Fee schedule.** The Council shall establish a schedule of fees for the processing of the permit applications required by this Zoning Ordinance, hereafter referred to as the Town's Fee Resolution.

B. **Multiple applications**. The Town's processing fees are cumulative. For example, if an application for a Lot Line Adjustment also requires a Variance, both fees shall be charged. Unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees, at the discretion of the Director.

C. **Timing of payment**. An application shall not be processed until all required fees and deposits have been paid.

D. **Refunds and withdrawals.** The required application fees cover Town costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refunds due to a disapproval are allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

27.40.050 - Initial Application Review

Applications filed with the Department in compliance with this Zoning Ordinance and applicable provisions of State law shall be processed as follows:

A. **Completeness review.** The Director shall review all applications for completeness and accuracy before they are accepted as being complete and officially filed.

1. **Notification to applicant.** The applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.

2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 27.54 (Appeals).

3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by the following Subsection (A.4).

4. **Expiration of application.** If an applicant fails to provide the additional information specified in the Director's letter within six months after the first filing with the

Department, the application shall expire and be deemed withdrawn. The Director may grant one extension. After the expiration of an application, project approval shall require the submittal of a new, complete application.

5. **Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 27.40.070 (Environmental Assessment).

B. Referral. At the discretion of the Director, or where otherwise required by this Zoning Ordinance or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

CHAPTER 27.42 - PERMIT APPROVAL OR DISAPPROVAL

27.42.010 - Purpose of Chapter

A. Permit review procedures. This Chapter provides procedures for the final review, and approval or disapproval of the land use permit applications established by this Zoning Ordinance.

B. Subdivision review procedures. Procedures and standards for the review and approval of subdivision maps are found in the Town's Subdivision Ordinance.

C. Application filing and initial processing. Where applicable, the procedures of this Chapter are carried out after those described in Chapter 27.40 (Applications - Filing and Processing), for each application.

27.42.020 - Zoning Clearances

A. Purpose. Zoning Clearance is the procedure used by the Town to verify that a proposed structure or land use complies with the permitted list of activities allowed in the applicable zoning district, and the development standards applicable to the type of use.

B. Applicability. Where Article 2 (Zoning Districts and Allowable Land Uses) or other provision of this Zoning Ordinance requires a Zoning Clearance as a prerequisite to establishing a land use, a Zoning Clearance shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this Zoning Ordinance for the proposed use.

C. Review and approval. The Director shall issue the Zoning Clearance after determining that the request complies with all Zoning Ordinance provisions applicable to the proposed use.

27.42.030 - Site Plan and Design Review

A. Purpose. This Section establishes procedures for the Town's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs). These procedures are not intended to restrict imagination, innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Section are, therefore, to:

1. Recognize the interdependence of land values and aesthetics and encourage the orderly and harmonious appearance of development within the community;

2. Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;

3. Better protect the increasing values, standards, and importance of land and development in the community;

4. Retain and strengthen the visual quality of the community;

5. Assist project developers in understanding the public's concerns for the aesthetics of development, and

6. Ensure that development complies with all applicable Town standards and guidelines, and does not adversely affect community health, safety, aesthetics, or natural resources.

B. Applicability. Site Plan and Design Review approval is required for the following types of commercial, industrial, and institutional projects. This approval is also required for the following types of residential projects of two or more dwellings within a Planned Development (PD) or multi-family zoning district.

1. Construction. New construction on a vacant parcel.

2. New structures. New structures, additions to structures, and reconstruction projects.

3. **Substantial change.** Projects involving a substantial change or intensification of land use (for example, the conversion of an existing structure to a restaurant, or the conversion of a residential structure to an office or commercial use). All properties within the Windsor Station Area/Downtown Specific Plan area are subject to the requirements and standards of the Windsor Station Area/Downtown Specific Plan.
(Revised 02/06/13, ORD 2013-277)

C. Review authority. An application for Site Plan and Design Review shall be reviewed, and approved or disapproved by the review authority identified in Table 4-2. The Commission shall review any project that is not exempt from the California Environmental Quality Act (CEQA).

TABLE 4-2
REVIEW AUTHORITY FOR SITE PLAN AND DESIGN REVIEW

Project Features	Review Authority	
	Director (1)	Commission
Residential		
2 to 10 dwelling units	✔	
11 or more dwelling units		✔
A 20% or less increase in the number of units in an existing multi-family project.	✔	
A 21% or more increase in the number of units in an existing multi-family project.		✔
Commercial		
New structures subject to CEQA		✔
New structures exempt from CEQA	✔	
Additions to existing structures that are 50% or less of the existing gross floor area, and are 10,000 sq.ft. or less.	(2)	
Additions to existing structures that are 51% or more of the existing gross floor area, or are 10,001 sq.ft. or more.	(2)	✔
Projects of a limited size and scope that do not meet the criteria identified above.	✔	
Industrial		
New structures subject to CEQA		✔
New structures exempt from CEQA	(3)	
Projects of a limited size and scope that do not meet the criteria identified above.	✔	

Notes:

(1) The Director may instead refer any application to the Commission for a decision. The Commission shall be responsible for design review of any project that is not exempt from the California Environmental Quality Act (CEQA).

(2) When located within an existing commercial center, consistent with all applicable Zoning Ordinance provisions, and designed by a licensed architect. Commission approval is otherwise required.

(3) The land use shall be allowed by right, within an approved subdivision with adequate existing public improvements, when constructed on an interior parcel, not adjoining a residential land use.

D. Application filing and processing. An application for Site Plan and Design Review approval shall be filed and processed in compliance with Chapter 27.40 (Applications - Filing and Processing).

E. Project review. The review authority shall consider the location, design, site plan configuration, and the overall effect of the proposed project upon surrounding properties and the Town in general. Review shall be conducted by comparing the proposed project to applicable General Plan policies, any applicable specific plan, applicable Zoning Ordinance requirements, design guidelines, and other applicable Town requirements.

F. Review with other entitlements. Site Plan and Design Review applications for projects that also require the approval of a discretionary permit (e.g., Use Permit, Variance, etc.) shall be acted upon concurrently with the discretionary permit. The final determination shall be made by the highest level of review authority in compliance with Table 4-1 (Review Authority). The review authority may approve, or approve with conditions based upon the findings in Subsection H.

G. Notice and hearing. Any application for a Site Plan and Design Review shall be scheduled for a public hearing once the Department has determined the application complete. Notice of the public hearing shall be provided in compliance with State law and Town requirements.

H. Findings and decision. A Site Plan and Design Review application shall be approved if the review authority first finds all of the following:

1. The design and layout of the proposed development are consistent with the General Plan, any applicable specific plan, the development standards of the applicable zoning district, design standards/guidelines, and architectural criteria for special areas;

2. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments, and will not create traffic or pedestrian hazards;

3. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood;

4. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and will remain aesthetically appealing and be appropriately maintained; and

5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

I. Conditions of approval. In granting Site Plan and Design Review approval, the review authority may impose any reasonable conditions of approval to ensure that the project will comply with the findings required by Subsection H. above.

J. Post approval procedures. The procedures relating to appeals, project changes, issuance of a Building Permit, performance guarantees, and revocation in Article 5 (Zoning Ordinance Administration), and those in Chapter 27.44 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Site Plan and Design Review.

27.42.040 - Limited-Term Permits

A. Purpose. This Section establishes procedures for the granting of ministerial Limited-Term Permits for short-term activities.

B. Applicability. A Limited-Term Permit allows the short-term activities listed in Subsection D. (Allowed Temporary Uses) that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

C. Exempt temporary activities. The following allowed temporary activities are exempt from the requirement for a Limited-Term Permit. Activities that do not fall within the categories defined below shall comply with Subsection D.

1. **Car washes-Up to two days per month.** Car washes, limited to a maximum of two days each month for each sponsoring organization when conducted on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts.

2. **Construction yards-On-site.** On-site contractors' construction yards, in conjunction with an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

3. **Emergency facilities.** Emergency public health and safety needs/activities.

4. **Public property.** Activities conducted on public property that is approved by the Council.

D. Allowed temporary uses. The following temporary activities may be allowed within the specified time limits, but in no event for more than 12 months, subject to the issuance of a Limited-Term Permit by the Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.

1. **Car washes - More than two days per month.** Car washes, more than two days each month for each sponsoring organization when conducted on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts.

2. **Construction yards - Off-site.** Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

3. **Events.** Arts and crafts exhibits, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets for up to seven consecutive days, or six two-day weekends, within a 12-month period when conducted on non-residential properties.

4. **Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director, but not to exceed 12 months.

5. **Outdoor displays and sales.** The temporary outdoor display and sales of merchandise, in compliance with Section 27.34.140 (Outdoor Display and Sales) when conducted on non-residential properties.

6. **Seasonal sales lots.** Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residential properties, for up to 30 days.

7. **Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of one year from the date of approval.

8. **Temporary residence.** A temporary mobile residence as a temporary residence of the property owner when a valid Building Permit for a new single-family dwelling is in force. The permit may be approved for no longer than one year, or upon expiration of the Building Permit, whichever first occurs. The following criteria pertains to a temporary residence under this section.

    a. The temporary residence shall not be larger than 400 square feet.

    b. Shall not be located within a front yard setback.

    c. Shall be located within a side or rear yard and not beyond the front facade of the primary residence.

    d. A cash financial security shall be secured at the discretion of the Building Official and shall be sufficient to cover the cost of removal, if necessary.

e. Any proposed deviation from the above (a-d) may be considered through the Administrative Hearing process.
(Revised 03/03/04, ORD. 2004-178)

9. Temporary structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of one year from the date of approval, as an accessory use or as the first phase of a development project.

10. Temporary work trailers. A trailer or mobile home used as a temporary work site for employees of a business:

a. During construction or remodeling of a permanent commercial or manufacturing structure for a maximum of one year, or upon expiration of the Building Permit, whichever first occurs; or

b. Upon demonstration by the applicant that the temporary work site is a short-term necessity for a maximum of one year, while a permanent work site is being obtained.

11. Similar temporary activities. Similar temporary activities that the Director determines are compatible with the zoning district and surrounding land uses.

E. Application filing, processing, and review. An application for a Limited-Term Permit shall be filed and processed in compliance with Chapter 27.40 (Applications - Filing and Processing).

F. Development standards. The Director shall establish the following standards based on the type of temporary use, using the requirements of the applicable zoning district and Article 3 for guidance:

1. Floor areas, heights, landscaping, off-street parking, setbacks, signs, and other structure and property development features;

2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Ordinance; and

3. Limitation on the duration of approved "temporary structures," to a maximum of one year, so that they shall not become permanent or long-term structures.

G. Findings and decision. A Limited-Term Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

H. Post approval procedures. Procedures relating to appeals, performance guarantee, and revocation as identified in Chapter 5 (Zoning Ordinance Administration), in addition to those identified in Chapter 27.44 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Limited-Term Permit application.

1. **Condition of the site following temporary activity.** Each site occupied by a temporary activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Ordinance. A bond may be required before initiation of the activity to ensure cleanup after the activity is finished.

2. **Performance security for temporary structures.** Prior to issuance of a Limited-Term Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Limited-Term Permit.

27.42.050 - Use Permits and Minor Use Permits

A. Purpose. Use Permits and Minor Use Permits provide a process for reviewing uses and activities that may be desirable in the applicable zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location.

B. Applicability. A Use Permit or Minor Use Permit is required to authorize proposed land use activities identified by Article 2 (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a Use Permit or Minor Use Permit.

C. CEQA review. A Minor Use Permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in compliance with State law and the Town's CEQA Guidelines or it shall be processed as a Use Permit.

D. Filing. An application for a Use Permit or Minor Use Permit shall be filed and processed in compliance with Chapter 27.40 (Applications - Filing and Processing).

E. Project review, notice and hearing. Each application shall be analyzed by the Department to ensure that the application is consistent with the purpose and intent of this Section. The Director shall conduct a public hearing on an application for a Minor Use Permit; the Commission shall conduct a public hearing on an application for a Conditional Use Permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with State law.

F. Findings and decision. The review authority may approve or disapprove an application for Use Permit or Minor Use Permit approval. The review authority shall record the decision and the findings on which the decision is based. The review authority may approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Ordinance and the Town Code;

2. The proposed use is consistent with the General Plan and any applicable specific plan;

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

G. Conditions of approval. In approving a Use Permit or Minor Use Permit, the review authority may impose any conditions (e.g., buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, time limits, etc.) deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection E. (Findings and Decision).

H. Post approval procedures. Procedures relating to appeals, performance guarantee, and revocation as identified in Article 5 (Zoning Ordinance Administration), in addition to those identified in Chapter 27.44 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Use Permit or Minor Use Permit application.

27.42.060 - Variances

This Section allows Variances from the development standards of this Zoning Ordinance only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

A. Applicability. A Variance may be granted to waive or modify any requirement of this Zoning Ordinance except allowed land uses, residential density, specific prohibitions (for example, prohibited signs), or procedural requirements. The Director may grant a Minor Variance for a 10 percent maximum adjustment to any provision of this Zoning Ordinance eligible for a Variance. The Commission may grant all other Variances.

B. Application filing and processing. An application for a Variance shall be filed in compliance with Chapter 27.40 (Applications - Filing and Processing).

C. Project review, notice and hearing. Each application shall be analyzed by the Department to ensure that the application is consistent with the purpose of this Chapter. The review authority shall conduct a public hearing on the application. Notice of the

public hearing shall be provided, and the hearing shall be conducted in compliance with State law.

D. Findings and decision. The review authority may approve a Variance, with or without conditions, only after first making all of the following findings, as applicable.

1. General findings.

a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

b. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought.

c. Granting the Variance is consistent with the General Plan and any applicable specific plan.

