Title 17 – Zoning Code

Article 3 – Regulations Applicable to All Zones

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Chapter 17.20

General Site Planning and Development Standards

Chapter 17.20 General Site Planning and Development Standards

17.20.010 Purpose of Chapter

This Chapter expands upon the requirements of Article 2 (Zones, Allowable Uses, and Development Standards) by addressing additional details of site planning, project design, and operation, to ensure that all development:

A. Produces an environment of stable and desirable character;

B. Is compatible with existing and future development; and

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

17.20.020 Applicability

The standards established in this Chapter apply to all proposed development and new land uses and shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards). If there is a conflict between the standards of this Chapter and other Chapters of this Zoning Code, the most restrictive standard shall apply as determined by the Director.

17.20.030 Crime Prevention Through Environmental Design (CPTED)

A. **CPTED Principles.** Throughout this Zoning Code, concepts of prevention through environmental and urban design have been developed and located throughout the regulations. Crime Prevention Through Environmental Design (CPTED) is an approach that aims to reduce crime and improve public safety by designing the physical environment to influence human behavior. The main principles of CPTED include:

1. **Natural Surveillance.** Designing spaces to maximize visibility, allowing people to observe activities and deter criminal behavior. This includes strategic placement of windows, porches, front doors that have a direct connection to the street, lighting, and landscaping to eliminate hiding spots. Natural surveillance is also provided by using single-loaded streets with homes facing public areas such as creeks, parks, open spaces, railroad tracks, etc.

2. **Natural Access Control.** Directing movement and controlling access to reduce the opportunity for crime. This is achieved through barriers such as gates, fences, or entry points that define the intended flow of people.

3. **Territorial Reinforcement.** Creating a sense of ownership over a space by using physical designs such as signage, landscaping, or fences to distinguish between public and private areas, making intruders stand out.

4. **Maintenance (or 'Image').** Ensuring that areas are well-maintained and clean to signal that a space is cared for, which deters crime by creating a sense of order.

5. **Activity Support.** Encouraging the use of spaces for legitimate purposes by designing areas for community activities, making them less appealing for criminal behavior.

B. **Identification of CPTED Oriented Provisions.** To ensure the clear identification and application of CPTED standards, provisions and regulations within this Zoning Ordinance that align with CPTED principles are marked with the designation "[CPTED]" at the end of the respective provision or regulation. See Subsection 17.20.030.C (Examples of CPTED Oriented Design Features and Considerations).

C. **Examples of CPTED Oriented Design Features and Considerations.** The CPTED principles identified in Subsection 17.20.030.A (CPTED Principles). Examples of CPTED principles for both single-unit, multi-unit, and mixed use developments are illustrated in the figures below:

Figure 17.20-01
Examples of CPTED Principles for a Single-Unit Building with Porch

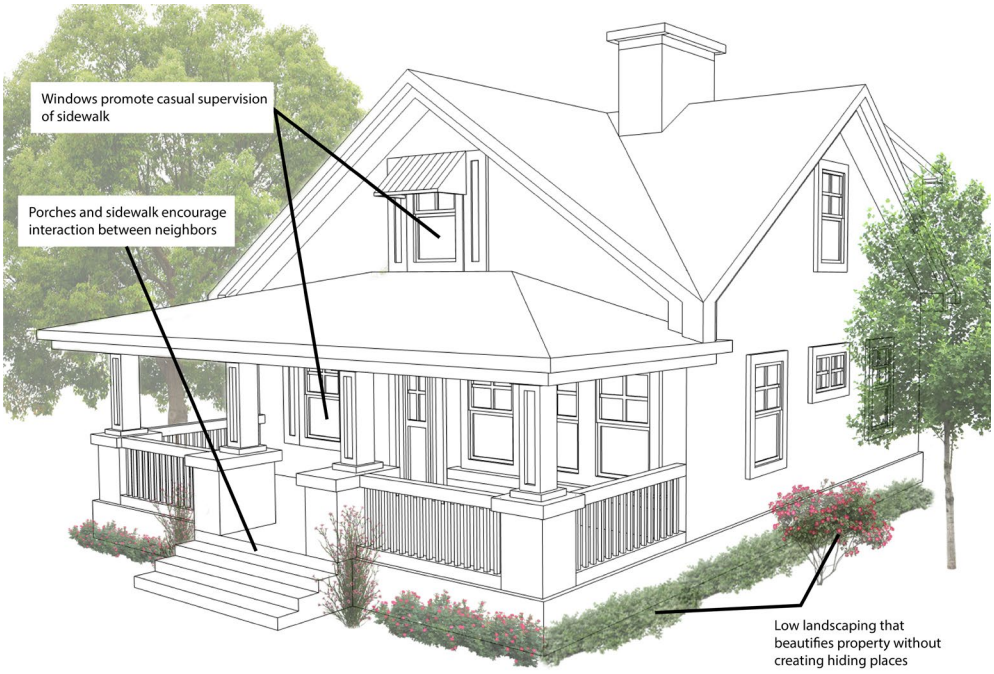


Figure 17.20-02
Examples of CPTED Principles for a Multi-Unit Building



Figure 17.20-03
Examples of CPTED Principles for a Mixed-Use Building



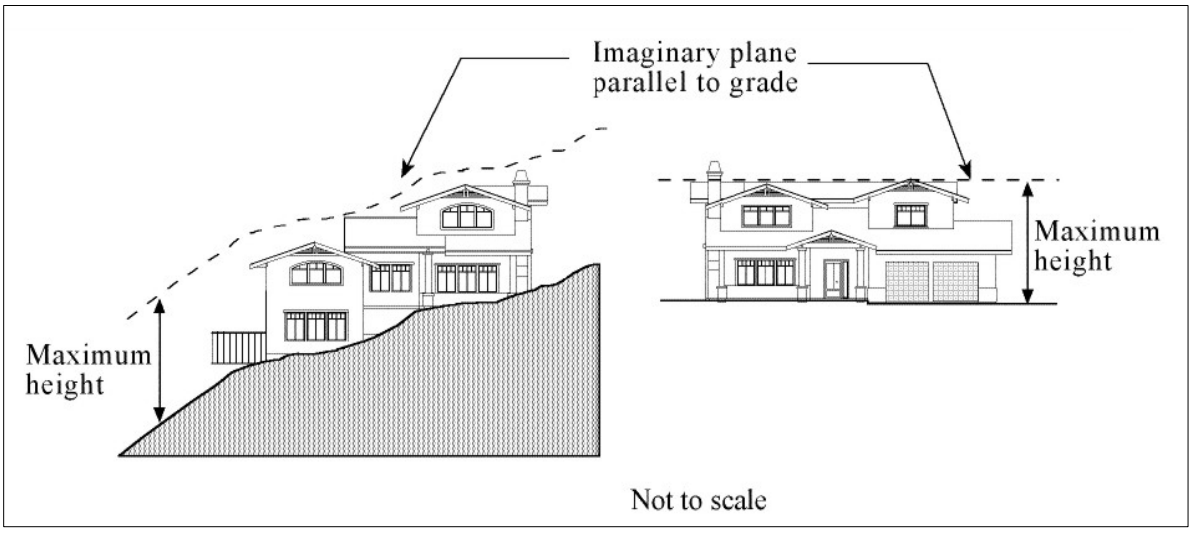
17.20.040 Height Measurement and Exceptions

A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established for each zone listed in Article 2 (Zones, Allowable Uses, and Development Standards), and exceptions to those established height limits.

B. **Maximum Height of Structures.** The height of structures shall not exceed the standard for the applicable zone established in Article 2 (Zones, Allowable Uses, and Development Standards), except as otherwise provided by this Section.

C. **Height Measurement.** The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located at the allowed height above and parallel to the grade. Height measurements shall be based on existing topography of the site, before grading for proposed on-site improvements. All sides of a structure shall comply with this requirement. See Figure 17.20-04 (Height Measurement).

Figure 17.20-04
Height Measurement



D. **Exceptions to Height Limits.** The review authority may approve exceptions to the height limits of this Zoning Code as follows.

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

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

   b. Up to 12 feet, if located midblock.

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

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

3. **Additional Structure Height Increases.** In addition to Paragraphs D.1 and D.2, above, structures may exceed the height limit established per zone by a maximum of 25 percent subject to the approval of a Conditional Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

17.20.050 Setback Measurement and Exceptions

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

B. **Setback Requirements.** All required setbacks shall comply with the following.

1. **General Requirement.** All structures shall comply with the setback requirements of each zone and with any setbacks established for specific uses by this Code, except as otherwise provided by this Section. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or street right-of-way, without first securing an Encroachment Permit. Greater setbacks than required by this Code may be required based on local or State requirements.

2. **Infill Development Within Previously Approved Projects.** Where setbacks have been established for individual vacant parcels by a Specific Plan, a PD zone, an approved subdivision map, other entitlement, or to protect an environmental resource, the established setbacks shall continue to apply to continuing development unless circumstances have changed substantially from the time that setbacks were established, as determined by the Director, in which case the setbacks required by this Zoning Ordinance shall be applicable.

3. **Setbacks Required from Environmental Assessment.** In the event a setback(s) is required based on an environmental assessment or determination, the property owner or applicant shall be required to provide updated studies or reports at the Director's discretion to revise the required setback.

C. **Measurement of Setbacks.** Setbacks shall be measured as follows, except that the Director may require different setback measurement methods where they determine that unusual parcel configuration makes the following infeasible or ineffective. See Figure 17.20-05 (Location and Measurement of Setbacks). For streets with detached planter strips, the property line is assumed to be the back of the sidewalk for the purposes of setback measurement.

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

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

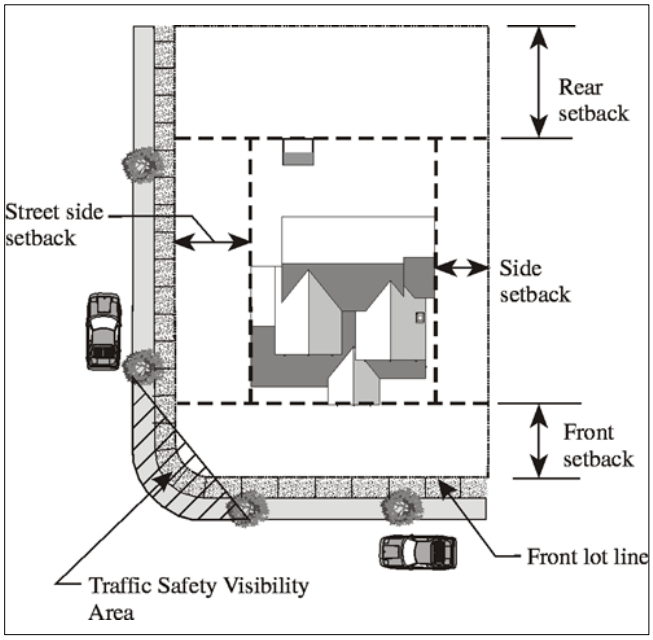
    b. **Corner Lots.** The measurement shall be taken from the nearest point of the structure to the nearest point of the narrowest street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for setback measurement shall be determined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

2. **Side Yard Setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.

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

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

Figure 17.20-05
Location and Measurement of Setbacks



D. **Exemptions From Setback Requirements.** The minimum setback requirements established in this Zoning Code shall apply to all development and new land uses, except the following:

1. Fences shall comply with the requirements included in Table 17.26-01 (Maximum Height of Fences, Walls, and Hedges);

2. Decks, earthworks, steps, terraces, and other site design elements that are placed directly upon grade and do not exceed a height of 18 inches above the surrounding grade at any point. Parcel coverage requirements may still apply for these features; and

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

E. **Limitations on Uses of Setbacks.** The use of required setback areas shall comply with the following.

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

   a. The fences, walls, and hedges permitted by Chapter 17.26 (Fences, Walls, and Hedges); and

   b. The projections into setbacks allowed by Subsection 17.20.050.F (Allowed Projections into Setbacks).

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

3. **Parking.** Required residential parking spaces shall not be located within the front setback area other than in the driveway or carport. Temporary (less than 72 hours) parking is allowable within required setback areas only on paved driveways. Storage (72 hours or more) of vehicles, including recreational vehicles, boats, trailers, and ATVs, in required setbacks is prohibited.

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

1. **Architectural Features.** Architectural features attached to the primary structure and detached structures may extend beyond the wall of the structure and into the front, side, street side, and rear yard setbacks, in compliance with Table 17.20-01 (Allowed Projections into Setbacks). See also Figure 17.20-06 (Examples of Allowed Projections into Side Setbacks).

2. **Equipment.** Air conditioning, heating, emergency generators, and similar equipment may extend up to 30 inches into side and rear yards, but to no closer than 36 inches to any property line. Swimming pool, hot tub, and spa equipment are instead subject to Subsection 17.20.040.G (Setback Requirements for Specific Structures), below.

Table 17.20-01
Allowed Projections into Setbacks

Projecting Feature	Allowed Projection into Specific Setback			
	Front Setback	**Side Setback**	**Street Side Setback**	**Rear Setback**
Bay windows, and similar projecting windows	36 in.	20 percent of setback (2)	36 in.	36 in.
Chimney/fireplace, six feet or less in width	24 in. (1)	24 in. (1)	24 in. (1)	24 in. (1)
Cornice, eave, awning, roof overhang	24 in.	24 in. (2)	24 in.	24 in. (2)
Balcony, deck, porch, which may be roofed but is otherwise unenclosed	25 percent of setback to a maximum of six feet, and no closer than five feet to the property line. Limited to a maximum height of 42 inches.	20 percent of side setback. Limited to a maximum height of 42 inches.	5 feet or 40-percent of the street side setback Limited to a maximum height of 42 inches.	20 percent of setback and no closer than five feet to the property line. Limited to a maximum height of 42 inches.

Table 17.20-01
Allowed Projections into Setbacks

Projecting Feature	Allowed Projection into Specific Setback			
	Front Setback	**Side Setback**	**Street Side Setback**	**Rear Setback**
Deck, porch, stairway - Uncovered, and 18 inches or less. (3)	May project to property line			
Deck, balcony, stairway – Enclosed	Not allowed			

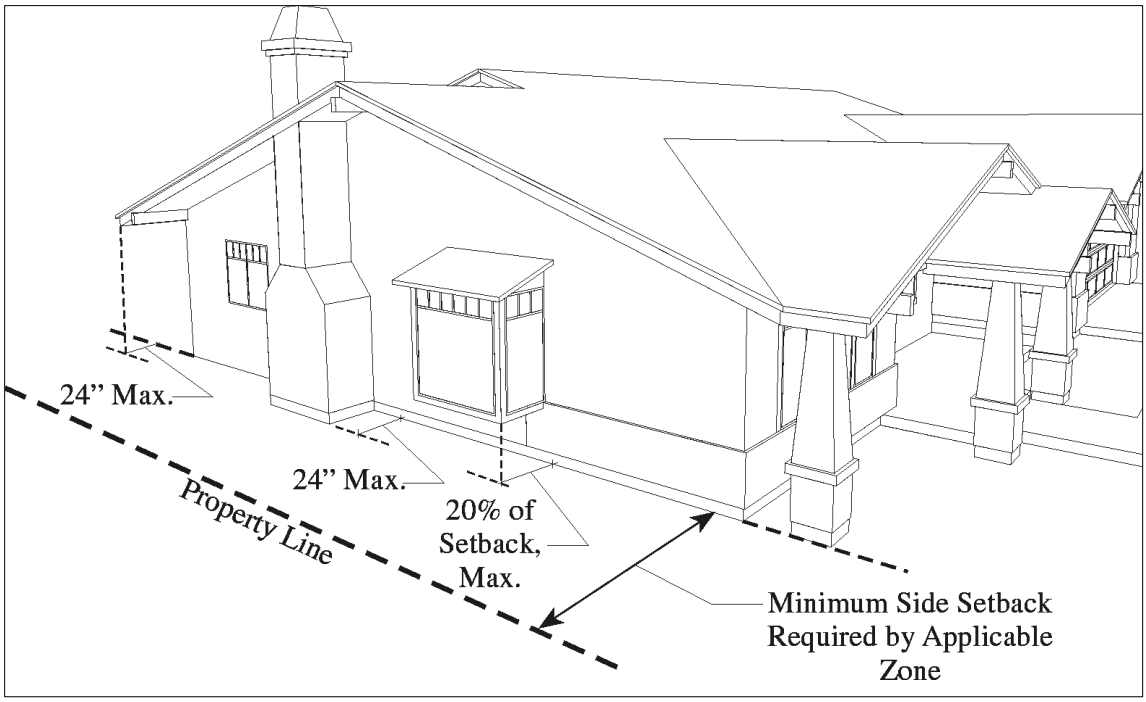
Notes

(1) Feature may project no closer than 36 inches to any property line.

(2) Feature may project no closer than 24 inches to any property line.

(3) Features over 18 inches in height shall comply with Subsection 17.20.040.G.2.

Figure 17.20-06
Examples of Allowed Projections into Side Setbacks



G. **Setback Requirements for Specific Structures.** Setbacks for specific structures shall comply with the following standards.

1. **Fences.** See Chapter 17.26 (Fences, Walls, and Hedges).

2. **Decks and Other Site Design Elements.** Detached decks, attached decks, steps, terraces, and other site design elements which are placed directly upon the grade, and which exceed a height of 18 inches above the surrounding grade at any point, shall conform to the setback requirements of this Code for detached accessory structures. (Note: site design elements less than 18 inches above grade are exempt.)

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

17.20.060 Traffic Safety Visibility Area

A. **Purpose and Applicability.** Development proposed adjacent to any public or private street or alley intersection, excluding the TC zone, shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety.

B. **Measurement of Traffic Safety Visibility Area.** A traffic safety visibility area shall be measured as follows:

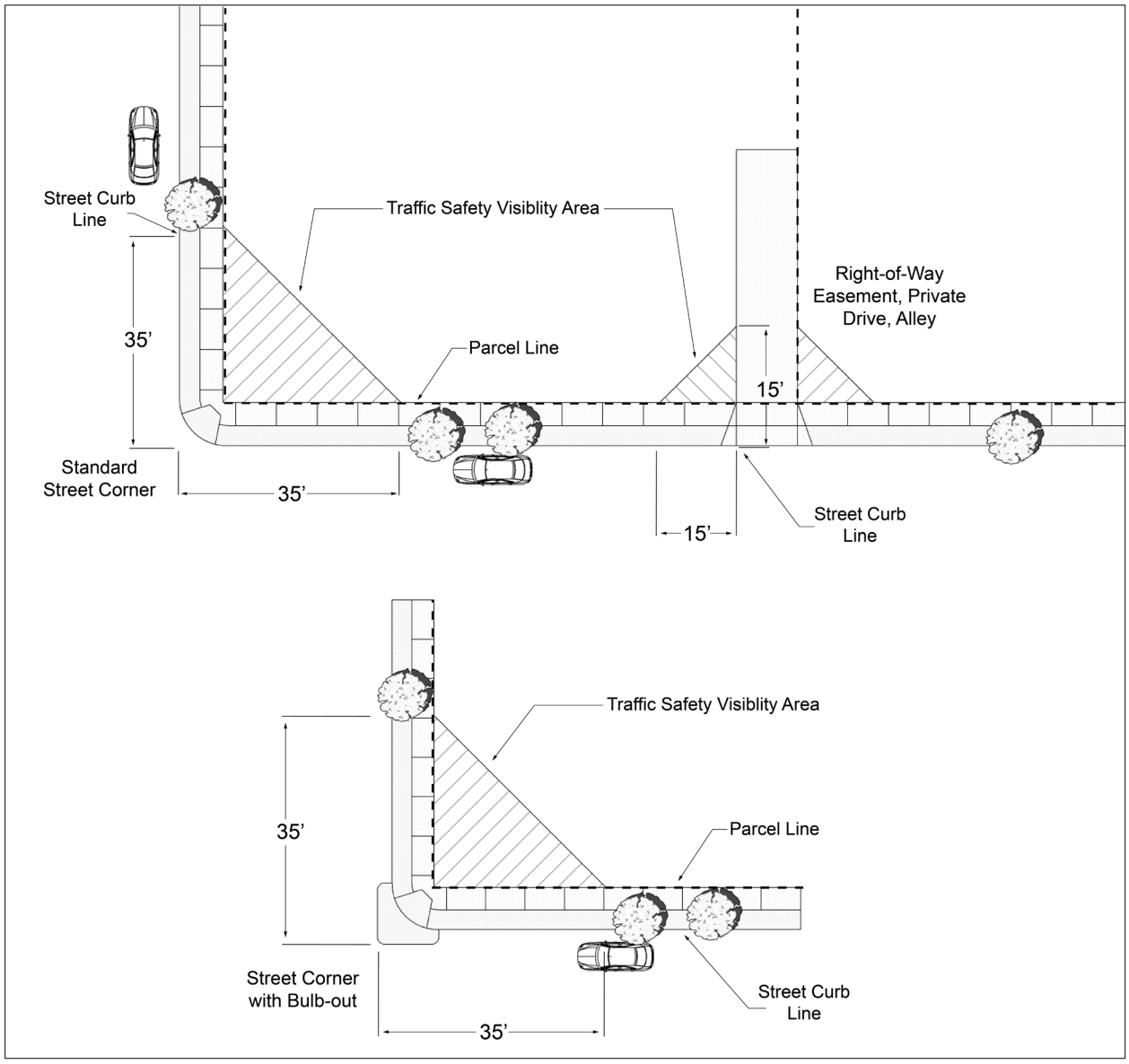
1. **Corner Parcels.** On corner parcels, the traffic safety visibility area shall be formed by a 90-degree triangle with two sides measuring 35 feet along both the front and side street curb lines, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the property. See Figure 17.20-07 (Traffic Safety Visibility Area).

