ORDINANCE NO. 2007-214

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING THE TOWN'S ZONING ORDINANCE CHAPTER 27.10, SECTION 27.10.030, TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS, CHAPTER 27.32, SECTION 27.32.080 TEMPORARY OFF-SITE SIGNS, AND CHAPTER 27.34, SECTION 27.34.090 GUEST HOUSE/POOL HOUSE, SECTION 27.34.170 RESIDENTIAL ACCESSORY USES AND STRUCTURES, AND SECTION 27.34.180 SECOND DWELLING UNITS, SECTION 27.36.040 PROTECTED TREES AND CHAPTER 27.60, SECTION 27.60.020 DEFINITIONS/GLOSSARY

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

1. A comprehensive revision to the Town of Windsor Zoning Ordinance was adopted in July 2000.

2. The current modifications were initiated to clarify areas of the code for day-to-day operations and to allow additional compatible uses in the Town Center Mixed Use district.

3. The Planning Commission conducted a noticed public hearing on the proposed Zoning Ordinance modifications on March 13, 2007 and forwarded their recommendation to the Town Council in Resolution No. 507-07.

4. The Town Council conducted a noticed public hearing on the proposed Zoning Ordinance modifications on April 4, 2007.

5. The Town Council previously adopted a Negative Declaration for the Zoning Ordinance revision on June 21, 2000, finding that the Windsor General Plan EIR adequately reviewed potential environmental issues, and because the Zoning Ordinance is consistent with the General Plan, no additional significant impacts would occur as a result of the adoption of Zoning Ordinance and map. The proposed minor changes to the Zoning Ordinance serve to comply with state regulations and to clarify day-to-day regulations previously incorporated into the document. There is no evidence that the additions to the Zoning Ordinance would result in any impacts that were not addressed in the General Plan EIR; therefore, no additional environmental review is necessary.

SECTION 2. Findings.

1. The proposed amendments are consistent with the General Plan.

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.

3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance.

SECTION 3. A mendment.

The following identified amendments attached as Exhibit "A":

1. Section 27.10.030, Table 2-4 Allowed Uses and Permit Requirements for Commercial Zoning District.
2. Section 27.32.080, Temporary Off-Site Signs, A. Campaign and political signs
3. Section 27.34.090, Guest House/Pool House.
4. Section 27.34.170, Residential Accessory Uses and Structures.
5. Section 27.34.180, Second Dwelling Units.
6. Section 27.36.040, Prominent/Significant Trees.
7. Section 27.60.020, Definitions/Glossary

SECTION 4. Severability.

If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 5. Effective Date.

This Ordinance shall take effect and be in force 30 days following its adoption.

SECTION 6. Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED, AND ADOPTED this 18th day of April, 2007, by vote as follows:

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

WARIN J. PARKER, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Attached: Exhibit "A" Ordinance Amendments

EXHIBIT "A"

TABLE 2-4
Allowed Uses and Permit Requirements for Commercial Zoning Districts

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

LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	CN	CC	CT	CS	CG	CB**	CR**	
INDUSTRY, MANUFACTURING & PROCESSING USES								
Contractors storage yards	—	—	—	MUP	—	—	—	
Electrical & electronic equipment, instruments	—	—	—	UP	—	—	—	
Food and beverage manufacturing	—	—	—	UP	—	—	—	
Handcraft industries	P	P	P	P	—	P	P	
Laundries and dry cleaning	—	P	—	—	—	—	—	
Metal products fabrication, machine/welding shops	—	—	—	P	—	—	—	
Recycling facilities – Large collection facility	—	—	—	UP	—	—	—	27.34.160
Recycling facilities – Reverse vending machines	—	P	P	P	—	—	—	27.34.160
Recycling facilities – Small collection facility	—	—	—	UP	—	—	—	27.34.160
Warehousing, wholesaling and distribution	—	—	—	UP	—	—	—	
Wineries	—	—	—	UP	—	—	—	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES								
Adult business establishments	—	—	—	UP	—	—	—	27.34.030
Clubs, lodges and private meeting halls	MUP	MUP	MUP	—	—	MUP	MUP	
Community centers	MUP	MUP	MUP	—	—	MUP	MUP	
Health/fitness facilities	P	P	P	P	P	P	P	
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP	
Libraries and museums	P	P	P	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	
Schools - specialized education and training	—	MUP	MUP (5)	MUP	—	—	—	
Studios (art, dance, music, photography, etc.)	P	P	P	P	P	P	P	
Theaters and auditoriums	—	—	UP	—	—	—	UP	
RESIDENTIAL USES								
Caretaker housing	P	P	P	P	P			
Emergency shelters	—	UP	—	—	—	—	—	
Live-work facilities	P	P*	P	P	UP*	P	P	
Multi-family dwellings, in a mixed use project	UP(4)	P(4)	P(4)	UP(4)*	UP(4)*	P(4)	P(4)	27.08.060 27.34.110
Residential care homes	MUP (4)	MUP (4)	MUP (4)	—	—	MUP (4)	MUP (4)	