2. Findings for off-street parking Variances. For a nonresidential development project proposing to locate a portion of the required parking at an off-site location, or provide in-lieu fees or facilities instead of the required on-site parking spaces, the review authority shall first make both of the following findings in compliance with State law (Government Code Section 65906.5), instead of those required by Subsection D.1 above.

a. The Variance would be an incentive to, and a benefit for, the subject nonresidential development; and

b. The Variance would facilitate access to the subject nonresidential development by patrons of public transit facilities.

E. Conditions of approval. In approving a Variance, the review authority:

1. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

2. May impose conditions (e.g., buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection D. above.

F. **Post approval procedures**. Procedures relating to appeals and revocation as identified in Article 5 (Zoning Ordinance Administration), in addition to those identified in Chapter 27.44 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Variance application.

CHAPTER 27.44 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

27.44.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the land use permits required by this Zoning Ordinance, including time limits, and procedures for granting extensions of time.

27.44.020 - Effective Date of Entitlements

The permits required by this Zoning Ordinance shall become effective on the 11th day following the date of the decision of the review authority, provided that no appeal has been filed in compliance with Chapter 27.54 (Appeals).

27.44.030 - Applications Deemed Approved

A land use permit application deemed approved in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Zoning Ordinance, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

27.44.040 - Performance Guarantees

An applicant may be required by conditions of approval, or by action of the Director, to provide adequate security to guarantee the faithful performance of any conditions of approval imposed by the review authority. The Director shall be responsible for setting the amount of the required security, after consultation with the Building Official.

27.44.050 - Time Limits and Extensions

A. Time limits.

1. Unless conditions of approval or other provisions of this Zoning Ordinance establish a different time limit, any permit or approval not exercised within two years of approval shall expire and become void in compliance with Subsection D. below, except where an extension of time is approved in compliance with Subsection B., below.

2. The permit shall not be deemed "exercised" until the permittee has substantially commenced the approved activity or has actually commenced the allowed use on the site in compliance with the conditions of approval.

3. The land use permit shall remain valid after it has been exercised as long as a building permit is active for the project or a final building inspection or certificate of occupancy have been granted.

4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within two years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be deemed void in compliance with Subsection D. below, except where an extension of time is approved in compliance with Subsection B., below. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and be deemed void.

B. Extensions of time. Upon written request by the applicant, the Director may extend the time for an approved entitlement to be exercised.

1. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the entitlement, together with the filing fee required by the Town's Fee Resolution.

2. The Director shall determine whether the applicant has made a good faith effort to exercise the entitlement. The burden of proof is on the applicant to establish, with substantial evidence beyond the control of the applicant (e.g., demonstration of financial hardship, legal problems with the closure of the sale of the parcel, poor weather conditions in which to complete construction activities, etc.), why the entitlement should be extended.

3. An entitlement may be extended no more than two additional six-month periods beyond the expiration of the original approval.

C. Action on extension.

1. Public hearing. If the original approval required a public hearing, the applicable review authority shall hold a public hearing on a proposed extension of a land use permit, and give notice in compliance with State law.

2. Director's action. Upon good cause shown, the first extension may be approved, approved with modifications or disapproved by the Director, whose decisions may be appealed to the Commission, in compliance with Chapter 27.54 (Appeals).

3. Commission action. One subsequent extension may be approved, approved with modifications, or disapproved by the Commission, whose decisions may be appealed to the Council.

D. Action on expiration.

1. Public hearing. If the time limit for exercising a land use permit provided by Subsection A. expires, the review authority for the original permit shall conduct a public hearing after notice in compliance with State law, to determine whether the permit should be deemed expired and void.

2. Decision. If the review authority determines that the applicant has not diligently pursued establishing the land use or constructing the project as authorized by the land use permit, or that all delays in progress were not entirely beyond the applicant's control, the review authority shall deem the land use permit expired and void. Otherwise, the review authority may grant one additional time extension in compliance with this Section.

E. Effect of expiration. After the expiration of a land use permit in compliance with Subsection E., no further work shall be done on the site until a new land use permit is first obtained.

27.44.060 - Changes to an Approved Project

Development or a new land use authorized through an entitlement granted in compliance with this Zoning Ordinance shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

A. Application. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved activity.

B. Public hearing. If the matter originally required public notice and a hearing, the Director shall hold a public hearing on the requested changes, and give notice in compliance with State law.

C. Director's action.

1. The Director may authorize changes to an approved site plan, architecture, or the nature of the approved activity if the changes:

   a. Are consistent with all applicable provisions of this Zoning Ordinance and the spirit and intent of the original approval;

   b. Do not involve a feature of the project that was a basis for findings in a negative declaration or environmental impact report for the project;

c. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority (e.g., the Director, Commission, or Council) in the approval of the entitlement; and

d. Do not result in an expansion of the activity.

2. The Director may defer action on the requested change(s) and refer the request to the original review authority for final action.

27.44.070 - Resubmittals

For a period of one year following the approval, disapproval, or revocation/modification of a discretionary entitlement, no application for the same or substantially similar discretionary entitlement for the same site shall be filed. The Director shall determine whether the new application is for a discretionary entitlement which is the same or substantially similar to the previously approved or disapproved entitlement. The determination of the Director may be appealed to the Commission, in compliance with Chapter 27.54 (Appeals).

ARTICLE 5

Zoning Ordinance Administration

CHAPTER 27.50 - NONCONFORMING USES, STRUCTURES, AND PARCELS

27.50.010 - Purpose of Chapter

A. This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Ordinance, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Ordinance or future amendments.

B. It is the intent of this Zoning Ordinance to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Chapter.

27.50.020 - Restrictions on Nonconforming Uses and Structures

A. Nonconforming uses of land. A nonconforming use of land may be continued, transferred, or sold, provided that the use shall not be enlarged or intensified, nor be extended to occupy a greater area than it lawfully occupied before becoming nonconforming.

B. Nonconforming structures. A nonconforming structure may continue to be used as follows:

1. Changes to or expansion of a structure. Changes to a nonconforming structure by addition, enlargement, extension, reconstruction, or relocation, may be allowed if the changes conform to applicable provisions of this Zoning Ordinance.

2. Nonconforming parking. See Section 27.30.040.H (Nonconforming Parking).

3. Maintenance and repair. A nonconforming structure may be maintained and repaired.

4. Seismic retrofitting and Building Code compliance. Repairs, alterations or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.

5. Other modifications allowed. The enlargement, extension, reconstruction, or structural alteration of a nonconforming structure to improve safety, reduce fire hazard and/or to improve the appearance of the structure may be allowed with Minor Use Permit approval.

6. Historical buildings. Buildings of historical significance in the CT district may be altered or enlarged with the Director's approval without conforming to new setbacks.

7. **Limited Incremental Expansion of Non-Conforming Uses and Structures within the Windsor Station Area / Downtown Specific Plan.** The Station Area / Downtown Specific Plan set forth a long-range vision for the development of downtown. This vision will evolve over many years, and may require incremental steps. **(Revised 02/06/13, ORD 2013-277)**

Station Area Plan Expansion of Residential Structures. Expansion to a nonconforming residential structure located in the Station Area / Downtown Specific Plan boundary, zoned Town Center Commercial, but not within the Downtown Core (as defined by the Station Area Plan Figure 2-1) may be permitted with Planning Commission approval provided it is in conformance with Section 27.08.040 and is consistent with similar development in the immediate area.

Conversion of residential structures to commercial uses: The conversion or expansion of non-conforming residential to commercial uses or structures outside the downtown core (defined by the Station Area Plan Figure 2-1) and zoned Town Center Commercial, may be permitted at the discretion of the Planning Commission. The intent is the re-use of the existing structures with interior improvements and minor exterior improvements to accommodate commercial uses. Conversion of residential structures to commercial uses is allowed if the following findings of fact can be made in an affirmative manner:

a. The proposed use is consistent with the General Plan.

b. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Station Area Plan and the Town Code.

c. The design, location, size, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.

d. The proposed use clearly represents incremental progress towards the fulfillment of the ultimate vision of the Station Area / Downtown Specific Plan by changing the use and or design.

e. The proposed use is not geographically positioned to impede the development of larger projects within the vicinity.

f. The site is physically suitable for the type, intensity of use being proposed, including access, utilities, and the absence of physical constraints.

g. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

h. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments, and will not create traffic or pedestrian hazards.

27.50.030 - Agricultural and Residential Exemptions

A. An involuntarily damaged or destroyed agricultural structure, or single- or multi-family dwelling may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

B. A nonconforming mobile home may be replaced with a new or newer and larger mobile home placed in the same location as the former unit, subject to Site Plan and Design Review (Chapter 27.64).

27.50.040 - Loss of Nonconforming Status

A. Termination by discontinuance.

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of six months or more, rights to legal nonconforming status shall terminate.

2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

3. Without further action by the Town, any further use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Ordinance.

B. Termination by destruction. Except as provided by Section 27.50.030.A, nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, provided that the structure may be repaired or rebuilt and reoccupied as follows.

1. If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the assessed value of the structure immediately before damage, the structure may be restored and the use continued if the restoration is started within one year of the date of damage and is diligently pursued to completion.

2. Minor Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the structure immediately before damage. Minor Use Permit approval shall require a finding, in addition to those contained in 27.68.040 (Findings and Decision), that the benefit to the public health, safety or welfare exceeds the detriment inherent in the restoration and continuance of nonconformity.

27.50.050 - Nonconforming Parcels

A. **Legal building site**. A nonconforming parcel that does not comply with the applicable area or width requirements of this Zoning Ordinance shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

1. **Approved subdivision.** The parcel was created by a recorded subdivision;

2. **Individual parcel legally created by deed.** The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;

3. **Variance or lot line adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or

4. **Partial government acquisition.** The parcel was created in compliance with the provisions of this Zoning Ordinance, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.

B. **Subdivision of a nonconforming parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

27.50.060 - Nonconforming Due to Lack of Use Permit

A. **Conformity of uses requiring Use Permits.** A use lawfully existing without a Use Permit that would be required by this Zoning Ordinance to have Use Permit approval, shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.).

B. **Previous Use Permits in effect.** A use that was authorized by a Use Permit but is not allowed by this Zoning Ordinance in its current location may continue, but only in compliance with the original Use Permit.

CHAPTER 27.52 - APPEALS

27.52.010 - Purpose of Chapter

This Chapter establishes procedures for the appeal and review of determinations of the Director or Commission.

27.52.020 - Appeal Subjects and Jurisdiction

A. Director decisions. A determination or decision by the Director may be appealed to the Commission.

B. Commission decisions. A decision by the Commission may be appealed to the Council, provided that a member of the Commission shall not be allowed to file an appeal of a decision rendered by the Commission.

27.52.030 - Filing and Processing of Appeals

A. Eligibility. Any action or decision by the Director, Department staff, or the Commission in the administration or enforcement of the provisions of this Zoning Ordinance may be appealed by any aggrieved person in compliance with this Chapter.

B. Timing and form of appeal. Appeals shall be submitted in writing and filed with the Department or Town Clerk, as applicable, on a Town application form, within 10 days after the date of the decision. The appeal shall state the pertinent facts of the case and the basis for the appeal. Appeals addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the Town Clerk. Appeals shall be accompanied by the required filing fee. Should the appeal period provided in this Chapter end on a day when the Town offices are closed, the last day to file an appeal shall be the next regular business day for the Town. (Rev. 4/10/02 Ord. 2002-157)

C. Report and scheduling of hearing. When an appeal has been filed, the Director shall prepare a report on the matter, and schedule the matter for consideration by the appropriate review authority identified in Section 27.52.020.

D. Action. If the matter originally required a public hearing, the Department or Town Clerk, as applicable, shall provide notice of the hearing in compliance with State law. At the hearing, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. The review authority may:

1. Affirm, affirm in part, or reverse the action, the determination or decision that is the subject of the appeal;

2. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or

3. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission for further consideration.

27.52.040 - Commission or Council Review

A member of the Commission may appeal an action of the Director; and a member of the Council may appeal an action of the Director or Commission. All provisions of this Chapter shall apply to such an appeal, provided however, no filing fee need be paid and further provided that there shall be no inference of bias attributed to the party undertaking such appeal.
(Revised 04/10/02, ORD. 2002-157)

CHAPTER 27.54 - AMENDMENTS

27.54.010 - Purpose of Chapter

This Chapter provides procedures for the amendment of the General Plan, the Zoning Map, and this Zoning Ordinance whenever required by public necessity and general welfare.

27.54.020 - Processing, Notice and Hearing

After the filing and initial processing of a proposed amendment in compliance with Chapter 27.40 (Applications, Processing, and Fees) the Commission and Council shall conduct public hearings regarding the amendment. Notice of the hearings shall be given in compliance with State law.

27.54.030 - Commission's Action on Amendments

The Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based on the findings in Section 27.54.050 (Findings).

27.54.040 - Council's Action on Amendments

A. Action to approve/disapprove. Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based on the findings in Section 27.54.050 (Findings).

B. Referral to Commission. If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification may be first referred back to the Commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan amendments] and 65857 [Zoning Map/Ordinance amendments]).

27.54.050 - Findings

An amendment to the General Plan, the Zoning Map, or this Zoning Ordinance may be approved only if all of the following findings are made, as applicable to the type of amendment.

A. Findings for General Plan amendments.

1. The proposed amendment would not make the General Plan internally inconsistent;

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

3. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/ anticipated land use developments.

B. Findings for Zoning Map/Ordinance amendments.

1. Findings required for all Zoning Map/Ordinance amendments:

a. The proposed amendment is consistent with the General Plan; and

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

2. Additional finding for Zoning Map amendments: The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.

3. Additional finding for Zoning Ordinance amendments: The proposed amendment is internally consistent with other applicable provisions of this Zoning Ordinance.

27.54.060 - Prezoning

A. Purpose. An unincorporated property within the Town's sphere of influence may be prezoned to the zoning district that would apply upon annexation to the Town.