2. **Parcels Containing or Abutting a Right-Of-Way Easement, Private Drive, or Alley.** On parcels containing or abutting a parcel containing a right-of-way easement, private drive, or alley, the traffic safety visibility area shall be formed by a 90-degree triangle with two sides measuring 15 feet along each side of the right-of-way easement, private drive, or alley and the street curb line abutting the roadway, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the property. Figure 17.20-07 (Traffic Safety Visibility Area).

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

D. **Maintenance.** The traffic safety visibility area shall be continuously maintained by the individual property owner(s) in compliance with the standards established in this Section.

Figure 17.20-07
Traffic Safety Visibility Area



Chapter 17.22

Environmental Preservation Standards

Chapter 17.22 Environmental Preservation Standards

17.22.010 Agricultural Preservation

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

The purpose of this Chapter is to preserve and protect agricultural uses, support continued agricultural operations, alert prospective residents to the importance of agricultural land preservation, and provide suitable methods of land use separation and buffering provisions, in compliance with Subsection 17.22.010.C (Buffering Requirements), below.

B. **Applicability.** In compliance with this Chapter, an agricultural buffer shall be provided for the subdivision or development of any parcel that adjoins land zoned for agriculture and/or contains an agricultural land use.

C. **Buffering Requirements.** Buffering between agriculture and non-agriculture uses shall be provided and maintained in compliance with the following standards.

1. **Location of Buffer.** The agricultural buffer shall be established on the parcel where the subdivision or development is proposed.

2. **Width of Buffer.** The minimum width of a buffer shall be 100 feet from the property line for row and field crops and 200 feet from the property line for vineyards and orchards. The width of the buffer shall be measured from the property line(s) shared by the agricultural use or agriculturally zoned parcel and the parcel proposed for subdivision or development.

3. **Reduction in Buffer Width.** Subject to Council approval, an applicant may request a reduction in the minimum width of an agriculture buffer, provided that the buffer shall not be reduced to less than 50 feet. As part of the reduction request, the applicant shall provide documentation demonstrating how the requested reduction in the agriculture buffer is consistent with one or more of the factors:

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

   b. Agricultural practices;

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

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

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

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

E. **Allowed Activities and Uses.** If the existing agricultural property lies outside the Urban Growth Boundary, then the onsite buffer should be permanent and composed of predominantly native and low water-using species, or other appropriate perimeter screening should be required. The Town should allow and encourage the productive use of buffers for appropriate uses, where legally permissible, such as bike trails, rather than requiring buffers to be idle open space. The construction of structures used for habitation are prohibited in the agriculture buffer area.

F. **Disclosure.** Subdividers shall provide disclosures to properties effected by a required buffer in compliance with the following.

1. **Disclosure by Subdivider.** The subdivider of any property located within 1,000 feet of land zoned and/or currently used for agricultural use shall provide a Right to Farm disclosure, through a notation on the final map of the subdivision, within Conditions, Covenants and Restrictions (CC&Rs), if prepared, and through the recordation of a separate acknowledgment statement, the presence of agricultural and appurtenant uses in the proximity of the subdivision. The content of the disclosure shall be as required by the Director. The Director shall prepare a Right to Form Disclosure Form that includes the language that is required to be recorded.

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

17.22.020 Creekside Development

A. **Purpose.** The purpose of the established Creekside development provisions are to:

1. Implement General Plan policies related to:

a. Creeks, trails, and open space

b. Community design

c. Water resources

d. Residential development

e. Public facilities and services

f. Walkable and bikeable communities

g. Parks and recreation

2. Protect creek corridors as valuable natural, scenic, and recreational amenities.

3. Ensure adequate buffer areas between creek corridors and adjacent development.

4. Provide visual access and sightlines between the creek and adjacent developments. [CPTED]

5. Prevent opportunities for crime through enhanced visibility. [CPTED]

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

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

D. **Development Standards.** Development along creek sides and waterways within the Town shall comply with the following standards.

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

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

3. No grading or filling, planting of exotic/non-native or non-riparian plant species, or removal of native vegetation, or construction of Best Management Practices (BMP) features shall occur within a creek or creekside setback area.

4. Where drainage improvements are required, they shall be placed in the least visible locations and naturalized using river rock, earth tone concrete, and landscaping with native plant materials.

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

6. Best Management Practices (BMPs). Development along creekside areas shall be designed in compliance with the following standards:

    a. Drainage swales and runoff should be filtered through grassy swales or other BMPs acceptable to the Town Engineer to remove street oils, sediments and other site-specific storm water environmental hazards and shall be shown on the project grading and drainage plan. If a swale is located in close proximity to a creekbank, an evaluation of the stability of the creekbank may be required to be provided by the project engineer. LID features must be designed to the latest LID Technical Design Manual.

    b. Fertilizer or pesticide use is discouraged. Plants and trees for landscape areas should be selected that can survive without fertilizers or pesticides. Long-term ponding of water from landscape irrigation shall be avoided.

    c. Retention/detention basins shall require mosquito abatement.

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

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

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

    c. If bank stabilization requires steps other than rehabilitation or vegetative methods, placement of stone or rock riprap are the preferred methods.

8. **Physical and Visual Access.** Physical and visual access to creeks, streams, and other waterways shall be provided as follows.

   a. **Public Access and Visibility of Creeks.** Public access and visibility to creeks shall be provided using single-loaded frontage roads adjacent to creeks, but outside of the creek setback. Where streets are not required as a result of the granting of a conditional use permit pursuant to Subsection 17.22.020(D)(9) below, a path that provides frequent access to trails and public open space at least every 300 feet shall be provided, provided, unless also exempted pursuant to subsection 17.22.020(D)(9) below.

   b. **Multi-purpose Creekside Trails.** The creation of multipurpose creekside trails and public open space is required for all new creekside development. Open space areas shall include planting for riparian enhancement with native shrubs and trees, paths and trails, lighting, benches, play and exercise equipment, and trash receptacles outside of the riparian habitat area, where appropriate.

9. **Modifications to Physical and Visual Access Requirements.** The requirements included in Subsections 8a and 8b above may be modified with approval of a conditional use permit when the following findings are made in addition to the findings required for a conditional use permit.

   a. It can be demonstrated that the intent of the Purpose of this Section is met; and

   b. Site constraints, such as riparian area, protected trees, or other natural features, are present on the site and would be preserved as part of the project; and

   c. There are circumstances unique to the parcels that make compliance with the requirements impractical; and

   d. Requiring the single-loaded street, trail, and/or open space would result in a less desirable project design.

17.22.030 Tree Preservation and Protection

A. **Purpose.** The purpose of this Section is as follows:

1. The Town of Windsor is endowed with a wide variety of both native and non-native trees, giving the Town a unique visual character. Trees are a source of great beauty, provide shade and other environmental benefits, enhance property values, create community identity, and generally enhance the quality of urban life. The Town is committed to planting new trees, as well as protecting all existing trees to the greatest extent practicable.

2. This Section provides regulations for the protection, preservation, and maintenance of native Oak trees and trees of significance, groves and stands of mature trees, and mature trees in general. It is also the intent of this Section to perpetuate these trees through the replacement of trees removed as a result of a new development.

B. **Applicability.** The provisions of this Section shall apply in all zoning districts for the removal or relocation of protected trees as identified in Subsection 17.22.030.F (Protected Trees). Exceptions to the provisions established in this Section are outlined in Subsection 17.22.030.C (Exceptions), below. Town sponsored/funded projects are subject to tree protection and preservation requirements but are exempt from security deposit requirements.

C. **Exceptions.** The removal or relocation of protected trees is exempt from the provisions of this Section under the following circumstances:

1. **Existing Trees on Residential Property.** Existing trees on single-unit dwelling property less than one acre in size but not including protected trees, or trees that were required to be preserved, relocated, or planted as a condition of approval of a Tree Removal Permit or other discretionary permit.

2. **Emergency Situation.** Cases of emergency where the Director, a member of a law enforcement agency, or the Fire District, determines that a protected tree poses an imminent threat to the public safety, or general welfare. In the case of an emergency situation on private property where persons or property are threatened, the tree may be removed under the following conditions:

   a. **Abatement.** When a tree has partially failed and persons or property are threatened, the tree may be removed without Town review or approval. The Town does not require an arborist report before the removal in this instance.

   b. **Authorization.** Such cases must be substantiated after the fact by the property owner and tree professional with photographs, abatement information, insurance claim or other relevant information as well as completion of a Protected Tree Removal Application. The information is to be submitted to the Department within five days of emergency removal. All other authorizations are subject to the standard procedure for tree removal.

3. **Traffic Visibility Obstructions.** Removal or relocation of trees necessary to maintain adequate line-of-sight distances as required by the Town's Traffic Engineer or Public Works Director.

4. **Overhead Electrical Utility Line Damage.** Removal of trees for the protection of existing overhead electrical power lines, as determined by the Public Works Director.

5. **Nursery.** Removal of trees planted, grown, or held for sale by a nursery.

6. **Orchards.** Removal of orchards or fruit trees grown, planted, or held for sale for cash crop or commercial purposes.

D. **Hazardous Trees.** Standards for the preservation and protection of hazardous trees are as follows:

1. Property owners are responsible for the trees on their own property and for trees fronting their property within the public right-of-way. The Town does not require advance permission for the removal of Protected or Designated Trees in emergencies. However, it does require documentation of the problem after the fact. This is to avoid the unlawful removal of sound trees on the grounds that they are hazardous. If there is no immediate danger, any structural deficiencies should be corrected instead of removing the tree, if possible. If the Town determines that there was no reasonable basis for believing there was an emergency, the property owner may face penalties for violating this Ordinance.

2. The health and safety of a tree are two distinct and separate functional characteristics. A vigorous and healthy tree may not necessarily be of sound wood or structure. To remove a dangerous protected or designated tree, it must first be evaluated, and the tree determined to be "hazardous" as defined in this section. This must be verified in writing by the Town Arborist before the tree can be removed.

a. **Tree Hazard Responsibility.** On private property, it is the responsibility of the property owner to mitigate or abate a known hazardous condition of a protected or designated tree that may be of questionable structure or deemed as hazardous. Most tree hazards can be prevented with regular checkups by a tree care professional and timely maintenance by the property owner.

b. **Recognizing Tree Hazards - Criteria and Evaluation of Hazards.** Hazard tree assessment of a protected or designated tree should only be evaluated by a certified arborist. Refer to the Town of Windsor "Tree Technical Manual" for specific criteria in evaluating tree hazards. The manual includes a checklist for evaluation as well as reduction and prevention methods.

c. **Town Liability for Public Right-of-Way, Publicly Owned Property.** In the event that a tree on private property is evaluated by an arborist and a report is submitted that indicates that a tree may be a hazard to the public (i.e., overhang sidewalk, buildings, pedestrian use area) but recommends for reasons of health, maturity, that the tree be retained, the Town may require that Risk Management review and make a determination on the issue of liability. If the tree is determined by the Town's Risk Manager to be a liability, maintenance and/or removal may be

required. Payment of costs shall be determined by the Town Manager or his/her designee.

E. **Tree Technical Manual.** Regulations to implement this Code are entitled the Tree Technical Manual. The manual will be made available to the public and shall include, but not be limited to, standards and specifications regarding protection of trees during construction; replacement of trees; maintenance of protected trees; format and content of tree plans/reports.

F. **Protected Trees.** A protected tree is any of the trees listed below. For trees requiring a certain size to qualify as a protected tree, size is the trunk diameter measured at a height of four feet-six inches from surrounding grade. Multiple trunk trees must possess at least one trunk with the above diameter (based on species) to be considered protected.

1. The following native oak trees six inches or greater:

- Black Oak (Quercus kelloggii)
- Blue Oak (Quercus douglasii)
- Coast Live Oak (Quercus agrifolia)
- Oregon Oak (Quercus garryana)
- Valley Oak (Quercus lobata)
- Interior Live Oak (Quercus wislizenii)
- Oracle Oak (Quercus x morehus)
- Chase Oak (Quercus x chaseii)

2. Any of the following:

   a. California Buckeye (Aesculus, californica) six inches or greater, and

   b. California Bay (Umbellularia, californica) twelve inches or greater.

3. Heritage trees as identified by Council resolution.

4. Street trees.

5. Significant groves or stands of trees. For projects where Commission/Council approval is not required, a determination will be made by the Director.

6. Mature trees located on a parcel of one acre or more. Smaller trees may also be protected under special circumstances. For projects where Commission/Council approval is not required, a determination will be made by Director.

7. Any tree required to be planted or preserved, as environmental mitigation for a discretionary permit.

8. Landmark trees are trees that are identified during the development review process for which preservation is encouraged. An arborist report prepared by a Town approved arborist shall be prepared assessing the structural integrity and health of the tree(s). Project developers should be aware of their significance and understand that special measures, unusual protection techniques, and more rigid preservation standards will apply. Development density and project layout may be affected where landmark trees are located in order to protect them. Over-mature, senescent, or ancient trees may not qualify

for preservation if they are unstable, hazardous, in poor health, or otherwise unsuited for preservation in an urban setting. However, if older larger trees are not in optimum condition that in itself would not be a reason for removal.

Landmark trees shall be designated on the development plan for preservation and protection. When a tentative map is part of the development project entitlements, the conditions of approval shall include the following notes to be recorded on the map:

a. The location of the landmark tree(s) shall be identified by parcel number.

b. The landmark tree(s) are subject to all regulations of this Chapter.

c. Maintenance shall be completed in accordance with the Tree Technical Manual.

d. Tree Removal is subject to Commission review and action.

e. Standard Tree Protection Notes, including references to the arborist report and supplemental reports shall be included.

G. **Preservation of Existing Trees.** Existing trees shall be protected and be preserved as follows:

1. The design of each project shall recognize the desirability of preserving protected trees to the greatest extent feasible. The design of the grading and site improvements shall reflect consideration of the following safeguards:

   a. Provision of sufficient growing areas as required by individual species;

   b. No disruption or removal of structural roots;

   c. Fencing of trees at or beyond their drip lines during grading and construction activities;

   d. No ornamental landscape, filling, cutting, development, or compaction of soils within the drip line;

   e. Preservation of oak leaf litter below the drip line; and

   f. Other measures required by the particular species of tree(s) to be preserved as recommended by the consulting arborist, horticulturist, or landscape architect.

2. It is recognized that the preservation of all existing trees on a development site may sometimes conflict with reasonable land development considerations (i.e., adequate drainage, grading, circulation, safety, provision of utilities.). However, the design of the proposed development shall address preservation of the most desirable and significant of the healthy trees and the developer is encouraged to utilize creative land planning techniques to achieve this goal.

3. Grading and landscaping plans shall implement the approved tree preservation plan. The locations of all protected trees shall be shown on a site plan with references to the tree tag numbers in the project arborist report. Notes shall identify which trees are to be preserved and which may be removed. Plans shall be consistent with the required tree protection mitigation measures included in the project application, initial study, mitigated negative declaration, or environmental impact report and monitoring plan, and the project's conditions of approval.

4. Prior to commencement of use, the preserved trees shall be trimmed for healthy balance, structural integrity, and ornamental appearance.

5. The precise vertical and horizontal locations (plus or minus one foot) of all protected trees to be preserved or removed shall be shown on the site plan as part of the initial application unless the project does not involve exterior alterations or construction activities.

H. **Project Arborist Requirements.** Project arborists shall be employed as follows:

1. The Town strongly recommends the use of a Town arborist in the preparation of any required arborist report or Tree Preservation and Protection Plan. Arborist reports must be prepared by an arborist that is pre-approved by the Town of Windsor. All approved arborists must possess a current Certified Arborist Certificate from the International Society of Arboriculture and be a current member of the American Society of Consulting Arborists. An applicant may submit an arborist report prepared by their own arborist who is certified; however, the report will require a peer review by a pre-approved Town arborist at the applicant's expense. A deposit fee will be collected when an application is submitted for review. The fee will be used to cover the cost of report preparation and recommendations. Additional fees will be collected if the actual costs exceed the initial deposit fees. The applicant will be provided with a written request for the fees. If the initial deposit fee exceeds the final report costs the applicant will be refunded the difference.

   In the event that an applicant's arborist is used and the recommendations conflict with the Town arborist recommendation, the Director will make a decision on the recommendations and may require a peer review of the arborist report prepared by the applicant's arborist. When a peer review is required by the Director, the cost is borne by the applicant, and the applicant shall provide a deposit to the Town to cover the cost of the peer review prior to commencement of the peer review.

I. **Tree Removal.** The removal of applicable protected trees shall comply with the following standards:

1. Permit Required.

a. Except as established in Section 17.22.030.C (Exceptions), no protected tree shall be removed, cut down, or otherwise destroyed, unless a written permit is issued by the Director. This includes trees and tree roots which are causing damage to structures, foundations, water lines, and sewer lines.

b. For individual sites, including single-unit residential parcels, a Tree Removal Permit must be completed and submitted to the Department for review and action. For site development that allows for tree removal as part of a project's conditions of approval, the written permit may be in the form of signed authorization by the Department, a tree preservation plan signed by the Department, written approval for a grading permit, encroachment permit, Tree Removal Permit, or other similar permit. In all cases, removal of a protected or designated tree requires written authorization from the Department.

