ORDINANCE NO. 2013-277

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AMENDING THE TOWN'S ZONING ORDINANCE CHAPTER 27.08 – RESIDENTIAL ZONING DISTRICTS, SECTION 27.08.030 – RESIDENTIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS, TABLE 2-3 RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS, CHAPTER 27.10 – COMMERCIAL ZONING DISTRICTS, SECTION 27.10.20-PURPOSE OF COMMERCIAL ZONING DISTRICTS, SECTION 27.10.030 – COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS, TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS, TABLE 2-5 COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS, CHAPTER 27.50, SECTION 27.50.020-RESTRICTIONS ON NONCONFORMING USES AND STRUCTURES, CHAPTER 27.60 – DEFINITIONS/GLOSSARY, SECTION 27.60.020 – DEFINITIONS OF SPECIALIZED TERMS AND PHRASES, AND THE ZONING MAP

WHEREAS, in January 2012, the Town Council adopted the Windsor Station Area/Downtown Specific Plan, which establishes a cohesive transit-oriented community within a half-mile radius of the Windsor transit station. The Windsor Station Area/Downtown Specific Plan expands the planning area at the core of the Downtown's development with a broader array of uses and amenities and a variety of higher residential densities (Resolution No. 2882-12); and

WHEREAS, the Windsor Station Area/Downtown Specific Plan proposes that the plan area develop into a pedestrian-oriented, mixed-use area that enhances both vehicle and pedestrian connectivity, and strengthens the local economy using an environmentally responsible form of development. The Windsor Station Area/Downtown Specific Plan helps preserve community assets and provide clear guidance where new development is proposed; and

WHEREAS, adoption of the Windsor Station Area/Downtown Specific Plan was determined to be in the public's interest to provide for orderly development within the designated plan boundaries, and is reasonably related to the promotion of the public health, safety, and welfare; and

WHEREAS, in accordance with the provisions of the California Environmental Quality Act, an Environmental Impact Report was completed and certified for the Windsor Station Area/Downtown Specific Plan (Resolution No. 2881-12. incorporated by reference) ("EIR"); and

WHEREAS, the proposed actions are within the scope of the EIR and are for the purpose of implementing the visions, goals, and policies through specific use regulations, development standards, and performance criteria that govern development on properties within the Windsor Station Area/Downtown Specific Plan area; and

WHEREAS, the proposed actions do not reflect substantial changes in the Windsor Station Area/Downtown Specific Plan and do not require substantial changes to the EIR, there are no changed circumstances which will require revision of the EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and the Town is not aware of any new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete and which has since become available which would require new CEQA study and/or CEQA evaluation; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed Zoning Ordinance amendments on November 13, 2012, at which time, all interested persons had an opportunity to be heard; and

WHEREAS, the Planning Commission forwarded its recommendation to the Town Council in Resolutions No.606-12, 607-12 and 608-12; and

WHEREAS, on January 16, 2013 the Town Council conducted a duly noticed public hearing on the proposed Zoning Code modifications, at which time, all interested persons had an opportunity to be heard.

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

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

SECTION 2. Findings.

The Town Council finds that:

1. The proposed amendments are consistent with the General Plan. The General Plan includes policies that promote development in the Downtown that encourages pedestrian orientation, alternate transportation modes, amenities, building design and orientation, and strengthens the local economy.

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town. The amendments incorporate urban design standards that promote walkable and livable environments. The amendments provide development opportunities that encourage the use of alternative modes of transportation and opportunities within reasonable walking distance.

3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance. The purpose of the amendment is ensure that provisions within the Ordinance are consistent with the Town's General Plan, the Windsor Station Area/Downtown Specific Plan and adopted codes, policies, and standards.

SECTION 3. Section 27.08.030 - Residential District Land Uses and Permit Requirements of the Town of Windsor's Zoning Ordinance is hereby amended to read as follows:

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

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

A. Windsor Station Area/Downtown Specific Plan: Properties within the adopted Windsor Station Area/Downtown Specific Plan area are subject to additional design and development standards. Where conflicts arise between the Zoning Ordinance and the Windsor Station Area/Downtown Specific Plan, the Windsor Station Area/Downtown Specific Plan criteria and standards shall apply."

SECTION 4. Section 27.08.030 – Table 2-3 Residential District General Development Standards of the Town of Windsor's Zoning Ordinance is hereby amended to add a footnote at the end of the Table to read as follows:

(17) Properties within the boundaries of the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Refer to the Windsor Station Area/Downtown Specific Plan for specific information.