Notes:
(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
(2) Zoning Clearance required, see Section 27.42.020.
(3) Site Plan and Design Review may also be required. See Section 27.42.030.
(4) Residential uses may be permitted only on second or higher floors, above nonresidential uses. 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.

* Revised 11/3/04, Ord. 2004-184
** Zones CB and CR added 8/3/05, Ord. 2005-192

TABLE 2-4
Allowed Uses and Permit Requirements for Commercial Zoning Districts

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

LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	CN	CC	CT	CS	CG	CB*	CR*	
SERVICES								
Ambulance services	—	—	—	P	—	—	—	
Automated teller machines (ATMs)	P	P	P	P	P	P	P	
Banks and financial services	P	P	P	—	P	P	P	
Bed and breakfast inns	MUP	—	P	—	MUP	MUP	MUP	27.34.060
Business support services	P	P	P	P	P	P	P	
Car wash	UP	UP	—	UP	UP	—	—	
Child and adult day care centers	MUP	P	MUP(4)	—	—	MUP	MUP	27.34.070
Child day care – Large family day care homes	MUP	MUP	MUP	—	—	MUP	MUP	27.34.070
Child day care – Small family day care homes	P	P	P	—	—	P	P	
Drive-in and drive-through	—	UP	—	UP	UP	—	—	
Hotels and motels	—	P	P	—	P	—	P	
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(4)	P	
Personal services	P	P	P	P	P	P	P	
Personal services, restricted	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Public safety and utility facilities	UP	UP	P	UP	UP	UP	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	—	—	—	
Vehicle services – Service stations	—	UP	—	UP	UP	—	—	
Veterinary clinics, animal hospitals	P	P	—	MUP	—	—	—	

Notes:
(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
(2) Zoning Clearance required, see Section 27.42.020.
(3) Site Plan and Design Review may also be required. See Section 27.42.030.
(4) Child and adult care centers may be permitted with a MUP on ground floor commercial only and shall provide on-site restroom facilities.

27.32.080 - Temporary Off-Site Signs

A. **Campaign and political signs**. Campaign and political signs are subject to the following standards. The candidate, campaign manager, or sponsor shall contact the Department to determine the applicable sign regulations prior to placing campaign or political signs.

1. Each candidate, campaign manager or sponsor shall pay the fee required by the Town for a Zoning Permit prior to the placement of any campaign or political sign.

2. In residential districts, no more than 32 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. Sign height shall not exceed four feet above the ground.

3. In all other zoning districts, no more than 64 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. No sign shall exceed six feet in height above the ground.

4. No sign shall be erected earlier than 45 days prior to the election in which the public will vote upon a candidate or measure.
5. The maintenance and removal of the signs are the responsibility of the candidate, campaign manager or sponsor. All signs shall be removed entirely within 15 days of the close of the campaign, including primary elections. In the event that all signs are not properly removed within the allotted time, the Town may impose a penalty on the permittee sufficient to cover the costs of removal.

6. No portion of a sign shall be located within five feet of road, street, or common driveway and no sign may obstruct vision on the public rights-of-way or at any other location where, by reason of the sign's position, shape or color it interferes or may be confused with any authorized traffic sign, signal or device.

7. Signs shall not be erected above the height limitations of Section 8, on/or attached to a pole, or suspended without support from the ground (i.e. from a crane, or similar device). With the exception of magnetic signs attached to the doors, no signs shall be mounted on a vehicle or similar object.

