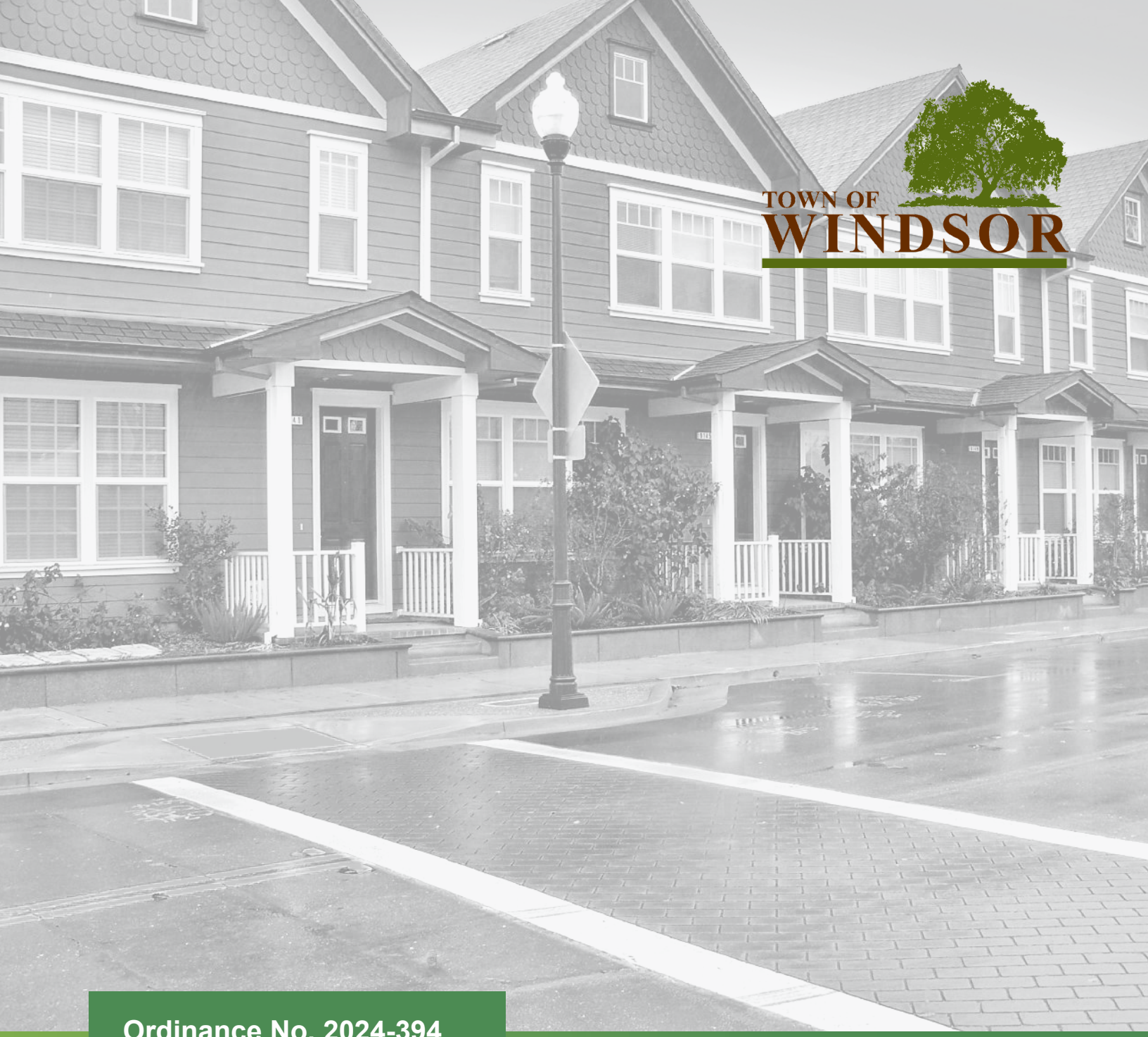


TOWN OF WINDSOR

Ordinance No. 2024-394

TITLE 17 - ZONING CODE

ADOPTED NOVEMEBR 20, 2024

Town of Windsor
Community Development Department
9291 Old Redwood Highway
Windsor, CA 95492

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Ordinance No. 2024-394 | Adopted November 20, 2024

TITLE 17
ZONING CODE

Town of Windsor

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Title 17 – Zoning Code

Article 1 – Enactment and Applicability

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Chapter 17.02

Purpose and Applicability of the Zoning Code

Chapter 17.02 Purpose and Applicability of the Zoning Code

17.02.010 Title

Title 17 of the Town of Windsor Municipal Code, containing the Town's zoning regulations, shall be known as the "Town of Windsor Zoning Code", and referred to as this "Zoning Code."

17.02.020 Purpose and Authority

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

1. Provide standards and guidelines for the orderly growth and development of the Town that will assist in protecting the rural characteristics and community identity of Windsor;
2. Conserve and protect the Town's natural beauty and setting, including the rolling hills and oak trees, scenic vistas, and historic and environmental resources;
3. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;
4. Minimize automobile congestion by promoting pedestrian oriented development, safe and effective traffic circulation, and adequate off-street parking facilities;
5. Ensure compatibility between all development and land uses; and
6. Prevent crime and promote safety through environmental design. [CPTED]

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

17.02.030 Responsibility of Administration

This Zoning Code shall be administered by the Windsor Town Council, referred to as the "Council"; the Windsor Planning Commission, referred to as the "Planning Commission"; the Community Development Director, referred to as the "Director"; and the Windsor Planning Division, hereafter referred to as the "Planning Division."

17.02.040 Compliance with Zoning Code

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

B. **New Land Uses or Structures, Changes to Land Uses, or Structures.** It shall be unlawful, and a violation of this Zoning Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the Zoning Code.

C. **Subdivisions.** Any subdivision of land proposed within the Town after the effective date of this Zoning code shall be consistent with the minimum lot size, width, and depth requirements of Article 2 (Zones, Allowable Uses, and Development Standards), the subdivision requirements of the Town of Windsor Subdivision Code, State law, including, but not limited to the Subdivision Map Act, and all other applicable requirements of this Zoning Code.

D. **Continuation of Existing Land Uses.** An existing land use is lawful and not in violation of this Zoning Code only when operated and maintained in compliance with all applicable provisions of this Zoning Code, including Chapter 17.70 (Nonconformities). However, the requirements of this Zoning Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Code or any applicable amendment.

E. **Effect of Zoning Code Changes on Projects in Process.** This Zoning Code applies to all land uses, subdivisions, and development within the Town of Windsor, as provided by this Subsection.

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

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

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

G. **Other Requirements May Apply.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the Town, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.

17.02.050 Relationship to Prior Code

The provisions of this Zoning Code, as it existed before the effective date of Ordinance No. 2024-394 are repealed and superseded as provided in the ordinance enacting this Title. No provision of this Zoning Code shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of the Town of Windsor Zoning Code as they existed before repeal by the ordinance enacting this Zoning Code, except as addressed by nonconformities created by this Zoning Code, in compliance with Chapter 17.70 (Nonconformities).

17.02.060 Relationship to General Plan

A. **Zoning Code is the Primary Tool.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the Town, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.

1. **General Plan.** The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations, intensities, and densities for residential, commercial, mixed use, industrial, public, and open space uses.

2. **Zoning Code.** This Zoning Code is a specific statement of allowable uses of land and related development standards by zone designed to control the use, type, bulk, height, space, and location of structures and land. This Zoning Code is intended to be applied to the Town based on land use designations established in the General Plan.

B. **General Plan Consistency.** The Council intends that this Zoning Code be consistent with the General Plan and any applicable specific plan to the maximum extent practicable, and that any development, land use, or subdivision approved in compliance with this Zoning Code shall also be consistent with the General Plan and any applicable specific plan to the maximum extent practicable.