2. **Tree Replacement Requirement.** The following conditions determine whether a protected or designated tree must be replaced.

a. **Protected Trees.** If the Town authorizes the removal of a protected tree(s) because it is dead, dangerous, or a nuisance, no tree replacement is required. In all other cases, the tree(s) must be replaced.

b. **Designated Trees.** The Director shall require tree replacement if it is necessary or desirable to implement the intent of the original site design. The number and nature of the replacement trees shall be determined by the Director, taking into consideration the value of the tree removed and the site design.

c. **Street Trees.** If the Town authorizes removal of a street tree in connection with a development project, it shall specify the replacement requirements in the permit authorizing removal.

d. **Development Projects.** On projects where Commission or Council approval is not required, replacement will be determined by the Director. For development projects that require Commission or Council approval, protected trees authorized for removal will be addressed as part of the development conditions of approval. If the protected tree is dead, dying, or diseased, replacement/in-lieu fees will not be required. Refer to the Tree Technical Manual Sections 6.20, 6.30, 6.40 and 6.50 for approved forms of tree replacement.

e. **Development and General Plan Density Issues.** The Review Authority may direct removal of protected and designated trees for development purposes. Certain levels of removal at the direction of the Review Authority may be allowed to meet density and General Plan housing goals and policies. These levels are solely at the discretion of the Review Authority and shall be consistent with the criteria included in the Tree Technical Manual.

3. **Appraisal Valuations.** All trees to be replaced shall be the same native species as those removed unless specific approval has been granted by the Director. Appraisal value shall be determined by using the most recent edition of the "Guide for Plant Appraisal", published by the Council of Tree and Landscape Appraisers. The appraisals shall be completed on the most recent "Form for Northern California" published by the International Society of Arboriculture.

4. **Location of Replacement Trees.** Replacement trees may be located on residentially zoned parcels of at least 1.5 acres and on any commercial or industrial zoned parcel, regardless of size, where feasible.

5. **Planting Trees on Public Property.** Where infeasible, replacement trees may be located on public land or maintained private open space.

6. **In-Lieu Fees.** In-lieu fees may be used to acquire and protect stands of native trees in preserves or place trees on public lands.

7. **Diseased or Hazardous Trees.** In no case shall an applicant for a Tree Removal Permit be required to replace or otherwise pay for the value of a tree that is diseased or in danger of collapse, or that the Town has requested to be removed.

8. **Considerations for Denial of Tree Removal Permit**. A finding of any one of the following situations shall be grounds for denial of the permit.

   a. Removal or damage of a healthy tree could be avoided by:

      i. Reasonable redesign of the site plan prior to construction;

      ii. Trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Director.

   b. Adequate provisions for drainage, erosion control, land stability, windscreen buffers along the road and between neighbors have not been made where these problems are anticipated as a result of the removal.

   c. The tree to be removed contains evidence that it is actively used by a rare or endangered species and relocation of the nest is not possible.

9. **Security Deposits.** A security deposit shall be posted to cover the value of protected trees for preservation. The security deposit will be collected with and subject to the same requirements as site improvements. Typical methods may be improvement agreements, Encroachment Permit, Building Permit, or other similar methods used by the Town to secure improvement requirements. Release of security for tree preservation shall be the same as the time frames defined within the agreement/permit method used to secure improvements.

    a. Security deposits for tree preservation shall be subject to a tiered system. Up to the first $100,000 of tree value the deposit is 20 percent, thereafter tree valuations in excess of $100,000 shall be 10 percent of the valuation in excess of $100,000. Total security deposit amounts for any project shall not exceed $50,000.

    b. Creeks, riparian corridors, and significant groves or stands of trees are considered a biological resource and construction activity is restricted from these areas. Creeks, riparian corridors, and significant groves or stands of trees are exempted from security deposit requirements.

    c. Town of Windsor sponsored/funded projects are exempt from security deposit requirements.

    d. If any tree fails to survive or declines to a point where it is deemed to not be expected to survive, the Town may use the security value of the dead or declining tree(s) to purchase new trees for on or off-site use. If replacement cannot be accomplished on-site, the security deposit will be placed in a fund with the Town of Windsor for use as established in this Section.

    e. If a tree or trees, that have been designated to be protected, are determined to have failed or died on their own and not through impacts from development, the security deposit shall not be used for replacement. This determination shall be made at the discretion of the Director and may include an evaluation by the Town arborist, the cost to be borne by the developer.

    f. Existing single-family developed lot property owners that are proposing remodels, additions, pools, etc. are exempt from security deposits.

J. **Tree Mitigation.** An arborist report is required for all development project sites that contain protected trees. An initial deposit amount to prepare the report shall be paid by the owner/developer of the project. The deposit amount will be used to cover the cost of the report preparation. Additional fees will be collected if the actual costs exceed the initial deposit amount. If an arborist is utilized who is not on the list, that arborist's report is subject to a peer review by an approved Town arborist with the cost to be borne by the developer/owner of the project. Tree mitigation may be in the form of in-kind replacement, in-lieu replacement, and/or a combination of both.

1. **New Commercial and/or Residential (two or more units) Development Projects**. Tree mitigation and removal shall comply with the following standards:

   a. In the event that there are no viable and/or practical alternatives except to remove a protected tree, the Town will require mitigation. All removed protected trees shall be replaced at the following ratios:

      i. All protected trees, determined by the project arborist to be in good or excellent health, and/or with moderate to good structure, shall be replaced on a one-to-one trunk diameter basis (i.e., a 24-inch protected tree in good or excellent condition must be replaced with new trees totaling 24 inches in trunk diameters).

      ii. All protected trees, determined by the project arborist to have fair or marginal health, and/or with marginal structure, shall be replaced on a two-to-one trunk diameter basis (i.e., a 24-inch protected tree in fair-to-marginal condition must be replaced with new trees totaling 12 inches in trunk diameter).

      iii. All protected trees, determined by the project arborist to have poor health or poor structure, are not required to be replaced.

   b. **Tree Mitigation.** An approved arborist must determine that a tree designated for preservation in a development project has a good chance at long-term survival as determined by an assessment of proposed development impacts. Simply preserving a tree does not excuse it from designated mitigation requirements; it must, in the professional opinion of the arborist, have a good chance to survive after all the impacts of construction are considered.

i. **In-Kind Replacement.** If the location of replacement tree planting will remain as a natural area suitable for the healthy and long-term growth of native trees, replacement of protected trees should occur in-kind. That is, a native tree species shall be replaced with the same native tree species. If the location of replacement tree planting will be part of an irrigated, ornamental landscape area, replacement of protected trees may occur with a water tolerant oak tree species as identified by the project arborist. If an oak tree species cannot be used the project arborist may recommend a high-value ornamental tree species (as designated by a 70 percent species rating in the Species Classification and Group Assignment Handbook, which is an official publication of The Western Chapter of the International Society of Arboriculture).

ii. Replacement tree ratios shall be applied as follows:

(1) 24-inch box replacement tree = 2-inch replacement trunk diameter

(2) 36-inch box replacement tree = 3-inch trunk replacement diameter

(3) 48-inch box replacement tree = 4-inch trunk replacement diameter

iii. Replacement trees shall be a minimum 24-inch box size. If less than 6 inches are required, any combination of box sizes may be utilized. Where more than 6 inches of total replacement trunk diameter are required, the following minimum ratios of replacement tree sizes must be incorporated:

(1) 50 percent minimum must be a 48-inch box.

(2) 50 percent may be any combination of 24-inch and 36-inch boxes

(a) Example: If a project requires removal of one 24-inch protected tree, a total of 24 trunk inches must be replaced. At least 12 inches of replacement trees must be 48-inch boxes. This requires at least three 48-inch boxes, and the balance of the requirement may be composed of either 24-inch or 36-inch boxes. If 36-inch boxes are chosen, then four would be required. A total of 24-inch of replacement trunk may be composed of three 48-inch boxes plus four 36-inch boxes.

(b) Example: If a project requires removal of a 12-inch, 26-inch, and 10-inch protected trees, a total of 48 trunk inches must be replaced. At least 24 inches of replacement tree must be 48-inch boxes. This requires at least six 48-inch boxes, and the balance of the requirement may be composed of either 24-inch or 36-inch boxes. If 24-inch boxes are chosen, then 12 would be required. A total of 48-inches of replacement trunk may be composed of six 48-inch boxes plus 12 24-inch boxes.

(c) At the time of replacement, equivalent sizes of trunk are required. After ten years' time, it is expected that replacement trunks will yield an equivalent volume of canopy to that which was originally removed, even though the equivalent canopy will be spread across a greater number of individual trees. This achieves the Town's goal of "no net loss" of protected tree canopy.

(3) In-Lieu Replacement. If a development site is insufficient in size or use to plant any or all of replacement trees, the Town may accept payment of in-lieu fees by the applicant to the Town Oak Tree Fund. In-lieu fees, together with any funds received from forfeited security deposits (in compliance with Subparagraph C (Security Deposits)), will be used by the Town as follows:

(a) To purchase and install trees in future public open space, park space, permanently protected open space areas, or other areas designated for tree planting.

(b) For tree maintenance as described below:

I. Maintenance of any type of tree in the Town Center (TC) and Town Center Active Use Frontage Overly (TCAUFO) zoning districts, not in excess of 10 percent of the collected in-lieu replacement fees and forfeited security deposits.

II. Maintenance, for the purpose of preservation of protected trees on publicly owned land in any zoning district within the Town of Windsor. Publicly owned land includes land owned by the Town of Windsor or any other public agency.

III. The percentage of the in-lieu fees and forfeited security deposits used for trees maintenance under Section 17.22.030(J)(1)(b)(iii)(3)(b)(I) shall be of the total monies collected annually and shall include those monies existing in the tree mitigation fund prior to the effective date of the amended ordinance, or October 16, 2020.

Replacement tree costs for the purposes of satisfying in-lieu fees shall be based on the following scale of typical northern California wholesale tree cost plus average installation cost:

- 24-inch box = 2-inch trunk diameter = $400
- 36-inch box = 3-inch trunk diameter = $800
- 48-inch box = 4-inch trunk diameter = $1,600

In-lieu fee replacement trees shall be a minimum 24-inch box size. If less than six inches are required, any combination of box sizes may be utilized. Where more than six inches of total replacement trunk diameter are required, the following minimum ratios of replacement tree sizes must be incorporated: 50 percent minimum must be a 48-inch box, or 50 percent may be any combination of 24-inch and 36-inch boxes.

c. **Security Deposits.** A security deposit shall be collected in compliance with the following:

i. Security deposits may be collected with and subject to the same requirements as site improvements, as outlined in Subsection 17.22.030.I(9) (Security Deposits), above. Security deposits are subject to a tiered system based on a percentage of tree values with a deposit amount not to exceed $50,000. The project arborist prepares a final evaluation of the protected trees based on impacts, protection, and maintenance during the construction period.

ii. If a tree(s) is recommended for removal at the end of construction, the security amount collected may not meet the requirements of this ordinance for replacement. The developer shall be subject to the

replacement requirements outlined in this ordinance. The developer shall be responsible for payment of the difference between the bond amount and the mitigation amount defined in this ordinance. The health and structural rating of the project arborist report will be used in determining the mitigation amount of the lost tree(s).

2. **Existing Residential Parcels.** An arborist report is required for residential project sites that may impact protected trees. An applicant's arborist's report may be subject to a peer review at the discretion of the Director, with the cost of the peer review to be borne by the developer/owner of the project. Private property owners that are considering additions, decks, pools, and/or other accessory uses are required to identify protected trees that are located on the property and may be impacted by the proposed addition/use.

   a. **Tree Protection/Removal Requirements.** The Town requires the land developer to protect and preserve trees during the development/subdivision of residential parcels. The resulting lots are then sold to property owners with the understanding that the trees should be protected. Property owners may request any number of modifications to their properties that may in turn result in impacts to the protected trees. Parcels with protected trees are subject to the following requirements for additions, pools, and/or other accessory uses that may result in an impact to the protected trees.

      i. An arborist report is required for all properties considering additions, pools, and/or accessory structures that may have an impact on a protected tree, including improvements within the tree protection zone.

      ii. If there is no viable and/or practical alternative to removal of protected trees to accommodate the addition, pool, and/or accessory structure the following shall apply:

         (1) A request for a Tree Removal Permit for protected trees 15 inches or greater, determined by the project arborist to be in good or excellent health, and/or with moderate to good structure will require review and action by the Commission at a noticed public hearing. The request will require a Tree Removal Permit, arborist report, statement justifying removal of the tree, and payment of a permit application fee.

         (2) For protected trees 14 inches or less which are requested to be removed, the Director shall review the request and make the determination for removal. If the Director authorizes removal, mitigation shall be required either by in-kind replacement or in-

lieu fee payment, as defined in this ordinance. If the Director denies the request for removal, the decision may be appealed.

(3) A request for a Tree Removal Permit for all protected trees, determined by the project arborist to be in fair or marginal health, and/or with marginal structure may be approved and require mitigation. The Director shall review the request and make the determination for removal. If the Director authorizes removal, mitigation shall be required either by in-kind replacement or in-lieu fee payment, as defined in this ordinance. If the Director denies the request for removal, the decision may be appealed.

(4) A request for a Tree Removal Permit for all protected trees, determined by the project arborist to be in poor health, poor structure, or to be structurally unsafe or hazardous, will be approved and will not require mitigation.

iii. Denial and/or appeal of a Tree Removal Permit and its conditions is subject to Subsection 17.22.030.M (Appeals, Extensions, Revocation).

b. **Tree Replacement Requirements.** Replacement trees shall comply with the following standards:

i. **In-Kind Replacement.** The arborist report shall specify the replacement value. The applicant/owner shall include a replacement landscape plan with the Tree Removal Permit. The Building Permit for the addition, pool, and/or other accessory use shall be conditioned to require installation of the replacement trees, prior to building permit final.

ii. **In-Lieu Replacement.** In-lieu replacement shall be the same as outlined in Paragraph 17.22.030.J (Tree Mitigation), above. The arborist report shall specify the replacement value. The applicant/owner shall pay to the Town the in-lieu fee with the Tree Removal Permit. The Building Permit for the addition, pool, and/or other accessory use shall be conditioned to require a Tree Removal Permit and payment of the in-lieu fee, prior to initiation of the work.

3. **Penalties for Unauthorized Tree Removal.** Enforcement and Civil Penalties shall be applied to violations of this Section per Subsection 17.22.030.N (Enforcement).

K. **Tree Protection and Preservation Plan.** Tree protection and preservation plans shall comply with the following standards:

1. Where an applicant proposes to remove one or more protected trees, the Director may require a tree plan for review by the Department.

2. Tree plans shall be prepared by an arborist, horticulturist, or registered landscape architect.

3. All Tree Protection and Preservation Plans must include the following basic information:

   a. The location of all trees present that are greater than six inches in trunk diameter at a height of 4.5 feet above surrounding grade, including all that will be preserved, removed, or transplanted.

   b. All trees that overhang the proposed project site and are located on immediately adjacent properties.

   c. The report cover shall include the arborist's name, certification number, project reference name and address, and report date.

   d. A cover letter describing the project site, the date of inspection and summarizing the total number of trees present, to be removed, and preserved.

   e. A site plan that identifies the location of each tree, including its report reference number.

   f. Assessment data for each tree.

   g. Comments and observations regarding health and structure.

   h. Estimate of the impacts of proposed development activities on long-term health and structural integrity.

   i. Recommendations for removal or preservation based on the development impacts expected from the proposed plan.

   j. Recommendations for modification of the proposed plan to reduce or eliminate impacts to the tree.

4. The Director may waive the requirement for a tree plan or the requirement for a survey based upon a determination that the tree(s) would have little or no ornamental value in an urban setting or that the tree(s) are located so that they would not be impacted by the proposed development.

5. Refer to the Town's Tree Technical Manual for more detailed information related to the preparation and contents of the Tree Protection and Preservation Plan.

L. Tree Protection Requirements. The Director shall determine during project review whether and to what extent measures will be required to protect the existing trees during construction. This decision shall be based upon the proximity of the area of construction activity to existing protected trees. The protective measures shall include, but are not limited to, the following:

1. Prior to initiating any construction activity on a construction project, including demolition or grading, temporary protective fencing shall be installed at each site tree.
    a. Fencing shall be located at the Tree Protection Zone (TPZ) illustrated on the Improvement Plans.
    b. Fencing shall serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.
2. The Tree Protection Zone (TPZ) is illustrated on the Improvement Plans and represents the area around each tree, or group of trees, which must be protected at all times with tree protection fencing.
    a. No encroachment into the TPZ is allowed at any time without approval from the project arborist.
    b. Any unauthorized entry into the TPZ is a violation of this Code and shall be subject to enforcement through civil, criminal, or administrative remedies, including applicable penalties.
3. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area at all times until the project is complete and shall instruct personnel and sub-contractors as to the purpose and importance of fencing and preservation.
4. No grade changes shall be made within the protective barriers without prior approval by the Director.
5. No attachments or wires other than those of a protective or non-damaging nature shall be attached to a protected tree.
6. Excavation or landscape preparation within the protective barriers shall be limited to the use of hand tools and small handheld power tools and shall not be of a depth that could cause root damage.
7. When the existing grade around a protected tree is to be raised, the project and/or Town arborist shall provide written directions on which method(s) may be used to drain liquids away from the trunk.
8. When the existing grade around a protected tree is to be lowered the project and/or Town arborist shall provide written directions on which method(s) may be used (i.e., terracing, retaining wall) to allow the dripline to be left at the original grade.
9. No equipment, solvents, paint, asphalt, or debris of any kind shall be placed, stored, or allowed within the protective barrier.

M. **Appeals, Extensions, and Revocation.** Appeals, extensions, and revocation standards for protected tress shall comply with the following standards:

1. **Appeals.** The decision of the Director shall be considered final unless an appeal is filed in compliance with Chapter 17.74 (Appeals).

2. **Expiration and Extension.** A Tree Removal Permit shall be exercised within one year from the date of approval or other time limit established through a discretionary permit approval. Time extensions, for up to a total of two additional years, may be granted in compliance with Chapter 17.64 (Permit Implementation, Time Limits, and Extensions). If a Tree Removal Permit is not exercised within the established time frame, and a time extension is not granted, the permit shall expire.

3. **Performance Guarantee.** The applicant/owner may be required to provide adequate performance security for the faithful performance of conditions of approval imposed as part of the Tree Removal Permit.

4. **Construction Monitoring.** Monitoring of tree protection and restoration measures specified as conditions of approval shall be performed by site inspection conducted by the Director.

5. **Revocation.** A Tree Removal Permit may be revoked or modified, as provided in Chapter 17.66 (Permit Modification and Revocation), with any of the following findings that the tree removal, relocation, or protection activities:

    a. Cannot support the original findings;

    b. Resulted from misrepresentation or fraud;

    c. Has not been implemented in a timely manner;

    d. Has not met, or has violated any condition of approval;

    e. It is in violation of any code, law, ordinance, or statute;

    f. Is detrimental to public health, safety, or welfare; or

    g. Constitutes a nuisance.

N. **Enforcement.** Enforcement standards for protected trees shall be as follows:

1. **Enforcement.** Any person who cuts, damages, or removes a protected tree in violation of this Section shall be deemed guilty of a misdemeanor and upon conviction may be punished in compliance with the applicable provisions of the law. A violation of this Section shall also constitute a public nuisance and may be abated and/or enforced through civil, criminal, or administrative proceedings in accordance with the Town Code. Further, a

violation of this Section during construction may result in an immediate stop-work order until permits are obtained and required mitigation procedures are in place.