8. The height of a sign shall be measured from the existing grade to the top of the sign and shall not exceed 4' in height in a residential zone nor 6' in height in a non-residential zone.

9. If the Town Manager determines that any sign has been posted in violation of these conditions, but not in such a manner that poses an immediate safety hazard, the Town Manager will notify the permittee by phone and in writing of the violation. The permittee will then have two working days to correct the violation. Any major violation, as determined by the Town Manager, to the provisions herein during the 36-hour period preceding the election day shall result in the immediate and summary abatement by the Town. The permittee shall be liable to the Town for any and all removal and abatement costs.

10. The permit shall be subject to revocation upon failure to comply with the above conditions.

27.34.090 - Guest House/Pool House

A. Intended use. A guest house is intended to provide temporary living quarters within a detached residential accessory structure, located on the same premises with the main dwelling, for short-term, temporary use by guests of the occupants of the premises.

A pool house is intended to provide changing and restroom facilities within a detached residential accessory structure, located on the same premise with the main dwelling and in conjunction with a swimming pool, spa, hot tub, or other similar facilities on site. Regulations for second dwelling units are provided by Section 27.34.180. Guesthouses and pool houses shall not be rented or otherwise used as separate dwelling units.

B. Deed restriction. A deed restriction shall be filed with the County Recorder prior to issuance of a building permit, which restricts the use of the guest house/pool house for temporary accommodation only and limits the improvements to those allowed by this Zoning Code.

C. Development and use standards.

1. Only one guesthouse or pool house is allowed on a single parcel. Both structures may be allowed on a single parcel with Use Permit approval, in compliance with Section 27.42.050.

2. The total site coverage including a guesthouse, the main dwelling and other accessory structures, shall not exceed the maximum allowable site coverage for the applicable zoning district.

3. A guesthouse/pool house shall not exceed 840 square feet. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. All floor area within the building envelope shall be identified and square footage for each area provided. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than 7' in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

4. The architecture of the guesthouse/pool house shall be consistent and compatible with the main dwelling.

5. A guesthouse/pool house shall not contain kitchen/and or cooking facilities. A wet bar is permitted, with a maximum sink size of 12"x12", unless otherwise approved by the Building Official and/or Planning Director.

6. The height of a guest house/pool house shall not exceed 15 feet, except where a greater height is authorized through Minor Use Permit approval.

27.34.170 - Residential Accessory Uses and Structures

A. Applicability. The provisions of this Section apply to residential accessory structures, including garages, gazebos, greenhouses, patios, storage sheds, studios, recreation room, hobby shops, workshops and similar non-commercial uses. Regulations for second dwelling units are instead provided by Section 27.34.180 and Guest Houses/Pool Houses under Section 27.34.090.

B. **Relationship of accessory use to main use.** Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the main use. Accessory structures shall not contain kitchen/and or cooking facilities. Electrical lighting and/or plumbing fixtures shall be limited to a lavatory sink, shower, and/or toilet (as defined by the plumbing code, permits may be required). No structure identified in Sub-section A. above shall be used as a living unit or for commercial purposes.

C. **Attached structures.** An accessory structure attached to the main structure shall comply with the requirements applicable to the main structure, including heights, parcel coverage, and setbacks.

D. **Detached structures.** An accessory structure that is detached from the main structure shall comply with the following standards.

1. **Setbacks.** Accessory structures shall not be located within a required front yard setback, shall maintain side and rear yard setbacks of at least five feet, and shall maintain a six-foot separation from other accessory structures and the main dwelling unit.

2. **Height limitations.** The height of an accessory structure shall not exceed 15 feet, except where a greater height is authorized through Minor Use Permit approval.

3. **Coverage and size limitations.** The aggregate coverage of accessory structures in required side and rear yard setbacks shall not exceed 500 square feet. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district.

4. **Open-sided patio covers.** Patio covers that are attached to or detached from the main dwelling, and open on at least three sides, may be located within the required rear yard setback subject to the following:

    a. The six-foot separation from the main dwelling required by Subsection D.1 above does not apply; and

    b. The structure shall comply with the coverage and size limitations of Subsection D.3 above.