C. **Other Requirements May Apply.** Where inconsistencies are found to exist between the General Plan and this Zoning Code, the General Plan shall control the use and development of the land until the Council adopts an amendment to achieve consistency with the existing or current General Plan.

17.02.070 Relationship to Specific Plans

A. **Zoning Code as an Implementation Method.** This Zoning Code is a method used by the Town to implement the goals, policies, and programs of any adopted Specific Plan.

1. **Specific Plan.** A Specific Plan is a comprehensive, long-range, general policy statement for an identified limited area within the Town. The Specific Plan designates appropriate locations and densities/intensities for residential, mixed use, commercial, industrial, public, and open space uses for that limited area.

2. **Compliance with Adopted Specific Plan Required.** In compliance with Government Code Section 65455, all zoning, tentative maps, parcel maps, and public works projects shall be consistent with adopted Specific Plans for that limited area.

B. **Consistency with the Adopted Specific Plans.** The Council intends that this Zoning Code be consistent with the adopted Specific Plans, and that any development, land use, or subdivision approved in compliance with this Zoning Code shall also be consistent with the adopted Specific Plan for that limited area. A proposed use shall be considered compatible, conforming, and consistent with the adopted Specific Plan when all the following conditions exist:

1. **Compatible.** The proposed use is compatible with the description of the Land Use designation in which the use is located, as shown by the Land Use Map, and as described in the text of the Specific Plan;

2. **Conformance.** The proposed use is in conformance with the goals, policies, programs, and maps, and the intent of the Specific Plan; and

3. **Consistent.** The proposed use is to be established and maintained in a manner which is consistent with the Specific Plan and all applicable provisions contained in the Specific Plan.

C. **Where Inconsistencies Exist.** Where inconsistencies do exist between the Specific Plan and this Zoning Code, the Specific Plan shall control the use and development of the land until the Council adopts an amendment to achieve consistency with the existing or current Specific Plan.

17.02.080 Severability, Partial Invalidation of the Zoning Code

If any portion of this Zoning Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this

Zoning Code. The Council hereby declares that this Zoning Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional, or unenforceable.

Chapter 17.04

Interpretation of the Zoning Code

Chapter 17.04 Interpretation of the Zoning Code

17.04.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code, and to ensure its consistent interpretation and application.

17.04.020 Rules of Interpretation

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

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

C. **Time Limits.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice provided in compliance with this Zoning Code, the number of days shall be construed as calendar days. A time limit shall extend to the following working day where the last of the specified number of days falls on a day when Town offices are closed.

D. **Zoning Map Boundaries.** See Chapter 17.06 (Zones and Zoning Map).

E. **Allowable Uses of Land.** See Article 2 (Zones, Allowable Uses, and Development Standards).

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

17.04.030 Uses Not Classified

A. **Uses Not Listed are Not Allowed.** Since the language used in this Zoning Code is deemed permissive, if a proposed use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided in Subsection B (Director's Determination), below.

B. **Director's Determination.** Based on the authority granted in Section 17.04.020 (Rules of Interpretation), above, the Director may determine that a proposed land use that is not listed in Article 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all the following findings:

1. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowed, and will not involve a greater level of activity, population density, intensity, dust, emissions, noise, odor, parking, traffic generation, or similar impacts than the uses listed in the zone;

2. The proposed use is consistent with the purpose/intent of the zone that is applied to the location of the use;

3. The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable area plan, community plan, or specific plan to the maximum extent practicable; and

4. The proposed use is not specifically listed as allowed in any other zone(s).

C. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what development standards and requirements of this Zoning Code apply. Director determinations shall be considered official and are available to the public.

17.04.040 Conflicting Uses and Requirements

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

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

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

17.04.050 Headings and Illustrations

A. **Headings.** The headings of the articles, chapters, sections, subsections, paragraphs, subparagraphs, clauses, and subclauses of this Zoning Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and illustrative purposes only and in no way define, limit, or enlarge the scope or meaning of this Zoning Code or its provisions.

B. **Illustrations.** In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in this Code, the text shall govern.

Chapter 17.06

Zones and Zoning Map

Chapter 17.06 Zones and Zoning Map

17.06.010 Purpose and Intent

A. **Purpose.** This Chapter establishes the zones applied to property within the Town and adopts the Town's Zoning Map.

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

17.06.020 Establishment of Zones

A. **General.** The Town shall be divided into zones which implement the General Plan. The zones shown in Table 17.06-01 (Zone Classifications) are hereby established and shall be shown on the Zoning Map.

B. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use allowed, along with development standards for that particular type and intensity of land use.

C. **Overlay Zones.** An overlay zone supplements the base zone for the purpose of establishing special land use allowances or limitations or development standards and regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply.

Table 17.06-01
Zone Classifications

Zoning Map Symbol	Zone Name	Density (dwelling units per acre)	Non-Residential FAR	Corresponding General Plan Land Use Designation(s)
		Minimum | Maximum		
Residential Zones				
RR	Rural Residential	N/A to 0.2 du/ac	-	Rural Residential (RR)
ER	Estate Residential	0.2 du/ac to 3 du/ac	-	Estate Residential (ER)
SR	Surrounding Residential	3 du/ac to 6 du/ac	-	Very Low Density Residential (VLDR)
VR	Village Residential	5 du/ac to 8 du/ac	-	Low Density Residential (LDR)
MDR	Medium Density Residential	8 du/ac to 12 du/ac 8 du/ac to 16 du/ac	-	Mobile Home Parks (MHP) Medium Density Residential (MDR)

Table 17.06-01
Zone Classifications

Zoning Map Symbol	Zone Name	Density (dwelling units per acre)	Non-Residential FAR	Corresponding General Plan Land Use Designation(s)
		Minimum | Maximum		
CR	Compact Residential	16 du/ac to | 32 du/ac	-	High Density Residential (HDR)
Commercial and Mixed-Use Zones				
NCMU[1]	Neighborhood Commercial Mixed-Use	8 du/ac to 16 du/ac	0.25 to 1.5	Neighborhood Commercial Mixed-Use (NCMU) [1]
CC	Community Commercial	N/A to 16 du/acre	N/A to 1.0 N/A to 0.8 without residential, 1.5 with residential	General Business (GB) Retail Commercial (RC)
TC	Town Center Mixed-Use	16 du/ac to 32 du/ac	0.75 to 2.5	Town Center Mixed-Use (TCMU)
TC-AUFO	Town Center Mixed-Use, Active Use Frontage Overlay	16 du/ac to 32 du/ac	0.75 to 2.5	Town Center Mixed-Use (TCMU)
TC-EO	Town Center Mixed-Use, Entertainment Overlay	16 du/ac to 32 du/ac	0.75 to 2.5	Town Center Mixed-Use (TCMU)
SC	Service Commercial	-	N/A to 0.8	Service Commercial (SC)
GC[2]	Gateway Commercial	-	N/A to 0.8	Gateway Commercial (GC) [2]
BMU	Boulevard Mixed-Use	16 du/ac to 32 du/ac	0.5 to 2.0	Boulevard Mixed-Use (BMU)
RC	Regional Commercial	-	N/A to 0.8	Gateway Commercial (GC)
Industrial Zones				
BPI	Business Park/Industrial	-	N/A to 0.6	Light Industrial (LI)
LI	Light Industrial	-	N/A to 0.6	Light Industrial (LI)
HI	Heavy Industrial	-	N/A to 0.5	Heavy Industrial (HI)
Special Purpose Zones				
OS	Open Space	-	N/A to 0.05	Open Space (OS)
REC	Recreation	-	N/A to 0.10	Parks and Recreation (PR)
PD	Planned Development	-	N/A to 2.5	All Land Use Designations
PI	Public/Institutional	-	N/A to 1.0	Public/Quasi-Public (PQP)

Table 17.06-01
Zone Classifications

Zoning Map Symbol	Zone Name	Density (dwelling units per acre) Minimum | Maximum	Non-Residential FAR Minimum | Maximum	Corresponding General Plan Land Use Designation(s)
Overlay Zones				
-AS	Airport Safety	-	-	All Land Use Designations
-FH	Flood Hazard	-	-	All Land Use Designations
-HO	Historic Overlay	-	-	All Land Use Designations

[1]Areas with the Neighborhood Commercial Mixed Use (NCMU) General Plan designation located in the area of Merner Drive and on the east side of Old Redwood Hwy shall comply with neighborhood interface requirements in General Plan Policy LU-12.9.

