ORDINANCE NO. 2022-366

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING THE TEXT OF THE ZONING ORDINANCE TO BAN THE CONSTRUCTION OF NEW GAS STATIONS AND THE EXPANSION OF FOSSIL-FUEL INFRASTRUCTURE AT EXISTING GAS STATIONS (FILE NO. 21-29)

WHEREAS, the Town of Windsor places a high value on environmental resources and the 2040 General Plan includes numerous policies to reduce greenhouse gas emissions and promote energy efficiency to curtail the impacts of climate change, including the following:

- ER-5.1 Community Greenhouse Gas Reduction: *The Town shall strive to reduce emissions by 40% below the 1990 community emissions level by 2030.*
- ER-5.11 Zero Net Energy Goals: *The Town shall strive to implement the State goal of zero net energy (ZNE) in all new residential construction by 2020 and ZNE in all new commercial construction by 2030.*
- ER-5.23 Update Energy Policies and Programs: *The Town shall regularly update and strengthen Town energy-related policies and programs for new and existing construction to reflect advances in technologies and practices.*

WHEREAS, on June 1, 2005, Governor Schwarzenegger signed Executive Order S-3-05 establishing statewide targets for reducing greenhouse gas emissions; and

WHEREAS, through the adoption of SB32, the State of California set a target to reduce greenhouse gas emissions to 40% below 1990 levels by 2030; and

WHEREAS, on December 6, 2017, the Town Council adopted Resolution 3415-17, reaffirming the Town's intent to reduce greenhouse gas emissions through the implementation of measures identified in a coordinated effort led by the Sonoma County Regional Climate Protection Authority (RCPA); and

WHEREAS, on January 26, 2018, Governor Brown signed Executive Order B-48-18, stating that the transportation sector accounts for 50% of the state's greenhouse gas emissions and 80% of smog-forming pollutants; calling for a major increase in Zero Emission Vehicles (ZEVs) in California (targeting 5 million ZEVs in California by 2030); and investing $2.5 billion to increase the availability of electric vehicle charging stations and other ZEV infrastructure; and

WHEREAS, because fossil-fuel based transportation remains the largest contributor of greenhouse gas emissions and criteria pollutant emissions in California, reducing greenhouse gas emissions to improve environmental and human health will require a massive transition away from internal combustion engines to ZEVs; and

WHEREAS, on September 10, 2018, Governor Brown issued, and Governor Newsom has since affirmed, Executive Order B-55-18, calling for the State of California to achieve carbon neutrality no later than 2045; and

WHEREAS, on September 4, 2019, the Town Council adopted Climate Emergency Resolution No. 3548-19, herein incorporated by reference, stating that emergency mobilization is required to reach zero greenhouse gas emissions across all sectors to protect people and species from the consequences of a rapidly warming climate; joining a nationwide call for a transition away from fossil fuels; and directing staff to integrate climate change considerations into all policies; and

WHEREAS, on September 23, 2020, the Governor of California signed Executive Order N-79-20, initiating a phase-out of gas-powered vehicles and setting a target for all new passenger cars and trucks sold in California to be ZEVs by the year 2035; and

WHEREAS, on September 25, 2020, RCPA published its 2018 Sonoma County Greenhouse Gas Inventory, which showed that the transportation sector accounts for 60% of the greenhouse gas emissions in Sonoma County. In addition to being the largest source of greenhouse gas emissions in Sonoma County, the transportation sector was the only sector that increased its greenhouse emissions from 1990 to 2018 (the other major sectors included buildings, fertilizer/livestock, solid waste, and water/wastewater); and

WHEREAS, on March 8, 2021, RCPA adopted a Climate Mobilization Strategy, prioritizing a goal to accelerate the transition to 100% electric vehicles for all transportation needs not otherwise met by biking or walking, including the installation of over 10,000 public and workplace charging stations in Sonoma County, addressing barriers for installing charging equipment, and limiting fossil fuel infrastructure; and

WHEREAS, on August 5, 2021, President Biden signed Executive Order 14037 Strengthening American Leadership in Clean Cars and Trucks, setting a goal that 50% of all new passenger cars and light trucks sold in the United States be ZEVs by the year 2030; and

WHEREAS, on September 13, 2021, RCPA adopted Resolution No. 2021-003, herein incorporated by reference, which recommended that all jurisdictions in Sonoma County stop accepting applications for new gas stations and expansions of fossil fuel infrastructure at existing gas stations; and

WHEREAS, General Plan Policy M-10.6 specifies that, "The Town shall coordinate with the Sonoma County Transportation Authority (SCTA) and Regional Climate Protection Authority (RCPA) on regional transportation initiatives that help the Town and County achieve its greenhouse gas emission reduction goals;" and