2. **Civil Penalties.** The following civil penalties shall apply to those in violation of this Section.

   a. If a civil action or administrative enforcement is brought by the Town, a civil penalty in an amount not to exceed $5,000 per violation may be assessed, against anyone who violates any provision of this Section or the Tree Protection and Preservation Plan.

   b. Where a tree is illegally removed, or damaged to a degree that survival is not expected, the penalty shall be the replacement value of each tree and shall be paid to the Town. Replacement values shall be developed using the most recent edition of the "Guide for Plant Appraisal," published by the Council of Tree and Landscape Appraisers. If a violation occurs during development, appraised values for each tree will be found in the Tree Protection and Preservation Plan. If a violation occurs outside the development process, values shall be determined by an arborist pre-approved by the Town.

   c. Where a tree is illegally damaged, and the damage cannot be fully corrected, but the tree is expected to survive, then the penalty shall be the replacement value times the percentage of the tree damaged.

   d. A civil or administrative action may also be implemented to provide appropriate relief to abate, enjoin, or otherwise compel the cessation of such violation.

   e. If civil action is brought by the Town, the court shall award all costs associated with investigation, preparation for trial, costs of the trial, reasonable expenses including overhead and administration costs incurred when prosecuting the action, and reasonable attorney fees, to the prevailing party in such action.

Chapter 17.24

Historic Conservation and Preservation

Chapter 17.24 Historic Preservation and Conservation

17.24.010 Purpose

The standards in this Chapter are intended to protect historically significant sites and structures that contribute to Windsor's character and identity, and that should be preserved and/or restored. For additional information see Section 17.18.050 (Historic Overlay Zone, -HO).

17.24.020 Applicability

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

17.24.030 Historic Landmark Designation

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

A. Procedure. The designation of an historic landmark or district, or the removal of an historic landmark or district from the Historic Register, shall comply with the procedure established in Chapter 17.72 (Amendments), including public notice and a hearing in compliance with State law, a recommendation by the Commission, and a final decision by the Council.

B. Permit Issuance During Nomination Process. No permit for any improvement or structure within a proposed historic district or relative to a nominated historic landmark shall be issued while the nomination process is pending.

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

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

17.24.040 Criteria for Approval

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

17.24.050 Cultural Resources Study

A. Applicability. A survey for cultural resources shall be required if one or more of the following applies to a project site:

1. The project site contains or abuts a parcel that contains known archeological or historic sites based on the Town's Historic Register, or
2. The project site contains physical evidence of prehistoric and/or historic features and artifacts.

B. Cultural Recourse Study Standards. When a cultural resource study is required, it shall comply with the following:

1. The study shall be performed by a qualified professional, and
2. The study shall be conducted in compliance with the standards established by the State Office of Historic Preservation and the Secretary of the Interior's standards and guidelines and shall include consultation with the local Native American Tribes.

17.24.060 Findings for Alteration or Demolition

The Director may approve alterations or demolition only after first making all the following findings, unless economic hardship is determined in compliance with Section 17.24.070 (Economic Hardship), below.

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

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

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

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

17.24.070 Economic Hardship

Alterations or demolition not in compliance with the findings required by Section 17.24.060 (Findings for Alteration of Demolition), above, may be approved only in cases of economic hardship. Economic hardship is defined as a substantial cost to the owner of the property that is patently unreasonable in comparison to the benefit conferred to the community should the owner be limited to following the guidelines for preserving or protecting the property.

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

B. Findings. To approve the alteration or demolition on the basis of economic hardship, the Director shall first find all of the following:

1. Disapproval would substantially diminish the value of the property;
2. The sale or rental of the property is impractical when compared to the cost of holding the property for uses allowed in the subject zone;
3. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
4. Disapproval would unreasonably damage the owner of the property in comparison to the benefit conferred on the community;
5. All means involving Town sponsored incentives (i.e., amendments to this Zoning Code, Building Code modifications, financial assistance, and grants) have been explored to relieve possible economic hardship;
6. Without approval of the proposed construction, demolition, exterior alteration, remodeling, or removal, the reasonable use of or return from a designated landmark or property within an historic district will be denied a property owner; and
7. In the case of a proposed demolition, the Director shall make an additional finding that the designated landmark cannot be remodeled or rehabilitated in a manner that would allow a reasonable use of or return from the property to the owners.

C. Demolition of a Nominated or Designated Historic Landmark. The demolition of a structure which has been nominated or otherwise designated as a Historic Landmark shall comply with the following.

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

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

17.24.080 Appeals

Any person dissatisfied with the Director's decision may appeal in compliance with Chapter 17.74 (Appeals).

17.24.090 Historic Preservation Incentives

The following incentives are available to historic landmarks and to historic districts:

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

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

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

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

17.24.100 Maintenance Requirements

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

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Chapter 17.26

Fences, Walls, and Hedges

Chapter 17.26 Fences, Walls, and Hedges

17.26.010 Purpose

This Chapter establishes requirements for fences, walls, and hedges to ensure that these elements minimize screening of scenic views and sunlight, provide adequate buffering between different land uses and screening of outdoor uses and equipment, are attractively designed, are positioned in a manner that discourages crime and supports safety, and are consistent with Town's CPTED strategies. [CPTED]

17.26.020 Applicability

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

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

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

2. **Retaining Walls.** Retaining walls that are regulated by Section 17.20.050 (Setback Measurement and Exceptions).

B. **Waiver or Modification of Requirements.** The requirements of this Chapter may be waived or modified by the Director in compliance with Chapter 17.56 (Site Plan and Design Review).

17.26.030 Height Limitations

A. **Maximum Allowed Heights.** Fences, walls, and hedges shall not exceed the maximum heights shown in Table 17.26-01 (Maximum Height of Fences, Walls, and Hedges), and in Section 17.20.060 (Traffic Safety Visibility Area).

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

C. **Residential Fence Location.** Fences shall comply with the requirements included in Table 17.26-01 (Maximum Height of Fences, Walls, and Hedges).

Table 17.26-01
Maximum Height of Fences, Walls, and Hedges

Location	Maximum Height (ft.) [(1)]
Front setbacks[(3)]	3
Rear and side setbacks[(2)(3)]	6
Street side setbacks	3
At intersections of alleys, streets, and driveways within traffic safety visibility areas (17.20.060)	3
Fences and walls required to lessen noise impacts (e.g., a sound attenuation wall)	As deemed necessary by the Director

Notes

[(1)] In granting the Site Plan and Design Review, in compliance with Chapter 17.56, the Director may approve additional height to enclose or screen specific areas or uses. [Source: Table 3-5 Notes (1)]

[(2)] Two-foot tall lattice that is a minimum of 50-percent open may be allowed on top of a six-foot tall fence on rear and interior side setbacks only, with approval of the Director, and with a Building Permit when required. [Source: Table 3-5 Notes (2)]

[(3)] Fences exceeding three feet in height shall be located a minimum of two feet behind the front façade of the residence, excluding the portion of the residence dedicated to the garage. [Source: Table 3-5 Notes (4)]

17.26.040 Fence and Wall Design Standards

A. **Pedestrian Access.** To ensure the most direct and safe access routes for pedestrians walking between public facilities (e.g., parks, trails, etc.), neighborhood-serving commercial development, and neighboring dwelling units, an appropriate number of openings in the fences or walls shall be provided subject to the approval of the Director.

B. **Allowable Fence and Wall Materials.** Fences and walls shall comply with the following material standards.

1. **Residential Zones.** Fences and walls in zones which allow residential uses shall be constructed of attractive, long-lasting materials. Unless otherwise approved by the Director, fences and walls in residential zones shall be constructed of masonry, wood, vinyl, tubular steel, or wrought iron. Masonry walls shall not consist exclusively of smooth-surfaced concrete masonry units (CMUs). Textured or split-face CMUs are required for a minimum of 50-percent of the wall surface. Walls shall be of a solid masonry construction and be of a decorative design when visible from public rights-of-way. The use of corrugated metal sheeting, barbed wire and similar materials as fencing is prohibited.

2. **Nonresidential Zones.** Fences and walls in nonresidential zones shall be constructed of long-lasting materials and architecturally integrated with the structure design and with existing fences/walls on the parcel. Unless otherwise approved by the Director, fences and walls in nonresidential zones shall be constructed of masonry, wood, vinyl, tubular steel, or wrought iron.

C. **Fire Safe Fencing.** To prevent the spread of fire between parcels and structures, fences and walls attached to a structure or deck shall be made of noncombustible materials within six feet of the connection to the structure.

1. Fire Safe Fencing Materials. For the purpose of this Section, fire safe fencing materials include any of the following materials:

   a. Steel privacy fencing;

   b. Hogwire;

   c. Hardiboard; and/or

   d. Fire resistant wood grain vinyl

2. **Exemption.** Subject to approval by the Director, combustible fencing materials may be allowed within six feet of a structure or deck if the portion of the structure or deck adjoining the combustible fence material is constructed with ignition-resistant building materials sufficient to reduce the spread of fire from the combustible fencing materials. For the purpose of this Section, ignition-resistant building materials include any of the following:

   a. Masonry products;

   b. Stucco;

   c. Plaster, and/or

   d. Fiber cement board

17.26.050 Walls Required Between Different Zones

A. **General.** Walls shall be provided and maintained between different zones as follows:

1. **Nonresidential Zones.** Where a nonresidential zone abuts a residential zone or zone that allows residential land uses, a solid masonry wall or heavy timber solid wood fence with overlapping fence boards seven feet in height shall be constructed on the zone boundary line.

2. **Multi-Unit and Single-Unit Dwelling Zones.** Where a multi-unit dwelling zone abuts a single-unit dwelling zone, a solid masonry wall or heavy timber solid wood fence with overlapping fence boards six feet in height shall be constructed on the zone boundary line.

3. **Industrial Zones.** Where an industrial zone abuts a nonresidential zone, a solid masonry or heavy timber solid wood fence with overlapping fence boards wall seven feet in height shall be constructed on the zone boundary line.

4. **Director Approved Modifications.** The Director may waive or modify the requirements for new walls between different abutting zones if one of the following findings can be made:

   a. The proposed modification or waiver is in compliance with the standards established in Section 17.26.080 (Screening and Buffering); or

   b. A solid masonry wall or heavy timber solid wood fence with overlapping fence boards already exists on the abutting property subject to the following:

      i. The existing wall or fence meets or can be modified to conform to the intent of this Section;

      ii. Landscaping can be installed adjacent to the existing wall or fence to supplement and enhance the desired physical separation; and

      iii. Concurrence of the abutting property owner can be obtained, to modify the existing wall or fence to satisfy the requirements of this Section.

17.26.060 Special Fence and Wall Requirements

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

17.26.070 Security Fencing

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

A. **General Standards.** All security fencing shall comply with the following general standards.

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

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

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

4. **Prohibition in Residential Zones.** Barbed wire, concertina wire, razor wire, or similar security fencing products are prohibited in any residential zone or parcel containing residential uses, including mixed-use developments.

B. **Security Fencing in Nonresidential Zones.** Security fencing in nonresidential zones shall comply with all the following standards.

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

2. **Prohibited Fencing Materials.** The following fencing materials are prohibited:

a. Concertina wire;

b. Razor wire; or

c. Other similar security fencing products as deemed by the Director.

3. **Review and Approval.** Security fencing is allowed with Director approval, where the fence below the barbed wire is at least six feet in height. Plans for the use of security fencing shall be approved by the Director, and a Building Permit, as necessary, shall be obtained before installation.

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

17.26.080 Screening and Buffering

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

B. **General Guidelines.** Screens and buffers shall comply with the following general guidelines.

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

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

C. **Mechanical Equipment, Loading Docks, and Refuse Areas.** Mechanical equipment, loading docks, and refuse areas shall be screened in compliance with the following.

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

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

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

3. Landscaping shall be installed adjacent to the walls, at the discretion of the Director, in compliance with Chapter 17.28 (Landscaping).

4. Photovoltaic solar panels are exempt from the screening requirements established in this Chapter.

D. **Outdoor Building and Garden Supply Areas.** Outdoor building and garden supply areas shall be screened with fencing, landscaping, walls, or similar material to minimize visibility of the storage area and are subject to Director approval.

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Chapter 17.28

Landscaping

Chapter 17.28 Landscaping

17.28.010 Purpose

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

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

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

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

D. Provide for public safety through the design, height, and placement of landscaping which facilitates unobstructed sightlines into public spaces. [CPTED]

17.28.020 Applicability

A. **Landscaping Required.** The provisions of this Chapter apply to all development proposed after the adoption date of this Zoning Code. Additions to structures that are 25 percent or more of the floor area of the existing structure shall require that the entire parcel be brought into compliance with the requirements of this Chapter. In the case of an existing use, if the amount of required landscaping cannot be accommodated because of physical constraints on the site (i.e., structures, parking, circulation), the Director shall determine the landscaping requirements necessary to bring the proposed development into substantial conformance with the regulations established in this Chapter.

B. **Other Requirements.** Standards for the provision of landscaping within the public right-of-way are located in Title XVI, Chapter 8, Section 16-8-810 of the Town of Windsor Subdivision Ordinance.

C. **Water-Conserving Landscape Requirements.** Water conserving landscape requirements are provided in Title 7, Article 9 (Water Efficient Landscape) of the Municipal Code.

D. **Low Impact Development Standards.** In addition to the landscape design and maintenance standards established in the Chapter, landscaping shall also comply with all applicable low impact development design guidelines.

17.28.030 Landscape Plan Approval Required

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

B. **Final Landscape Plan.** Following approval of the land use entitlement, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be consistent with the Town's WELO and LID requirements and approved by the Director and Town Engineer prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit.

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

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

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

F. **Minor Changes to Approved Plans.** Landscape plan approval may include the Director authorizing minor changes from the requirements of this Chapter.

17.28.040 Landscape Area Requirements

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

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

B. **Unused Areas.** All areas of a project site not intended for a specific use, including pad sites in shopping centers, and multi-building projects held for future development, shall be landscaped

unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.

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

1. **Parking Area Landscape Materials.** Landscaping materials shall be provided throughout the parking area using a combination of trees, shrubs, and ground cover. To reduce the spread of wildfire due to ember casting, mulch and similar ground cover products are prohibited within five feet of structures.

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

3. **Location of Landscaping.** Parking area landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach structure entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands and may require "cut-throughs" to be provided to prevent the need to walk through landscape areas.

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

5. **Perimeter Parking Lot Landscaping.** The perimeter of parking lots shall be landscaped as follows.

   a. **Adjacent to Streets.** Parking areas for nonresidential uses adjoining a public street shall be designed to provide a landscaped planting strip between the back of sidewalk and parking area equal in depth to the setback required by the zone or a minimum of five feet, whichever is greater. Parking areas for residential uses shall maintain the required setback areas for the zones in which they are located.

   b. **Parking Area Screening.** The landscaping shall be designed and maintained to screen cars from view from the street to a height of between 30 inches and 42 inches. Screening materials may include a combination of plant materials, solid masonry walls, or raised planters. Other screening devices which meet the intent of this requirement may be used subject to Director approval.

c. **Shade Trees.** Except as allowed by Subparagraph (C)(f)(d), below, shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.20.060 (Traffic Safety Visibility Area).

d. **Reduction in Required Shade Trees.** Upon approval by the Director, the required number of shade trees required for parking areas, as specified in Subparagraph (C)(f)©, above, maybe reduced when all of the following findings can be made:

i. The applicant proposes the installation of covered shade structures that provide shade (e.g., carports, canopies, etc.);

ii. The proposed covered shade structures incorporate photovoltaic solar panels; and

iii. The applicant can demonstrate to the Director that the installation of shade structures reduced the urban heat island effect and adds to the sustainability of the project in compliance with General Plan Policies M-6.3, ER-5.16.

e. **Adjacent To Side or Rear Property Lines.** Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include a required yard or buffer area. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area, unless precluded to a Town requirement to install SWLID features in this area.

f. **Adjacent to Structures.** When parking areas are located adjacent to nonresidential structures, a minimum five-foot wide landscape strip shall be provided adjacent to the structure. This landscape strip shall be installed in compliance with Subsection 17.28.040.D (Firesafe Landscaping Standards), below.

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

h. **Adjacent to Creeks and Railroad Tracks.** Whether on publicly owned land or privately held real property, all landscaping shall be designed and maintained to not exceed three feet in height at maturity to maintain sightlines. [CPTED]

6. **Interior Parking Lot Landscaping.** The interior of parking lots shall be landscaped as follows.

a. **Amount of Landscaping.** Landscaping within interior parking lots shall be provided in compliance with the following.

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

ii. Industrial and manufacturing uses shall provide landscaping within the parking area at a minimum ratio of six percent of the gross area of the parking lot. One tree shall be provided for every 5 parking spaces.

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

D. **Firesafe Landscaping Standards.** Landscaping shall comply with all the following firesafe landscaping standards.

1. **Ground Cover.** To reduce the spread of wildfire due to ember casting, mulch and similar ground cover products are prohibited within five feet of all structures. Alternative ground cover materials include, but are not limited to, lava rock, river rock, gravel, decomposed granite, or any other groundcover determined by the Director to follow the standards of this Chapter.

2. **Vegetation Adjacent to Structures.** In addition to the groundcover standards established in Paragraph 1, above, trees and shrubs located within five feet of any structure shall be planted and maintained at a minimum distance of five feet apart.

3. **Allowed Plant Materials.** New landscaping shall incorporate only the fire-wise plant materials approved by the Sonoma County Fire District and the California Fire Safe Council. The planting of juniper and manzanita are prohibited.

E. **Low Impact Design (LID) Landscaping.** All development projects shall include all requirements related to the latest version of the Storm Water Low Impact Development Technical Design Manual

for stormwater capture. These features require specific plantings, erosion control, overflow infrastructure and maintenance. These features must be maintained through a recorded document that runs with the title of the property in perpetuity and cannot be removed. (Source: California Regional Water Quality Control Board, North Coast Region – National Pollutant Discharge Elimination System Permit for Discharges from the Municipal Separate Storm Sewer Systems).

17.28.050 Maintenance of Landscape Areas

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

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

C. **Removal or Modification of Required Improvements.** The removal and/or modification of required drainage features (e.g., Low Impact Development guidelines, WELO standards, etc.) shall require the approval of the applicable review authority.

17.28.060 Public Education

Developers shall provide information to prospective single-unit homebuyers regarding low impact development (LID) and drainage features and water-efficient landscaping (WELO) features and techniques constructed on the parcel. A sample of the information to be provided shall be submitted to the Director and Public Works Director for approval prior to issuance of a Building Permit.

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Chapter 17.30

Parking, Loading, and Access

Chapter 17.30 Parking, Loading, and Access

17.30.010 Purpose and Applicability

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

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

17.30.020 General Parking Regulations

A. **Parking and Loading Spaces to be Permanent.** Parking and loading spaces shall be permanently available, marked and maintained for parking or loading purposes for the use they are intended to serve. The approval of a Temporary Use Permit may allow the temporary reduction of parking or loading spaces in compliance with Chapter 17.60 (Temporary Use Permits).

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

C. **Location of Parking Spaces.** In the Boulevard Commercial and Neighborhood Commercial zoning districts, parking spaces shall be located at the rear and side of the parcel and/or underground.

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

E. **Recreational Vehicle Parking.** Recreational vehicles, trailers, boats, all-terrain vehicles (ATVs), and similar vehicles may be parked temporarily (72 hours or less) in the required front, side, or street side setback. Parking for more than 72 hours is considered storage and required to be located outside of the required setbacks for the underlying zoning district.

17.30.030 Number of Parking Space Required

A. **Parking Requirements by Land Use.** Except as provided in Subsection 17.30.030.B (Parking Minimum Exception), parking requirements shall comply with the following.

1. Each land use shall provide the number of off-street parking spaces required by Table 17.30-01 (Parking Requirements by Land Use). Additional spaces may be required or approved through discretionary entitlement approval.

2. Land uses not specifically listed by Table 17.30-01 (Parking Requirements by Land Use) shall provide parking as required by the Director. The Director shall use the requirements Table 17.30-01 (Parking Requirements by Land Use) as a guide in determining the minimum number of off-street parking spaces to be provided.