B. Initiation and processing. A prezoning shall be initiated, processed, and approved or disapproved in the same manner as provided for other amendments by this Chapter.

C. Application of official zoning designation. Upon the effective date of annexation, the zoning designation established by prezoning shall become the official zoning designation of the site, and shall be so designated on the Zoning Map.

CHAPTER 27.56 - ENFORCEMENT

27.56.010 - Purpose of Chapter

This Chapter provides procedures that are intended to ensure compliance with the requirements of this Zoning Ordinance and the conditions of permit approval.

27.56.020 - Violations

A. Public nuisance. Any use, structure, or other activity on a site that is altered, enlarged, erected, established, maintained, moved, or operated, contrary to the provisions of this Zoning Ordinance, or any applicable condition of approval, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties specified in the Town Code, including this Chapter.

B. Infraction/misdemeanor.

1. Any person who violates or fails to comply with any provision of this Zoning Ordinance, or a condition imposed on any development permit, map, or license, shall be guilty of an infraction on each separate day the violation or failure to comply exists, except as otherwise specified in this Chapter.

2. Any person responsible for these violations who has previously been convicted three or more times during a 12-month period for any other violation(s) of this Zoning Ordinance shall be guilty of a misdemeanor.

C. Stop Work Order. Construction in violation of this Zoning Ordinance or a condition(s) imposed on a permit shall be subject to the issuance of a "Stop Work Order." A violation of a Stop Work Order shall constitute a misdemeanor.

27.56.030 - Remedies are Cumulative

A. Remedies provided by Zoning Ordinance. All remedies contained in this Zoning Ordinance for the handling of violations or enforcement of the provisions of this Zoning Ordinance shall be cumulative and not exclusive of any other applicable provisions of Town, County, State, or Federal law.

B. Other remedies. If a person is found guilty and convicted of an infraction or misdemeanor for the violation of any provision of this Zoning Ordinance, the conviction shall not prevent the Town from pursuing any other available remedies to correct the violation.

27.56.040 - Inspection

A. Access to premises. Every applicant seeking a permit application or any other action in compliance with this Zoning Ordinance shall allow appropriate Town officials access to the site that is the subject of the application. If the permit or other action is approved, the owner or applicant shall allow appropriate Town officials access to determine continued compliance with the approved permit and/or any conditions of approval.

B. Effect of refusal. Failure to allow inspections for compliance shall be grounds for revocation proceedings.

27.56.050 - Permit Revocation or Modification

An approved land use permit may be revoked, or conditions of approval or other provisions of the permit or entitlement may be modified by the Town in compliance with this Section.

A. Hearings and notice.

1. The review authority shall hold a public hearing to revoke or modify an application, entitlement, or permit granted in compliance with the provisions of this Zoning Ordinance.

2. Ten days before the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted.

3. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

B. Review authority action. A land use permit may be revoked or modified by the review authority which originally approved the permit (e.g., Director, Commission or Council), or the equivalent Town review authority for permits originally approved by the County, after first making one or more of the following findings:

1. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings required to grant the original permit can no longer be made;

2. Permit issuance was based on misrepresentation by the applicant, either through the omission of a material statement in the application, or in public hearing testimony;

3. One or more conditions of approval have not been completed or have been violated;

4. The use or structure for which the permit was granted no longer exists or has been suspended for at least six months, as defined in Chapter 27.50 (Nonconforming Uses, Structures, and Parcels); or

5. Improvements authorized by the permit are in violation of any code, law, ordinance, regulation, or statute.

C. Effect of revocation. The revocation of a land use permit shall have the effect of terminating the permit and denying the privileges granted by the original permit.

27.56.060 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that property is being used, maintained, or allowed to exist in violation of this Zoning Ordinance. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that other enforcement measures may be avoided.

A. Notice to responsible parties. The Director shall provide the record owner of the site and any person in possession or control of the site with a written Notice of Violation, which shall include the following information:

1. Explanation of the violation;

2. A time limit for correcting the violation, in compliance with Subsection B., below;

3. A statement that the Town intends to charge the property owner for all administrative costs associated with the abatement of the violation(s), in compliance with Section 27.56.080 (Recovery of Costs), and/or initiate legal action as described in Section 27.56.070 (Legal Remedies); and

4. A statement that the property owner may request and be provided a meeting with the Director to discuss possible methods and time limits for the correction of the violations.

B. Time limit for correction.

1. The Notice of Violation shall state that the violation shall be corrected within 10 days from the date of the notice to avoid further enforcement action by the Town, unless the responsible party contacts the Director within that time to arrange for a longer period for correction. The Director may approve a time extension where it is determined that the responsible party would likely correct the violation within a reasonable time.

2. If the Director determines that the violation constitutes a hazard to public health or safety, or if deemed appropriate, the Director may require immediate corrective action.

C. Use of other enforcement procedures. The enforcement procedures of Section 27.56.070 (Legal Remedies) may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation within a designated period of time.

27.56.070 - Legal Remedies

The Town may choose to undertake any civil action, civil remedy or penalty, or criminal prosecution or penalty allowed by law to correct and/or abate nuisances, or violations of this Zoning Ordinance.

27.56.080 - Recovery of Costs

This Section establishes procedures for the recovery of administrative costs (e.g., staff, legal, etc.), including staff time expended in the enforcement of the provisions of this Zoning Ordinance, in cases where no permits are required to correct a violation. The intent of this Section is to recover Town administrative and legal costs reasonably related to the required enforcement action(s).

A. Record of costs. The Department shall maintain records of all administrative costs, incurred by responsible Town departments, associated with the processing of violations and enforcement of this Zoning Ordinance, and shall recover the costs from the property owner, in compliance with this Section. Staff time shall be calculated at an hourly rate established and revised from time to time by the Council.

B. Notice. The notice required by Section 27.56.060.A (Notice to Responsible Parties) shall be provided.

C. Summary of costs and notice.

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by United States mails, with postage prepaid. The summary shall include a notice, in a form approved by the Town Attorney, advising the responsible party of their right to request a hearing on the charges for Town cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party shall be liable for the charges.

2. In the event that no request for hearing is timely filed or, after a hearing during which the Director affirms the validity of the costs, the property owner and/or person in control shall be liable to the Town in the amount stated in the summary or any lesser

amount determined by the Director. These costs shall be recoverable in a civil action in the name of the Town, in a court of competent jurisdiction within the County.

D. Request for hearing on costs. A property owner, and/or other person having possession or control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days following the date of service of the Department's summary of costs, on a form provided by the Department.

2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections and determine their validity.

3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include the following:

   a. Whether the present owner created the violation;

   b. Whether there is a present ability to correct the violation;

   c. Whether the owner moved promptly to correct the violation;

   d. The degree of cooperation provided by the owner; and

   e. Whether reasonable minds can differ as to whether a violation exists.

4. The Director's decision shall be appealable to the Council, in compliance with Chapter 27.52 (Appeals).

27.56.090 - Additional Permit Processing Fees

A person who establishes a land use activity, or alters, constructs, enlarges, erects, maintains, or moves a structure without first obtaining a permit required by this Zoning Ordinance, shall pay the additional permit processing fees established by the Town's Fee Resolution for the correction of the violation(s), before being granted a permit for an activity or structure on the site.

27.56.100 - Reinspection Fees

A. Amount and applicability of reinspection fee.

1. A reinspection fee shall be imposed on each person who receives a notice of violation, notice and order, or letter of correction of any provision of the Town Code, adopted Building Code or State law. The fee amount shall be established by the Town's Fee Resolution. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is

not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.

2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

B. Continuation of the original case.

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Zoning Ordinance or the Town Code for less than six months, the violation shall be deemed a continuation of the original case and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee. This fee is intended to compensate for administrative costs for unnecessary Town inspections, and not as a penalty for violating this Zoning Ordinance or the Town Code.

2. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Zoning Ordinance or the Town Code, or costs incurred by the Town for the abatement of a public nuisance.

ARTICLE 6
Definitions

CHAPTER 27.60 - DEFINITIONS/GLOSSARY

27.60.010 - Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this Chapter, or in other provisions of the Town of Windsor Code, the Director shall determine the correct definition.

27.60.020 - Definitions of Specialized Terms and Phrases

As used in this Zoning Ordinance, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Accessible Path of Travel. A barrier free access route without any abrupt level changes. Accessible paths shall be maintained free of overhang obstructions to an 80" minimum and at least 48" in width. Accessible paths of travel shall comply with the accessibility requirements of the Town's adopted California Code of Regulations, Title 24. (Rev. Ord. 2009-256)

Accessory Dwelling Unit. An attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single-family residence, including permanent provisions for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit may be located within the living space of an existing primary single-family residence, may be an efficiency dwelling (only if the Town allows Junior Accessory Dwelling Units) as defined in Section 17958.1 of the California Health and Safety Code, and may be a manufactured home, as defined in Section 18007 of the California Health and Safety Code. Accessory dwellings are not accessory uses as defined in this Section. (Rev. 04/08/2018, Ord. 2017-319)

Accessory Retail Uses. The retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Zoning Ordinance, accessory structures and uses include: detached garages, greenhouses, artist's studios, recreation rooms, hobby shop, workshops; playhouse/structures; and any other open air enclosures, including gazebos and detached patio covers. Residential accessory uses and

structures shall not be used as a living unit/space nor for commercial purposes and shall not contain kitchen/and or cooking facilities. (Rev. 04/18/07 Ord. 2007-214 & Rev. 09/06/08 Ord. 2007-241)

Accessory Use. A use customarily incidental to, related and clearly subordinate to a principal use established on the same parcel, which does not alter the principal use nor serve property other than the parcel where the principal use is located. (Rev. 09/06/08 Ord. 2007-241)

Adult Day Care Facilities. State-licensed facilities that provide nonmedical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

Adult Business Establishment. Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities, the regulation of which is preempted by state law.

1. **Specified anatomical areas** shall mean and include any of the following: 1) less than completely and opaquely covered human i) genitals or pubic region; ii) buttocks; and iii) female breast below a point immediately above the top of the areola; 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered; 3) any device, costume or covering that simulates any of the body parts included in subparts 1) or 2) above.

2. **Specified sexual activities** shall mean and include any of the following, whether performed semi-nude or directly or indirectly through clothing or other covering: 1) the fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast; 2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; 4) excretory functions as part of or in connection with any of the other activities described in subparts 1) through 3) above.

Affordable. Dwelling units (both rental and ownership) that are affordable to qualified households making 120 percent or less of the county median income, adjusted for household size appropriate for the unit, with monthly housing payments calculated per affordable housing expense not to exceed the following:

For renters, affordable housing expense shall include rent plus a Utility Allowance and shall not exceed:

Very low income:	30% of 50% AMI, adjusted for household size
Low income:	30% of 60% of AMI, adjusted for household size
Moderate Income:	30% of 110% of AMI, adjusted for household size

For owners, affordable housing expense shall include principal, interest, PMI, property taxes, insurance, homeowner's association dues, property maintenance and a Utility

Allowance and shall not exceed:

Very low income:	30% of 50% AMI, adjusted for household size
Low income:	30% of 70% of AMI, adjusted for household size
Moderate Income:	35% of 110% of AMI, adjusted for household size
Moderate Income:	38% of 110% of AMI, adjusted for household size with no Town subsidy or concession

(Rev. 01/07/09, Ord. 2009-250)

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with Town employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Ordinance.

Agricultural Buffer. An area of separation between urban development and land used for agricultural operations such as crop production, orchards or vineyards, that involve cultivation, maintenance, and/or harvesting practices that have the potential to conflict with adjacent non-agricultural land uses. An agricultural buffer is provided on the parcel or parcels proposed for urban development and is of a sufficient width to minimize the potentially adverse effects of the agricultural operations on urban uses.

Agricultural Products Processing. This land use consists of the processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Includes the following:

alfalfa cubing
corn shelling
cotton ginning
custom grist mills
custom milling of flour, feed and grain
dairies (but not feedlots, see instead "Livestock Operations, Sales Yards, Feedlots, Stockyards")
drying of corn, rice, hay, fruits and vegetables
grain cleaning and custom grinding
hay baling and cubing
pre-cooling and packaging of fresh or farm-dried fruits and vegetables
sorting, grading and packing of fruits and vegetables

Does not include wineries, which are separately defined.

Agricultural Structure. A structure for sheltering or confining animals, or agricultural equipment, hay, feed, etc.

Agricultural Worker Housing. Residential housing whose occupancy is restricted to persons who are employed in, raising or harvesting any agricultural commodities. Prior to construction of such housing, the developer shall enter into an agreement with the Town that ensures occupancy by qualified residents only. (Revised 03/03/04, ORD. 2004-178)

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

Alley. A public or private roadway, typically 12 feet wide, that provides vehicle access to the rear or side of parcels having other public street frontage that is not intended for general traffic circulation.

Allowed Use. A use of land identified by Article 2 (Zoning Districts and Allowable Land uses) as a permitted or conditional use that may be established with land use permit and, where applicable, site plan and design review and/or Building Permit approval, subject to compliance with all applicable provisions of this Zoning Ordinance.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Alteration to Historic Structure. Any exterior change or modification, through public or private action, to a property that has a Historic District overlay. Changes or modifications may be made to structures or designated architecturally significant furniture and fences, landscape accessories, light fixtures, plaques, signs, steps, street plantings, or walls.

Animal Keeping. The keeping or raising of farm animals and household pets, as defined in Municipal Code Chapter 4.

AMI. Area Median Income, adjusted for family size, applicable to Sonoma County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or successor statutes) by the United States Department of Housing and Urban Development or its successor in accordance with California Health and Safety Code Sections 50079.5, 50105 and 50093 or successor statutes. (Rev. 01/07/09, Ord. 2009-250)

Antenna. One or more rods, panels, discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

1. **Omni-directional antenna** ("whip" antenna) transmits and receives radio frequency signals in a 360; radial pattern. For the purpose of this document, an omni-directional antenna is up to 15 feet in height and up to seven inches in diameter.