SECTION 5. Section 27.10.020 – Purposes of Commercial Zoning Districts is hereby repealed in its entirety, effective upon the effective date of this Ordinance.

SECTION 6. Section 27.10.020 – Purposes of Commercial Zoning Districts, is adopted to read in full as shown in Exhibit "5".

SECTION 7. Section 27.10.030 - Commercial District Land Uses and Permit Requirements of the Town of Windsor's Zoning Ordinance is hereby amended to read in full as follows:

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

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

A. Windsor Station Area/Downtown Specific Plan: Properties within the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Where conflicts arise between the Zoning Ordinance and the Windsor Station Area/Downtown Specific Plan, the Windsor Station Area/Downtown Specific Plan criteria and standards shall apply."

SECTION 8. Section 27.10.030 – Table 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts is hereby amended to add columns, define allowed uses, permit requirements and add footnotes to read in full as shown in Exhibit "6".

SECTION 9. Section 27.10.030 – Table 2-5 Commercial District General Development Standards of the Town of Windsor's Zoning Ordinance amends Note 2 to delete reference to Downtown Plan.

SECTION 10. Section 27.10.030 – Table 2-5 Commercial District General Development Standards of the Town of Windsor's Zoning Ordinance is hereby amended to add a footnote at the end of the Table to read as follows:

(6) Properties within the boundaries of the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Refer to the Windsor Station Area/Downtown Specific Plan for specific information.

SECTION 11. Section 27.42.030 – Site Plan and Design Review, Section B. Applicability, 3. Substantial change is amended to read as follows:

3. **Substantial change.** Projects involving a substantial change or intensification of land use (for example, the conversion of an existing structure to a restaurant, or the conversion of a residential structure to an office or commercial use. All properties within the Windsor Station Area/Downtown Specific Plan area are subject to the requirements and standards of the Windsor Station Area/Downtown Specific Plan.

SECTION 12. Section 27.50.020 Restrictions on Nonconforming Uses and Structures is amended to add subsection B.7. to read as follows:

7. Limited Incremental Expansion of Non-Conforming Uses and Structures within the Windsor Station Area / Downtown Specific Plan. The Station Area / Downtown Specific Plan set forth a long-range vision for the development of downtown. This vision will evolve over many years, and may require incremental steps.

Station Area Plan Expansion of Residential Structures. Expansion to a nonconforming residential structure located in the Station Area / Downtown Specific Plan boundary, zoned Town Center Commercial, but not within the Downtown Core (as defined by the Station Area Plan Figure 2-1) may be permitted with Planning Commission approval provided it is in conformance with Section 27.08.040 and is consistent with similar development in the immediate area.

Conversion of residential structures to commercial uses: The conversion or expansion of non-conforming residential to commercial uses or structures outside the downtown core (defined by the Station Area Plan Figure 2-1) and zoned Town Center Commercial, may be permitted at the discretion of the Planning Commission. The intent is the re-use of the existing structures with interior improvements and minor exterior improvements to accommodate commercial uses. Conversion of residential structures to commercial uses is allowed if the following findings of fact can be made in an affirmative manner:

a. The proposed use is consistent with the General Plan.

b. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Station Area Plan and the Town Code.

c. The design, location, size, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.

d. The proposed use clearly represents incremental progress towards the fulfillment of the ultimate vision of the Station Area / Downtown Specific Plan by changing the use and or design.

e. The proposed use is not geographically positioned to impede the development of larger projects within the vicinity.

f. The site is physically suitable for the type, intensity of use being proposed, including access, utilities, and the absence of physical constraints.

g. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

h. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments, and will not create traffic or pedestrian hazards.

SECTION 13. Section 27.60.020 – Definitions of Specialized Terms and Phrases is hereby amended to add the following definitions:

Live Entertainment. A scheduled or planned performance or presentation that is typically sponsored, promoted, advertised, or publicized in advance to attract patrons or guests. These uses include but are not limited to concerts, DJs, recitals, karaoke, bands, and other live musical performances, dances, audience participation contests, comedy, or magic acts with amplified sound.

Microbrewery. A facility where beer brewed on the premises (greater than 4 U.S. Beer Barrels per batch) is sold for on-site consumption. Microbreweries can be consistent with standards for either bars and night clubs or restaurants depending on project attributes.