B. **Parking Minimum Exception.** In compliance with California Government Code Sections 65585 and 65863.2, qualifying projects shall be exempt from providing the number of parking spaces required by this Chapter when located within one-half mile of public transit, as defined in Article 8 (Definitions). However, the Town may impose or enforce minimum parking requirements if the Town makes written findings, within 30 days of receipt of a complete application, that not imposing the parking minimum required by this Chapter would have substantially negative impacts on the Town's ability to meet its share of specified housing needs or exiting residential or commercial parking within one-half mile of housing development.

C. **Bicycle Parking Required.** Each land use shall provide at least the minimum number of bicycle parking spaces found to be required by this Chapter, except where a greater number of spaces is required through approval of a discretionary permit. The minimum number of bicycle parking spaces to be provided for each use shall comply with Table 17.30-01 (Parking Requirements by Land Use).

D. **Expansion of Structure, Change in Use.** When a structure is enlarged, or when a change in use requires more off-street vehicle and bicycle parking spaces, additional parking spaces shall be provided in compliance with this Chapter, except where the number of additional spaces required is 10 percent or less of the number of existing spaces. When the number of additional parking spaces is less than 10 percent of the number of existing spaces, the additional spaces are not required to be provided. See also Chapter 17.70 (Nonconformities).

E. **Multi-Tenant Sites.** A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use; except where the site is developed as a recognized shopping center, the parking ratio shall be that required for the entire shopping center as provided in Table 17.30-01 (Parking Requirements by Land Use).

F. **Excessive Parking.** Off-street parking spaces that exceed the requirements in Table 17.30-01 (Parking Requirements by Land Use) may be approved in conjunction with a discretionary entitlement, and when additional landscaping and pedestrian improvements are also provided.

G. **Bench or Bleacher Seating.** Where fixed seating is provided in the form of benches or bleachers, a seat shall be construed to be 20 inches of bench space for the purpose of calculating the number of required parking spaces as provided in Table 17.30-01 (Parking Requirements by Land Use).

H. **Calculations.** When the parking requirements in Table 17.30-01 (Parking Requirements by Land Use) are based on structure floor areas in square feet, they shall be based on the gross floor area of the structure. When calculating the number of parking spaces required, fractional spaces equal to or greater than one-half shall be rounded up to the nearest whole number and fractions less than one-half shall be eliminated.

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

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

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

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

J. **Downtown Station Area Plan Parking Standards.** Properties within the Downtown Station Area Plan shall be subject to the parking standards established in the Plan.

Table 17.30-01
Parking Requirements by Land Use

Land Use Type	Vehicle Spaces Required	Long-Term Bicycle Spaces	Short-Term Bicycle Spaces
Human Services Uses			
Ambulance Service	1 space per employee, plus 1 space per ambulance parked on site	1 space per 20 employees, minimum of 2 spaces	2 spaces
Child Day Care Facility	1 space per employee, plus 1 space per 10 children	1 space per 20 employees, minimum of 2 spaces	1 space per 20 employees, minimum of 2 spaces
Child Day Care Home	Same as Single-Unit Dwelling standard	No spaces required	No spaces required
Community Care Facility, Large	1 space per 3 beds	0.5 spaces per bedroom, minimum of 2 spaces	0.05 spaces per bedroom, minimum of 2 spaces
Community Care Facility, Small	2 spaces	0.5 spaces per bedroom, minimum of 2 spaces	0.05 spaces per bedroom, minimum of 2 spaces
Emergency Shelter	2 spaces per facility staff, plus 1 space per 6 occupants allowed at the maximum capacity	8 spaces minimum	8 spaces minimum
Funeral and Burial Services, Body Preparation and Crematorium	1 space per 500 sq. ft. of floor area	1 space per 20 employees, minimum of 2 spaces	1 space per 20 employees, minimum of 2 spaces
Funeral and Burial Services, Mortuary and Funeral Home	1 space per 4 seats	1 space per 20 employees, minimum of 2 spaces	Spaces for 2% of maximum attendance
Hospital	1 space per 250 sq. ft. of floor area	1 space per 20 employees or per 70,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces
Low-Barrier Navigation Center	2 spaces per facility staff, plus 1 space per 6 occupants allowed at the maximum capacity	8 spaces minimum	8 spaces minimum
Industrial, Manufacturing, and Processing Uses			
General Manufacturing, Industrial, and Processing Uses	1 space per 1,000 sq. ft. Office space that comprises less than 20% of the gross floor area may be parked at the rate required for general manufacturing, industrial and processing uses. Office space that comprises 20% or more of the total gross floor area shall be calculated separately as provided by this table for "Offices"	1 space per 15,000 sq. ft., minimum of 2 spaces	2 spaces
Recycling Facility	Determined by Conditional Use Permit	1 space per 15,000 sq. ft., minimum of 2 spaces	2 spaces
Research and Development Facility	1 space per 300 sq. ft. of floor area	1 space per 10,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces

Table 17.30-01
Parking Requirements by Land Use

Land Use Type	Vehicle Spaces Required	Long-Term Bicycle Spaces	Short-Term Bicycle Spaces
Storage			
Outdoor	1 space per 3,000 sq. ft. of lot area	No spaces required	No spaces required
Personal storage facilities (mini-storage)	4 spaces per 100 storage units	No spaces required	No spaces required
Warehouses and Storage Facilities	1 space per 2,000 sq. ft. Office space that comprises less than 20% of the gross floor area may be parked at the rate required for warehouse and storage facilities. Office space that comprises 20% or more of the total gross floor area shall be calculated separately as provided by this table for "Offices"	1 space per 15,000 sq. ft., minimum of 2 spaces	2 spaces
Wholesale and Distribution	1 space per 2,000 sq. ft. Office space that comprises less than 20% of the gross floor area may be parked at the rate required for wholesale and distribution. Office space that comprises 20% or more of the total gross floor area shall be calculated separately as provided by this table for "Offices."	1 space per 15,000 sq. ft., minimum of 2 spaces	2 spaces
Recreation, Education, and Public Assembly Uses			
Athletic Club	1 space per 200 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Clubs, Lodges, and Private Meeting Halls	1 space per 100 sq. ft. of floor area	1 space per 20 employees, minimum of 2 spaces	Spaces for 2% of maximum attendance
Dance Floors	1 space per 50 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Commercial Recreation and Entertainment, Indoor			
Arcades	1 space per 200 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Bowling Alley	5 spaces per lane	1 space per 12,000 sq. ft., minimum of 2 spaces	1 per 5,000 sq. ft., minimum of 2 spaces
Pool and Billiard Room	2 spaces per table	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Skating Rink	1 space per 200 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces

Table 17.30-01
Parking Requirements by Land Use

Land Use Type	Vehicle Spaces Required	Long-Term Bicycle Spaces	Short-Term Bicycle Spaces
Swimming Pools (public, private, and commercial)	1 space per 100 sq. ft. of pool area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Commercial Recreation and Entertainment, Outdoor			
General Outdoor Commercial Uses	Determined by Conditional Use Permit	Determined by Director based on location, nature, and frequency of use	Determined by Director based on location, nature, and frequency of use
Golf Course and Country Club	3 spaces per hole	No spaces required	No spaces required
Golf, Driving Range	1 space per tee	No spaces required	No spaces required
Golf, Miniature Golf Course	2 spaces per hole	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Tennis, Racquetball, Handball, or Other Courts	2 spaces per court, plus 1 space for each 300 sq. ft. of floor area for accessory uses	2 spaces	2 spaces
Library and Museum	1 space per 400 sq. ft. of floor area	1 space per 10 employees, minimum of 2 spaces	1 space per 10,000 sq. ft., minimum of 2 spaces
Places of Assembly	1 space per 4 seats or 1 space for each 100 sq. ft. of floor area, whichever is greater	1 space per 20 employees, minimum of 2 spaces	Spaces for 2% of maximum attendance
Schools (public and private)			
Colleges and universities (including trade, business, and art/music/dancing schools)	1 space for per 3 students	1 space per 10 employees, minimum of 2 spaces	1 space per 20 students, minimum of 2 spaces
Elementary/Junior high	1 space per 8 students	1 space per 10 employees, minimum of 2 spaces	1 space per 20 students, minimum of 2 spaces
High school	1 space per 4 students	1 space per 10 employees, minimum of 2 spaces	1 space per 20 students, minimum of 2 spaces
Kindergarten and nursery schools	1 space per 8 children	1 space per 10 employees, minimum of 2 spaces	1 space per 20 students, minimum of 2 spaces
Studios - Art, Dance, Music, and Photography	1 space per 200 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Residential Uses			
Accessory Dwelling Unit	See Chapter 17.82 (Accessory Dwelling Unit (ADU))	No spaces required	No spaces required
Accessory Dwelling Unit, Junior	See Chapter 17.84 (Junior Accessory Dwelling Unit (JADU))	No spaces required	No spaces required
Farm Worker Housing	1 space per 4 persons housed. Parking areas are not required to	No spaces required	No spaces required

Table 17.30-01
Parking Requirements by Land Use

Land Use Type	Vehicle Spaces Required	Long-Term Bicycle Spaces	Short-Term Bicycle Spaces
	be covered or paved. Parking areas shall not be located adjacent to any scenic corridor unless screened from public view by structures, fences, landscaping, or terrain features		
Mobile Homes			
Individual Mobile Home	1 covered space per unit, which may be covered or uncovered	No spaces required	No spaces required
Mobile Home Park	1 space per unit, which may be covered or uncovered	No spaces required	No spaces required
Multi-Unit Dwellings	1 space per studio or one-bedroom unit; 1.75 spaces per two-bedroom unit; 2.5 spaces for each unit with three or more bedrooms, which may be covered or uncovered	0.5 spaces per bedroom, minimum of 2 spaces	0.05 spaces per bedroom, minimum of 2 spaces
Organizational House	1 space per bedroom	0.5 spaces per bedroom, minimum of 2 spaces	0.05 spaces per bedroom, minimum of 2 spaces
Senior Housing	1 space per 2 units	0.5 spaces per bedroom, minimum of 2 spaces	0.05 spaces per bedroom, minimum of 2 spaces
Single Room Occupancy (SRO)	1 space per 3 units	0.5 spaces per bedroom, minimum of 2 spaces	0.05 spaces per bedroom, minimum of 2 spaces
Single-Unit Dwellings	Initial construction shall require 2 covered parking spaces. One covered space may be converted to habitable space for the single-unit dwelling, when a direct connection to common living space (e.g., living room, family room, kitchen, etc.) within the unit is provided, and upon obtaining a building permit. The converted covered space shall be replaced with a space that is covered or uncovered. The uncovered space may be located in the driveway in front of the garage. The new covered space shall comply with the requirements of this Code. Required covered parking may be converted to an accessory dwelling unit in compliance with Chapter 17.82 (Accessory	No spaces required	No spaces required

Table 17.30-01
Parking Requirements by Land Use

Land Use Type	Vehicle Spaces Required	Long-Term Bicycle Spaces	Short-Term Bicycle Spaces
	Dwelling Unit (ADU)) and upon obtaining the appropriate permits.		
Retail, Service, and Office Uses			
Bank and Financial Institution	1 space per 250 sq. ft. of floor area, plus 5 tandem stacking spaces per outdoor teller or teller station	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Bed and Breakfast Inn	1 space per guest room, plus 2 covered for the resident(s)	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Carwash			
Self Service	1 drying space per stall	No spaces required	No spaces required
Full Service	10 spaces, plus 6 spaces per wash lane for queuing and drying area	2 spaces	2 spaces
Automated	1 space per 1,000 sq. ft. of site area, exclusive of vehicle queuing lanes	No spaces required	No spaces required
Equipment Sales and Rental Facility	1 space per 300 sq. ft. of floor area; none required for outdoor storage and rental area provided sufficient area is provided within the yard to accommodate all customer vehicles entirely on-site	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces
Hotel and Motel	1 space per unit, plus 1 space per 2 employees on largest shift, plus required spaces for accessory uses	1 space per 40 rooms, minimum of 2 spaces	1 space per 80 rooms, minimum of 2 spaces
Kennel, Commercial	1 space per employee, plus 2 spaces	No spaces required	No spaces required
Laundry - Dry Cleaning Pick-Up Facilities and Laundromats	1 space per 400 sq. ft. of floor area	2 spaces	2 spaces
Laundry - Laundries and Dry Cleaning Plants	1 space per 1,000 sq. ft. of floor area	2 spaces	2 spaces
Office, Administrative	1 space per 400 sq. ft. of floor area, with a minimum of 4 spaces	1 space per 10,000 sq. ft. minimum of 2 spaces	1 space per 20,000 sq. ft. minimum of 2 spaces
Office, Medical	1 space per 250 sq. ft. of floor area	1 space per 10,000 sq. ft. minimum of 2 spaces	1 space per 20,000 sq. ft. minimum of 2 spaces
Office, Production	1 space per 400 sq. ft. of floor area, with a minimum of 4 spaces	1 space per 10,000 sq. ft. minimum of 2 spaces	1 space per 20,000 sq. ft. minimum of 2 spaces
Office, Professional	1 space per 400 sq. ft. of floor area, with a minimum of 4 spaces	1 space per10,000 sq. ft. minimum of 2 spaces	1 space per 20,000 sq. ft. minimum of 2 spaces

Table 17.30-01
Parking Requirements by Land Use

Land Use Type	Vehicle Spaces Required	Long-Term Bicycle Spaces	Short-Term Bicycle Spaces
Outdoor Sales and Activities	1 space per 200 sq. ft. of sales area, with a minimum of 4 spaces	2 spaces	2 spaces
Personal Service	2 spaces per employee	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Pet Grooming	1 space per 400 sq. ft. of floor area	2 spaces	2 spaces
Restaurant	1 space per 3 seats	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Retail Sales, Convenience Store	1 space per 250 sq. ft. of floor area, with a minimum of 3 vehicle spaces	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Retail Sales, Furniture and Appliances	1 space per 500 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces
Retail Sales, General	1 space per 300 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Retail Sales, Neighborhood Market	1 space per 250 sq. ft. of floor area, a minimum of 3 vehicle spaces	1 space per12,000 sq. ft., minimum of 2 spaces	1 space per 2,000 sq. ft., minimum of 2 spaces
Retail Sales, Nursery and Garden Supply	1 space per 2,000 sq. ft. of site area	2 spaces	2 spaces
Retail Sales, Shopping Center	1 space per 300 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Spa Services and Health Spa	2 spaces per employee, with a minimum of 4 spaces	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 5,000 sq. ft., minimum of 2 spaces
Veterinary Clinic	1 space per 300 sq. ft. of floor area	1 space per 20 employees or per 70,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces
Vehicle Oriented Uses			
Gas Station	1 space per 300 sq. ft. of floor area	No spaces required	No spaces required
Vehicle Rental Facility	1 space per 500 sq. ft. of floor area or 1 space per 2,000 sq. ft. of outdoor sales area, with a minimum of 4 spaces	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces
Vehicle Repair and Service	1 space per 400 sq. ft. of floor area	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces
Vehicle, Recreational Vehicle, and Trailor Sales	1 space per 500 sq. ft. of floor area or 1 space per 2,000 sq. ft. of outdoor sales area, with a minimum of 4 spaces	1 space per 12,000 sq. ft., minimum of 2 spaces	1 space per 20,000 sq. ft., minimum of 2 spaces

17.30.040 Reduction of Parking Requirements

A. **Reduction of Parking Through Minor Use Permit.** The number of parking spaces required by this Chapter may be reduced with Minor Use Permit approval, in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit). A parking analysis may be required to support the request to reduce the required number of parking spaces.

B. **Reduction for Shared Use.** Where two or more uses have distinct and differing peak parking usage periods, (i.e., a theater and a bank, bank and residential units), a reduction in the required number of parking spaces may be approved by the Director, provided that the most remote space is located within 500 feet of the use it is intended to serve (as measured along the most direct pedestrian path). The amount of reduction may be up to the number of spaces required for the least intensive of the two or more uses sharing the parking. A shared parking analysis may be required by the Director to support a request for a parking reduction.

C. **Alternative Shared-Use Parking Reduction in TC, CC, BC, and RC Zones.** The following shared-use parking standards assume that patrons will use a single parking space for more than one destination and that a single parking space will be available for short-term parking to serve a variety of different uses that may have different peak hours.

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

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

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

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

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

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

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

3. **Shared-Use Parking Standards.** Once it has been established that parking is required, eligible projects within the TC, CC, BC, and RC zoning districts may choose to provide shared parking by using the standards established in Table 17.30-02 (Alternative Shared-Use Parking Standards: TC, CC, BC, and RC Zones), below. Projects developed under the shared-

use parking standards shall enter into an agreement with the Town and recorded with the Office of the County Recorder. The agreement shall require that the parking be operated on a nonexclusive basis, open and available to the general public for shared use at all times.

Table 17.30-02
Alternative Shared-Use Parking Standards: TC, CC, BC, and RC Zones

Use	Minimum Parking Ratios
New construction of office or hotel uses on sites greater than 20,000 sq. ft.	Excluded from use of shared-use parking standards
Office uses on sites less than 20,000 sq. ft.	
Banks, savings and loans, other financial institutions	2 spaces per 1,000 sq. ft. of floor area
Medical or dental offices	
Professional and other offices	
Public assembly uses	
Movie or performance theater	1 space per 7 seats, plus 5 for employees
Museum	2 spaces per 1,000 sq. ft. of floor area
Residential uses not part of a mixed-use project.	Excluded from use of shared-use parking standards
Restaurants	
Restaurant, deli, coffee house, juice bar under 1,000 sq. ft. of usable area	None required
Restaurant over 1,000 sq. ft. of usable area	6 spaces per 1,000 sq. ft. of floor area
Outdoor dining areas associated with a restaurant	None required
Retail Commercial	2 spaces per 1,000 sq. ft. of floor area

D. **Transportation Demand Management.** The number of required parking spaces for any project may be reduced by the Director based on submittal of a Transportation Demand Management (TDM) plan. TDM plans are required to reduce vehicle trip generation rates by at least 15 percent below the standard rates as established in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. TDM plans must describe and provide details of proposed measures and quantify their impacts using the most recent editions of the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions and Quantifying Greenhouse Gas Mitigation Measures.

17.30.050 In-Lieu parking Fee for TC, CC and BC Zoning Districts

The off-street parking requirements contained within this Chapter may be satisfied partially or in full through the payment of an In-Lieu Parking Fee. The In-Lieu Parking Fee program shall be administered as follows:

A. **Establishment of Amount of Fee.** The amount of the In-Lieu Parking Fee shall be set by separate resolution of the Council. The Council may adjust the fee at their discretion as frequently as is deemed necessary based on factors including, but not limited to, inflation, the cost of providing new parking spaces, and the market value of parking spaces.

B. **Determination of Eligibility.** The Director may allow a payment into the In-Lieu Parking Fund as an alternative to providing all or a portion of the required parking spaces on-site if it can be demonstrated to the satisfaction of the Director that one or more of the following conditions apply:

1. It is infeasible to provide the required parking spaces on-site due to the size, shape, or topography of the site, or other special circumstances pertaining to the property;
2. Providing the required parking spaces on-site is detrimental to the pedestrian nature of the area; or
3. The existing and planned parking supply in the vicinity of the project site is adequate.

C. **Payment of Fee.** If the Director approves an In-Lieu Parking Fee request, such payment shall be made to the Town in one lump sum prior to the issuance of a building permit or if a building permit is not required, within 45 days of request by City for payment. The In-Lieu Parking Fee shall be a one-time only, non-refundable payment and shall be considered full satisfaction of the off-street parking requirement for the number of parking spaces for which the fee was paid.

D. **Effect of Payment.** In-Lieu Parking Fees shall be used exclusively for mobility improvements such as bicycle and pedestrian enhancements, improved transit access, or additional parking spaces. If allowed, In-Lieu Parking fees are solely an alternative means of satisfying the applicant's obligation to provide off-street parking as required by this Chapter and payment of the In-Lieu Fee does not carry any other guarantees, rights, or privileges to the applicant.