[2]Areas within the Gateway Commercial (GC) General Plan designation shall comply with the character and design requirements in General Plan Policy LU-3.5. This requirement is specific to those parcels comprising the following interchanges: Highway 101-Arata Lane Interchange and Highway 101-Shiloh Road Interchange.

17.06.030 Zoning Map

The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map" and referred to in this Zoning Code as the Zoning Map. Any additional maps (e.g., setback map, height map) adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is adopted in compliance with current State planning, zoning, and development laws. Amendments to the existing zone boundaries of any identified zones shall be made by ordinance in compliance with Chapter 17.72 (Amendments).

17.06.040 Rights-of-Way and Vacated Boundary Lines

Where a public street or alley is officially abandoned or vacated by the Council, the property encompassed by areas associated with the abandoned/vacated street or alley shall be included within the zone(s) of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley. In the event the street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by the abandonment or vacation.

17.06.050 Uncertainty of Boundaries

A. Interpretation of Zone Boundaries. If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the precise location of the boundary shall be determined by the Director.

1. Where zone boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the zone boundaries;
2. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the zoning map; and
3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

17.06.060 Classification of Annexed Lands

Zoning Map Amendment. Whenever it is deemed that the zone of annexed lands is inconsistent with adopted General Plan land use policy or other applicable Town policies, the Planning Commission may recommend, and the Council may adopt the zone classification(s) which shall apply to the annexed lands in the manner specified in Chapter 17.72 (Amendments).

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Title 17 – Zoning Code

Article 2 – Zones, Allowable Uses, and Development Standards

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Chapter 17.10

Residential Zones

Chapter 17.10 Residential Zones

17.10.010 Purpose of Chapter

This Chapter lists the land uses that may be allowed within the residential zones established by Chapter 17.06 (Zones and Zoning Map), determines the type of land use permit/approval required for each use, and provides basic standards for parcel layout and building size.

17.10.020 Purposes of Residential Zones

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

A. **RR – Rural Residential Zone.** The RR zone is intended for areas suitable for a rural residential living environment. Allowable land uses in this zone may include single-unit dwellings, limited agriculture operations, and recreation activities. Multi-unit dwellings may be allowed in compliance with State law. The allowable density ranges from zero to 0.2 dwelling units per acre. The RR zone is consistent with the Rural Residential (RR) land use designation in the General Plan.

B. **ER – Estate Residential Zone.** The ER zone is intended for areas suitable for single-unit dwellings on larger parcels. Multi-unit dwellings may be allowed in compliance with State law. The allowable density ranges from 0.2 to three dwelling units per acre. The ER zone is consistent with the Estate Residential (ER) land use designation in the General Plan.

C. **SR – Surrounding Residential Zone.** The SR zone is intended for areas appropriate for a mixture of housing types. The primary housing type is single-unit dwellings; however, duplexes and triplexes are encouraged within the allowable density range. The allowable density ranges from three to six dwelling units per acre. The SR zone is consistent with the Very Low Density Residential (VLDR) land use designation in the General Plan.

D. **VR – Village Residential Zone.** The VR zone is intended for areas appropriate for a mixture of housing types on smaller lots. The allowable density ranges from five to eight dwelling units per acre. The lower end of the density range may be appropriate adjacent to the RR, SR, and ER zones, with the higher end of the range being appropriate near neighborhood centers, parks, and transit stops. The VR zone is consistent with the Low Density Residential (LDR) land use designation in the General Plan.

E. **MDR – Medium Density Residential Zone.** The MDR zone is intended for areas appropriate for multi-unit dwellings and is suitable near activity centers and along major thoroughfares. This zone allows for a variety of residential opportunities including small single-unit dwellings, row houses, townhomes, and small apartment complexes. The allowable density ranges from eight to 16 dwelling units per acre. The MDR zone is consistent with the Medium Density Residential (MDR) and Mobile Home Park (MHP) land use designations in the General Plan.

F. **CR – Compact Residential Zone.** The CR zone is intended for areas of compact high-density housing, especially in association with nearby mixed-use development and near transit corridors or stops. Typical dwelling units include apartments, condominiums, and town homes. In limited circumstances, schools, parks, and other public facilities may be provided to serve the residential community. The allowable density ranges from 16 to 32 dwelling units per acre. The CR zone is consistent with the High Density Residential (HDR) land use designation in the General Plan.

17.10.030 Residential Zones Land Use Regulations and Allowable Uses

A. **Table 17.10-01 Land Use Regulations – Residential Zones.** Table 17.10-01 (Land Use Regulations – Residential Zones) identifies the uses of land allowed within each residential zone, and the land use permit required to establish each use.

B. **Uses Not Listed.** Land uses not listed in Table 17.10-01 (Land Use Regulations – Residential Zones) are not allowed, in compliance with Subsection 17.04.030.A (Uses Not Listed are Not Allowed), except as otherwise established in Subsection 17.04.030.B (Director's Determination).

C. **Specific Use Regulations.** The far-right column in Table 17.10-01 (Land Use Regulations – Residential Zones) indicates additional regulations that apply to the specific use listed. Land use regulations and allowable use provisions in other sections of this Zoning Code may also apply.

D. **Zoning Clearance Required.** Each land use specified Table 17.10-01 (Land Use Regulations – Residential Zones) as allowed-by-right "P" shall require the issuance of a Zoning Clearance in compliance with Chapter 17.54 (Zoning Clearance).

E. **Site Plan and Design Review Required.** In addition to the permit requirements established in Table 17.10-01 (Land Use Regulations – Residential Zones), Site Plan and Design Review may be required in compliance with Chapter 17.56 (Site Plan and Design Review).

F. **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 Code and the Windsor Station Area/Downtown Specific Plan, the Windsor Station Area/Downtown Specific Plan criteria and standards shall apply.