Restaurant, take-out. A retail business selling food and beverages prepared on the site, exclusively for off-premise consumption.

Restaurant, with alcohol sales. A retail business selling food and beverages prepared on the site, for on- or off-premise consumption and the sale of alcohol for on premise consumption. Restaurants with alcohol sales are distinguished from bars and nightclubs by: 1) the area devoted to eating is larger than the area devoted to alcohol consumption, 2) the alcohol serving area is cannot operate independent from the food service area, and 3) alcohol is only served when the full restaurant menu is being served.

Restaurant with live entertainment. Restaurants selling food and beverages prepared on the site, for on or off premise consumption with live entertainment (as defined). Does not include restaurants, takeout where food is exclusively for off-premise consumption.

SECTION 14. Section 27.60.020 – Definitions of Specialized Terms and Phrases hereby amends the definition for Wine Tasting to read as follows:

Wine and Beer Tasting. A facility selling wine, beer and related products at retail, where wine and beer may be tasted, for a fee or without charge. May include limited production of wine or beer (Maximum single batch not to exceed 4 U.S. Beer Barrels).

SECTION 15. The Zoning Map shall reflect interim removal of the Active Use Frontage Overlay on Windsor River Road from Windsor Road to Old Redwood Hwy.

SECTION 16. Amend the Zoning Map to reflect the Windsor Station Area/Downtown Specific Plan boundary land use designations, depicted in Exhibit "1", Windsor Station Area/Downtown Specific Plan Land Use Diagram, and itemized in Exhibit "2", Table of Zoning Changes by Assessor Parcel Number (APN)", and add overlays (as amended in Section 15 above) as itemized in Exhibit "4", Table of Properties with Overlays by APN, and shown in Exhibit "1".

SECTION 17. The Windsor Station Area/Downtown Specific Plan land use designations shall be depicted consistent with Exhibit "3" – Land Use Designations and Equivalent Zoning Classifications".

SECTION 18. Amend the Zoning Map to depict the Windsor Station Area/Downtown Specific Plan land use designation of Medium Density Residential (8-16 du/ac) as the existing "HDR" - High Density Residential zoning district to represent the density maximum of up to16 du/ac.

SECTION 19. Amend the Zoning Map to modify the "HDR" High Density Residential Land Use Category to read as follows:

"HDR" High Density Residential (12-16 dwelling units/ acre) (8-16 dwelling units/ acre for the Windsor Station Area/Downtown Plan).

SECTION 20. Amend the Zoning Map to add a note that states:

"All properties within the Windsor Station Area/Downtown Specific Plan boundary are subject to the requirements and standards of the adopted plan".

SECTION 21. Severability.
If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

SECTION 22. Effective Date and Publication.
This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulations published and circulated in the Town of Windsor.

PASSED, APPROVED, AND ADOPTED this 6th day of February 2013, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, SALMON, VICE MAYOR OKREPKIE AND MAYOR GOBLE**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**COUNCILMEMBER ALLEN**

ROBIN GOBLE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Exhibit "1" Windsor Station Area/Downtown Specific Plan Land Use Diagram
Exhibit "2" Table of Zoning Changes by Assessor Parcel Number (APN)
Exhibit "3" Land Use Designations and Equivalent Zoning Classification
Exhibit "4" Table of Properties with Overlays by APN
Exhibit "5" Section 27.10.020 – Purpose of Commercial Zoning Districts
Exhibit "6" Table 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts

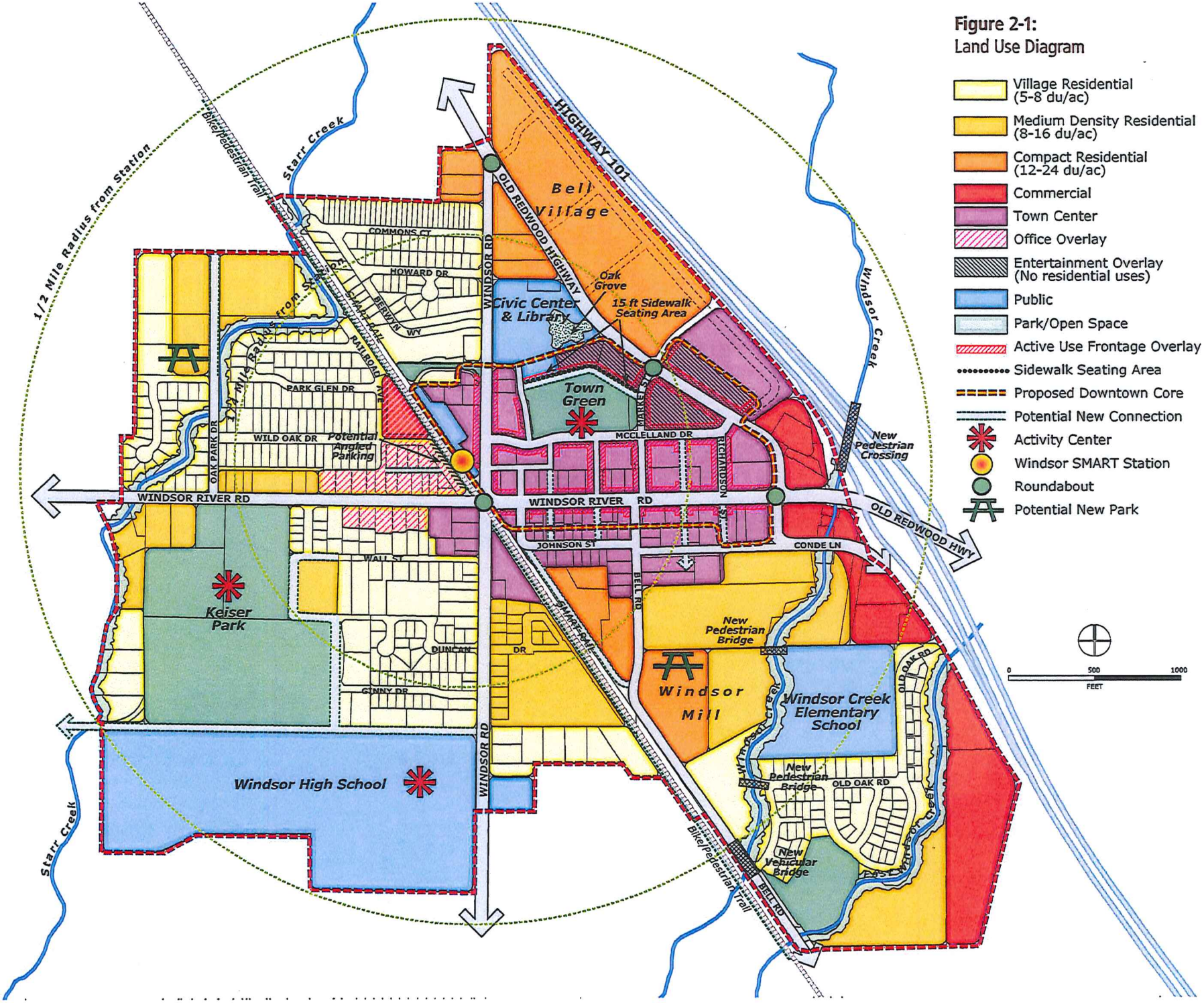


Exhibit "1" – ZO ORD

	APN	Note	Current Zoning	Proposed Zoning	Notes
1	066-100-002, 003		CC	CR24	
2	066-100-053		PI	TC	
3	066-100-062		GC	CC	
4	066-100-071	ptn	PI	TC	approx 1/2 of eastside
5	066-610-001		PI	REC	
6	161-060-038		CC	CR24	
7	161-070-034, 035		GC	CC	
8	066-170-013		HDR/NC	CR24	
9	066-170-018 thru 021		VR	TC	
10	066-170-033		PD	CR24	
11	066-590-001 thru 018		PD	HDR	
12	164-010-016 thru 019		VR	TC	
13	164-010-020		VR	CR24	
14	164-010-040		TC	CC	
15	164-020-005	ptn	HDR/NC	CR24	west side of property (approx 129')
16	164-020-005	ptn	HDR/NC	HDR	east side of property (approx 100')
17	164-020-006 thru 008		HDR/NC	CR24	
18	164-020-011 thru 018		SR	VR	
19	164-020-023	ptn	TC	HDR	interior not Conde frontage
20	164-020-023	ptn	TC	CC	Conde Lane frontage
21	164-020-024 thru 027		SR	VR	
22	164-020-035		TC	HDR	
23	164-020-036 thru 038		GC	CC	
24	164-020-039	ptn	TC	CC	west side of property
25	164-020-039	ptn	GC	CC	east side of property
26	164-020-041	ptn	HDR/NC	HDR	north section east of Bell Rd
27	164-020-041	ptn	HDR/NC	CR24	between Bell Rd and railroad
28	164-020-041	ptn	HDR/NC	VR	between Bell Rd and railroad
29	164-020-045		GC	HDR	
30	164-030-003 thru 008		SR	VR	
31	164-030-032		SR	VR	
32	164-260-001 thru 016, 018		SR	VR	
33	164-260-017		SR	OS	
34	164-270-001 thru 025		SR	VR	
35	164-270-026		SR	OS	
36	164-280-001 thru 025		SR	VR	
37	164-280-026, 027		SR	OS	
38	066-081-001 thru 007		SR	VR	
39	066-081-008, 014		SR	TC	
40	066-081-015 thru 027		SR	VR	
41	066-081-029 thru 033		SR	VR	
42	066-081-068		SR	VR	
43	066-081-070		SR	TC	