WHEREAS, with approximately 10,000 electric vehicles in Sonoma County already, and government and market forces (i.e., sustained high gas prices) aligned to move consumers toward purchasing more electric vehicles, there is a growing need for electric vehicle charging infrastructure, while there is no demonstrated need for additional gas stations in Windsor; and

WHEREAS, on November 3, 2021, the Town Council held a public meeting to consider a potential gas station ban, and directed staff to bring forward policy amendments to implement said ban; and

WHEREAS, in accordance with the provisions of State law, the Planning Commission held a duly noticed public hearing on the proposed gas station ban on May 24, 2022, at which time all interested persons were given an opportunity to be heard; the Planning Commission considered all public comments; and the Planning Commission forwarded Resolution No. 711-22 to the Town Council, recommending the Town Council amend the Zoning Ordinance to enact a gas station ban; and

WHEREAS, on September 7, 2022, the Town Council conducted a duly noticed public hearing on the proposed amendments, at which time all interested parties had an opportunity to be heard; and

WHEREAS, the proposed Zoning Ordinance text amendments would reinforce, and be consistent with, existing Town policies and the 2040 General Plan EIR; and

WHEREAS, the proposed Zoning Ordinance text amendments constitute a regulatory process to protect the environment, because they would prohibit the expansion of fossil-fuel based gas stations in Windsor, while allowing for the possibility of alternative fueling options to be constructed in Windsor; and

WHEREAS, the proposed Zoning Ordinance text amendments are exempt from CEQA review in accordance with CEQA Guidelines Sections 15307 and 15308, because the amendments constitute actions taken by a regulatory agency, as authorized by state law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource, where the regulatory process involves procedures for protection of the environment; and

WHEREAS, the proposed Zoning Ordinance text amendments are exempt from CEQA review in accordance with CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the amendments would have a significant effect on the environment in that they would prevent environmental impacts resulting from new or expanded gas station uses.

NOW, THEREFORE, the Town Council of the Town of Windsor does ordain as follows:

SECTION 1. Recitals.
The above recitals are true and correct and adopted as findings.

SECTION 2. Findings.
The Town Council finds that:

A. A duly noticed public hearing, in accordance with California Government Code Section 65856, regarding the proposed amendments to the Zoning Ordinance was held by the Town Council on September 7, 2022.

B. The proposed Zoning Ordinance text amendments are consistent with the 2040 General Plan, which strives to reduce greenhouse gas emissions (Policy ER-5.1); encourages energy conservation (Policy ER-5.11); requires regular updates to the Town's energy-

related policies to reflect advances in technologies and practices (Policy ER-5.23); and requires coordination with the Regional Climate Protection Authority to achieve GHG emission reduction goals (Policy M-10.6), as substantiated in the Town Council agenda report.

C. The proposed Zoning Ordinance text amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town in that the gas station ban would help address the climate emergency; the amendments would not result in additional Vehicle Miles Traveled, because the entire Town is within two miles of an existing gas station, and the ordinance includes provisions to allow existing gas stations to remain; and they would not cause hardship for disadvantaged communities, since there are no disadvantaged communities in the Town of Windsor, as documented in the Town Council agenda report.

D. The proposed Zoning Ordinance text amendments are internally consistent with other applicable provisions of the Zoning Ordinance, because the proposed Zoning Ordinance text amendments are designed to update all sections of the Zoning Ordinance pertaining to the gas station ban.

E. The Town Council finds that this Ordinance is exempt from environmental review pursuant to CEQA Guidelines Sections 15307 and 15308, because the amendments constitute actions taken by a regulatory agency, as authorized by state law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource, where the regulatory process involves procedures for protection of the environment; and pursuant to CEQA Guidelines Section 15061(b)(3), the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment; and because the Zoning Ordinance text amendments are consistent with the 2040 General Plan and 2040 General Plan EIR.

SECTION 3. Amendments.
The Town of Windsor Zoning Ordinance is hereby amended pursuant to Exhibit A, with Planning Commission additions shown in bold and underlined, and Planning Commission deletions shown in strikethrough.

SECTION 4. Severability.
If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

SECTION 5. Effective Date and Publication.
This Ordinance shall take effect and be in force 30 days following its passage. Before the

expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the Town of Windsor.

PASSED, APPROVED, AND ADOPTED this 5th day of October 2022, by the following vote:

AYES: **COUNCILMEMBERS FUDGE, REYNOZA, WALL, VICE MAYOR LEMUS AND MAYOR SALMON**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachment:

- **Exhibit A -** Zoning Ordinance Text Amendments

Town Council Ordinance No. 2022-XXX
Exhibit A

Zoning Ordinance Text Amendments

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

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	
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~~ 27.50.070
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	

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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	
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	—	—	
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

TABLE 3-12
SIGN STANDARDS BY ZONING DISTRICT

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~~ Gas 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
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

Town of Windsor Zoning Ordinance
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.