Table 17.10-01
Land Use Regulations – Residential Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit						
Land Use (see Article 7 for land use definitions)	**Permit Requirement by Zone**						**Specific Use Regulations**
	RR	**ER**	**SR**	**VR**	**MDR**	**CR**	
Agriculture, Resource, & Open Space Uses							
Accessory Structure, Agricultural	P	P	—	—	—	—	17.40.200 (Residential Accessory Structures and Uses)
Agricultural Worker Housing (12 units or 36 beds)	P	P	—	—	—	—	17.84.030 (Agricultural Worker Housing)
Agriculture, Horticulture	P	P	—	—	—	—	
Animal Keeping	P	P	P	P	P	P	17.40.030 (Animal Keeping)
Beekeeping	P	P	P	P	—	—	17.40.060 (Beekeeping)
Human Services Uses							
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Child Day Care Facility	CUP	CUP	CUP	CUP	CUP	CUP	17.40.070 (Child Day Care Facility)
Child Day Care Home	P	P	P	P	P	P	
Community Care Facility, Large	MUP	MUP	MUP	MUP	MUP	MUP	
Community Care Facility, Small	P	P	P	P	P	P	
Prohibited Uses							
Marijuana Accessory Sales	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Dispensary	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Cultivation	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Distribution Facilities	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Microbusiness	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Mixed-Light Cultivation	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Nursery	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Product Manufacturing	—	—	—	—	—	—	17.42 (Marijuana)

Table 17.10-01
Land Use Regulations – Residential Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit						
Land Use (see Article 7 for land use definitions)	**Permit Requirement by Zone**						**Specific Use Regulations**
	RR	**ER**	**SR**	**VR**	**MDR**	**CR**	
Marijuana Retail Sales (including Home Occupations)	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Testing Facility	—	—	—	—	—	—	17.42 (Marijuana)
Short-Term Rental, Non-Hosted	—	—	—	—	—	—	17.40.230 (Short-Term Rentals)
Recreation, Education, and Public Assembly Uses							
Place of Assembly	—	—	MUP	MUP	MUP	MUP	
School	CUP	CUP	CUP	CUP	CUP	CUP	
Residential Uses							
Accessory Dwelling Unit	P	P	P	P	P	P	17.82 (Accessory Dwelling Unit (ADU))
Accessory Dwelling Unit, Junior	P	P	P	P	P	P	17.84 (Junior Accessory Dwelling Unit (JADU))
Accessory Structure, Residential	P	P	P	P	P	P	17.40.200 (Residential Accessory Structures and Uses)
Agricultural Worker Housing	P	P	—	—	—	—	17.104 (Agricultural Worker Housing)
Cottage Home Development	—	—	CUP	CUP	P	—	17.100 (Cottage Home Development)
Dwelling Group	P	P	P	P	—	—	17.96 (Dwelling Group)
Employee Housing (6 or fewer residents)	P	P	P	P	P	—	
Guest House/Pool House	P	P	P	MUP	MUP	MUP	17.40.110 (Guest House and Pool House)
Home Occupation	P	P	P	P	P	P	17.40.120 (Home Occupation)
Kennel, Hobby	MUP	MUP	MUP	MUP	MUP	MUP	
Marijuana Cultivation, Indoor (up to 6 plants)	P	P	P	P	P	P	17.42.040 (Indoor Marijuana Cultivation)
Mobile Home Park	—	—	CUP	CUP	CUP	—	17.40.260 (Mobile Home Park)
Multi-Unit Dwelling							17.10.060 (Multi-Unit Dwelling Project Open Space Standards)
2-4 units	—	P	P	P	P	P	17.56 (Site Plan and Design Review) and Table 17.56-01 (Review Authority for Site Plan and Design Review)

Table 17.10-01
Land Use Regulations – Residential Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit						
Land Use (see Article 7 for land use definitions)	**Permit Requirement by Zone**						**Specific Use Regulations**
	RR	**ER**	**SR**	**VR**	**MDR**	**CR**	
5 or more units	—	—	MUP	MUP	P	P	17.56 (Site Plan and Design Review) and Table 17.56-01 (Review Authority for Site Plan and Design Review)
Organizational House	—	CUP	CUP	CUP	CUP	CUP	
SB 9 Two-Unit Dwelling	P	P	P	P	—	—	17.94 (Two-Unit Dwelling and Lot Split Development Standards)
SB 9 Urban Lot Split	P	P	P	P	—	—	17.94 (Two-Unit Dwelling and Lot Split Development Standards)
Short-Term Rental, Hosted	P	P	P	P	P	P	17.40.230 (Short-Term Rental)
Single Room Occupancy Housing	—	—	CUP	CUP	P	P	17.40.240 (Single Room Occupancy)
Single-Unit Dwelling	P	P	P	P	P	—	17.106.030 (Mobile Home on Single-Unit Parcel)
Small Lot Subdivision							
Small Lot Subdivision, 4 or fewer lots	—	—	MUP	MUP	MUP	—	17.88 (Small Lot Subdivision)
Small Lot Subdivision, 5 or more lots	—	—	CUP	CUP	CUP	—	17.88 (Small Lot Subdivision)
Tiny Home	P	P	P	P	P	P	17.102 (Tiny Homes)
Retail, Service, and Office Uses							
Bed and Breakfast Inn	MUP	MUP	MUP	MUP	MUP	MUP	17.40.050 (Bed and Breakfast Inn)
Retail Sales, Neighborhood Market	—	—	MUP	MUP	MUP	MUP	17.40.150 (Neighborhood Market)
Public, Utility, Transportation, and Communication Uses							
Public and Quasi-Public Use	P	P	P	P	P	P	
Utility Facility and Infrastructure	P	P	P	P	P	P	

17.10.040 Residential Zones Development Standards

A. **Table 17.10-02 Development Standards – Residential Zones.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 17.10-02 (Development Standards – Residential Zones).

B. **Specific Regulations.** The far-right column in Table 17.10-02 (Development Standards – Residential Zones) indicates additional regulations that apply to the specific development feature or zone listed. Development standards in other sections of this Zoning Code may also apply.

C. **Other Applicable Regulations.** The "Other Applicable Regulations" section of Table 17.10-02 (Development Standards – Residential Zones) indicates the location of additional development standards that apply to the residential zones. Other regulations in this Zoning Code may also apply.

Table 17.10-02
Development Standards – Residential Zones

Development Feature (minimum unless otherwise specified)	**Zone**						
	RR	**ER**	**SR**	**VR**	**MDR**	**CR**	**Specific Regulations**
Parcel Dimensions							
Area (sq. ft.)	5 acres	10,000	5,500	4,500	2,700	1,300	
Width (ft.)	100	70	50	45	35	20	
Depth (ft.)	85	85	75	70	65	50	17.10.050.B (Lot Depth and Building Envelope)
Block Perimeter (max. ft.)	N/A	N/A	N/A	N/A	N/A	1,600	
Density and Parcel Coverage							
Minimum (du/ac.)	0	0.2	3	5	8	16	
Maximum (du/ac.)	0.2	3	6	8	16	32	
Parcel Coverage (max. percentage of total parcel area covered by structures)	30	35	50	55	60	100	
Height (max. ft.)							
Primary Structure	35	35	35	35	35	4 stories	
Accessory Structure	15	15	15	15	15	15	
Accessory Structure, Agricultural	25	N/A	N/A	N/A	N/A	N/A	

Table 17.10-02
Development Standards – Residential Zones

Development Feature (minimum unless otherwise specified)	**Zone**						
	RR	**ER**	**SR**	**VR**	**MDR**	**CR**	**Specific Regulations**
Setbacks (ft.)							
Front							
New Development (min.)	25	20	15	10	10	5	17.10.050.E (Garage Design and Locations)
New Development (max.)	35	30	25	20	20	10	17.10.050.E (Garage Locations)
Garage	40	35	25	18	N/A	N/A	17.10.050.E (Garage Locations)
Rear							
Primary Building	30	20	20	20	15	5	
Garage	5	5	5	5	5	5	17.10.050.E (Garage Locations)
Side							
Interior Side	15	5	5	5	5	0	17.10.050.F (Upper Floor Side Setbacks Adjacent to Single-Story Residential)
Street Side	20	10	10	10	10	0	17.10.050.F (Upper Floor Side Setbacks Adjacent to Single-Story Residential)

Other Applicable Regulations	
Land Use or Development Feature	**Chapter or Section**
Accessory Dwelling Units	Chapter 17.82 and Chapter 17.84
Environmental Preservation Standards	Chapter 17.22
Fences, Wall, and Hedges	Chapter 17.26
Height Measurement and Exceptions	Section 17.20.040
Landscaping	Chapter 17.28
Parking, Loading, and Access	Chapter 17.30
Performance Standards	Chapter 17.32
Setback Measurement and Exceptions	Section 17.20.050
Sign Regulations	Chapter 17.36

17.10.050 Additional Development Standards – Residential Zones

A. **Encroachment Into Easements.** Regardless of the setback standards established for a given zone, no structure shall encroach on any recorded easement.