	APN	Note	Current Zoning	Proposed Zoning	Notes
44	066-081-071 thru 073		SR	VR	
45	066-081-075, 077, 085		SR	TC	
46	066-081-086, 091, 092		SR	VR	
47	066-170-016		SR	HDR	
48	066-170-026		SR	VR	
49	066-180-020		SR	HDR	
50	066-180-038	ptn	SR	VR	half of prop- creek west to Keiser Park
51	066-180-039		SR	HDR	
52	066-180-059, 060	ptn	SR	VR	half of prop- creek west to Keiser Park
53	066-180-061, 062		SR	VR	
54	066-502-005, 006		SR	HDR	
55	066-502-019	ptn	SR	VC	half of prop- creek west to Keiser Park
56	066-502-033		SR	HDR	
57	066-600-001 thru 009		SR	VR	
58	066-060-004		SR	HDR	
59	066-060-007	ptn	SR	VR	west half of property
60	066-060-007	ptn	SR	HDR	east half of property
61	066-060-021	ptn	SR	VR	west half of property
62	066-060-021	ptn	SR	HDR	east half of property
63	066-060-022	ptn	SR	VR	west half of property
64	066-060-022	ptn	SR	HDR	east half of property
65	066-060-031, 032, 050, 067		SR	VR	
66	066-070-003		SR	VR	
67	066-070-006		SR	CC	
68	066-070-010, 014		SR	VR	
69	066-070-019, 020		SR	VR	
70	066-070-022 thru 025		SR	VR	
71	066-070-026, 027		SR	HDR	
72	066-070-030 thru 032		SR	HDR	
73	066-070-035 thru 037		SR	VR	
74	066-070-039, 040		SR	VR	
75	066-070-043 thru 056		SR	VR	
76	066-070-058 thru 063		SR	VR	
77	066-070-066 thru 085		SR	VR	
78	066-070-086		SR	HDR	
79	066-070-087		SR	VR	
80	066-070-088		SR	HDR	
81	066-100-074		SR	VR	
82	066-100-082		MDR	VR	
83	066-100-085		MDR	OS	
84	066-100-086		MDR	VR	
85	066-371-002 thru 013		SR	VR	
86	066-372-001 thru 018		SR	VR	
87	066-373-001 thru 010		SR	VR	

	APN	Note	Current Zoning	Proposed Zoning	Notes
88	066-490-001 thru 027		SR	VR	
89	066-490-029		SR	OS	
90	066-550-006 thru 028		SR	VR	
91	066-550-032 thru 039		SR	VR	
92	066-550-042 thru 065		SR	VR	
93	066-720-001 thru 015		HDR	VR	
94	066-720-016		HDR	OS	
95	066-730-001 thru 007		HDR	VR	
96	161-060-036		CC	CR24	
97	161-060-055		SR	CR24	
98	161-330-034		SR	VR	

SR	Surrounding Res (3-6 du/ac)	CR24	Compact Res (12-24 du/ac)
GC	Gateway Commercial	VR	Village Res (5-8 du/ac)
HDR	High Density Res (-16 du/ac)	TC	Town Center Commercial
NC	Neighbrohood Center Commercial	PD	Planned Development
OS	Open Space	REC	Recreation
CC	Community Commercial	PI	Public/Institutional