2. **Directional antenna** ("panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less-than 360.

3. **Parabolic antenna** ("dish" antenna) is a bowl-shaped device for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a satellite dish.

Apartment. See "Multi-Family Dwellings."

Approval. Includes both approval and approval with conditions.

Architectural Features. Exterior building features including roofs, windows, doors, porches, etc.

Area of a Lot. See "Lot Area."

Art, Antique, Collectible and Gift Sales. Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are instead defined as "Artisan Shops."

Artisan/Craft Product Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

Artisan Shops. Retail stores selling art glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

Assessed Value. The value of a structure as shown in the records of the County Assessor.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales/Rental. Retail establishments selling and/or renting automobiles, trucks and vans. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail Stores"); mobile home sales (see "Mobile Home and RV Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Automated Teller Machines (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with Section 27.34.050 (Automated Teller Machines).

Automobile Dismantling Yard. See "Recycling - Scrap, and Dismantling Yards."

Automobile Repair. See "Vehicle Services."

Aviaries.

1. **Residential:** Large bird cages used for non-commercial keeping of birds; an accessory residential use.

2. **Commercial:** Large bird cages used for commercial purposes to keep birds.

B. Definitions, "B."

Bail Bonds. A person or corporation who operate a business that will act as a surety and pledge money or property as bail for the appearance of a criminal defendant in court. (Ord. 2009-258)

Banks and Financial Services. Financial institutions including:

banks and trust companies	securities/commodity contract brokers and dealers
credit agencies	security and commodity exchanges
holding (but not primarily operating) companies	vehicle finance (equity) leasing agencies
lending and thrift institutions	other investment companies

See also, "Automated Teller Machine," above.

Barbed wire. A strand of twisted wire armed with barbs or sharp points.

Bars and Night Clubs. Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a brew pub or micro- brewery.

Bed and Breakfast Inns (B&Bs). Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to Section 27.34.060 (Bed and Breakfast Inns), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of "Hotels and Motels." Does not include room rental, which is separately defined.

Bonus unit. A dwelling unit ("designated dwelling unit") within a housing development which would be reserved for sale or rent to, and affordable to, very low, or low income households, or qualifying senior residents.

Broadcasting Studios. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "Telecommunications Facilities."

Building. See "Structure."

Building Material Stores. Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Warehousing, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail Stores," even if they sell some building materials.

Business Support Services. Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

blueprinting
business equipment repair services (except vehicle repair, see "Vehicle Services")
commercial art and design (production)
computer-related services (rental, repair)
copying, quick printing and blueprinting services
equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")
film processing laboratories
heavy equipment repair services where repair repair occurs on the client site
janitorial services
mail advertising services (reproduction and shipping)
mail box services
other "heavy service" business services
outdoor advertising services
photocopying
photofinishing
protective services (other than office related)
soils and materials testing laboratories
window cleaning

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures Manufacturing, Cabinet Shops."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency that regulates the terms and conditions of public utilities in the State.

Car Washes. Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fund-raising activities, typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day. See 27.42.040 (Temporary Use Permits).

Caretaker Housing. A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

Cell site. A geographical area with a radius of two to eight miles that contains both transmitting and receiving antennas.

Cellular. An analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennas.

Certificate of Public Convenience and Necessity. A certificate issued by the California Public Utilities Commission (CPUC).

Check Casher. A person or entity that for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Also, includes the business of deferred deposits whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code sec 1789.31. It does not include a state or federally chartered bank, savings association, credit union, or industrial loan company, retail seller engaged primarily in the business of selling consumer goods that cashes checks or issues money orders and is incidental to its main purpose or business and is offered as a service to its customers. (Ord. 2009-258)

Check Cashing/Cash Advance Businesses. Checking cashing/cash advance Businesses shall mean any establishment whose primary purpose is to provide cash advances, pay day loans, pay day advances, and similar services and any licensee or deferred deposit originator as defined in Financial Code Section 23001. It does not include a state or federally chartered bank, savings association, credit union, or industrial loan company, retail seller engaged primarily in the business of selling consumer goods that cashes checks or issues money orders and is incidental to its main purpose or business and is offered as a service to its customers. (Ord. 2009-258)

Chemical Product Manufacturing. Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products:

1. Basic chemicals, including acids, alkalies, salts, and organic chemicals;

2. Chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and

3. Finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses listed under Retail Trade Uses in Article 2 (Zoning Districts and Allowable Land Uses).

Child Day Care Facilities. Facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Child Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

2. **Large Family Day Care Home.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

3. **Small Family Day Care Home.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

Clubs, Lodges, and Private Meeting Halls. Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations	political organizations
civic, social and fraternal organizations	professional membership organizations
labor unions and similar organizations	other membership organizations

Co-location. The use of a single support structure, including but not limited to, a building, monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider.

Commission. See "Planning Commission."

Common Interest Development. Any residential condominium, community apartment house, or stock cooperative.

Community Centers. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

Concertina fencing. A type of razor wire or barbed wire in which pairs of loops are clipped together in a coil configuration.

Concrete, Gypsum, and Plaster Product Manufacturing. Manufacturing establishments producing bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail

ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Condominium. As defined by Civil Code Section 1315, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Contractor Storage Yards. Storage yards for contractor equipment and supplies.

Convenience Stores. Retail stores of 3,500 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.

County. The County of Sonoma, State of California.

D. Definitions, "D."

Demolition. Any act or process that destroys entirely or in part, an individual cultural resource or other designated historic structure.

Density. The number of housing units per net acre, unless otherwise stated, for residential uses.

Density Bonus. As defined by State law (Government Code Section 65915 et seq.), is an increased density of at least 25 percent over the maximum authorized density which is granted to a owner/developer of a housing project agreeing to construct a prescribed percentage of very low and/or low income dwelling units. When determining the number of dwelling units that are to be affordable, the number of dwelling units authorized by the density bonus shall not be included.

Density Bonus Housing Agreement. A legally binding agreement between an owner/ developer and the Town to ensure that the requirements of this Chapter are satisfied. The agreement shall establish the number of bonus units, their size, location, terms, and conditions of affordability, and production schedule. The agreement shall also require proper management and maintenance of the units.

Density Bonus Units. Residential units which exceed the otherwise maximum residential density for the development site.

Department. The Windsor Planning Department referred to in this Zoning Ordinance as "Department."

Design Guidelines. In relation to historic structures, the appropriate and inappropriate methods of rehabilitation and construction shall be those listed in the Secretary of Interior's Standards for Rehabilitation, provided by the United States Department of the Interior.

Designated Historic Landmark. Any improvement or natural feature that has been designated an historic landmark of the Town.

Detached. Any structure that does not have a wall or roof in common with another structure.

Developer. A person, firm, corporation, partnership, or agency who proposes to divide, subdivide, or construct improvements on real property for oneself or others. (Revised 01/07/09, ORD. 2009-250)

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Ordinance.

Development Agreement. A contract between the Town and an applicant for a development project, in compliance with Chapter 27.46 (Development Agreements) and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to Town policies, rules, and regulations after project approval. In return, the Town may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Director. The Town of Windsor Planning Director or designee of the Director.

Diseased Trees. Trees afflicted by, but not limited to, any of the following: insect infestation, heart rot, exfoliation, slime flux, crown rot, leaf scorch, and root fungus that shall be evaluated, treated and re-evaluated in an effort to restore or save the tree.

District. See "Zoning District."

Display, Sexually Explicit. A picture or illustration displaying male or female genitals, pubic hair, perineums, anuses, or anal regions, the female breast or any portion thereof below the top of the nipple; the depiction of covered male genitals in a discernibly turgid state, where the picture or illustration depicting explicit sexual acts has as its purpose, or effect, sexual arousal, gratification or affront.

Drive-in and Drive-thru Sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, etc.

Drive-in and Drive-thru Services. Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, or car washes, which are separately defined.

Duplex. See "Multi-Family Dwellings."

Dwelling, Dwelling Unit, or Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

E. Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Economic Hardship. With respect to a historic structure, a substantial economic burden placed on the owner by some aspect of the historic property. A hardship is determined by the Commission based upon a showing of financial impact in compliance with Section 27.16.050 (Historic Overlay District).

Efficiency Kitchen. A kitchen which includes all of the following: sink with a minimum waste line of 1.5 inches; cooking appliances that do not require electrical service greater than 120 volts, or natural or propane gas; a limited food preparation counter; and storage cabinets. The entire kitchen shall not exceed 8 lineal feet, unless existing counter space is being converted to an efficiency kitchen use in which case the counter space shall not exceed 8 lineal feet. (Rev. 04/08/2018, Ord. 2017-319)

Efficiency Unit. An efficiency unit as defined in Health and Safety Code Section 17958.1. (Rev. 04/08/2018, Ord. 2017-319)

Electromagnetic Field. The local electric and magnetic fields caused by voltage and the flow of electricity that envelop the space surrounding an electrical conductor.

Electronics, Equipment, and Appliance Manufacturing. Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

Appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines	Miscellaneous electrical machinery, equipment and supplies, such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
Aviation instruments	Motors and generators
Electrical transmission and distribution equipment	Optical instruments and lenses
Electronic components and accessories and semiconductors, integrated circuits and related devices	Photographic equipment and supplies

Electronic instruments, components and equipment , such as calculators and computers	Pre-recorded magnetic tape
Electrical welding apparatus	Radio and television receiving equipments such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment and supplies
Lighting and wiring equipment, such as lamps and fixtures, wiring devices, vehicle lighting	Surveying and drafting instruments
Industrial apparatus	Telephone an telegraph apparatus
Industrial controls	Transformers, switch gear and switchboards
Instruments for measurement, testing, analysis and control, associated sensors and accessories	Watches and clocks

Does not include testing laboratories (soils, materials testing, etc.). (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development")

Emergency Shelter shall mean any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of homeless. The facility provides minimal supportive services and is limited to occupancy of six months or less by a homeless person. (Added 09/17/2014, ORD. 2014-287)

Enhanced Specialized Mobile Radio. A digital wireless communication technology that specializes in providing dispatching services.

Enlargement of Use. The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area.

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facilities. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment Rental. Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

Equipment Structure. With respect to telecommunications facilities, a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for

processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.

F. Definitions, "F."

FAA. The U.S. Federal Aviation Administration.

Fabric Product Manufacturing. Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("General Retail Stores") are instead included under "Personal Services." See also, "Textile and Leather Product Manufacturing."

Façade. The face and/or wall of a structure and/or building. For the purposes of calculating or determining setbacks, patios, decks, steps, landings, bay windows and other similar architectural features are not considered the façade of a building. (Rev.08/17/05, ORD. 2005-194)

FCC. The U.S. Federal Communications Commission.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fence. A barrier used for the purpose of marking a boundary, enclosing an area, screening, and/or preventing escape or intrusion. Walls, screens, trellises, and other similar linear features are included in the definition of fences. (Revised 08/17/05, ORD. 2005-194)

Flower Tower. A structure that integrates a monopole into a light pole or other utility pole.

Food and Beverage Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

bakeries
bottling plants
breweries
candy, sugar and confectionary products manufacturing
catering services separate from stores or restaurants
coffee roasting
dairy products manufacturing
fats and oil product manufacturing
fruit and vegetable canning, preserving, related processing
grain mill products and by-products
meat, poultry and seafood canning, curing, byproduct processing
soft drink production
miscellaneous food item preparation from raw products

May include tasting and accessory retail sales of beverages produced on site. A tasting facility separate from the manufacturing facility is included under the definition of "Bars and Night Clubs" if alcoholic beverages are tasted, and under "Restaurant" if beverages are non-alcoholic.

Does not include: bakeries which sell all products on-site, which are included in the definition of "General Retail Stores;" or beer brewing as part of a brew pub, bar or restaurant (see "Night Clubs and Bars").

Fully enclosed and secure structure. A space within a dwelling unit that complies with the California Building Code, as adopted in the Town ("CBC"); or, if exempt from the permit requirements of the CBC, an accessory structure, on a lot or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. In order to qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials. Revised 04/09/18, ORD. 2017-318

Furniture and Fixtures Manufacturing, Cabinet Shops. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Product Manufacturing." Does not include the manufacture of household appliances ("Electronics, Equipment, and Appliance Manufacturing").

Furniture, Furnishings and Equipment Stores. Stores engaged primarily in selling the following products and related services, including incidental repair services:

draperies
floor coverings
furniture
glass and chinaware
home appliances
home furnishings
home sound systems
interior decorating materials and services
large musical instruments
lawn furniture
movable spas and hot tubs
office furniture
other household electrical and gas appliances
outdoor furniture
refrigerators
stoves
televisions

G. Definitions, "G."

Garage or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 27.30 (Parking, Loading, and Access).

1. A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.

2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

A garage or carport complies with the requirements of this Zoning Ordinance for "covered" parking spaces.

Gas Station. A retail business selling gasoline or other motor vehicle fuels, which may also include convenience store facilities, but not automotive maintenance or repair services. See also "Service Station.

General Plan. The Town of Windsor General Plan, including all its elements and all amendments to the General Plan, as adopted by the Town Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Ordinance as the "General Plan."

General Retail Stores. Stores and shops selling many lines of merchandise. These stores and lines of merchandise include:

art galleries gift and souvenir shops
artist's supplies
bakeries (all production in support of on-site sales)
bicycles
books
cameras and photographic supplies
clothing and accessories
collectibles (cards, coins, comics, stamps, etc.)
department stores
drug and discount stores
dry goods
fabrics and sewing supplies
florists and houseplant stores (indoor sales only; outdoor sales are "Plant Nurseries")
furniture, home furnishings and equipment
general stores
hardware
hobby materials
jewelry
luggage and leather goods
musical instruments, parts and accessories
newsstands
orthopedic supplies
pet supplies sales with no animals but fish
religious goods
small wares
specialty shops
sporting goods and equipment
stationary
toys and games
variety stores

Glass Product Manufacturing. Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

Golf Courses/Country Clubs. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Grand Opening. An advertising event which has as it s purpose, the promotion of a newly opened use, a change in the orientation of a use or reopening of a use following a remodeling or major renovation.