B. **Lot Depth and Building Envelope.** In no case shall the depth of a lot created by a new subdivision be greater than three times the average lot width. Usable building envelopes for residential parcels shall not be less than 45 feet in depth unless approved otherwise by the Director.

C. **Alternative Development Standards.** Parcel widths, parcel sizes, and setbacks may be authorized by Conditional Use Permit approval or through rezoning to apply the PD zone where the review authority finds that a lesser parcel width, parcel size, or setback will be adequate after first reviewing the design and layout of the proposed housing units.

D. **Zero Lot Line Development.** In the Surrounding Residential, Village Residential, Medium Density Residential, and Compact Residential zoning districts, projects with no side setback may be authorized by Conditional Use Permit. Zero lot line development is prohibited in the Rural Residential and Estate Residential zoning districts.

E. **Garage Design and Locations.** Garage design and locations shall comply with the following.

1. **Design.** In the RR, ER, SR, and VR zones, garages for single-unit dwellings, duplexes and townhouses shall not make up more than 50 percent of the street-facing width of the residence. However, where parcel widths are less than 45 feet, wider garage doors may be allowed with a Minor Use Permit if garage door dominance is minimized through innovative parcel patterns, deeper garage setbacks, or architectural excellence. There shall be a minimum of three different garage configurations or setbacks within each subdivision of 10 or more units.

2. **Location.** The location of garages shall comply with the following:

a. **RR, ER, and SR Zones.** Garage in the RR, ER, and SR zones shall not be less than 10 feet further from the street than the façade of the residence.

b. **VR Zone.** Garages in the VR zone shall not be less than five feet further from the street than the façade of the residence.

c. The garage setback in the RR, ER, SR, and VR zoning districts may be modified with a minor use permit.

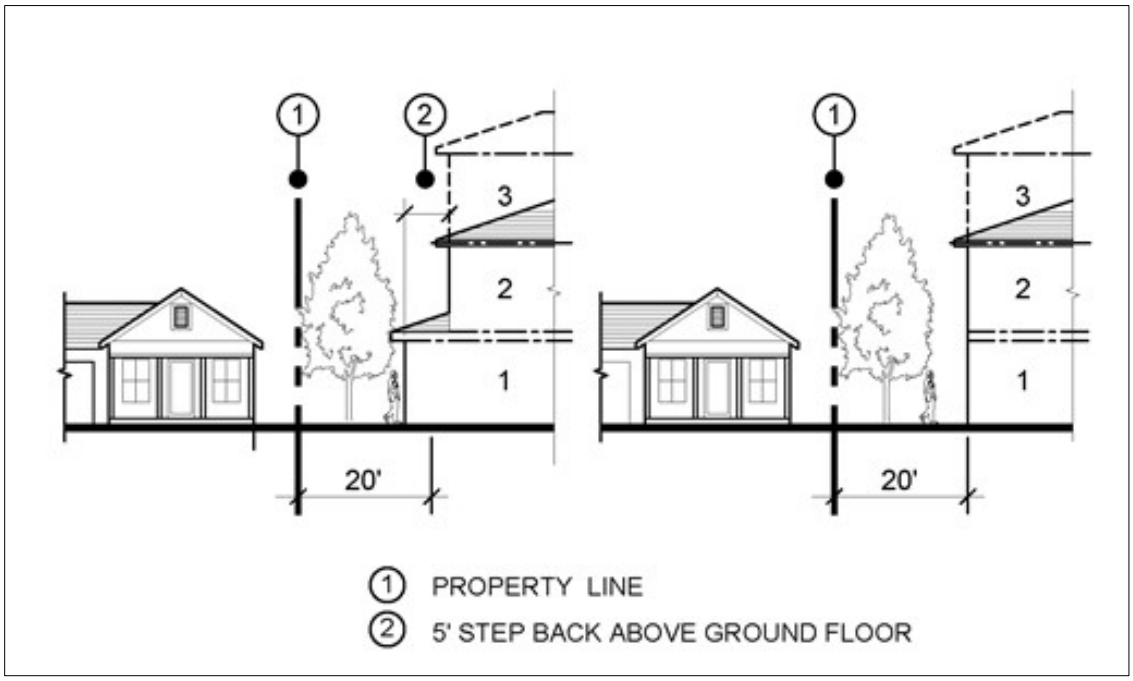
F. **Upper Floor Side Setbacks Adjacent to Single-Story Residential**. Side setbacks for upper floors shall comply with the following:

1. **Two- and Three-Story Structures.** Two- and three- story structures adjacent to a single-unit, single-story residential dwelling unit(s) shall use a minimum of one of the following techniques (see Figure 17.10-01 (Upper Floor Setbacks: Two- and Three- Story Structures)):

   a. Step back floors above the ground floor by a minimum depth of five feet along sides where the ground floor wall plane lies within 20 feet of the side property line.

   b. Increase the required side setback by one foot for each three feet of structure height in excess of 15 feet of total height.

Figure 17.10-01
Upper Floor Side Setbacks: Two- and Three-Story Structures



2. **Structures Taller than Three Stories.** Structures taller than three-stories adjacent to a single-unit, single-story residential dwelling unit(s) shall use a minimum of one of the following techniques.

   a. Step back the walls of each floor above the ground floor be a minimum of 10 feet along sides where the ground floor wall plane lies within 20 feet of the side property line.

   b. Increase the required side setback by one foot for each two feet of structure height in excess of 15 feet of the total height.

G. **Walkability.**

1. **Single-Unit Dwellings.** Entrances to single-unit dwellings, but not including accessory dwelling units, shall be located on the front façade and directly face the street or public sidewalk. A maximum of 25 percent of the total dwelling units along a block face of a residential street may have a side entrance but must include a front porch meeting the standards in Section 17.10.050.H (Porch Design and Location).

2. **Muti-Unit Dwellings.** Ground floor entrances on multi-unit dwellings shall be provided as front doors or common entries that face a street or a courtyard that provides a direct walkway to a street.

   a. **Frontage Type.** The recommended frontage type for ground floor residences are stoop, common stoop, and terrace. ADA units and adaptable units may use other frontage types. When a different frontage type is used, it should be elevated from the sidewalk to provide privacy and be covered. [CPTED]

   b. **Entries.** Entries to upper floor units that face a public street or public driveway shall be framed by an entry that is covered and:

      i. Provides a direct connection to the street or driveway.

      ii. Is oriented parallel to the street or driveway.

      iii. Includes architectural details, such as columns, a recess, or other feature that delineates the entry.

H. **Porch Design and Location.** New dwellings shall provide a usable covered front porch that complies with all of the following: [CPTED]

1. A minimum of 48 square feet;

2. A minimum width and depth of six feet, exclusive of railings and supports. The depth and square footage shall not include any area that is used for entry to the unit; and that covers a minimum of 20 percent of the street facing width of the dwelling, inclusive of an attached garage; and

3. A maximum of 20 percent of all units within a project may substitute arbors, courtyards, trellises, or similar architectural features for the covered front porch when the entry door is protected from the rain.

4. Porches shall be open on three sides. A porch may be open on less than three sides with approval of a minor use permit. If a porch is open on less than three sides, the design of the home and porch shall demonstrate compliance with the CPTED principles included in Section 17.20.030. [CPTED]

I. **Corner Parcel Design.** Corner parcels shall have a wraparound porch that meets the requirements of Section 17.10.050.H (Porch Design and Location). The portion of the wraparound porch located on the street side of the parcel may have a minimum width and depth of four feet. [CPTED] The requirement to provide a wraparound porch may be modified with a minor use permit.