17.30.060 Disabled/Handicapped Parking Requirements

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

17.30.070 Bike Parking Location

A. **Short-Term Bicycle Parking.** Shall be located conveniently to serve customers, visitors, and employees of the site and shall conform to best practices for bike parking, including the use of inverted-U or similar style racks that allow for two points of contact between the rack and the bike. A minimum of 50 percent of the required bike parking spaces shall be located within 25 feet of the primary building entrance.

B. **Long-Term Bicycle Parking.** Shall be secure, covered, and located conveniently for residents, employees, and visitors to the site. Secured spaces may be located within a building, bike lockers, and/or similar facility, as approved by the Director.

C. **Modifications.** The Review Authority may approve a modification to these requirements based on site or operational conditions. The Director may require documentation to demonstrate that the requested modification will provide safe and convenient bicycle parking facilities and comply with the other requirements of this Code/Section.

17.30.080 Parking Space and Drive Aisle Dimensions

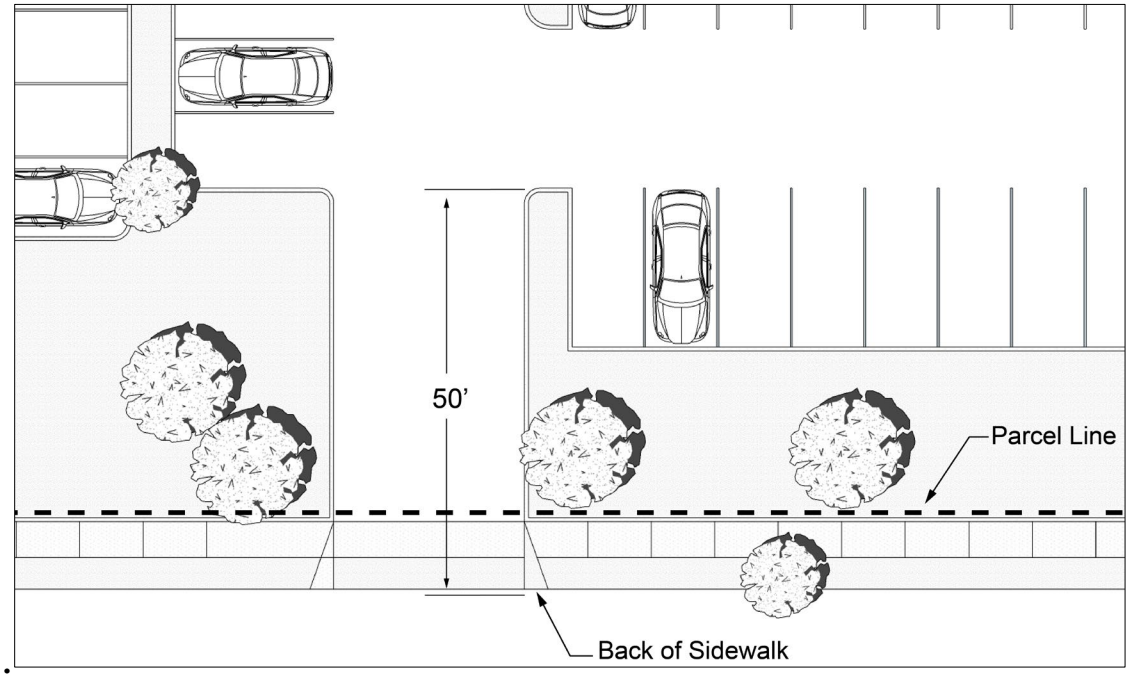
Required parking areas shall be designed and constructed as follows:

A. **Access to Parking.** Parking areas shall comply with the following access requirements.

1. **Maneuvering Areas.** Parking areas shall provide suitable maneuvering area so that vehicles exit to a street in a forward direction. Parking lots shall be provided to prevent access at any point other than at designated access drives. Single-unit dwellings and two-unit dwellings are exempt from this requirement.

2. **Non-Residential Uses.** Non-residential uses located on arterial streets shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 50 feet from the back of sidewalk, to provide stacking area for vehicles entering and exiting the site. See Figure 17.30-01 (Queuing Area).

Figure 17.30-01
Queuing Area



3. **Multi-Unit Dwelling Projects.** Multi-unit dwelling projects shall have access driveways that are not intersected by a parking aisle, parking space, or another access for a minimum distance of 20 feet from the back of sidewalk to stacking area for vehicles entering and existing the site.

4. A minimum unobstructed clearance height of 14 feet shall be maintained above parking and access areas accessible to vehicles within nonresidential, multi-unit residential, or mixed-use developments.

B. **Access to Adjacent Sites.** Applicants for nonresidential development are encouraged to provide shared vehicle access to adjacent nonresidential properties to provide for convenience, safety, and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Director, guaranteeing the continued availability of the shared access between the properties. Shared pedestrian access between adjacent properties, including residential developments is required, when a shared driveway is provided.

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

1. Residential parking shall be located on the same parcel as the use(s) served, unless an alternative parking location is approved by the Director as permitted by this Code.

2. Parking shall not be allowed in the front setback area other than the driveway for a single-unit dwelling use or within a driveway in a multi-unit dwelling development that is dedicated and designed to provide off-street parking.

3. Parking shall be located on the same parcel as the uses served or within 300 feet of the parcel, measured along the most convenient path of travel if shared parking or public parking facilities are used to meet parking requirements.

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

5. **Bicycle Parking Spaces.** The location of bicycle parking shall comply with the following:

a. **Nonresidential Land Uses.** At least 50 percent of the required bicycle parking spaces shall be located within 25 feet of the primary building entrance.

b. **Residential Land Uses.** Bicycle parking spaces shall be secure, covered, and located conveniently for residents and visitors.

D. **Parking Space and Lot Dimensions.** Covered and uncovered parking spaces shall comply with the following stall dimension standards.

1. **General Requirements.** Minimum parking dimensions shall be as established in Tables 17.30-03 (Minimum Parking Stall Dimensions Residential Uses) and 17.30-04 (General Nonresidential Minimum Parking Stall and Lot Dimensions).

Table 17.30-03
Minimum Parking Stall Dimensions Residential Uses

Standard Stall		Compact Stall	
Length	**Width**	**Length**	**Width**
Garage (interior dimension)			
20 feet	10 feet	N/A	N/A
Uncovered Spaces			
Shall comply with the standards in Table 17.30-04		16 feet (90-degree parking)	8 feet

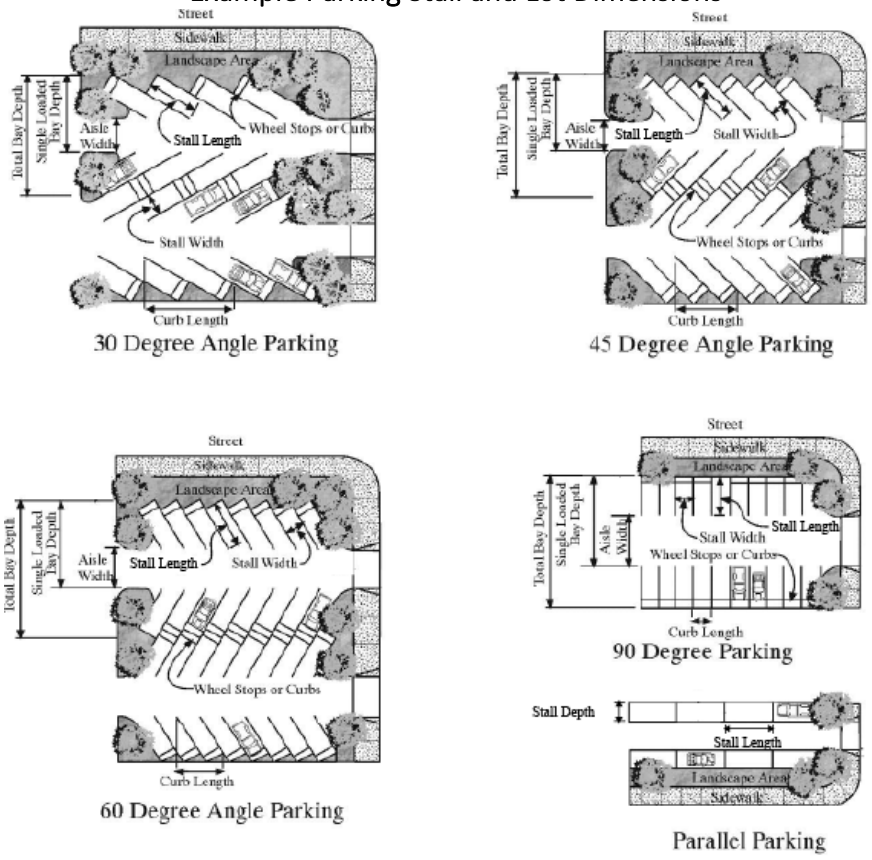
Note: Compact parking spaces shall comply with Section 17.30.080(C)(3) – Compact Parking Spaces.

Table 17.30-04
General Nonresidential Minimum Parking Stall and Lot Dimensions

Standard Residential Uncovered Parking Stall	
Length	**Width**
18 feet including bumper overhang. See Subsection 17.30.080.I (Wheel Stops and Curbing)	9 ft.
Compact Parking Stall	
16 feet including bumper overhang. See Paragraph 17.30.080.D.3 (Compact Parking Spaces)	8 ft.

Double-Loaded Aisles				
Parking Angle (degrees)	**Curb Length**	**Stall Length (with bumper overhang)**	**Aisle Width (one-way)**	**Aisle Width (two-way)**
30	18 ft.	15 ft., 1 in.	13 ft.	20 ft.
45	12 ft., 8 in.	17 ft., 7 in.	14 ft.	21 ft.
60	10 ft., 5 in.	19 ft.	17 ft.	22 ft.
90	9 ft.	18 ft.	25 ft.	25 ft.

Figure 17.30-02
Example Parking Stall and Lot Dimensions



2. **Parallel Parking Spaces.** Parallel parking spaces shall have minimum width of eight feet and a minimum length of 22 feet. Aisle widths shall be 12 feet for one-way traffic and 25 feet for two-way traffic.

3. **Compact Parking Spaces.** Compact car spaces may be provided as follows for uncovered spaces:

   a. **Maximum Number of Spaces.** Up to 30 percent of the parking spaces required may be compact spaces.

   b. **Dimensions.** Compact parking spaces shall have a minimum depth of 16 feet and a minimum width of eight feet. Bumper overhang areas may be provided in compliance with Section 17.28.040.C.4.

   c. **Markings.** Each compact space shall be clearly marked as a compact space in letters reading "Compact Only."

   d. **End Spaces.** To allow for adequate backup and maneuvering area, compact spaces shall not be placed at the end of parking strips and drive aisles.

E. **Landscape Area Requirements.** Parking areas shall provide landscaping in compliance with the standards established in Section 17.28.040 (Landscape Area Requirements).

F. **Lighting.** See Section 17.32.050 (Light and Glare).

G. **Striping and Identification.** Compact Parking areas and stalls shall comply with the following striping and restriping standards.

1. **Vehicular.** Parking spaces shall be clearly outlined with four-inch-wide lines painted on the surface of the parking facility.

2. **Specially Designated Parking Spaces.** Carpool, compact, clean air vehicle, and similar specially designated parking spaces shall be clearly identified and require Director approval.

3. **Restriping.** The restriping of any parking areas shall require the approval of a restriping plan by the Director.

H. **Surfacing.** Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the Director.

I. **Wheel Stops and Curbing.** Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area. When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

J. **Space-Efficient Parking.** Space-efficient parking, defined as parking in which vehicles are stored and accessed by tandem spaces, mechanical stackers or lifts, automated parking systems, or other space-efficient means, may be used to fulfill off-street parking requirements for spaces serving long-term parkers (e.g., employees, hotel guests, and residents, etc.). Parking spaces may be space-efficient except for spaces required and specifically designated for persons with disabilities unless designed in compliance with the Americans with Disabilities Act. Space-efficient parking must be approved by the Director based on a proposed parking operations plan supplied by the applicant.

17.30.090 Driveways and Site Access

Driveways providing site access shall be from an improved street, alley, or other public right-of-way, and shall be designed, constructed, and maintained as follows.

A. **Number of Driveways.** A maximum of two driveways shall be allowed for each multi-unit dwelling and nonresidential parcel of two acres or less, unless the Director and Town Engineer determine that additional driveways are necessary to accommodate project-specific traffic. Single-unit and

two-unit dwellings shall be allowed one driveway, while circular driveways may be permitted on parcels with 70 feet or more of street frontage. When a property has access to more than one street, access shall generally be limited to the lowest volume street to minimize the impact of new access.

B. **Distance from Street Corners.** Driveways shall be located as follows:

1. **Residential Driveway.** The nearest edge of a residential driveway shall maintain the following minimum distances:

   a. 20 feet from the beginning of the curb return on all streets other than a crosstown street.

   b. 75 feet from the beginning of the curb return on a crosstown street.

2. **Non-Residential Driveway.** The nearest edge of a non-residential shall maintain the following minimum distances:

   a. 50 feet from the beginning of curb return on all streets other than a crosstown street.

   b. 75 feet from the beginning of the curb return on a crosstown street.

3. **Exception to Standards.** Design exceptions may be approved

C. **Driveway Spacing.** Driveways shall be separated along the street frontage as follows:

1. **Single-Unit and Two-Unit Dwelling Residential Development.** Driveways that provide access to single-family or duplex units on separate, adjacent parcels shall be separated by at least six feet, unless a shared, single driveway is approved by the Director and Town Engineer. The six-foot separation does not include the transition or wing sections on each side of the driveway; and

2. **Multi-Unit Dwelling and Nonresidential Development.** Where two or more driveways serve the same or adjacent multi-unit or nonresidential development, the centerline of the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the approval of the Director and Town Engineer.

D. **Driveway Width and Length.** Driveways shall comply with the following dimensional standards

1. **Single-Unit Dwellings.** The following provisions shall apply to all driveways for single-unit dwellings.

   a. Driveways are intended only to provide access to required off-street covered parking spaces.

b. Driveways that provide access to garages having a setback greater than 24 feet from the street property line shall have a minimum width of 10 feet and a maximum width of 16 feet at the property line.

c. Driveways that provide access to garages having a setback less than 18 feet from the street property line shall not exceed the width of the garage door opening plus two feet.

d. When a garage is perpendicular (90 degrees) to the driveway, a minimum 25-foot deep unobstructed back-out area shall be provided.

e. Driveways may be allowed with greater widths than provided above with the approval of a Minor Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

2. Multi-Unit Dwellings. Driveways for multi-unit dwelling uses shall have a minimum paved width of:

a. 20 feet for six or fewer units; and

b. 24 feet for seven units or more.

3. Nonresidential Uses. Driveways for nonresidential uses shall have a minimum paved width of 13 feet for one-way driveways and 24 feet for two-way driveways. The maximum driveway width shall be 30 feet, exclusive of the area provided for a median divider, unless a greater width is approved by the Town Engineer.

E. Clearance from Obstruction. All driveways shall remain clear from obstructions as specified below.

1. The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, utility pole, traffic signal, light standards, or other similar facilities.

2. Street trees shall be a minimum of 10 feet from the driveway access, measured at the center of the trunk.

3. Driveways shall have an overhead clearance of 14 feet in height except within a parking structure which may be reduced to seven feet, six inches, with Director approval.

F. Traffic Safety Visibility Area. Structures or landscaping over 36 inches in height shall not be allowed within a traffic safety visibility area. See Section 17.20.060 (Traffic Safety Visibility Area).

G. Surfacing. Driveways shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing approved by the Director.

17.30.100 Loading Space Standards

A. **Number of Loading Spaces Required.** Nonresidential uses shall provide off-street loading spaces in compliance with Table 17.30-05 (Required Loading Spaces), below. Requirements for uses not listed shall be determined by the Director based upon the requirements for comparable uses.

Table 17.30-05
Required Loading Spaces

Gross Floor Area	Loading Spaces Required
0 – 9,999 sq. ft.	0
10,000 – 39,999 sq .ft.	1
Each additional 40,000 sq. ft.	1

B. **Standards for Loading Area.** Off-street loading area shall be provided as follows:

1. **Dimensions.** Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.

2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting shall also comply with the provision of Section 17.32.050 (Light and Glare).

3. **Loading Ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.

4. **Location.** Loading spaces shall be located and designed as follows.

   a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible.

   b. Situated to ensure that the loading facility is screened from adjacent streets to the greatest degree possible.

   c. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front yard setback, adjacent public right-of-way, or other on-site traffic circulation areas.

   d. Situated to ensure that vehicular maneuvers occur on-site.

   e. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from the boundary of a residential zone unless adequately screened and approved by the Review Authority.

5. **Screening.** Loading areas shall be screened from abutting parcels and streets with dense landscaping or solid masonry walls with a minimum height of six feet.

6. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

C. **Modifications.** Modifications to the standards included in this Section may be approved by the review authority. The Director may require documentation to demonstrate that the requested modifications will provide adequate and safe loading facilities.

Chapter 17.32

Performance Standards

Chapter 17.32 Performance Standards

17.32.010 Purpose and Applicability

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

17.32.020 Air Emissions

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

17.32.030 Combustibles and Explosives

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

17.32.040 Ground Vibration

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

17.32.050 Light and Glare

A. Purpose. The purpose of this Section is to establish standards and a process for review of outdoor lighting to achieve the following:

1. Implement the General Plan;
2. Protect wildlife;
3. Provide lighting that promotes the health, safety, security, and welfare of residents;
4. Prevent and minimize light pollution and overlighting;
5. Provide standards for energy efficient lighting;
6. Provide standards that can evolve according to advancements in technology; and

7. Promote lighting practices and systems which conserve energy, decrease dependance on fossil fuels, and limit greenhouse gas emissions consistent with the General Plan, Sonoma County Regional Climate Action Plan, California Global Warming Solutions Act, and other applicable State and Federal laws.

B. **Applicability.** Excluding fixtures established in Subsection 17.32.050.D (Exempt Lighting), all outdoor lighting fixtures installed after the effective date of this Zoning Code shall comply with the standards established in this Section.

C. **Outdoor Lighting on Public Property.** The Town Engineer shall determine outdoor lighting and glare standards for property in the public right-of-way or Town-owned property in compliance with the ANSI Design of Roadway Facility Lighting.

D. **Exempt Lighting.** The following lighting fixtures and applications are exempt from the standards established in this Section:

1. Indoor lighting;
2. Seasonal and holiday lighting;
3. Lighting within the public right-of-way and public property;
4. Construction or emergency lighting provided such lighting is temporary and is discontinued upon completion of the construction work or termination of the emergency; and
5. Aircraft navigation lights.

E. **Lighting and Glare Standards.** All outdoor lighting fixtures subject to the standards established in this Section shall comply with the following lighting and glare standards:

1. **LED Lighting Required.** All outdoor lighting fixtures shall implement light emitting diode (LEDs) light sources. The use of incandescent, halogen, metal halide, mercury vapor, high- or low-pressure sodium lamps, or any other similar non-semiconductor light source is prohibited.
2. **Prohibited Lights.** Except for those light fixtures allowed under Subsection 17.32.050.D (Exempt Lighting), above, strobe lights, flashing lights, and laser illumination, are prohibited.
3. **LED Retrofitting.** A certified lighting plan showing compliance with the standards established in this Section shall be submitted to the Director before the replacement or retrofit of lighting fixtures formerly used for non-LED lights with LED lighting.
4. **Lighting Color (Chromaticity).** The correlated color temperature of any outdoor light fixture shall not exceed 3,000 Kelvin.