Grocery Store. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

Ground-Mounted. Mounted to a lattice tower, monopole, pole or other freestanding structure specifically constructed for the purpose of supporting antennae.

Guest House. A temporary living quarters within an existing primary residence or within a detached/attached residential accessory structure, but without kitchen or cooking facilities. (Revised 03/03/04, ORD. 2004-178)

H. Definitions, "H."

Habitable Space. Space for living, sleeping, eating, or cooking.

Handcraft Industries. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

Health/Fitness Facilities. Fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

Heliport. A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

Historic Structure/Sites. A historical resource that is at least 50 years or older, is listed in, or determined to be eligible for listing in the California Register of Historical Resources, listed in a local register, deemed significant, presumed to be historically or culturally significant. Structures/sites that have architectural, cultural, and or historical features consistent with a period would be considered "deemed" or "presumed" for the purpose of this definition. (Revised 03/5/03, ORD. 2003-163)

Home Occupation. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

Hotel or Motel. Facilities with guest rooms or suites provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household Pets. The keeping/raising of birds, cats, dogs, or other common household pets, as determined by the Director, accessory to a residential use.

Housing Cost. The sum of actual or projected monthly payments for all of the following costs associated with for-sale bonus units: principal and interest on a mortgage loan, including any loan insurance fees; property taxes and assessments; fire and casualty insurance; property maintenance and repairs; homeowner association fees; and a reasonable allowance for utilities. (Revised 03/5/03, ORD. 2003-163)

Housing Development. Residential projects consisting of five or more residential units, including single-family and multi-family dwellings for sale or rent.

I. Definitions, "I."

Illegal Building or Use. A building or use that does not conform to one or more of the provisions of this Zoning Ordinance, and did not lawfully exist on the effective date of applicable provisions of this Zoning Ordinance.

Improvement. Any fixture or embellishment affixed to public or private real property (e.g., a bollard, fence, gate, landscaping, park furniture, parking facility, paving, sidewalk, street light, street sign, streetscape, structure, tree, wall, work of art), or other object constituting a physical feature of real property or any part of the feature.

Incentives. The benefit offered by the Town to facilitate construction of eligible projects as defined by the provisions of this Chapter. Incentives may include adjustment of development standards, expedited processing of entitlements, relaxation of otherwise applicable entitlement conditions, and provisions for mixed-use activities.

Inclusionary Unit. An ownership or rental housing unit, as required and defined by this Chapter that is affordable to very low, low, or moderate income households. (Revised 01/07/09, ORD. 2009-250)

Indoors. Within a private residence or a fully enclosed and secure structure on the grounds of a private residence. Revised 04/09/18, ORD. 2017-318

Indoor Amusement and Entertainment Facilities. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys
dance halls and ballrooms
electronic game arcades
ice skating and roller skating
pool and billiard rooms as primary uses

Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site.

Infill Development. Development proposed on a vacant parcel that is located among other parcels that are already developed.

Intensification of Use. A change in the use of a structure or site, where the new use is required by Chapter 27.40 (Parking, Loading, and Access) to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

J. Definitions, "J."

Junior Accessory Dwelling Unit. A dwelling unit not exceeding 500 square feet in size and contained entirely within an existing legally established single-family structure. A junior accessory dwelling unit shall include an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, pursuant to Government Code Section 65852.22(g)(1). (Rev. 04/08/2018, Ord. 2017-319)

Junk. Used or discarded materials or objects, which may include building materials, scrap, wood, paper, or rags, some of which may be re-usable.

K. Definitions, "K."

Kennels. Facilities for the keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals.

1. **Commercial Kennel.** A kennel where the animals are kept for commercial purposes, including boarding, breeding, buying, selling, renting, exhibiting, or training. Does not include a veterinary facility, pet shop, humane society shelter, or animal shelter.

2. **Hobby Kennel.** A kennel where the animals are owned or kept by the owner or occupant for personal, noncommercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.

Kitchen. A room or space within a building intended to be used for the cooking or preparation of food. A kitchen includes appliances or fixtures for the storage and/or preparation of food, including but not limited to refrigeration, dishwashers, countertops, cabinets, sinks, or cooking facilities (cook tops, stoves, ovens, microwaves, hot plates, and similar). For the purpose of this definition, wet bars would be exempt. (Revised 08/17/05, ORD. 2005-194)

L. Definitions, "L."

Land Use Permit. Authority granted by the Town to use a specified site for a particular purpose, including Use Permits, Minor Use Permits, Temporary Use Permits, Variances, Site Plan and Design Review, and Zoning Clearances, as established by Article 4 (Land Use and Development Permit Procedures) of this Zoning Ordinance.

Large Family Day Care Home. See "Child Day Care Facilities."

Lattice Tower. A structure with three or four steel support legs that supports a variety of antennae. These towers generally range in height from 60 to 200 feet and are constructed in areas where increased height is needed, microwave antennas are required, or where the weather demands a more structurally-sound design.

Laundries and Dry Cleaning Plants. Service establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Libraries and Museums. Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

Live Entertainment. A scheduled or planned performance or presentation that is typically sponsored, promoted, advertised, or publicized in advance to attract patrons or guests. These uses include but are not limited to concerts, DJs, recitals, karaoke, bands, and other live musical performances, dances, audience participation contests, comedy, or magic acts with amplified sound. (Revised 02/06/13, ORD. 2013-277)

Live/Work Facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Town building code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

Living Area. The interior habitable area of a dwelling unit including basements and attics but that does not include a garage or any accessory structure. (Rev. 04/08/2018, Ord. 2017-319)

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. The total of the area measured in a horizontal plane, within the parcel lines bounding the lot, exclusive of:

1. Easements for streets or driveways which are not for the exclusive use of the parcel (lot) on which any such easement is located;

2. The access strip required to serve a flag parcel (lot).

Lot, or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and Town ordinances, including this Zoning Ordinance. Types of lots include the following. See Figure 6-1 (Lot Types).

1. Corner lot. A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.

2. Flag lot. A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

3. Interior lot. A lot abutting only one street.

4. Key lot. An interior lot, the front of which adjoins the side property line of a corner lot.

5. Reverse corner lot. A corner lot, the rear of which abuts a key lot.

6. Through lot. A lot with frontage on two generally parallel streets.

Lot Coverage. See "Site Coverage."

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 6-2 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

Lot Frontage. The boundary of a lot adjacent to a public street right-of-way.

FIGURE 6-1
LOT TYPES

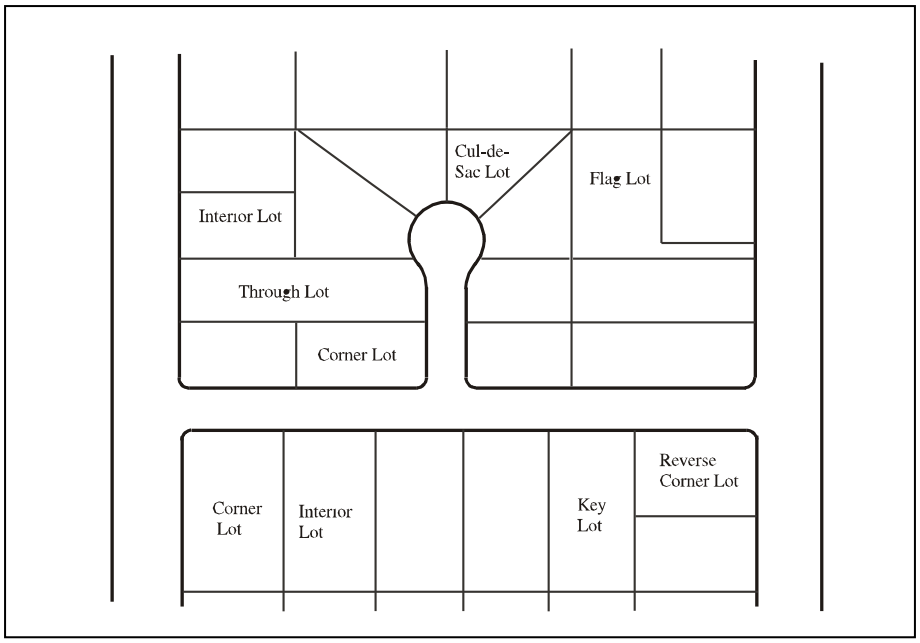
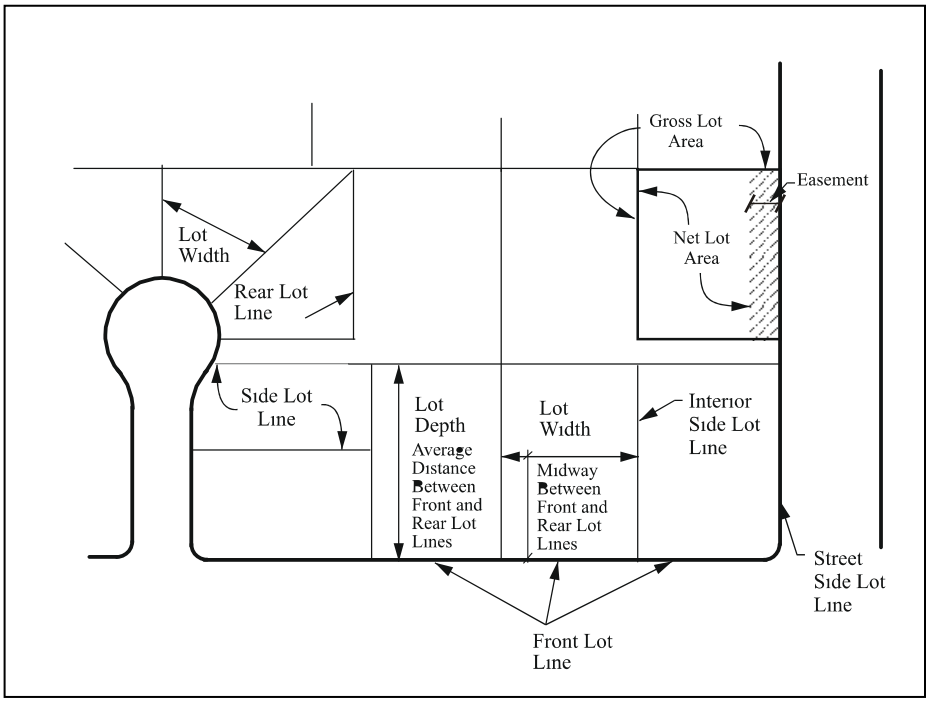


FIGURE 6-2
LOT FEATURES



Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 6-2 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street. The front lot line on a corner lot is the line with the shortest frontage. (If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

2. **Interior Lot Line.** Any lot line not abutting a street.

3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

4. **Side Lot Line.** Any lot line that is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 6-2 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

Low Income or Lower Income Household. A person or household a person or household whose gross annual income is greater than 50% and up to 80% of the Sonoma County AMI, adjusted for family size, as defined by California Department of Housing and Community Development (HCD) or its successor. (Rev. 01/07/09, ORD. 2009-250)

Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

containers, pallets and skids
milling operations
trusses and structural beams
turning and shaping of wood products
wholesaling of basic wood products
wood product assembly

Craft-type shops are included in "Handcraft Industries." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

M. Definitions, "M."

Machinery Manufacturing. The manufacturing of machinery and equipment used: for the manufacturing of other products; as parts in the assembly of other products; and for end-use purposes, including the following:

construction equipment
conveyors
cranes
engines and turbines
farming and gardening
food products manufacturing
gear cutting
heating, ventilation, air conditioning
industrial trucks and tractors
industrial furnaces and ovens
industrial molds
laundry and dry cleaning
materials handling
die casting
dies
dredging
mining
oil field equipment
paper manufacturing
passenger and freight elevators
pistons
printing
pumps
refrigeration equipment
textile manufacturing

Major wireless communication facility. A wireless communication facility that:

1. Is ground-mounted on property not within the public right-of-way;
2. Is ground-mounted within the public right-of-way, but does not qualify as a microcell facility; or
3. Is roof- or structure-mounted and exceeds 10 feet in height and/or exceeds the maximum height allowed in the zoning district in which the facility is located.

Map Act. See "Subdivision Map Act."

Marijuana. All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture. Salt, derivative, mixture, or preparation of the plant, its seeds or resin. (Rev. 04/09/18, ORD. 2017-318)

Marijuana accessories. Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body. (Rev. 04/09/18, ORD. 2017-318)

Marijuana cultivation. The planting, growing, harvesting, drying, curing, grading. or trimming of marijuana plants or any part thereof. (Rev. 04/09/18, ORD. 2017-318)

Marijuana distribution facilities. A facility or location, whether fixed or mobile, where a person makes available, sells, transmits, gives or otherwise provides marijuana to two or more persons. (Rev. 04/09/18, ORD. 2017-318)

Marijuana microbusiness. Any business that includes the cultivation of marijuana on an area less than 10,000-square feet which also acts as a distributor, manufacturer, and/or retailer of marijuana, marijuana products, or marijuana accessories.