27.34.180 - Second Dwelling Units

A. Number of units allowed. One second-dwelling unit shall be allowed on a parcel in a single-family or multi-family zoning district developed with a main dwelling, but shall not be allowed on a parcel developed with two or more dwellings.

B. Location on site. A second unit may be located on the site to be within, attached to, or detached from the existing main dwelling. A second unit may also be located above a detached garage.

C. Setbacks. An attached second unit shall be subject to the same front, sides, and rear setback requirements applicable to the main dwelling. A detached second unit, including a unit placed over a detached garage, shall not be located within a required front yard setback, shall maintain side and rear yard setbacks of at least five feet, and shall maintain a six-foot separation from other accessory structures and the main dwelling unit. More restrictive setbacks may be required through Design Review.

D. Floor area limitations. Second units shall not exceed 840 square feet. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. All floor area within the building envelope shall be identified and square footage for each area provided. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than 7' in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

E. Architectural compatibility. The second unit shall be architecturally compatible with the main dwelling unit.

F. Parking. The second unit shall be provided with one off-street parking space in addition to that required for the main dwelling unit.

G. Illegal second units. This Section shall not validate any existing illegal second unit. The standards and requirements for the conversion of an illegal second unit to a legal conforming unit, shall be the same as for a new second unit.

27.36.040 - Protected Trees

A protected tree is any of the following:

A. The following native oak trees six inch or greater:

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

The following trees:

California Buckeye (Aesculus, californica) six inch or greater
California Bay (Umbellularia, californica) twelve inch or greater

Size is trunk diameter measured at a height of 4.5 feet from surrounding grade. Multiple trunk trees must possess at least one trunk with the above diameter (based on species) to be considered protected. (Smaller trees may also be protected under special circumstances. On projects where Planning Commission/Town Council approval is not required, determination will be made at the direction of the Planning Director.)

B. Heritage trees as identified by Council resolution;

C. Significant groves or stands of trees. On projects where Planning Commission/Town Council approval is not required, determination will be at the direction of the Planning Director.

D. Mature trees located on a parcel of one acre or more. Smaller trees may also be protected under special circumstances. On projects where Planning Commission/Town Council approval is not required, determination will be at the direction of the Planning Director.

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

F. Landmark trees are trees identified during the development process and for which preservation is encouraged during the design phase of the project by keeping development and construction activity outside the designated Tree Protection Zone (TPZ). An arborist report prepared by a Town approved arborist shall be prepared assessing the structural integrity and health of the tree(s). Project developers should be aware of their significance and understand that special measures, unusual protection techniques, and more rigid preservation standards will apply. Development density and project layout may be affected where landmark trees are located in order to protect them. Over-mature, senescent, or ancient trees may not qualify for preservation if they are unstable, hazardous, in poor health, or otherwise unsuited for preservation in an urban setting. However, if older larger trees are not in optimum condition that in itself would not be a reason for removal.

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

1. The location of the tree shall be identified by lot/parcel number.
2. The Tree is subject to all regulations of the Tree Protection Ordinance.

3. Maintenance shall be completed in accordance with the Tree Technical Manual.
4. Tree Removal is subject to Planning Commission review and action.
5. Standard Tree Protection Notes including references to the arborist report and supplemental reports shall be included.

Chapter 27.60, Section 27.60.020

A. Definitions, "A"

Accessory Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure. For the purposes of this Zoning Ordinance, accessory structures and uses include: detached garages, greenhouses, artist's studios, recreation rooms, hobby shop, workshops; and any other open air enclosures, including gazebos and detached patio covers. Residential accessory uses and structures shall not be used as a living unit/space nor for commercial purposes and shall not contain kitchen/and or cooking facilities.

P. Definitions, "P"

Pool House. A detached accessory structure that is intended to provide changing and restroom facilities, located on the same premise with a main dwelling and in conjunction with a swimming pool, spa, hot tub, or other similar facilities on site. A pool house may not be rented or otherwise used as a separate living unit/space and shall not contain kitchen/and or cooking facilities.

T. Definitions, "T". Trees

12. **Landmark Tree.** Prominent or visually significant tree(s) of any species except eucalyptus with a trunk diameter of 30 inches or greater measured at 4.5 feet from surrounding grade.