J. **Frontage Types.** Stoop, common stoop, and terrace frontage types are recommended for multi-unit dwellings in the MDR and CR zoning districts.

17.10.060 Multi-Unit Dwelling Project Open Space Standards

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

A. **Composition of Open Space.** Open space shall consist of the following:

1. Open space may be a combination of common open space accessible to all project residents, or private open space for the exclusive use of a single dwelling; however,

2. When private open space is provided, the minimum square footage provided shall be 50 square feet, with minimum dimensions of four feet, and may be provided as a porch, deck, balcony, yard, or similar feature as determined by the Director.

3. Porch areas can apply toward these requirements, but driveways and service areas shall not be counted.

B. **Location of Open Space.** At least 50 percent of the required common open space shall be provided at the ground level on the same parcel as the project, except that in the Town Center, Town Center-Active Use Frontage Overly, and Boulevard Commercial zoning districts the percentage of common open space located at ground level may be reduced by the Review Authority, when the project provides the total amount of required open space.

C. **Minimum Dimensions.** At ground level, common open space shall have a minimum contiguous area of 400 square feet and no dimension less than 20 feet, unless otherwise approved by the Review Authority to achieve superior design.

D. **Compact Residential (CR) Zone.** Residential projects shall provide a minimum of 125 square feet of usable open space per dwelling unit, in compliance with Subsection 17.10.060.A (Composition of Open Space), above.

E. **Amenities.** Multi-unit dwelling residential projects shall provide on-site amenities in compliance with Chapter 17.92 (Multi-Unit Residential Design and Development Standards).

Chapter 17.12

Commercial and Mixed-Use Zones

Chapter 17.12 Commercial and Mixed-Used Zones

17.12.010 Purpose of Chapter

This Chapter lists the land uses that may be allowed within the commercial and mixed-use zones established by Chapter 17.06 (Zones and Zoning Map), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

17.12.020 Purposes of Commercial Zones

The commercial and mixed-use zones are intended to provide an open and inviting business climate for new and existing businesses, a balanced economic environment, and diverse tax base. The purposes of the individual commercial and mixed-use zones and the way they are applied are as follows.

A. NCMU – Neighborhood Commercial Mixed-Use Zone. The NCMU zone is applied to areas where residents can shop, socialize, or recreate. This zone includes a mix of diverse land uses including residential, commerce, professional office, employment, entertainment, services, and culture located within the same building (vertical mixed use) or on the same parcel (horizontal mixed use). The allowable residential density ranges from eight to 16 dwelling units per acre. The allowable nonresidential density ranges from 0.25 FAR to 1.5 FAR. The NCMU zone is consistent with the Neighborhood Commercial Mixed Use (NCMU) land use designation in the General Plan.

B. CC – Community Commercial Zone. The CC zone 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 maximum allowable residential density is 16 dwelling units per acre. The maximum allowable nonresidential density is 0.8 FAR. The maximum FAR for residential mixed-use projects in the CC zone is 1.5 FAR. The CC zone is consistent with the Retail Commercial (RC) and General Business (GB) land use designations in the General Plan.

C. TC – Town Center Mixed-Use Zone. The TC zone is intended to provide attractive areas within the Old Town where the community can gather to socialize, shop, recreate, or live. The TC zone 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 allowable residential density ranges from 16 to 32 dwelling units per acre. The allowable nonresidential density ranges from 0.75 FAR to 2.5 FAR. The TC zone is consistent with the Town Center Mixed Use (TCMU) land use designation in the General Plan.

D. TC-AUFO – Town Center Mixed-Use, Active Use Frontage Overlay Zone. The TC-AUFO overlay zone is intended to provide attractive areas within the downtown where the community can gather to

socialize, shop, recreate, or live. This zone 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, and hotels and motels. However, the TC-AUFO overlay zone 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 allowable residential density ranges from 16 to 32 dwelling units per acre. The allowable nonresidential density ranges from 0.75 FAR to 2.5 FAR. The TC-AUFO overlay zone is consistent with the Town Center Mixed Use (TCMU) land use designation in the General Plan and the Station Area/Downtown Specific Plan.

E. **TC-EO – Town Center Mixed-Use, Entertainment Overlay Zone.** The TC-EO overlay zone is intended to promote entertainment uses and limit potential incompatibility with residential uses. The TC-EO overlay zone 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 TC-AUFO overlay zone. The allowable nonresidential density ranges from 0.75 FAR to 2.5 FAR. The TC-EO overlay zone is consistent with the Town Center Mixed Use (TCMU) land use designation in the General Plan and implements the Station Area/Downtown Specific Plan.

F. **SC – Service Commercial Zone.** The SC zone is applied to areas suitable for personal, business, and travel-oriented services. Example uses including automobile repair shops, and recreation uses. The SC zone does not allow residential uses. The maximum allowable nonresidential density is 0.8 FAR. The SC zone is consistent with the Service Commercial (SC) land use designation in the General Plan.

G. **GC – Gateway Commercial Zone.** The GC zone is applied to areas along highways that are visually prominent entryways into the Town. Land uses in the GC zone is intended to serve the region and include retail and tourist-related uses. Given the prominent locations of this zone, development will need to be of particularly high quality in design. The GC zone does not allow residential uses. The maximum allowable nonresidential density is 0.8 FAR. The GC zone is consistent with the Gateway Commercial (GC) land use designation in the General Plan.

H. **BMU – Boulevard Mixed-Use Zone.** The BMU zone 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 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 allowable residential density ranges from 16 to 32 dwelling units per acre. The allowable nonresidential density ranges from 0.5 FAR to 2.0 FAR. The BMU zone is consistent with the Boulevard Mixed Use (BMU) land use designation in the General Plan.

I. **RC – Regional Commercial Zone.** The RC sone is applied in locations where more intensive employment opportunities, shopping, visitor-serving, and institutional uses are mixed to serve Windsor and the surrounding community. This zone prohibits residential uses and 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, hotel/motel accommodations, conference facilities, health services, and office uses. The maximum allowable nonresidential density is 0.8 FAR. The RC zone is consistent with the Gateway Commercial (GC) land use designation in the General Plan.

17.12.030 Commercial and Mixed-Use Zones Land Use Regulations and Allowable Uses

A. **Table 17.12-01 Land Use Regulations – Commercial and Mixed-Use Zones.** Table 17.12-01 (Land Use Regulations – Commercial and Mixed-Use Zones) identifies the uses of land allowed within each commercial and mixed-use zone, and the land use permit required to establish each use.

B. **Uses Not Listed.** Land uses not listed in Table 17.12-01 (Land Use Regulations – Commercial and Mixed-Use Zones) are not allowed, in compliance with Subsection 17.04.030.A (Uses Not Listed are Not Allowed), except as otherwise established in Subsection 17.04.030.B (Director's Determination).

C. **Specific Use Regulations.** The far-right column in Table 17.12-01 (Land Use Regulations – Commercial and Mixed-Use Zones) indicated additional regulations that apply to the specific use listed. Land use regulations and allowable use provisions in other sections of this Zoning Code may also apply.

D. **Zoning Clearance Required.** Each land use specified in Table 17.12-01 (Land Use Regulations – Commercial and Mixed-Use Zones) as allowed-by-right "P" shall require the issuance of a Zoning Clearance in compliance with Chapter 17.54 (Zoning Clearance).

E. **Site Plan and Design Review Required.** In addition to the permit requirements established in Table 17.12-01 (Land Use Regulations – Commercial and Mixed-Use Zones), Site Plan and Design Review may be required in compliance with Chapter 17.56 (Site Plan and Design Review).