Marijuana mixed-light cultivation. The cultivation of marijuana using a combination of natural and supplemental artificial lighting. (Rev. 04/09/18, ORD. 2017-318)

Marijuana nursery. A facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana. (Rev. 04/09/18, ORD. 2017-318)

Marijuana products manufacturing. Manufacturing of a marijuana product that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients. (Rev. 04/09/18, ORD. 2017-318)

Marijuana retail sales. Any facility where marijuana products, or devices for the use of marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, marijuana products as part of a retail sale. (Rev. 04/09/18, ORD. 2017-318)

Marijuana testing facilities. An entity licensed and certified to analyze and certify the safety and potency of marijuana and marijuana products. (Rev. 04/09/18, ORD. 2017-318)

Market Units or Market Rate Units. Either an ownership or rental dwelling unit which is not restricted to those prices or rents affordable to very low, low, or moderate income households, as defined by this Chapter. (Rev. 01/07/09, ORD. 2009-250)

Medical Marijuana Dispensary. Any facility or location where medical marijuana is made available to, and/or distributed by or distributed to two (2) or more of the following: any person, including a qualified patient, a person with an identification card, or a primary caregiver. The terms "qualified patient," "person with an identification card," and "primary caregiver" are defined in California Health and Safety Code Section 11362.7 and shall be interpreted in strict accordance with Health and Safety Code Sections 11362.5 and 11362.7 *et seq.* A Medical Marijuana Dispensary shall not include any facility or location that is otherwise permitted and licensed under all applicable laws to make marijuana available to qualified patients and/or persons with an identification card and such use complies strictly with all applicable laws. (Revised 6/20/07, ORD. 2007-217)

Medical Services - Clinics, Offices, and Laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

health management organizations (HMOs)
medical and dental laboratories
medical, dental and psychiatric offices
out-patient care facilities
other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

Medical Services - Hospitals. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Metal Products Fabrication, Machine and Welding Shops. Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

blacksmith and welding shops
sheet metal shops
machine shops and boiler shops

Metal Products Manufacturing. Manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable.

Microbrewery. A facility where beer brewed on the premises (greater than 4 U.S. Beer Barrels per batch) is sold for on-site consumption. Microbreweries can be consistent with standards for either bars and night clubs or restaurants depending on project attributes. (Revised 02/06/13, ORD. 2013-277)

Microcell. A wireless communication facility that:

1. Contains a maximum of four whip or panel antennae. Each whip antenna does not exceed four inches in diameter and four feet in length. Each panel antenna does not exceed two square feet in surface area;

2. Contains a maximum of one microwave antenna no larger than **10** square feet in surface area;

3. Has an array of antennae less than **10** feet in height;

4. Is roof- or structure-mounted or, if within the public right-of-way, is located on top of a light pole or telephone pole or a metal or precast concrete monopole (similar in design to a street light pole or street tree); and

5. Has a total height, if roof- or structure-mounted, that does not exceed the maximum height allowed in the zoning district in which the facility is located.

Mini-Market. See definition for Convenience Store.

Mini-Storage Facilities. See definition for Storage - Personal Storage Facility (mini-storage).

Minor Wireless Communication Facility. A wireless communication facility that:

1. Consists of a microcell; and

2. Is roof- or structure-mounted and is less than 10 feet in height and does not exceed the maximum height allowed in the zoning district in which the facility is located.

Mixed-Use Project. A project that combines both commercial and residential uses, where the residential component is typically located above the commercial.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Family Dwellings."

Mobile Home and Recreational Vehicle Sales. Retail establishments selling and/or renting the following new or used vehicles and products:

boats	motor homes
campers/camper shells	motorcycles
golf carts	snowmobiles
jet skis	travel/recreational trailers
mobile homes	other recreational vehicles

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: parts/accessory sales separate from a vehicle dealership (see "Auto Parts Sales"); or bicycle and moped sales (see "General Retail Stores").

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Moderate Income or Moderate Income Household. a person or household whose gross annual income is greater than 80% and up to 120% of the Sonoma County AMI, adjusted for family size, as defined by HCD. (Rev. 01/07/09, ORD. 2009-250)

Monopole. A structure composed of a single spire used to support antennae and related equipment.

Mortuaries and Funeral Homes. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Mounted. Attached or supported.

Multi-Family Dwellings. A building or a portion of a building used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse/row house development (three or more attached single-family dwellings located on separate parcels and where no unit is located over another unit); senior citizen multi-family housing (including airspace condominiums which may be located atop one another); see also “Common Interest Developments.” (Rev. 03/03/04 Ord. 2004-178)

N. Definitions, "N."

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Neighborhood Market. A pedestrian-oriented convenience store oriented to the daily shopping needs of surrounding residential areas.

Night Club. See "Bars and Night Clubs."

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Zoning Ordinance and which does not conform to current Code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

Nonconforming Sign. A sign which lawfully existed prior to the effective date of this Zoning Ordinance, or any amendment thereto, but which fails by reason of such adoption or amendment to conform to all of the standards and regulations of the adopted or amended provision.

Nonconforming Structure. A structure that was legally constructed prior to the adoption of this Zoning Ordinance and which does not conform to current Code provisions/ standards (e.g., open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

Nonconforming Use. A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Zoning Ordinance and which does not conform to current Code provisions governing allowable land uses for the zoning district in which the use is located.

Nonmedical marijuana. Marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code , section 11362.1 et seq., as those sections may be amended from time to time. (Rev. 04/09/18, ORD. 2017-318)

Nonmedical marijuana cultivation. Cultivation of marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code section 11362.1 et seq., those sections may be amended from time to time. (Rev. 04/09/18, ORD. 2017-318)

Nonmedical (Recreational) Marijuana Dispensary. Any facility or location where nonmedical (recreational) marijuana is made available to, and/or distributed by or distributed to two (2) or more persons over 21 years of age pursuant to California Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time. (Rev. 04/09/18, ORD. 2017-318)

Non-Profit Housing Agency. A not-for-profit agency engaged in the provision and/or management of housing for households with very low to moderate income. Rev 01/07/09 ORD 2009-250

Nonrestricted Unit. All units within a housing development excluding the designated dwelling units.

O. Definitions, "O."

Occupancy. All or a portion of a structure occupied by one tenant.

Occupancy Standard. One person per studio unit and one person per bedroom plus one for larger units. (Rev 01/07/09, ORD. 2009-250)

Offices. This Zoning Ordinance distinguishes between the following types of office facilities. These do not include: medical offices (see "Medical Services - Clinics and Laboratories"); or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

1. **Administrative/Business.** Establishments providing direct services to consumers, such as insurance agencies, real estate offices, utility company offices, etc.

2. **Government.** Town and other local, state, and federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Vehicle and Freight Terminals."

3. **Production.** Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include:

   advertising agencies
   architectural, engineering, planning and surveying services
   computer software production and programming services
   educational, scientific and research organizations
   media postproduction services
   photography and commercial art studios
   writers and artists offices

4. **Professional.** Professional offices including:

   accounting, auditing and bookkeeping services
   attorneys
   counseling services
   court reporting services
   data processing services
   detective agencies and similar services
   employment, stenographic, secretarial and word processing services
   literary and talent agencies
   management and public relations services

5. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

6. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Off-site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

On-site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Open Fencing. A barrier constructed of material which is transparent, such as glass, plastic panels or wrought iron, used in conjunction with recreation and seating areas.

Ordinary Maintenance and Repair. Any work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

Organizational Houses. Residential lodging facilities operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor. Any location within the Town, on private grounds, that is exposed to the open air not within an enclosed and secure residential structure or private residence. (Rev. 04/09/18, ORD. 2017-318)

Outdoor Commercial Recreation. Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including:

amphitheaters
amusement and theme parks
golf driving ranges
health and athletic club outdoor facilities
miniature golf courses
skateboard parks
stadiums and coliseums
swim and tennis clubs
tennis courts
water slides
zoos

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include parks and playgrounds, which are separately defined.

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including lumber and other material sales yards, newsstands, street vendors, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.

Outdoor Retail Sales, Temporary. Temporary outdoor retail operations including:

Christmas trees, pumpkins or the sale of other seasonal items
farmers' markets
semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows
sidewalk or parking lot sales longer than one weekend
retail sales from individual vehicles in temporary locations outside the public right-of-way

P. Definitions, "P."

Paper Product Manufacturing. The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc.

Parcel. See "Lot, or Parcel."

Parking Facilities/Vehicle Storage. Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by this Zoning Ordinance.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling Facilities - Scrap and Dismantling Yards").

Parks and Playgrounds. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Private Residential Recreation Facilities." See also "Outdoor Commercial Recreation."

Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit. (Rev. 04/08/2018, Ord. 2017-319)

Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Product Manufacturing."

Pawn Shops. Pawn shop shall mean a building or portion thereof where personal property is received and for which money is advanced, with the privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money, together with all legal charges. Does not include banks, savings and loan institutions, credit unions, or other banking organizations regulated by State or Federal law. (Rev. Ord. 2009-258)

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including but not limited to:

1. Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk at the build-to line;

2. Design amenities related to the street level such as awnings, paseos, arcades;

3. Visibility into buildings at the street level;

4. Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;

5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;

6. Signage oriented and scaled to the pedestrian rather than the motorist;

7. Landscaping; and

8. Street furniture.

Pedestrian Oriented Use. A use which is intended to encourage walk-in customers and which generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to intense and surprising visual interest, high customer turnover and intense social interaction.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Communication Services. A digital wireless communication technology that has the capacity for multiple communication services and provides a system in which calls are routed to individuals rather than places, regardless of location.

Personal Services. Establishments providing non-medical services as a primary use, including:

barber and beauty shops
clothing rental
dry cleaning pick-up stores with limited equipment
home electronics and small appliance repair
laundromats (self-service laundries)
shoe repair shops
tailors

These uses may also include accessory retail sales of products related to the services provided.

Personal Services, Restricted. Personal service establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts, including:

Bail bonds	Massage parlors
Check casher	Smoke shops
Check cashing services/cash advance	Tattooing, piercing, scarification, and similar services
Fortune tellers, psychics, palms readers, and similar services	

These uses may also include accessory retail sales of products related to the services provided. (Rev. Ord. 2009-258)

Planning Commission. The Town of Windsor Planning Commission, appointed by the Windsor Town Council in compliance with Government Code Section 65101, referred to throughout this Zoning Ordinance as the "Commission."

Plant Nurseries and Garden Supply Stores. Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail Stores." Home greenhouses are included under "Residential Accessory Uses and Structures."

Plastics and Rubber Product Manufacturing. The manufacture of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Vehicle Services - Major Repair/Body Work."

Pool House. A detached accessory structure that is intended to provide changing and restroom facilities, located on the same premise with a main dwelling and in conjunction with a swimming pool, spa, hot tub, or other similar facilities on site. A pool house may not be rented or otherwise used as a separate living unit/space and shall not contain kitchen/and or cooking facilities. (Revised 04/18/07, ORD. 2007-214)

Preservation. The acquisition, identification, protection, rehabilitation, restoration, or study of historic landmarks.

Primary caregiver. A "primary caregiver" as defined in Health and Safety Code Section 11362.7, as amended. (Rev. 04/09/18, ORD 2017-318)

Private Residence. A house, an apartment unit, a mobile home, or other similar dwelling unit. (Rev. 04/09/18, ORD 2017-318)

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Primary Zoning District. The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

Private Residential Recreation Facilities. Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park and sport court facilities. Does not include golf courses/ country clubs, which are separately defined.

Private Wireless Communication Facility. A wireless communication facility that has not been granted a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC).

Property. A parcel of land upon which is built or placed, a private residence. (Rev. 04/09/18, ORD. 2017-318)

Property Line. The recorded boundary of a parcel of land.

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Public Safety Facilities. Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utility Facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

electrical substations and switching stations
natural gas regulating and distribution facilities
public water system wells, treatment plants and storage
telephone switching facilities
wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Public wireless communication facility. A wireless communication facility that has been granted a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC).

Q. Definitions, "Q."

Qualified Household. A household meeting the income restrictions established in this inclusionary program. (Rev. 01/07/09 ORD. 2009-250)

Qualified patient. A "qualified patient" or a "person with an identification card" as defined in Health and Safety Code Section 11362.7, as amended. (Rev. 04/09/18, ORD. 2017-318)

Qualifying Resident. Senior citizens or other persons eligible to reside in senior citizen housing.

R. Definitions, "R."

Radiofrequency Radiation. Electromagnetic radiation in the portion of the spectrum from three kilohertz to 300 gigahertz.

Razor Wire. A continuous coil of stainless steel ribbon with razor type barbs or sharp points.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria: (Revised 08/1/01, ORD. 2001-148)

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;

3. It is built on a single chassis; and

4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

5. Recreational vehicles shall not be used as a residential living unit except within an RV park. (Revised 08/1/01, ORD. 2001-148)

Recreational Vehicle Park. A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include

accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facilities. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:

    a. Reverse vending machine(s);

    b. Small collection facilities which occupy an area of 350 square feet or less and may include:

        (1) A mobile unit;

        (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and

        (3) Kiosk-type units which may include permanent structures.

    c. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.

2. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

3. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:

    a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

    b. A heavy processing facility is any processing facility other than a light processing facility.

4. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.

5. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

6. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

   A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

7. **Scrap and Dismantling Yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Religious Places of Worship and Related Facilities. Facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp) are classified according to their respective activities.

Research and Development (R&D). Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see "Offices - Production"),

soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

Residential Accessory Uses and Structures. Any use or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property:

garages
gazebos
greenhouses
storage sheds
studios
tennis and other on-site sport courts
workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see "Telecommunications Facilities."

Residential Care Homes. Facilities providing residential social and personal care for children, the elderly, and people with limited ability for self-care, but where medical care is not a major element. Includes: children's homes; transitional houses; orphanages; rehabilitation centers; self-help group homes. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

Residential Development Any dwelling units entitled under the same General Plan amendment, Specific Plan, or subdivision approval, on contiguous parcels or otherwise, developed by the same entity or affiliates of the same entity. (Rev. 01/07/09 ORD. 2009-250)

Residential District or Zone. Any of the residential zoning districts established by Chapter 27.04 (Zoning Map).

Restaurant. A retail business selling food and beverages prepared on the site, for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.