5. **Hours of Operation.** All outdoor light fixtures shall comply with the following operational standards.

   a. **Light Curfew.** Light fixtures installed after the effective date of this Code shall be turned off no later than 11:00 p.m. or when people are no longer present in exterior areas, whichever is later, except for lighting activated by motion sensor which extinguishes 10 minutes after activation and lighting at building entrances, recesses, passageways, circulation areas, parking areas, and driveways. The Review Authority may modify this requirement when additional lighting hours are recommended by the Police Chief in order to ensure/improve safety based on considerations, such as the use of the property, location, etc.

   b. **Light Activation.** Light fixtures may be turned on no earlier than one hour before sunset.

6. **Automated Lighting Control Systems.** Automated lighting control systems, such as motion sensors and timers, shall be used to meet the light curfew requirements established in Paragraph E.5, above. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls should be fully programmable and supported by battery or similar backup. The Review Authority may modify this requirement when additional lighting hours are recommended by the Police Chief in order to ensure/improve safety based on considerations, such as the use of the property, location, etc.

7. **Maximum Lumens.** Each light fixture shall be limited to a maximum brightness of 850 lumens.

8. **Glare Control.** All outdoor light fixtures shall comply with the following light and glare control standards:

   a. To minimize sky glow, glare, and light trespass onto adjacent properties, light fixtures shall be indirect or diffused and directed downward, away from adjacent properties and public rights-of-way, and

   b. Light fixtures shall have “house side” reflectors to minimize glare.

9. **Light Shielding.** All outdoor light fixtures shall be fully shielded and installed and maintained in such a manner that the shielding does not:

   a. Allow light trespass more than those amounts set forth in Subparagraph E.8.a, above, and

   b. Allow the direct observation of the light source from an abutting parcel.

10. **Fixture Height.** Outdoor light fixtures shall be limited to a maximum height of 20 feet above finished grade or the height of the nearest structure on the parcel, whichever is less.

11. **Allowable Light Trespass.** Lighting shall not cause light trespass exceeding the following amounts, measured with a light meter oriented vertically or horizontally at the property line of the property on which the light is trespassing:

    a. **Residential Properties.** The maximum light trespass onto residential uses and properties shall not exceed 0.3 foot-candles.

    b. **Nonresidential Properties.** The maximum light trespass onto nonresidential uses and properties shall not exceed 0.5 foot-candles.

F. **Director Authority.** To ensure compliance with the standards established in the Section, the Director may make any of the following actions:

1. **Replacement and Removal.** Require fixture replacement or removal if it is determined that glare and light trespass thresholds exceed the maximum trespass amounts established in this Section, and

2. **Modification to Standards.** Waive or modify any lighting standard when the following findings are made, based on substantial evidence:

    a. There are unique circumstances affecting the subject property that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this Section;

    b. The proposed waiver or modification will achieve the purpose and intent of this Section, and

    c. The proposed waiver or modification will not conflict with the General Plan.

G. **Conflict with Other Laws.** In the event the standards in this Section conflict with Federal or State law, this Section shall be applied in a manner intended to carry out all provisions of law to the maximum extent feasible. When there is an irreconcilable conflict between the standards of this Section and the requirements of Federal or State law, the provisions of Federal or State law shall prevail over the standards contained in this Section only to the extent necessary to avoid a violation of those laws.

H. **Violations and Enforcement.** Any violation of the standards established in this Section by any person shall be subject to the enforcement provisions of Chapter 17.76 (Enforcement).

17.32.060 Liquid Waste

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

17.32.070 Noise

A. **Applicability.** The following noise standards and specifications apply to all properties, structures, uses, and activities in all zones, unless an exception is specifically provided for as established in this Title.

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

C. **Maximum Noise Levels.** No use, activity, or process shall exceed the maximum allowable noise standards established in Table 17.32-01 (Maximum Noise Level by Use). Noises shall be reduced by 5 dB(A) for impulse or simple tone noises, or for noise consisting of speech or music. If the ambient noise level exceeds the resulting standard, the ambient noise level shall be the standard.

Table 17.32-01
Maximum Noise Level by Use

Type of Land Use	Maximum Allowable Noise Levels		
	Time Interval	Exterior Noise	Interior Noise
Residential (single- or multi-unit)	10:00 p.m. to 7:00 a.m.	50 dB(A)	45 dB(A)
	7:00 a.m. to 10:00 p.m.	55 dB(A)	35 dB(A)
Commercial	10:00 p.m. to 7:00 a.m.	55 dB(A)	50 dB(A)
	7:00 a.m. to 10:00 p.m.	65 dB(A)	
Industrial/Manufacturing	Any time	70 dB(A)	55 dB(A)
Public parks, public open space, and Civic Center	10 p.m. to 7 a.m.	50 dB(A)	N/A
	7 a.m. to 10 p.m.	55 dB(A)	

D. **Ambient Sound Levels or New Development.** All new development that causes the ambient sound levels of abutting properties to rise more than five dB(A) shall be required to incorporate conditions and design modifications to reduce the potential increase in the noise environment, subject to the Director's approval.

E. **Exterior Noise Standards.** Exterior noise levels, when measured at any receiving property, shall conform to the noise level standards identified in Table 17.32-01 (Maximum Noise Level by Use).

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

2. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 17.32-01 (Maximum Noise Level by Use).

F. **Conflicts with Late Night, Early Morning, or 24-hour Operations.** Nonresidential activities shall not impact surrounding residential land uses (i.e., single-, multi-unit, and mobile home parks).

G. **Construction Hours Allowed.** In order to allow construction schedules to take advantage of the weather, normal day light hours, to allow construction to proceed in an efficient manner, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the Town has adopted, in the Municipal Code of the Town of Windsor, Title VII Building and Housing Section 7-1-190 which establishes construction working hours related to the days and hours in which construction activity can occur. In addition, the Municipal Code has established procedures for seeking relief from the restrictions. Construction hours and days and any relief sought shall comply with the Municipal Code of the Town of Windsor.

H. **Prohibited Acts.** The following acts shall be a violation of this Section:

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

2. **Sound Amplification Devices in Residential Zones.** The use of sound amplification devices (e.g., bull horns, microphones, musical instruments, speakers, etc.) that exceed a sound level of 45 dB(A) in a residentially zoned area is prohibited.

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

4. **Residential Air Conditioning, Refrigeration, and Heating**. A residential air conditioning or refrigeration system, heating system, or associated equipment installed after the effective date of this Section shall comply with the requirements in Table 17.32-01 (Maximum Noise Level by Use).

I. **Exempt Activities.** The following are not subject to the noise limitations of this Section:

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

2. **Warning Devices.** Warning devices, necessary for the protection of public safety (e.g., ambulance, fire, and police sirens);
3. **State or Federal Preempted Activities.** Any activity regulated by State or Federal law;
4. **Public Health, Safety, and Welfare Activities.** Construction or maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, safety, and welfare;
5. **Town Code Provisions.** Where noise standards are specified elsewhere in the Town Code;
6. **Town Parks.** Public agency sanctioned recreational activities and programs conducted in public parks; or
7. **Solid Waste Collection.** Noise sources associated with the authorized collection of solid waste (i.e., refuse and garbage).
8. **Emergency Generators During Public Safety Power Shutoff (PSPS).** Emergency generators when used during a power de-energization event, Public Safety Power Shutoff (PSPS), or unscheduled blackout or power outage shall be exempt from the provisions of this Section. Upon restoration of power, the use of an emergency generator shall cease.
9. **Testing of Emergency Generators.** Periodic testing of emergency generators for health and medical facilities as required by the California Code of Regulations, Title 22, Division 5.

17.32.080 Odor

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

17.32.090 Radioactivity, Electrical Disturbance or Electromagnetic Interference

None of the following shall be emitted:

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

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

Chapter 17.34

Solid Waste and Recycling Material Storage

Chapter 17.34 Solid Waste and Recycling Materials Storage

17.34.010 Purpose and Applicability

This Chapter provides standards which recognize the Town's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911). These requirements apply to new nonresidential development and multi-unit dwelling projects, or changes to existing development that increase gross floor area by 25 percent or more.

17.34.020 Extent of Storage Area Required

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

17.34.030 Enclosure Requirements

A. **Design.** Trash and recycling areas shall be covered and fully enclosed by a six-foot high masonry wall or other solid enclosure that is architecturally compatible with adjacent structures in terms of color, materials, scale, and architectural style. The trash area cover shall be high enough to allow clearance for opening dumpsters. A drain within the trash enclosure is not required. However, if one is installed, it must connect to the sanitary sewer system. A trash area drain cannot connect to the storm drain system.

B. **Gates and Screening.** Gates shall be provided, be a solid material to provide screening, and maintained in continual working order.

C. **Landscaping.** Landscaping shall be provided to soften and screen the enclosure in compliance with Chapter 17.28 (Landscaping). See Figure 17.34-01 (Solid Waste Area Landscaping).

D. **Staging Rooms and Chutes.** Indoor staging rooms and multi-level chutes shall provide source separation for all material types as required by state and local regulations, and on each level of the development to adequately serve the total number of units.

Figure 17.34-01
Solid Waste Area Landscaping



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Chapter 17.36

Sign Regulations

Chapter 17.36 Sign Regulations

17.36.010 Purpose and Applicability

A. Purpose. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. This Chapter establishes sign regulations to:

1. Encourage signage in the commercial, office, and industrial districts that makes these attractive places to work and shop, and that positively impacts the design image of Windsor;

2. Create a convenient, attractive, and harmonious community;

3. Protect and enhance the character of residential neighborhoods and property values by preventing visual clutter caused by excessive and obtrusive signage;

4. Preserve and enhance the aesthetic, traffic safety, and environmental values of the community, and commercial, office, and industrial districts, while at the same time providing channels of communication to the public;

5. Ensure the public's ability to easily identify uses and premises and regulate signage on the basis of the characteristics, location, and proportion of signage;

6. Limit commercial signage to on-site locations to keep the proliferation of this signage to a more aesthetic proportion, and protect existing businesses from visual encroachment from new signage on neighboring properties;

7. Enhance the aesthetics and traffic safety of the community by ensuring that signage does not create visual clutter, distract motorists, obstruct, or otherwise impede traffic circulation;

8. Safeguard and protect the public health, safety, property, and general welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs; and

9. Provide sign criteria that are objective, do not vest Town officials with unfettered discretion, and are aimed at regulating the time, place and manner of signs rather than the content of the signs. Where content is regulated, the Town intends its regulations to be narrowly tailored to serve the Town's compelling interest in preserving and enhancing its appearance, protecting motorists and pedestrians from traffic safety hazards and promoting economic development. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this Chapter which can be given effect without the invalid provision.

B. **Applicability.** The standards of this Chapter apply to signs in all zoning districts. Only the signs authorized by this Chapter shall be allowed.

17.36.020 Sign Permit Required

A. No sign shall be erected, constructed, installed, used, altered, relocated, replaced or reconstructed until a sign permit is first obtained in compliance with this Chapter unless the sign is exempt from the sign permit requirements pursuant to Section 17.36.060 (Exempt Signs).

B. No Sign Permit shall be approved for a proposed sign unless the sign is in compliance with all applicable provisions of this Chapter, including but not limited to, Section 17.32.050.B.

C. Signs may be approved by the Director through the Building Permit process provided that the proposed sign is consistent with the purpose and provisions of this Chapter.

17.36.030 Judicial Review

The judicial review of any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review in accordance with the time limits set forth in Code of Civil Procedure Sections 1094.8 et seq.

17.36.040 General Provisions for All Signs

A. **Maintenance of Signs.** Signs and supporting hardware, including temporary signs, shall be maintained in good repair and function properly at all times. Repairs to signs shall be of equal or better quality with regard to materials and design as the original sign. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance.

When existing signs are removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

B. **Measurement of Sign Height.** Sign height shall be measured from the upper most part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.

C. **Measurement of Sign Area.** Signs shall be measured as follows:

1. The surface area of a sign shall be calculated by enclosing the extreme limits of all writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines.

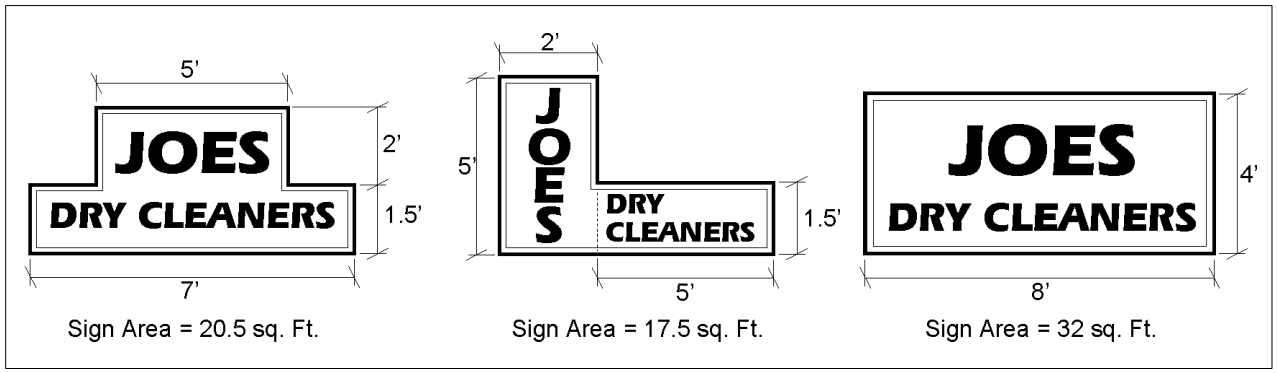
2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

3. Signs composed of more than one sign face shall be computed as including only the maximum single display surface that is visible from any ground position at one time.

4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

5. For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.

Figure 17.36-01
Sign Area Measurement



D. **Illumination of Signs.** The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties, and the public in general.

1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

2. The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of properties in direct visual proximity to the sign.

3. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness, or color.

4. Colored lights shall not be used at a location or in a manner to be confused or construed as traffic control devices.

5. Reflective- type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs to expose the face of the bulb or lamp to a public right-of-way or adjacent property.

E. **Signs on Public Property.** Signs on public property shall comply with the following standards.

1. No person, except a duly authorized public officer or employee, shall erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix any sign, or cause or suffer the same to be done, on any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk or structure in or upon any public street, alley, public right-of-way, or upon any other public property, except as may be required or permitted by ordinance or law.

2. The Town Manager, or his or her authorized representative, may cause the removal of any sign prohibited by Subsection E.1, above. Removal and abatement shall not be subject to any notice or hearing requirements. The Town Manager, as appropriate, may make a report of the cost of removal, and the origin of the sign, and forward a copy of that report to the Town Attorney to initiate recovery of costs.

17.36.050 Prohibited Signs

A. **Basis for Prohibition.** The signs prohibited by this Section are not allowed because, depending on the specific type of sign, they are:

1. Inconsistent with the purposes and standards of this Chapter; or

2. Inconsistent with the Town's aesthetic objectives for overall community appearance; or

3. Potentially distracting, and thereby hazardous to motorists or pedestrians.

B. **Prohibited Signs.** The following signs are prohibited in all zones.

1. Abandoned and/or dilapidated signs and sign structures.

2. Commercial mascots.

3. Animated, moving, flashing, blinking (intermittent light), fluctuating, reflecting, revolving, or other similar signs.

4. Bench signs, except at approved bus passenger loading areas.

5. Inflatable signs.

6. Neon signs, except as part of a comprehensive sign program in compliance with Section 17.36.070 (Comprehensive Sign Program).

7. Pole and pylon signs.

8. Roof signs.

9. Signs erected in a manner that any portion of its surface or supports interferes with the free use of a fire escape, exit, or standpipe or obstruct a required ventilator, door, stairway, or window.
10. Signs not in compliance with the provisions of this Chapter.
11. Signs emitting audible sounds, odors, or visible matter.
12. Because of the Town's compelling interest in ensuring traffic safety, signs that may confuse or create hazards for motorists or pedestrians by conflicting with or imitating the color, wording, design, location or illumination of traffic control signs or devices, or that obstruct clear vision or the safe and efficient flow of vehicular or pedestrian traffic.
13. Signs on public property or projecting within the public right-of-way, except as permitted by this Chapter and approved by the Town Manager.
14. Mobile billboards and vehicle signs.
15. Signs attached to or painted on trees, rocks, or other natural features; utility poles; governmental signs; or traffic control devices, including but not limited to, stop signs, and street signs.
16. Strings of lights or signs outlined with individual light bulbs except when the bulbs are five watts or less.
17. Temporary signs, either on- or off-site, including but not limited to, banners, streamers, promotional flags, and pennants, except as specifically allowed by Section 17.36.060 (Exempt Signs).
18. Portable signs, except as specifically allowed by Section 17.36.060 (Exempt Signs).
19. Billboards, except as specifically allowed by Section 17.36.080 (Billboard Signs).
20. Feather and sail signs.
21. Electronic reader board signs.
22. Raceway channel lettering, except as specifically allowed by the Director.

17.36.060 Exempt Signs

Sign Permits shall not be required for the signs listed in this Section; however, all other applicable regulations of this Chapter shall apply to such signs unless otherwise stated. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or use.

A. **Basis for Exemption.** The signs listed in this Section do not require a sign permit because these signs, subject to the limitations of this Section, have been determined by the Council to be:

1. Minor in nature, and consistent with the Town's aesthetic objectives for signs and overall community appearance; or
2. Essential for the protection of public health or safety; or
3. Of significant value in terms of providing for public convenience.

B. **Exempt Signs.** The following signs are exempt from Sign Permit requirements.

1. Signs within buildings that are not visible from any point on the boundary of the premises.
2. Signs erected and maintained by any Federal, State, or local governmental agency or that are required to be erected and maintained by any Federal, State, or local governmental agency or court or by any Federal, State, or local law, ordinance, or other governmental regulation, including but not limited to, signs erected by a public utility.
3. Signs painted directly upon or affixed to licensed commercial vehicles, including trailers, used in the normal day-to-day operations of the business; provided, that such vehicles/trailers are not used as vehicle signs.
4. **Flags.** Official flags of a nation, the State of California, other states of the Nation and municipalities provided that the pole height shall not exceed 25 feet in residential zoning districts and 35 feet in nonresidential zoning districts. The length of the flag shall not be more than 1/4 of the height of the pole. Larger flags may be approved by the Director.
5. **Gas Station Signs.** Signs required to be posted at gas stations pursuant to California Business and Professions Code Sections 13530 et seq. See Section 17.70.070 (Nonconforming Gas Stations).
6. **Name Plates.** The following signs are intended to assist emergency response personnel in locating a site.
    a. **Residential.** Occupant name, street number, and street name signs not exceeding two square feet in area per single-unit or multi-unit unit. Street addresses shall be Arabic numbers a minimum of three inches in height.
    b. **Nonresidential.** Signs for non-residential uses not exceeding two square feet, with copy limited to business identification, hours of operation, address, and emergency information.
7. **On-Site Directional Signs.** The Town has a compelling interest in ensuring traffic safety, and to directly advance that interest, the Town will allow on-site directional signage in accordance with the standards set forth in this paragraph to assist and direct traffic,

parking and loading on private property. Copy shall be limited to the facility name and address, instructions, and directional arrows. The total sign area on a parcel shall not exceed four square feet in residential zoning districts and six square feet in non-residential districts, unless otherwise approved by the Director. The maximum height for freestanding signs shall be six feet unless additional height is approved by the Director after determining that the visibility of a lower sign will be impaired.

8. **Construction Site Signs.** Signs located on a construction site while actual physical construction is ongoing subject to compliance with the following limitations.

   a. One sign per street frontage not to exceed 20 square feet with a maximum height of six feet.

   b. Signs shall be removed upon first occupancy of the parcel.