F. **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 Code and the Windsor Station Area/Downtown Specific Plan, the Windsor Station Area/Downtown Specific Plan criteria and standards shall apply.

G. **General Plan Consistency.** The development and land use provisions established in this Chapter shall be in addition to all applicable General Plan goals and policies related to design and development.

Table 17.12-01
Land Use Regulations – Commercial and Mixed-Use Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit									
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**									**Specific Use Regulations**
	NCMU	**CC**	**TC**	**TC-AUFO**	**TC-EO**	**SC**	**GC**	**BMU**	**RC**	
Human Services Uses										
Ambulance Service	—	—	—	—	—	P	—	—	—	
Child Day Care Facility	MUP	MUP	MUP	—	—	—	—	MUP	—	17.40.070 (Child Day Care Facility)
Community Care Facility, Large	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Emergency Shelter	—	P	—	—	—	—	—	—	—	17.40.100 (Emergency Shelter)
Funeral and Burial Services, Mortuary and Funeral Home	—	P	—	—	—	P	P	P	P	17.12.040.C (Mortuary and Funeral Home Uses)
Hospital	—	CUP	—	—	—	—	—	—	CUP	
Industrial, Manufacturing & Processing Uses										
Commercial Kitchen, Shared	—	—	—	—	—	P	—	—	—	
Contractor Storage Yard	—	—	—	—	—	MUP	—	—	—	General Plan Policies LU-12.1 and LU-12.2
Outdoor Storage	—	—	—	—	—	CUP	—	—	—	17.40.170 (Outdoor Storage)
Recycling Facility										
Recycling Facility, Large Collection	—	—	—	—	—	CUP	—	—	—	17.40.190 (Recycling Facilities)
Recycling Facility, Light Processing	—	—	—	—	—	CUP	—	—	—	17.40.190 (Recycling Facilities)
Recycling Facility, Reverse Vending Machine	P	P	—	—	—	P	—	—	—	17.40.190 (Recycling Facilities)

Table 17.12-01
Land Use Regulations – Commercial and Mixed-Use Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit									
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**									**Specific Use Regulations**
	NCMU	**CC**	**TC**	**TC-AUFO**	**TC-EO**	**SC**	**GC**	**BMU**	**RC**	
Recycling Facility, Small Collection	—	—	—	—	—	MUP	—	—	—	17.40.220 (Recycling Facilities)
Storage Facility, Personal	—	—	—	—	—	CUP	—	—	—	17.40.250 (Storage Facility, Personal)
Prohibited Uses										
Marijuana Accessory Sales	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Dispensary	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Cultivation	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Distribution Facilities	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Microbusiness	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Mixed-Light Cultivation	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Nursery	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Product Manufacturing	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Retail Sales (including Home Occupations)	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
Marijuana Testing Facility	—	—	—	—	—	—	—	—	—	17.42 (Marijuana)
SB9, Two-Unit Dwelling	—	—	—	—	—	—	—	—	—	17.94 (Two-Unit Dwelling and Lot Split Development Standards) and California Government Code Section 65913.4
Single-Unit Dwelling	—	—	—	—	—	—	—	—	—	California Government Code Section 65913.4
Gas Station	—	—	—	—	—	—	—	—	—	17.70.070 (Nonconforming Gas Stations)
Recreation, Education, and Public Assembly Uses										
Athletic Club	P	P	P	CUP	CUP	P	P	P	P	
Commercial Recreation and Entertainment Facility, Indoor	—	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

Table 17.12-01
Land Use Regulations – Commercial and Mixed-Use Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit									
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**									**Specific Use Regulations**
	NCMU	**CC**	**TC**	**TC-AUFO**	**TC-EO**	**SC**	**GC**	**BMU**	**RC**	
Commercial Recreation and Entertainment Facility, Outdoor	—	—	—	—	—	CUP	CUP	—	—	
Museum	P	P	P	MUP	—	P	P	P	P	
Place of Assembly	MUP	MUP	MUP	CUP	CUP	MUP	MUP	MUP	CUP	
Recreational Vehicle Park	—	—	—	—	—	CUP	CUP	—	—	
School	—	MUP	MUP	—	—	MUP	—	—	—	17.12.040.E (Schools in the TC Zone)
Studios - Art, Dance, Music, and Photography	P	P	P	—	MUP	P	P	P	P	
Residential Uses										
Caretaker's Residence	—	—	—	—	—	P	P	—	—	
Home Occupation	P	P	P	P	—	—	—	P	—	17.40.120 (Home Occupation)
Live-Work Unit	P	P	P	P	—	P	CUP	P	P	17.40.130 (Live/Work Units)
Low Barrier Navigation Center	P	P	P	P	—	—	P	P	P	
Marijuana Cultivation, Indoor (up to 6 plants)	P	P	P	P	—	P	P	P	P	17.42.040 (Indoor Marijuana Cultivation)
Multi-Unit Dwelling in a Mixed-Use Project	P	P	P	P	—	—	—	P	—	17.10.060 (Multi-Unit Dwelling Project Open Space Standards) and California Government Code Section 65913.4
Short-Term Rental, Hosted and Non-Hosted	P	P	P	P	P	—	—	—	—	17.40.230 (Short-Term Rentals)
Single Room Occupancy Housing	—	P	P	—	—	—	—	—	—	17.40.240 (Single Room Occupancy (SRO))
Retail, Service, and Office Uses										
Accessory Structure, Non-Residential	P	P	P	P	P	P	P	P	P	
Adult Entertainment Business	—	—	—	—	—	CUP	—	—	—	17.40.020 (Adult Entertainment Business) and

Table 17.12-01
Land Use Regulations – Commercial and Mixed-Use Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit									
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**									**Specific Use Regulations**
	NCMU	**CC**	**TC**	**TC-AUFO**	**TC-EO**	**SC**	**GC**	**BMU**	**RC**	
										17.40.140 (Mixed-Use Development)
Alcoholic Beverage Sales	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Artisan Shop	P	P	P	P	—	—	—	P	P	
Automated Teller Machine (ATM)	P	P	P	P	P	—	P	P	P	17.40.040 (Automated Teller Machine (ATM))
Bank and Financial Institution	P	P	P	—	—	—	P	P	P	
Bar, Microbrewery	CUP	CUP	CUP	CUP	CUP	—	—	CUP	CUP	
Bed and Breakfast Inn	MUP	—	P	P	—	—	MUP	MUP	—	17.40.050 (Bed and Breakfast Inn)
Building Materials Sales	—	—	—	—	—	CUP	—	—	—	
Business Support Services	P	P	P	—	—	P	P	P	P	
Carwash										
Carwash, Drive-Through	CUP	CUP	—	—	—	CUP	—	—	—	
Carwash, Handwash and Detailing	CUP	CUP	—	—	—	CUP	—	—	—	
Carwash, Self-Service	CUP	CUP	—	—	—	CUP	—	—	—	
Drive-In and Drive-Through Sales	—	CUP	—	—	—	—	CUP	—	—	17.40.090 (Drive-in and Drive Through Facility)
Hotel or Motel	—	P	P	P	—	—	P	—	P	
Kennel, Commercial	—	—	—	—	—	MUP	—	—	—	
Office										
Office, Accessory	P	P	P	—	—	P	P	P	P	
Office, Administrative	P	P	P	—	—	P	P	P	P	
Office, Medical	P	P	P	—	—	P	P	P	P	
Office, Production	P	P	P	—	—	P	P	P	P	
Office, Professional	P	P	P	—	—	P	P	P	P	
Outdoor Sales and Activities	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	17.40.160 (Outdoor Sales and Activities)
Personal Service, General	P	P	P	—	—	P	P	P	P	
Personal Service, Restricted	—	—	—	—	—	MUP	MUP	—	—	17.40.180 (Personal Service, Restricted)
Restaurant	P	P	P	P	P	P	P	P	P	