Restaurant - Outdoor Dining. A restaurant or other eating establishment where tables and seating are provided and food and/or beverages are served in outdoor areas, which front a street, and have at least one side open. For purposes of parking calculations, these do not include interior courtyard areas.

Restaurant – Take Out. A retail business selling food and beverages prepared on the site, exclusively for off-premise consumption. (Revised 02/06/13, ORD. 2013-277)

Restaurant - With Alcohol Sales. A retail business selling food and beverages prepared on the site, for on- or off-premise consumption and the sale of alcohol for on premise

consumption. Restaurants with alcohol sales are distinguished from bars and nightclubs by: 1) the area devoted to eating is larger than the area devoted to alcohol consumption, 2) the alcohol serving area cannot operate independent from the food service area, and 3) alcohol is only served when the full restaurant menu is being served. (Revised 02/06/13, ORD. 2013-277)

Restaurant - With Live Entertainment. Restaurants selling food and beverages prepared on the site, for on or off premise consumption with live entertainment (as defined). Does not include restaurants, takeout where food is exclusively for off-premise consumption. (Revised 02/06/13, ORD. 2013-277)

Review Authority. The individual or official Town body (the Planning Director, Planning Commission, or Town Council) identified by this Zoning Ordinance as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article 4 (Zoning Ordinance Administration).

Roof-Mounted. Mounted above the eave line of a structure.

Room Rental. The renting of individual bedrooms within a dwelling and/or the providing of table board to two or more unrelated people, whether or not meals are provided.

S. Definitions, "S."

Satellite Dishes. See definition for Telecommunication Facilities.

Scarification. To make scratches on or superficial incisions in the skin. (ORD. 2009-258)

Schools. Public and private educational institutions, including:

boarding schools
business, secretarial and vocational schools
community colleges, colleges and universities
elementary, middle, and junior high schools
establishments providing courses by mail
high schools
military academies
professional schools (law, medicine, etc.)
seminaries/religious ministry training facilities

Also includes specialized schools offering instruction in the following:

art
ballet and other dance
computers and electronics
driver education
language
music, drama

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Child Day Care Facilities"). See also the definition of "Studios - Art, Dance, Music, Photography, etc." for smaller-scale facilities offering specialized instruction.

Scrap. Used metal, including appliances and machine parts, which can be re-used only with repair, refurbishing, or attachment to other such materials.

Secretary of Interior's Standards for Rehabilitation. The guidelines prepared by the United States Department of the Interior, National Park Service, for rehabilitating historic structures.

Secondary Dwelling Units. A second permanent dwelling that is accessory to a primary dwelling on the same site. A secondary residential unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is without interior access to the primary dwelling.

Security Fencing. A maximum of three strands of barbed wire at the top of a fence.

Senior Citizen. Persons at least 62 years of age; or persons at least 55 years of age in a senior citizen housing development, in compliance with State and Federal law.

Senior Citizen Housing. A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations and as that phrase is used in California Civil Code Section 51.3.

Senior Unit. A second residential unit intended for the sole occupancy of one or two adult persons who are 60 years of age or over, and the floor space area of the unit does not exceed 640 square feet.

Service Station. A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces. See also "Gas Station."

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 3-3 (Location and Measurement of Setbacks) in Section 27.20.070 shows the location of front, side, street side, rear, and interior setbacks.

Shallow Residential Lot. Any residentially zoned lot with a depth of 100 feet or less.

Shopping Center. Primarily retail commercial sites with two or more separate businesses sharing common pedestrian and parking areas. A small-scale shopping center: is 55,000 square feet or less in gross floor area; is on a site less than 5 acres in net area; has

the majority of its parking located between the public streets and its buildings, and no parking underground or within a parking structure.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following.

1. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.

2. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

3. **Awning Sign.** A sign copy or logo attached to or painted on an awning.

4. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

5. **Bench Sign.** Copy painted on a portion of a bench.

6. **Business Identification Sign.** A sign which serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

7. **Cabinet Sign (Can Sign).** A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

9. **Community Event Sign.** A temporary sign, other than a commercial sign, posted to advertise a community event sponsored by a public agency, school, church, community-fraternal organization, or similar non-commercial organization. The sign is intended to inform the public of a community happening, action, purpose, or occasion. (i.e., grand opening, community event, public meeting, and similar) (Rev. Ord. 2009-256).

10. **Contractor or Construction Sign.** A sign which states the name of the developer and contractor(s) working on the site and related engineering, architectural or financial firms involved with the project.

11. **Directional Sign.** An on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.

12. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.

13. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.

14. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.

15. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.

16. **Future Tenant Identification Sign.** A temporary sign that identifies the names of future businesses that will occupy a site or structure.

17. **Garage Sale Sign.** A sign with a message advertising the resale of personal property that has been used by the resident.

18. **Grand Opening.** A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.

19. **Ground Mounted Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.

20. **Holiday Decoration Sign.** Temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and which contain no advertising message.

21. **Illegal Sign.** A sign which includes any of the following:

    a. A sign erected without first complying with all regulations in effect at the time of its construction or use;

    b. A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not

being used to identify or advertise an ongoing business for a period of not less than 90 days;

c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rending the display conforming has expired, and conformance has not been accomplished;

d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;

e. A sign which is a danger to the public or is unsafe;

f. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the Town; or

g. A sign that pertains to a specific event, and five days have elapsed since the occurrence of the event.

22. Indirectly Illuminated Sign. A sign whose light source is external to the sign and which casts it's light onto the sign from some distance.

23. Internally Illuminated Sign. A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

24. Marquee (Canopy) Sign. A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

25. Mobile Billboard. A mobile billboard is any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. This definition does not include buses, taxicabs, and vehicles that display an advertisement for the business of its owner, so long as the vehicle is used for the business of the owner, and not used primarily for advertising. (Rev. Ord. 2009-256)

26. Monument Sign. An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

27. Multi-Tenant Sign. An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

28. Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations.

29. **Off-Site Directional Sign.** A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.

30. **Off-Site Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.

31. **Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

32. **Political Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

33. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.

34. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground.

35. **Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure and projecting outward.

36. **Promotional Sign.** A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

37. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

38. **Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

39. **Special Event Sign/Banner.** A temporary sign or banner that is intended to inform the public of a community happening, action, purpose, or occasion (i.e., grand opening or community event).

40. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

41. **Under Marquee Sign.** A sign suspended from a marquee or canopy.

42. **Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

43. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

44. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Sign Height. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Significant Groves or Stands of Trees. Groups of trees where the individual trees might not comply with the criteria of this Chapter, however, they represent a significant scenic or natural resource as a result of their grouping. Scenic resources may include entry statements to the Town, scenic corridors along major highways/streets, and/or specific rural, natural, or historic areas. Natural resources may include natural woodlands, riparian habitats, and/or drainage areas.

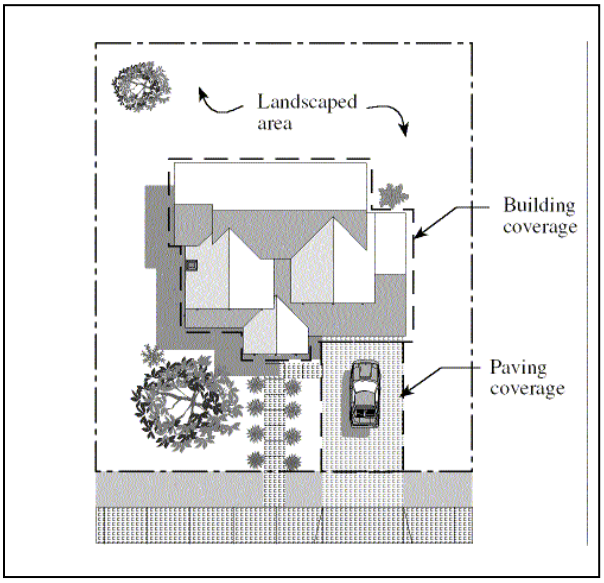
Single-Family Dwellings. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

Single Room Occupancy Housing (SRO) shall mean a structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels or rooming houses. (Added 09/17/2014, ORD. 2014-287)

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall.

FIGURE 6-3
SITE COVERAGE



Small Family Day Care Homes. See "Child Day Care Facilities."

Smoke Shops. Also known as “smoking and/or tobacco paraphernalia establishments” are defined as those establishments that either: (1) devote more than fifteen percent (15%) of their total floor space to smoking or tobacco paraphernalia, or (2) devote more than a two foot by four-foot (two feet in depth maximum) section of shelf space for display for sale and sale of smoking-and/or tobacco paraphernalia. Smoking and/or paraphernalia include, but are not limited to, the follow:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of tobacco plant.
2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing tobacco.
3. Isomerization devices intended for use or designed for use in increasing the potency of any species of tobacco plant. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of tobacco.
4. for use or designed for use in weighing or measuring tobacco. Separation gins and sifters intended for use or designed for use in removing twigs, stems, seeds, or other foreign material from, or in otherwise cleaning or refining, tobacco.
5. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding tobacco substances.
6. Envelopes, pouches, capsules, balloons, and other containers intended for use or designed for use in packaging small quantities of tobacco.
7. Containers and other objects intended for use or designed for use in storing or concealing tobacco.

8. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, such as the following:
    a. Metal, wood, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.
    b. Water pipes.
    c. Carburetion tubes and devices.
    d. Smoking and carburetion masks.
    e. Clips or other devices intended to hold burning materials, such as marijuana cigarette, that has become too small or too short to be held in the hand.
    f. Miniature cocaine spoons, and cocaine vials.
    g. Chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes or chillers.

Nothing in the definition of smoking or tobacco paraphernalia is intended to nor shall be interpreted as applying to tobacco products or legalizing or applying to any use otherwise prohibited by state or federal law, including without limitation, California Penal Code Section 308, Business & Professions Code Section 22950 et. seq., and Health & Safety Code Sections 11014.5, 11364, 11364.5 and 11364.7. (Rev. 04/09/18, ORD. 2017-318)

Solid fence. A fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence. (Rev. 04/09/18, ORD. 2017-318)

Smoke Shops. Also known as "head shops" or "smoking, drug, and/or tobacco paraphernalia establishments" are defined as those establishments that either: (1) devote more than fifteen percent (15%) of their total floor space to smoking or tobacco paraphernalia, or (2) devote more than a two foot by four-foot (two feet in depth maximum) section of shelf space for display for sale and sale of smoking, drug, and/or tobacco paraphernalia. Smoking, drug, and/or paraphernalia include, but are not limited to, the follow:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of tobacco plant or any plant which is a controlled substance or from which a controlled substance can be derived.
2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing tobacco or controlled substances.
3. Isomerization devices intended for use or designed for use in increasing the potency of any species of tobacco plant or plant which is a controlled substance.
4. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of tobacco or controlled substances.
5. Scales and balances intended for use or designed for use in weighing or measuring tobacco or controlled substances.
6. Separation gins and sifters intended for use or designed for use in removing twigs, stems, seeds, or other foreign material from, or in otherwise cleaning or refining, tobacco or marijuana.

7. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding tobacco substances or substances containing marijuana.
8. Envelopes, pouches, capsules, balloons, and other containers intended for use or designed for use in packaging small quantifies of tobacco or controlled substances.
9. Containers and other objects intended for use or designed for use in storing or concealing tobacco or controlled substances.
10. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing tobacco or controlled substances into the human body, such as the following:
    a. Metal, wood, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.
    b. Water pipes.
    c. Carburetion tubes and devices.
    d. Smoking and carburetion masks.
    e. Clips or other devices intended to hold burning materials, such as marijuana cigarette, that has become to small or to short to be held in the hand.
    f. Miniature cocaine spoons, and cocaine vials.
    g. Chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes or chillers.

    Nothing in the definition of smoking, drug and/or tobacco paraphernalia is intended to nor shall be interpreted as applying to tobacco products or legalizing or applying to any use otherwise prohibited by state or federal law, including without limitation, California Penal Code Section 308, Business & Professions Code Section 22950 et. seq., and Health & Safety Code Section s11014.5, 11364, 11364.5 and 11364.7. (Ord. 2009-258)

Spa. A commercial establishment devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit. An establishment that provides personal care treatments such as whirlpool baths, massage, facials, waxing, sauna, steam baths, mud baths, and similar services. (Ord. 2009-258)

Stand. A structure for the display and sale of products with no space for customers within the structure itself.

Stealth Facility. A communications facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure. Also referred to as concealed antenna.

Stone and Cut Stone Product Manufacturing. Manufacturing establishments engaged primarily in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

Storage - Indoor. The storage of various materials entirely within a structure, as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Storage - Personal Storage Facility (Mini-Storage). A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Street. A public thoroughfare accepted by the Town, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this Subsection.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Ordinance, the term "structure" includes "buildings," but does not include swimming pools.

Structure-Mounted. Mounted to the side of a structure (e.g., a billboard, church steeple, freestanding sign, etc.).

Structure, Primary. See "Primary Structure."

Structural Clay and Pottery Product Manufacturing. Manufacturing establishments engaged primarily in producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Handcraft Industries and Small Scale Manufacturing," and "Home Occupations."

Studio Apartment. Residential rental units whose square footage does not exceed 500 square feet. Studio apartments are encouraged in apartment projects of varied size units, to provide a mix of housing types. (Revised 03/03/04, ORD. 2004-178)

Studios for Art, Dance, Music, Photography, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Sonoma County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1315: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Subdivision Map Act or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Supportive Housing shall mean housing with no limit on length of stay, that is occupied by the target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his/her health status, and maximizing his/her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Revised 03/19/03, ORD. 2003-167; Revised 09/17/2014, ORD. 2014-287)

T. Definitions, "T."

Tanning Salon. A commercial business that caters to the browning of skin through some ultraviolet light source and/or painting/spraying method. (tanning beds, spray on tans, and similar). (ORD. 2009-258)

Tattoo Parlors. Any establishment that engages in the business of tattooing and/or branding and body piercing of human beings, including scarification and the application of permanent cosmetics as defined by Health and Safety Code Section 119300. A permanent picture, design, or other marking made on the skin by pricking it and staining it with an indelible dye. (ORD. 2009-258)

Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use of land that is designed, operated and occupies a site for a limited period of time, typically less than 12 months.