WINDSOR STATION AREA/DOWNTOWN SPECIFIC PLAN
LAND USE DESIGNATIONS AND EQUIVALENT ZONING CLASSIFICATION

PLAN DESIGNATION		EXISTING ZONING CLASSIFICATION
Village Residential (5-8 du/ac)	=	"VR" - Village Residential (5-8 du/ac)
Medium -Density Residential (8-16 du/ac)	=	"HDR - High Density Residential (12-16 du/ac)*
Compact Residential (12-24 du/ac)	=	"CR24" - Compact Residential 12-24 du/ac
Commercial	=	"CC" - Community Commercial
Town Center	=	"TC" - Town Center Commercial
Public	=	"PI" - Public/Institutional
Park/Open Space	=	"OS" - Open Space "REC" - Recreation

* Second Density Category to be added for clarification that represents Windsor Station Area Plan/Downtown Specific Plan range of 8-16 du/ac

Exhibit "3" - ZO ORD

TABLE OF PROPERTIES WITH OVERLAYS BY APN							
	APN		Overlay District		APN		Overlay District
	066-070-006		Office Overlay		066-100-071	ptn	Active Use Frontage Overlay
	066-070-019		Office Overlay		066-100-073		Active Use Frontage Overlay
	066-070-020		Office Overlay		066-620-001		Active Use Frontage Overlay
	066-070-022		Office Overlay		066-620-002		Active Use Frontage Overlay
	066-070-023		Office Overlay		066-620-003		Active Use Frontage Overlay
	066-070-024		Office Overlay		066-620-004		Active Use Frontage Overlay
	066-070-025		Office Overlay		066-620-005		Active Use Frontage Overlay
	066-070-035		Office Overlay		066-630-001		Active Use Frontage Overlay
	066-070-036		Office Overlay		066-630-002		Active Use Frontage Overlay
	066-070-037		Office Overlay		066-630-003		Active Use Frontage Overlay
	066-070-076		Office Overlay		066-630-004		Active Use Frontage Overlay
	066-070-077		Office Overlay		066-630-005		Active Use Frontage Overlay
	066-070-080		Office Overlay		066-640-001		Active Use Frontage Overlay
	066-070-081		Office Overlay		066-640-002		Active Use Frontage Overlay
	066-070-082		Office Overlay		066-640-003		Active Use Frontage Overlay
	066-070-083		Office Overlay		066-650-001		Active Use Frontage Overlay *
	066-081-002		Office Overlay		066-650-005		Active Use Frontage Overlay
	066-081-003		Office Overlay		066-670-001		Active Use Frontage Overlay
	066-081-004		Office Overlay		066-670-002		Active Use Frontage Overlay
	066-081-005		Office Overlay		066-670-003		Active Use Frontage Overlay
	066-081-006		Office Overlay		066-670-004		Active Use Frontage Overlay
	066-081-007		Office Overlay		066-670-005		Active Use Frontage Overlay
	066-100-053		Entertainment Overlay		066-670-006		Active Use Frontage Overlay
	066-100-053		Active Use Frontage Overlay		066-670-007		Active Use Frontage Overlay
	066-100-059		Active Use Frontage Overlay *		066-680-001		Active Use Frontage Overlay
	066-100-063		Entertainment Overlay		066-680-002		Active Use Frontage Overlay
	066-100-063		Active Use Frontage Overlay		066-680-003		Active Use Frontage Overlay
	066-100-067		Active Use Frontage Overlay *		066-680-004		Active Use Frontage Overlay
	066-100-068		Active Use Frontage Overlay		066-680-005		Active Use Frontage Overlay
	066-100-069		Active Use Frontage Overlay		066-680-006		Active Use Frontage Overlay
	066-100-071	ptn	Entertainment Overlay		066-680-007		Active Use Frontage Overlay

			TABLE OF PROPERTIES WITH OVERLAYS BY APN				
	APN		**Overlay District**		**APN**		**Overlay District**
	066-680-008		Active Use Frontage Overlay				
	066-680-009		Active Use Frontage Overlay				
	066-690-001		Active Use Frontage Overlay				
	066-690-002		Active Use Frontage Overlay				
	066-690-003		Active Use Frontage Overlay				
	066-690-010		Active Use Frontage Overlay				
	066-690-011		Active Use Frontage Overlay				
	066-690-012		Active Use Frontage Overlay				
	066-690-013		Active Use Frontage Overlay				
	066-690-014		Active Use Frontage Overlay				
	066-700-001		Active Use Frontage Overlay				
	066-700-002		Active Use Frontage Overlay				
	066-700-007		Active Use Frontage Overlay				
	APN *		Not on Windsor River Rd Frontage				
			Council Action 1/16/13 removed				
			Active Use Overlay on WRR				
			Due to routine changes to APN Maps this list				
			may not reflect the most current parcel info				
			refer to the adopted plan for intended				
			overlay locations				