9. **Banners.** Nonresidential uses shall be allowed one banner sign subject to the following.

   a. Banners shall be affixed to the of one exterior wall of the structure within which the business is located, and shall not hang between posts, or from trees, be within the public right-of-way, or be placed on a rooftop.

   b. Banners shall not exceed a maximum area of 24 square feet.

   c. Banners shall maintain a minimum of 80-inch clearance above an accessible path of travel or pedestrian walkway.

   d. Banners shall be maintained in a clean and presentable manner.

10. **Portable Signs.** Nonresidential uses shall be allowed one portable sign subject to the following:

   a. Portable signs shall be located only in front of the use they are intended to serve.

   b. Portable signs shall have a maximum sign area of six square feet.

   c. Portable signs shall not exceed four feet in height, including the supporting structure.

   d. Portable signs shall be setback so as not to obstruct an accessible path of travel, public right-of-way, or pedestrian walkway.

   e. No portable sign shall be placed within 10 feet of another portable sign.

   f. Sign copy shall be applied on the sign face against a contrasting-colored background that is compatible with the surroundings.

   g. Portable signs shall only be displayed during business hours.

h. Portable signs shall be supported by a base of sufficient weight and durability to withstand wind gusts.

i. Portable signs shall be maintained in a professional manner free from fading, tearing, and tattering.

11. **Temporary Signs on Property Offered for Sale, Rental or Lease.** Temporary signs are allowed on private property in any zoning district being offered for sale, rental, or lease subject to the following limitations.

a. The signs shall be located entirely within the subject property and shall not be illuminated.

b. The signs shall be removed within 15 days after the close of escrow, or after rental, or lease of the property has been accomplished. Signs located in new subdivisions shall be removed when all units or lots are sold.

c. For single parcels, the maximum sign area shall be three square feet for parcels of less than 10,000 square feet; six square feet for parcels of less than 20,000 square feet; 12 square feet for parcels of less than one acre; 18 square feet for parcels of less than five acres; 24 square feet for parcels of less than 10 acres; and 32 square feet for parcels of 20 acres or more.

d. When private property being offered for sale is open for public viewing, off-site signs may be placed on private property with the permission of the property owner. Signs shall not be larger than six square feet in area and four feet in height. No more than two off-site signs may be placed for each property open for public viewing. Such signs may be erected only during the time the property is available for public viewing and an agent is present on the site.

e. A recorded subdivision shall be allowed 64 square feet of sign area for temporary use, with additional sign area allowed with the approval of a Minor Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

12. **Temporary Signs Displaying Non-Commercial Messages.** Temporary signs displaying noncommercial messages are permitted on private property in any zoning district subject to the following limitations:

a. In residential districts, no more than 32 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. Sign height shall not exceed four feet measured from the existing grade to the top of the sign.

b. In all other zoning districts, no more than 64 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. No sign shall exceed six feet in height measured from the existing grade to the top of the sign.

c. Temporary signs may be erected for a maximum period of 45 days, twice per year, and no more than 10 calendar days after local, state, or federal election. In no case, shall the total number of days the sign is erected exceed 90 days in a calendar year.

d. No sign shall be displayed without the consent of the legal owner of the property and/or person holding present right to possess and control property.

e. Temporary signs shall be located on private property only. No portion of a sign shall be located within five feet of a road, street, or common driveway and no sign may obstruct vision on a public right-of-way.

13. **Temporary Signs During Community Events.** When a community event is held in accordance with all applicable provisions of the Town Code, the event organizer may post temporary signs on public and/or private property with the consent of the Town Manager and property owner. The signs may be posted up to two weeks prior to the event and shall be removed within two days after the conclusion of the event.

17.36.070 Comprehensive Sign Program

A. **Purpose.** The purpose of a Comprehensive Sign Program is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for multi-tenant projects and other users of multiple signs to encourage creativity and provide incentive and latitude in the provision of multiple signs and to achieve, not circumvent, the intent of this Chapter.

B. **Comprehensive Sign Program Required.** A Comprehensive Sign Program shall be required whenever any of the following circumstances exist.

1. New multi-tenant developments of three or more separate tenants that share either the same parcel or structure and use common access and parking facilities.

2. Whenever five or more signs are proposed for a new or existing development.

3. Whenever three or more signs are requested by a single tenant in an existing multi-tenant project that currently is not covered by a Comprehensive Sign Program.

4. Whenever signs are proposed on parcels adjoining U.S. Highway 101 and the signs will be located on elevations of structures facing the Highway so that the signs will be visible from

the Highway. Signs shall comply with the standards for highway-oriented signs located in Subsection 17.36.090.D (Highway Oriented Signs) unless modifications to the standards are approved by the Commission through a Comprehensive Sign Program.

5. Whenever the Director determines that a Comprehensive Sign Program should be developed for a project due to special circumstances (i.e., the number or size of signs proposed, constrained visibility of the site, location of site relative to major transportation routes).

C. **Contents of Comprehensive Sign Program Request.** A request for approval of a Comprehensive Sign Program shall clearly detail the type, number, size, and location of each proposed sign. Elevations of each sign shall be provided indicating the proposed letter size, colors, materials, use of logos, method of illumination, and method of attachment to the structure.

D. **Approval of a Comprehensive Sign Program.** To approve a Comprehensive Sign Program, the review authority shall make the following findings:

1. The proposed Comprehensive Sign Program is consistent with the purpose and applicability established by this Chapter.

2. The proposed Comprehensive Sign Program is consistent with the objectives of the General Plan;

3. The proposed Comprehensive Sign Program is consistent with all adopted specific plans, master plans, and design guidelines applicable to the project, and

4. The proposed Comprehensive Sign Program establishes a unified design theme for all permanent signs within the project.

E. **Lessees to be Informed of Comprehensive Sign Program.** Lessees within developments subject to the requirements of an approved Comprehensive Sign Program shall be made aware of the program in their lease and their responsibility to follow the approved Comprehensive Sign Program.

F. **Revisions to Comprehensive Sign Programs.** Revisions to a Comprehensive Sign Program may be approved by the Director if the Director determines that the revision is minor, and that the intent of the original approval and any conditions are not affected. Revisions that would substantially deviate from the original approval shall require Commission approval.

17.36.080 Billboard Signs

Billboard signs are prohibited within the Town, except that existing billboard signs may be maintained in compliance with State law.

17.36.090 Standards for Specific Types of Permanent Signs

A. **Canopy Signs.** Canopy signs shall:

1. Be mounted only on the front or sides of a canopy or suspended below a canopy;
2. Not project more than six inches from the face of a canopy;
3. Not extend above the top of a canopy; and
4. Shall be installed so that a clear distance of eight feet is maintained from the lowest part of a suspended or cantilevered sign to the ground below.

B. **Awning Signs.** Awning signs shall:

1. Awning signs shall only be located on structure frontages, including those fronting a parking lot or pedestrian way.
2. Awning signs are limited to ground level occupancies only.
3. Awning signs shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

C. **Monument Signs.** Monument signs shall:

1. Monument signs are allowed only for frontages adjoining a public street.
2. Monument signs shall not be located closer than five feet from any property line unless otherwise provided in Section 17.36.100 (Permanent Sign Standards by Zone). Monument signs shall not obstruct traffic safety sight areas.
3. There shall be a minimum of 75 feet between two monument signs on adjoining sites to ensure adequate visibility for all signs. The Director may waive this requirement in situations where its application would be impractical due to the locations of existing signs on adjacent properties.
4. Landscaping shall be provided at the base of the supporting structure of a monument sign equal to twice the area of one face of the sign. For example, 30 square feet of sign area equals 60 square feet of landscaped area.
5. Monument signs shall contain a number address plate identifying the project or use by specific street address to assist emergency response personnel in locating the site. The address plate shall not exceed four square feet of sign face area. Numbers shall be a minimum of three inches in height and shall be clearly visible from the adjacent street. Address plates shall not be included in calculating the permitted sign face area.

6. The maximum height of a monument shall be as provided in Section 17.36.100 (Permanent Sign Standards by Zone). The highest part of a monument sign shall not exceed six feet above grade.

D. **Highway-Oriented Signs.** Highway-oriented signs shall comply with the following standards and shall require the approval of a Comprehensive Sign Program.

1. **Highway-Oriented Wall Signs.** Highway-oriented wall signs shall comply with the following requirements.

a. Maximum sign area shall not exceed one square foot for each linear foot of the structure elevation on which the sign is placed. No sign shall exceed 100 square feet in area, and the length of the sign shall not exceed 50 percent of the length of the structure elevation on which it is placed.

b. More than one sign per elevation for a single-tenant structure, or more than one sign per portion of a structure elevation occupied by an individual tenant in a multiple-tenant structure may be allowed if all signs do not exceed the maximum sign area allowed for the use.

c. Individual letter height shall not exceed 18 inches. Logos shall not exceed a height of 24 inches.

d. The signs shall be an integral part of the structure design.

e. Internal illumination shall be allowed; however, exterior neon signs are not allowed.

2. **Highway-Oriented Monument Signs.** Highway-oriented monument signs shall comply with the following requirements:

a. Maximum sign area shall not exceed 50 square feet.

b. One sign per parcel or per center, including centers with multiple parcels, shall be allowed.

c. Maximum sign height shall be 20 feet or the height of the primary structure on the parcel, whichever is less. The Commission may approve greater sign heights due to special site conditions (i.e., lower site elevation than the highway/freeway). However, the Town encourages signs that are kept as low as possible while still maintaining reasonable visibility from the highway.

d. A minimum separation of 100 feet shall be required between all highway-oriented monument signs.

e. Signs may be internally illuminated.

f. Joint use of signs is encouraged for businesses located on adjacent parcels. To accommodate shared use of signs and reduce the overall number of monument signs along the highway, the Commission may approve signs up to a maximum of 60 square feet in area for two businesses sharing the sign, and up to 75 square feet in area for three or more businesses sharing the sign.

E. **Wall Sign.** Wall signs shall:

1. Be located only on building frontages unless specifically approved through a Comprehensive Sign Program in compliance with Section 17.36.070 (Comprehensive Sign program);

2. Not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches;

3. Not project above the edge of the roof of a structure; and

4. Not be placed to obstruct any portion of a window.

F. **Window Signs.** Window signs shall:

1. Window signs shall be permanently painted or mounted on the inside of windows and doors; and

2. The total area of all window signs on any one window, including temporary and permanent signs, shall not occupy more than 25 percent of the window's area.

G. **Vending Machines.** Vending machines located outdoors and visible from a public street shall have the area of all visible sides containing advertising copy or product names counted as part of the maximum sign area allowed on the site Section 17.36.100 (Permanent Sign Standards by Zone) of this Chapter.

17.36.100 Permanent Sign Standards by Zone

A. **Sign Standards.** The sign standards provided in this Section are intended to apply to permanent signs in all zones. Only permanent signs authorized by this Section shall be allowed unless otherwise expressly provided in this Chapter. Standards for permanent signs that are exempt from Sign Permits are provided in Section 17.36.060 (Exempt Signs).

B. **Modifications to Sign Standards.** Adjustments to sign standards established in this Section may be allowed through a Conditional Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

C. **Permanent Signs Allowed by Zone.** Table 17.36-01 (Residential Zones Permanent Sign Standards) and Table 17.36-02 (Nonresidential Zones Permanent Sign Standards) establishes the permanent sign types and associated sign design standards that apply to the zone in which the use/sign is located.

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Table 17.36-01
Residential Zones Permanent Sign Standards

Sign Class	Sign Standard						
	Sign Type	**Number of Signs (max.)**	**Sign Area (sq. ft. max.)**	**Sign Height (max.)**	**Location Requirements**	**Lighting Allowed?**	**Additional Requirements (see Section 17.36.090).**
Single-Unit, Two-Unit, and Multi-Unit Dwelling (4 or fewer units)	Name plate or street address	1 per dwelling or occupant	2	Below edge of roof	Wall, fence, or mailbox	Yes	Refer to Paragraph 17.36.060.B.6 (Name Plates).
Multi-Unit Dwelling and Mobile Home Park (5 or more units)	Wall or monument	1 per facility	32	Below edge of roof for wall; 4 ft. for monument	10 ft. min. front setback, 5 ft. side setback	Yes	Shall not be internally illuminated. Shall be integrated with landscaping. Refer to Subsections 17.36.090.C (Monument Signs) and 17.36.090.E (Wall Signs).
Bed and Breakfast Inn	Wall or monument	1 per facility	9	Below edge of roof for wall; 4 ft. for monument	10 ft. min. front and streetside setback	Yes	Refer to Subsections 17.36.090.C (Monument Signs) and 17.36.090.E (Wall Signs).
Educational and Governmental Facilities	Wall or monument	1 per street frontage	16; or 24 with 100 ft. or more of frontage	Below edge of roof for wall; 4 ft. for monument	10 ft. min. front and streetside setback	Indirect only	Manual changeable copy board only. Shall be integrated with landscaping. Refer to Subsections 17.36.090.C (Monument Signs) and 17.36.090.E (Wall Signs).
Subdivision	Monument	1 per entrance	24	6 ft.	Entry feature	Indirect only	Shall include minimum 50 sq. ft. of landscaping including trees. Refer to Subsection 17.36.090.C (Monument Signs).

Table 17.36-01
Residential Zones Permanent Sign Standards

Sign Class	Sign Standard						
	Sign Type	**Number of Signs (max.)**	**Sign Area (sq. ft. max.)**	**Sign Height (max.)**	**Location Requirements**	**Lighting Allowed?**	**Additional Requirements (see Section 17.36.090).**
Roadside Stand	Monument	2 per facility	64 per	4 ft.	Roadside	No	
Cemeteries and mausoleums	Monument	1 per facility	64	4 ft.	N/A	Yes	
Places of Assembly	Wall or Monument	Unlimited wall; 1 monument	1 for each 1 ft. of property frontage devoted to the use	Below edge of roof for wall; 4 ft. for monument	N/A	Yes	Refer to Subsections 17.36.090.C (Monument Signs) and 17.36.090.E (Wall Signs).

Table 17.36-02
Nonresidential Zones Permanent Sign Standards

Sign Class	Sign Standard						
	Sign Type	**Number of Signs (max.)**	**Sign Area (max.)**	**Sign Height (max.)**	**Location Requirements**	**Lighting Allowed?**	**Additional Requirements**
Single-Tenant Sites (not a center)							
Businesses	The total area of all permanent signs on a single site shall not exceed 200 square feet						
	Wall	1 per street frontage	1 sq. ft. of sign area for each 1 ft. of building frontage of the use	Below edge of roof	N/A	Yes	Refer to Subsection 17.36.090.D (Highway Oriented Signs).
	Monument	1 per street frontage	1 sq. ft. of sign area for each 1 ft. of building frontage of the use	4 ft	N/A	Yes	
	Window - permanent and temporary	N/A	25% of each window area; 100 sq. ft. per use	N/A	N/A	No	Refer to Subsection 17.36.090.E (Wall Signs).
	Awning or canopy	1 per use	Single row of text or numbers, 7 in. high	N/A	On valance only	No	Refer to Subsection 17.36.090.B (Awning Signs).
Gas Station, Identification and Pricing	Wall and monument	Unlimited wall plus 1 monument per facility	1 sq. ft. for each 1 ft. of building frontage of the use	Below edge of roof for wall; 4 ft. for monument	N/A	Yes	Refer to Subsections 17.36.090.C (Monument Signs) and 17.36.090.E (Wall Signs).

Table 17.36-02
Nonresidential Zones Permanent Sign Standards

Sign Class	Sign Standard						
	Sign Type	**Number of Signs (max.)**	**Sign Area (max.)**	**Sign Height (max.)**	**Location Requirements**	**Lighting Allowed?**	**Additional Requirements**
Multi-Tenant Sites: Shopping Center							
Shopping Center	Monument	1 per street frontage	60 sq. ft. per sign	6 ft.	Signs shall be set back 10 ft. from property lines or ultimate ROW line and shall not block traffic safety area	Yes	Allowed in addition to other individual business identification signs. Refer to Subsection 17.36.090.C (Monument Signs).
Business (detached structures greater than 10,000 square feet of gross floor area)	Monument	1 per street frontage for business located within 40 ft. of public street	20 sq. ft. per sign	4 ft.	Signs shall be set back 10 ft. from property lines or ultimate ROW line and shall not block traffic safety area	Yes	Subsection 17.36.090.C (Monument Signs).
Business	Wall	1 per tenant	1 sq. ft. of sign area per linear foot of building frontage for ground floor uses. 0.5 sq. ft. per linear foot of business frontage	Below edge of roof		Yes	Refer to Subsection 17.36.090.D (Highway Oriented Signs).and Subsection 17.36.090.E (Wall Signs).

Table 17.36-02
Nonresidential Zones Permanent Sign Standards

Sign Class	Sign Standard						
	Sign Type	**Number of Signs (max.)**	**Sign Area (max.)**	**Sign Height (max.)**	**Location Requirements**	**Lighting Allowed?**	**Additional Requirements**
			for uses on second floors				
	Awning	1 per use	Single row of text/numbers 7 in. max. high	N/A	On valance only	No	Business name and address only. Refer to Subsection 17.36.090.B (Awning Signs).
	Window		25% of each window area. 100 sq. ft. max. per use	N/A	N/A	No	Subsection 17.36.090.E (Wall Signs).
Multi-Tenant Sites: Business Park							
Business Park	Monument	1 sign at each street entrance to identify business park and individual uses	175 sq. ft. max	6 ft.	Signs shall be set back 10 ft. from property lines or ultimate ROW lines and shall not block traffic safety area	Yes	Signs shall not contain advertising copy. Refer to Subsection 17.36.090.C (Monument Signs).
Business	Wall, window, and awning	3 per use	Max. of 3% of the total area of the walls on any face of the structure to which they are attached	Below edge of roof		Yes	Occupant signs shall be scaled proportionately to the amount of overall space occupied within the structure. Refer to Section 17.36.090 (Standards for Specific Sign Types).

Table 17.36-02
Nonresidential Zones Permanent Sign Standards

Sign Class	Sign Standard						
	Sign Type	**Number of Signs (max.)**	**Sign Area (max.)**	**Sign Height (max.)**	**Location Requirements**	**Lighting Allowed?**	**Additional Requirements**
	Monument	1 per use with frontage on a public street	32 sq ft. Max.	4 ft.	Signs shall be set back 10 ft. from property lines or ultimate ROW line and shall not block traffic safety area	Yes	Parcels having over 200 ft. frontage may have one additional sign provided they are spaced a minimum of 175 ft. apart. Refer to Subsection 17.36.090.C (Monument Signs).

17.36.110 Removal of Signs

A. The Town Manager may order the removal of any sign in violation of this Chapter, or any sign abandoned for six consecutive months or more, by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within seven days after the Town gives written notice of noncompliance.

B. Appeal. An aggrieved party may appeal the removal order within ten days from the date that the notice was mailed. Such appeal shall be made to the Council. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Town Manager is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

C. Removal Without Notice. Signs may be removed without notice in the following situations:

1. The Town Manager or any other agent of the Town having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Article, without giving notice to any party, if:

    a. The sign is illegally placed upon the public right-of-way or upon other public property; or

    b. The sign poses an immediate safety threat to the life or health of any members of the public.

2. Following such removal, the Town may collect the costs as provided in Subsection 17.36.110.D (Costs of Removal).

D. Costs of Removal. The cost of removal of a sign shall comply with the following:

1. Removal of any sign found in violation of this Chapter shall be without liability to the Town, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of any party that procured the erection of the sign.

2. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Town Manager shall certify the amount thereof for collection to the Town Attorney.

3. Costs of removal shall be charged in accordance with a fee schedule adopted by the Council from time to time, or at the actual cost to the Town, whichever is more appropriate to the action taken.

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