Textile and Leather Product Manufacturing. Manufacturing establishments engaged in performing any of the following operations:

coating, waterproofing, or otherwise treating fabric
dying and finishing fiber, yarn, fabric, and knit apparel
manufacture of knit apparel and other finished products from yarn
manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
manufacturing of woven fabric, carpets and rugs from yarn
preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
upholstery manufacturing

Theaters and Auditoriums. Indoor facilities for public assembly and group entertainment, other than sporting events, including:

civic theaters, and facilities for "live" theater and concerts
exhibition and convention halls
motion picture theaters
public and semi-public auditoriums
similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Commercial Recreation."

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guy towers or monopole towers. Telecommunication towers comprise personal wireless service facilities, including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communication service towers, and alternative tower structures.

Town. The Town of Windsor. (Rev. 01/07/09, ORD. 2009-250)

Town Council. The Windsor Town Council, referred to in this Zoning Ordinance as the "Council."

Transit Stations and Terminals. Passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Transit Stop Shelters. A small-scale covered waiting area for busses and taxis.

Transitional Housing shall mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months and in no case more than two (2) years. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. (Added 09/17/2014, ORD. 2014-287)

Trees.

1. **Building Footprint** - the two-dimensional plan of a building's perimeter boundaries measured at grade level.

2. **Certified Arborist** - a person who is certified with the International Society of Arboriculture, thereby demonstrating knowledge and competency in the field of arboriculture, and is a member of the American Society of Consulting Arborists.

3. **Compaction** - compression of the soil structure within a TPZ by any means (e.g. traffic, heavy equipment, storage of construction materials, etc.) that creates an upper layer that is dense and impenetrable. Compaction injures the roots of trees, and leads to poor health and decline. Symptoms of soil compaction often take 3 to 10 years to manifest themselves.

4. **Damage to a Tree.** Any action causing or contributing injury to the root system or other parts of a tree, by fire, application of toxic substances, operation of machinery or equipment; improper watering; changing natural grade of land by excavation or filling the drip line area around the trunk; or by attaching signs or artificial material thereby piercing the bark of the tree.

5. **Dead Tree** - either a tree that is dead, or one that has been so irreparably damaged, or is in such an advanced state of decline that not enough live tissue exists to sustain life. Such a determination must be made by a certified arborist. Once a tree has been determined to be dead then removal is permitted.

6. **Diameter at Breast Height (DBH**) - the diameter of the tree trunk at four and one-half feet (54") above the natural grade level. The diameter can be calculated using the formula: DBH = circumference at 4.5 feet) 3.142. To determine the DBH of multi-trunk trees, or measuring trees on slopes, consult the current Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

7. **Diseased Trees.** Trees afflicted by, but not limited to, any of the following: insect infestation, heart rot, exfoliation, slime flux, crown rot, leaf scorch, and root fungus that shall be evaluated, treated and re-evaluated in an effort to restore or save the tree.

8. **Dripline Area** - the area represented by the actual size and shape of the tree canopy, as shown on an aerial photograph. Dripline does not represent the size or area of the root zone, and is not the same as the Tree Protection Zone (TPZ), which represents the area required for preservation by fencing.

9. **Hand Digging** - performing underground trenching without traditional trenching equipment such as backhoes, excavators, or trenchers. Alternate trenching techniques, as specified by the project arborist, might include using horizontal boring technology, high pressure air, high pressure water, and in limited locations manual removal of soil from a trench area with a shovel.

10. **Hazardous Tree** - a tree that possesses a significant structural defect that poses an unacceptable risk should the tree, or any part of it, fall on a target.

    A structural defect is defined as any structural weakness, whether caused by disease or any other means, which results in the deformity or weakness of a tree. Such a condition can be verified by a certified arborist. The Town retains the discretionary right to approve or amend a hazardous rating, in writing, and recommend any action that may reduce the condition to a less-than significant level of hazard.

    A tree with a structural defect may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts (e.g., a substandard tree in a non-populated area away from pedestrian pathways may not be considered a hazard).

11. **Heritage Tree.** A tree or grove of trees designated by resolution of the Council as a heritage tree because of an association with some event or person of historical significance to the community or because of special recognition due to size, condition, or aesthetic qualities.

12. **Landmark Tree.** Prominent or visually significant tree(s) of any species except eucalyptus with a trunk diameter of 30 inches or greater measured at 4.5 feet from surrounding grade. (Rev. 4/18/07, Ord. 2007-214)

13. **Native Tree** – any tree which has its natural origin at the project site. Does not include trees that originate in other parts of the world that have naturalized in Windsor. Does not include trees that are native to other parts of California that have been planted in Windsor.

14. **Non-native Tree** – any tree which has its natural origin outside the Town of Windsor. Includes ornamental trees, trees that have naturalized from other areas, and natives from other areas of the state.

15. **Protected Tree** - all oak trees greater than six inches, California Buckeye greater than six inches, and California Bay trees twelve inch or greater. Size is trunk diameter measured at a height of 4.5 feet from surrounding grade. Multiple trunk trees must possess at least one trunk with the above diameter (based on species) to be considered protected.

16. **Protective Tree Fencing** - a temporary enclosure erected around a tree to be protected at the boundary of the tree protection zone. The fence serves three primary functions:

    - To keep the crown, branch structure and trunk clear from direct contact with, and damage by, equipment, materials or other disturbances;
    - To preserve roots and soil in a natural, intact and non-compacted state;
    - To identify the tree protection zone in which no soil disturbance is permitted and in which activities are restricted.

17. **Root Pruning** - the deliberate and intended cutting of any root over 1 inch in diameter using a clean saw or other cutting instrument. Roots must never be torn from the ground, but must always be cleanly severed when encountered.

18. **Significant Groves or Stands of Trees**. Groups of trees where the individual trees might not comply with the criteria of this Chapter, however, they represent a significant scenic or natural resource as a result of their grouping. Scenic resources may include entry statements to the Town, scenic corridors along major highways/streets, and/or specific rural, natural, or historic areas. Natural resources may include natural woodlands, riparian habitats, and/or drainage areas.

19. **Significant Tree** – as determined by the arborist, a significant tree can be identified by size, age, species, unusual character, historical significance, or a combination of these features. When identified by the arborist as significant, exceptional measures to preserve and protect may be required.

20. **Site Plan** - either a Pre-application Plan, Improvement Plan, or Tentative Map. The Pre-application Plan need only show the surveyed tree locations and the tree driplines (including trees located on neighboring property that overhang the project site). The Improvement Plan or Tentative Map must show the surveyed tree locations, tree protection zones (TPZ), and tree numbers that correspond to the tree information contained in the Tree Protection and Preservation Plan. Additionally the Improvement Plan or Tentative Map shall show existing site conditions and proposed improvements.

21. **Street Tree** - any publicly owned tree growing within the Town's right-of-way or an area within a public easement**.** A permit from the Town is required prior to any work on or around these trees.

22. **Target -** people, vehicles, structures, other trees or landscape improvements subject to damage by a falling tree.
A tree with a hazardous structure may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts, for example a small tree in a non-populated area, away from pedestrian pathways, might possibly not be considered a hazard.

23. **Topping** - the practice of cutting back large diameter branches to a stub, or truncating the main stem.

24. **Tree Appraisal** - a method of determining the monetary value of a tree as it relates to the real estate value of a property, neighborhood or community. When required, a certified arborist determines the tree's value by adjusting its 'basic value' by condition, location and species, using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

25. **Tree Injury -** a wound resulting from any activity, including but not limited to, excessive pruning, cutting, bruising, scarring, tearing or breaking of roots, bark, trunk, branches or foliage. It also includes damage inflicted on a tree through activities in the tree protection zone such as trenching, excavating, altering grade, paving or compaction. It also includes the application of herbicides or poisons, or any other action that ordinarily would result in damage to a tree.

26. **Tree Inspection Report** - a written report prepared by the project arborist to document that the specified tree inspection, or any other required procedure, has been accomplished. All necessary mitigation or action items that are required based on conditions existing at the time of inspection shall be noted, as well as any violations of the Tree Preservation Policy or Tree Protection and Preservation Plan.

27. **Tree Inventory** – a site plan that illustrates the location and driplines of all trees on a proposed project site. An inventory is a recommended submittal in the pre-application stage of development.

28. **Tree Protection and Preservation Plan** - a plan prepared by a certified arborist that outlines measures to protect and preserve trees on a project. This plan shall include requirements for preservation, establish a tree protection zone (TPZ), specify tree protection during demolition and/or construction, and specify mitigation measures and appraisal values for each tree.

29. **Tree Protection Signage** - signs measuring a minimum size of 12" x 18" designating the tree protection zone, which is a protected area. Tree protection signs must be attached to the tree protection fencing at maximum intervals of 12 feet apart on all fenced areas.

30. **Tree Protection Zone or (TPZ)** the area of temporary fenced tree enclosure. The roots that are critical for tree survival are typically found in the upper three feet of soil and may extend beyond the dripline area. Protecting the roots in the TPZ is necessary to ensure the tree's survival. The TPZ is a restricted activity zone where no access or soil disturbance is permitted, unless approved, in writing, and supervised by the Project Arborist. A TPZ must be identified for each tree and shown on all applicable Improvement plans.

    The TPZ is measured from the dripline of the furthest most tree limb plus a minimum of one inch for every inch of the diameter of the tree or a minimum of 3' beyond the dripline, whichever is greater to provide a protected zone outside the furthest dripline of the tree. (DBH - the diameter of the tree trunk at four and one-half feet (54") above the natural grade level).

    The Project Arborist retains the discretionary right to decrease or increase the size of a TPZ at any time.

31. **Tree Removal -** complete tree removal either by cutting to the ground, or extraction, and then grinding or pushing over the stump of the tree, and disposing of the remains as directed by the Project Arborist.

32. **Trenching** - any excavation, whether to provide irrigation, install foundations, lay utility lines, pipe, drainage or other property improvements below grade. Trenching within the TPZ is injurious to roots and tree health and is prohibited, unless approved in writing by the project arborist.

U. Definitions, "U."

Unit. See "Housing Unit."

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Use, Primary. See "Primary Use."

Utility Allowance. A utility allowance for renters or owners, calculated per utility allowance schedules published by the Sonoma County Housing Authority, a successor index, or an alternative index allowed by the California Tax Credit Allocation Committee. (Rev. 01/07/09 ORD. 2009-250)

Utility Facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

corporation and maintenance yards.
electrical substations and switching stations
natural gas regulating and distribution facilities
public water system wells, treatment plants and storage
telephone switching facilities
wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Utility Facilities").

V. Definitions, "V."

Variance. A discretionary entitlement that may waive or relax the development standards of this Zoning Ordinance, in compliance with Section 27.42.070 (Variances).

Vehicle and Freight Terminals. This land use consists of transportation establishments furnishing services incidental to air, motor freight, and rail transportation including:

freight forwarding services	postal service bulk mailing distribution centers
freight terminal facilities	transportation arrangement services
joint terminal and service facilities	trucking facilities, including transfer and storage
packing, crating, inspection and weighing services	

Vehicle Services. The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. **Major Repair/Body Work.** Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.

2. **Maintenance/Minor Repair.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.).

Does not include automobile parking (see "Parking Facilities/Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales," and "Mobile Home and Recreational Vehicle Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling -Scrap and Dismantling Yards."

Very Low and Low Income Households. A person or household whose gross income is 50% or less of the Sonoma County AMI, adjusted for family size, as defined by HCD. (Rev. 01/07/09 ORD. 2009-250)

Veterinarians, Animal Hospitals, Kennels, Boarding. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of five or more dogs four months of age or older, or five or more cats, except for dogs or cats in pet shops.

W. Definitions, "W."

Warehousing, Wholesaling and Distribution. These facilities include:

1. **Warehousing.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

2. **Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as:

    agents, merchandise or commodity brokers, and commission merchants
    assemblers, buyers and associations engaged in the cooperative marketing of farm products
    merchant wholesalers
    stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Wet Bars. A small single sink that does not accommodate a garbage disposal for food waste. The sink and counter top has a total surface area of less than four square feet. Refrigeration and cabinets would be limited to space under the allowed counter top. (Revised 8/17/05, Ord. 2005-194)

Wine and Beer Tasting. A facility selling wine, beer and related products at retail, where wine and beer may be tasted, for a fee or without charge. May include limited production of wine or beer (Maximum single batch not to exceed 4 U.S. Beer Barrels). (Revised 02/06/13, ORD. 2013-277)

Wineries. Manufacturing facilities where wine grapes are crushed, fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

Wireless communication facility. Any public or private structure that supports antennae, microwave dishes, and other related equipment that sends and/or receives radiofrequency signals.

X. Definitions, "X."

No specialized terms beginning with the letter "X" are used at this time.

Y. Definitions, "Y."

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Ordinance. See Section 27.40.090 (Setback Measurement and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the required setback.

2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the required setback.

3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

Z. Definitions, "Z."

Zero Lot Line. The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

Zoning Clearance. A ministerial approval issued by the Department prior to issuance of any building permit to ensure that the proposed use and/or construction complies with all of the provisions of this Zoning Ordinance.

Zoning District. Any of the residential, commercial, public, or overlay districts established by Article 2 of this Zoning Ordinance (Zoning Districts and Allowable Land Uses), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Zoning Ordinance. The Windsor Zoning Ordinance, Title 27 of the Windsor Municipal Code, referred to herein as "this Zoning Ordinance."