27.10.020 – Purpose of Commercial Zoning Districts

27.10.020 - Purposes of Commercial Zoning Districts

The commercial zoning districts are intended to "Provide an open and inviting business climate for new and existing businesses, a balanced economic environment, and diverse tax base." (General Plan, Community Development Element). The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

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

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

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

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

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

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

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

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

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

27.10.020 - Table 2-4 Allowed Use Table

Land Use	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	Specific Use Regulations
INDUSTRY, MANUFACTURING & PROCESSING USES										
Contractor storage yards	-	-	-	-	-	MUP	-	-	-	
Electrical & electronic equipment, instruments	-	-	-	-	-	UP	-	-	-	
Food and beverage manufacturing	-	-	-	-	-	UP	-	-	-	
Handcraft industries	P	P	P	P (10)	-	-	-	P	P	
Laundries and dry cleaning	-	P	-	-	-	-	-	-	-	
Metal products fabrication, machine/welding shops	-	-	-	-	-	P	-	-	-	
Recycling facilities - Large collection facility	-	-	-	-	-	UP	-	-	-	
Recycling facilities - Reverse Vending machines	-	-	P	-	-	P	-	-	-	27.34.160
Recycling facilities - Small collection facility	-	-	-	-	-	UP	-	-	-	27.34.160
Warehousing, wholesaling and distribution	-	-	-	-	-	UP	-	-	-	27.34.160
Wineries	-	-	-	-	-	UP	-	-	-	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES										
Adult business establishments	-	-	-	-	-	UP	-	-	-	27.34.030
Clubs, lodges and private meeting halls	MUP	MUP	MUP	-	-	-	-	MUP	MUP	
Community centers	MUP	MUP	MUP	-	-	-	-	MUP	MUP	
Health/fitness facilities	P	P	P	UP	UP	P	P	P	P	
Indoor amusement/entertainment facilities	-	UP	UP	UP	UP	UP	UP	UP	UP	
Libraries and museums	P	P	P	MUP	-	P	P	P	P	
Outdoor commercial recreation	-	-	-	-	-	UP	UP	-	-	
Parks and playgrounds	P	-	P	-	-	-	-	P	P	
Recreational vehicle parks	-	-	-	-	-	UP	UP	-	-	
Religious places of worship and related facilities	UP	UP	UP	-	-	UP	UP	UP	UP	
Schools - specialized education and training	-	MUP	MUP	-	-	MUP	-	-	-	
Studios (art, dance, music, photography, etc.)	P	P	P	-	MUP	P	P	P	P	
Theaters and auditoriums	-	-	UP	UP (8)	UP	-	-	-	UP	
RESIDENTIAL USES										
Agricultural worker housing	-	P	-	-	-	-	-	-	-	
Caretaker housing	-	P	-	-	-	P	P	-	-	
Emergency shelters	-	UP	-	-	-	-	-	-	-	
Live-work facilities	P	P	P	P (9)	-	P	UP	P	P	
Multi-family dwellings, in a mixed use project	UP (4)	P (4)	P (4)	P	-	UP (4)	UP (4)	P (4)	P (4)	27.08.060 and 27.34.110
Residential care homes	MUP (4)	MUP (4)	MUP (4)	-	-	-	-	MUP (4)	MUP (4)	
RETAIL TRADE USES										
Alcoholic beverage sales, off-site	P	P	P	P	P	P	P	P	P	
Art, antique, collectable and gift sales	P	P	P	P	P	P	P	P	P	
Auto and vehicle sales/rental	-	-	-	-	-	p	up	-	-	
Auto parts sales	-	P	-	-	-	P	P	-	-	
Bars and nightclubs	UP	UP	UP	UP	UP	UP	-	UP	UP	
Building material stores	-	-	-	-	-	UP	UP	-	-	
Convenience stores	P (6)	P (6)	-	-	-	P (6)	-	P (6)	-	27.34.130
Drive-in and drive-through sales	-	UP	-	-	-	UP	UP	-	-	
Equipment sales and rental	-	UP	-	-	-	P	-	-	-	
Furniture, furnishings and appliance stores	-	P	P	P	P	P	-	P	P	
Garden supply and equipment sales and services	-	P	P	-	-	P	P	-	P	