Town of Windsor Zoning Ordinance
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

Except as provided in Section 27.50.070 for non-conforming gas stations, all non-conforming uses and structures shall be subject to the following regulations:

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

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.

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.

27.50.070 – Non-Conforming Gas Stations

A. **Purpose.** To implement the 2040 General Plan greenhouse gas emissions reduction policies and Town Council Climate Emergency Resolution No. 3548-19 through regulations that:

1. Provide for the continued operation of gas stations as legal non-conforming uses and describe when they may be deemed abandoned.

2. Allow alterations to gas stations when such changes provide greater protection of the environment, safeguard public health and safety, facilitate the use of Zero Emission Vehicles, or enable other uses permitted within the respective zoning district.

3. Prohibit gas station operations from increasing the storage and dispensing capacity of gasoline and any other fossil fuel.

B. **Applicability**. This section applies to:

1. All lawfully developed and operating gas stations in existence prior to [insert ordinance effective date].

2. All gas stations not yet developed and/or operating but subject to an approved and unexpired land use permit or a planning entitlement application that was submitted prior to the effective date of the ordinance.

C. **Modifications to Gas Stations, Generally.** Except as provided below, gas station uses and structures related thereto shall not be enlarged or extended~~, reconstructed or moved to a different portion of the lot or parcel of land occupied by such use~~. As determined by the Community Development Director, examples of features subject to this provision include, but are not limited to, those related to the sale, storage, conveyance, and dispensing of gasoline and any other fossil fuel (e.g., storage tanks, pumps, dispensers).

D. **Modifications to Improve Soil, Groundwater and Stormwater Quality**. Gas station uses may be modified to conform to current stormwater quality control regulations or remediate contamination of the soil or groundwater.

E. **Modifications to Improve Traffic Safety**. As determined by the Town Engineer, the pedestrian and vehicular circulation features (e.g., curbing, sidewalks, traffic control devices) of a gas station may be modified to improve public safety.

F. **Modifications to Enable Zero Emission Vehicle Battery Charging Station**. Gas station uses may be modified to accommodate battery charging station(s) for zero emission vehicles.

ARTICLE 6
Definitions

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)

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."

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
credit agencies
holding (but not primarily operating) companies
lending and thrift institutions
securities/commodity contract brokers and dealers
security and commodity exchanges
vehicle finance (equity) leasing agencies
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

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

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 gas ~~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)

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).

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")

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").

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").

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)

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)

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."

Junk. Used or discarded materials or objects, which may include building materials, scrap, wood, paper, or rags, some of which may be re-usable.

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.

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 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."

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)

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).

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.

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.

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 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 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.

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

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.

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

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:

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.

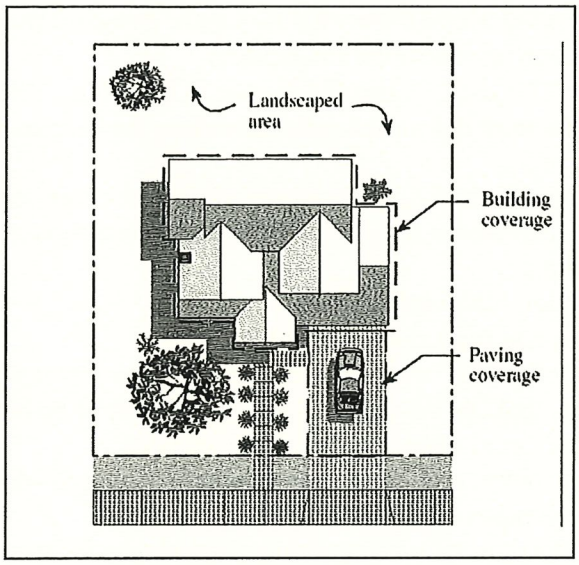
37. **Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

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).

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 "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.

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.

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)

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;

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.

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
freight terminal facilities
joint terminal and service facilities
packing, crating, inspection and weighing services
postal service bulk mailing distribution centers
transportation arrangement services
trucking facilities, including transfer and storage

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~~ gas 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.

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 Emission Vehicle (ZEV). A zero emission vehicle is any type of vehicle that has no tailpipe emissions. Vehicles run on electric motors and are powered by electricity delivered from batteries or hydrogen fuel cells. In contrast to conventional internal combustion vehicles, zero emission vehicles prevent air pollution, lower greenhouse gas emissions, and help integrate renewable energy into the transportation sector. There are two kinds of zero emission vehicles: plug-in electric vehicles and hydrogen fuel cell electric vehicles.

Zero Emission Vehicle (ZEV) Battery Charging Station. One or more electric vehicle charging spaces served by an electric vehicle charger or other charging equipment. This includes any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

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."