Exhibit "6" ZO ORD

Gas stations (fuel sales without vehicle services)	-	UP	-	-	-	UP	UP	-	-	23.34.190
General retail stores not otherwise listed	P	P	P	P	P	P	P	P	P	
Grocery stores	P	P	P	P	P	P	-	P	P	
Hardware store	P	P	P	P	-	P	P	P	P	
Mobile home, recreational vehicle and boat sales	-	-	-	-	-	P	MUP	-	-	
Neighborhood markets	P	P	P	P	P	P	P	P	P	27.34.130
Outdoor retail sales and activities	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	27.34.140
Plant nurseries and garden supply stores	P	P	P	-	-	P	P	P	P	
Plant nurseries, wholesale	-	-	-	-	-	P	P	-	-	
Restaurants	P	P	P	P	P	P	P	P	P	
Restaurants, take-out	P	P	MUP	MUP	MUP	P	P	P	MUP	
Restaurants, with alcohol sales	P	p	P	MUP	MUP	P	P	P	P	
Restaurants, with live entertainment	MUP	MUP	MUP	MUP	UP	MUP	MUP	MUP	MUP	
Restaurants, with outdoor dining	P	P	P	P	P	P	P	P	P	
Second hand stores	-	P	-	P	P	P	P	-	-	
Wine / Beer tasting accessory to retail ~~wine~~	-	P	P	P	P	-	P	P	P	
Warehouse retail sales	-	-	-	-	-	UP	UP	-	-	
SERVICES										
Ambulance services	-	-	-	-	-	P	-	-	-	
Automated teller machines (ATMs)	P	P	P	P	P	P	P	P	P	
Banks and financial services	P	P	P	P	P	-	P	P	P	
Bed and breakfast inns	MUP	-	P	P	-	-	MUP	MUP	MUP	
Business support services	P	P	P	MUP	MUP	P	P	P	P	
Car wash	UP	UP	-	-	-	UP	UP	-	-	
Child and adult day care centers	MUP	P	MUP (7)	P	-	-	-	MUP	MUP	27.34.070
Child day care - Large family day care homes	MUP	MUP	MUP (7)	-	-	-	-	MUP	MUP	27.34.170
Child day care - Small family day care homes	P	P	P	-	-	-	-	P	P	
Drive-in and drive-through	-	UP	-	-	-	UP	UP	-	-	
Hotel and motels	-	P	P	P	-	-	P	-	P	
Kennels, commercial	-	-	-	-	-	MUP	-	-	-	
Medical services - Clinics, offices, laboratories	P	P	P	-	-	P	P	P (4)	P	
Medical services - Extended care	-	UP	UP	-	-	-	-	UP	UP	
Medical services - Hospitals	-	UP	-	-	-	UP	-	UP	UP	
Mortuaries and funeral homes	-	UP	-	-	-	UP	-	-	-	
Offices - Accessory to primary use	P	P	P	-	-	P	P	P	P	
Offices - Business and professional	P	P	P	-	-	P	P	P	P	
Personal Services	P	P	P	-	P	P	P	P	P	
Personal Services, restricted	-	-	-	-	-	MUP	MUP	-	-	27.34.175
Public safety and utility facilities	UP	UP	P	-	-	UP	UP	UP	P	
Spas and tanning salons	P	P	P	-	P	P	P	P	P	
Storage - Automobile storage yards	-	-	-	-	-	UP	-	-	-	
Storage - Personal storage facilities (mini-storage)	-	-	-	-	-	UP	-	-	-	
Storage - Outdoor	-	-	-	-	-	UP	-	-	-	27.34.150
Vehicle services - Maintenance/minor repair	-	-	-	-	-	P	P	-	-	
Vehicle services - Major repair/body work	-	-	-	-	-	P	P	-	-	
Vehicle services - Service stations	-	UP	-	-	-	UP	UP	-	-	
Veterinary clinics, animal hospitals	P	P	-	-	-	MUP	-	-	-	
TRANSPORTATION & COMMUNICATION USES										
Broadcast studios	-	P	-	-	-	P	-	-	-	
Heliports	-	P	-	-	-	P	-	-	-	
Park and ride facilities	P	P	P	-	-	P	P	P	P	

Parking facilities	-	-	P	-	-	P	-	P	P	
Telecommunication facilities	-	UP	UP	-	-	UP	UP	UP	UP	27.34.200
Transit stations and terminals	-	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Utility infrastructure	P	P	P	P	P	P	P	P	P	
Vehicle and freight terminals	-	-	-	-	-	UP	-	-	-	

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