Table 17.12-01
Land Use Regulations – Commercial and Mixed-Use Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit									
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**									**Specific Use Regulations**
	NCMU	**CC**	**TC**	**TC-AUFO**	**TC-EO**	**SC**	**GC**	**BMU**	**RC**	
Restaurant, Alcohol Sales, Microbrewery	P	P	P	MUP	MUP	P	P	P	P	
Restaurant, Live Entertainment	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Restaurant, Outdoor Dining	P	P	P	P	P	P	P	P	P	
Restaurant, Take Out Only	P	P	MUP	MUP	MUP	P	P	P	P	
Retail Sales, Accessory	P	P	P	P	P	P	P	P	P	
Retail Sales, Auto Parts	—	P	—	—	—	P	P	—	—	
Retail Sales, Convenience Store	—	P	—	—	—	P	—	P	P	17.40.080 (Convenience Store)
Retail Sales, Consignment, Second Hand, and Thrift Stores	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Retail Sales, Furniture and Appliances	—	P	P	—	—	—	—	P	P	17.12.040.B (Furniture and Appliance Sales)
Retail Sales, General	P	P	P	P	P	P	P	P	P	
Retail Sales, Grocery Store Large (over 30,000 square feet)	—	CUP	—	—	—	—	CUP	CUP	CUP	
Retail Sales, Grocery Store Small (30,00 square feet or smaller)	P	P	P	P	P	—	—	P	P	
Retail Sales, Liquor Store	MUP	MUP	MUP	MUP	MUP	P	P	MUP	P	
Retail Sales, Neighborhood Market	P	P	P	P	P	—	P	P	P	17.40.150 (Neighborhood Market)
Retail Sales, Nursery and Garden Supply	—	P	—	—	—	P	P	—	—	
Retail Sales, Restricted	—	MUP	—	—	—	MUP	—	—	—	17.40.220 (Retail Sales, Restricted)
Retail Sales, Shopping Center										
Small-Scale	—	P	—	—	—	—	P	—	P	
Large-Scale	—	CUP	—	—	—	—	CUP	—	CUP	
Retail Sales, Sporting Goods	P	P	P	P	P	P	P	P	P	

Table 17.12-01
Land Use Regulations – Commercial and Mixed-Use Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit									
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**									**Specific Use Regulations**
	NCMU	**CC**	**TC**	**TC-AUFO**	**TC-EO**	**SC**	**GC**	**BMU**	**RC**	
Retail Sales, Sporting Goods with Accessory Firearm Sales	—	CUP	—	—	—	CUP	CUP	—	CUP	17.40.210 (Retail Sales, Firearms)
Retail Sales, Wholesale	—	—	—	—	—	CUP	CUP	—	—	
Spa Services/Health Spa	P	P	P	—	P	—	P	P	P	
Tasting Facility	—	P	P	P	P	—	P	P	P	
Veterinary Clinic	P	P	—	—	—	P	—	—	—	
Public, Utility, Transportation, and Communication Uses										
Heliport	—	CUP	—	—	—	CUP	—	—	—	
Park and Ride Facility	MUP	P	P	—	—	P	P	P	P	
Parking Facility	—	MUP	MUP	—	—	MUP	—	MUP	MUP	
Public and Quasi-Public Use	P	—	P	—	—	—	—	P	P	
Transit Station and Terminal	—	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Utility Facility and Infrastructure	P	P	P	P	P	P	P	P	P	
Wireless Telecommunication Facility	—	CUP	CUP	—	—	MUP	CUP	CUP	CUP	17.40.260 (Wireless Telecommunication Facility)
Vehicle Oriented Uses										
Vehicle Rental Facility, General	—	—	—	—	—	P	CUP	—	MUP	
Vehicle Rental Facility, Limited	P	P	P	P	P	P	P	P	P	
Vehicle Repair and Service, Major	—	—	—	—	—	P	—	—	—	
Vehicle Repair and Service, Minor	—	—	—	—	—	P	—	—	—	
Vehicle Sales, Automobile, Trucks, and Vans	—	—	—	—	—	CUP	CUP	—	MUP	
Vehicle Sales, Recreational Vehicle, and Trailer	—	—	—	—	—	CUP	CUP	—	MUP	

17.12.040 Additional Land Use Regulations – Commercial and Mixed-Use Zones

A. Furniture and Appliance Sales. The sale of the following merchandise is prohibited in the TC-AUFO zone:

1. Electronics
2. Home appliances
3. Spas and hot tubs
4. A showroom, as defined in Article 8 (Definitions) may be allowed, subject to Director review and approval. A showroom shall be limited to the display of goods for sale, with limited onsite storage.

B. **Live-Work Unit.** The work component of an associated live-work unit shall be allowed within the zone in which the live-work unit is proposed.

C. **Mortuary and Funeral Home Uses.** The sale of funeral and memorial services and service-related items (i.e., caskets, urns, memorial items) shall be allowed by right. These facilities may include funeral memorial services and/or viewings subject to the approval of a Minor Use Permit, in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit). The preparation of bodies and cremation services are prohibited in these facilities.

D. **Residential Uses in Commercial Zones.**

1. **Residential Uses in Commercial and Mixed-Use Zones.** Except as provided in Paragraph D.3 (Accessible Residential Units), below, residential uses may be allowed in commercial and mixed-use zones only when in compliance with the following:
   a. On second or higher floors, above nonresidential uses, or
   b. On the ground floor, when located behind street fronting commercial uses.
2. **Middle Class Housing Act of 2022 – Residential Land Uses in Commercial Zones.** In compliance with California Government Code Section 65913.4, qualifying residential projects shall be allowed in commercial and office zoning districts.
3. **Accessible Residential Units.** Ground floor residential units shall be ADA compliant or adaptable.
4. **Inconsistency or Interpretation.** Where inconsistencies exist between the provisions of this Subsection and State law, the provisions of State law shall control the use and development of the land.

E. **Schools in the TC Zone.** Schools may be allowed with a Minor Use Permit on ground floor commercial uses.

F. **Mixed-Use Projects.** The required commercial component of a mixed-use project may be provided as amenities and services that serve the residents of a multi-unit residential project, when these

features are located on the ground floor, front the street, and the design of the building meets the intent of the commercial space to be pedestrian oriented and activate the street frontage. Uses that may be considered include community rooms for use by project residents, child daycare facilities, leasing offices, gyms, and similar uses as determined by the Director.

17.12.050 Commercial and Mixed-Use Zones Development Standards

A. **Table 17.12-02 Development Standards – Commercial and Mixed-Use Zones.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 17.12-02 (Development Standards – Commercial and Mixed-Use Zones).

B. **Specific Regulations.** The far-right column in Table 17.12-02 (Development Standards – Commercial and Mixed-Use Zones) indicates additional regulations that apply to the specific development feature or zone listed. Development standards in other sections of this Zoning Code may also apply.

C. **Other Applicable Regulations.** The "Other Applicable Regulations" section of Table 17.12-02 (Development Standards – Commercial and Mixed-Use Zones) indicates the location of additional development standards that apply to the commercial zones. Other regulations in this Zoning Code may also apply.

Table 17.12-02
Development Standards – Commercial and Mixed-Use Zones

Development Feature (minimum unless otherwise specified)	**Zone**							
	NCMU	**CC**	**TC** / **TC-AUFO** / **TC- EO**	**SC**	**GC**	**BCMU**	**RC**	**Specific Regulations**
Density								
Dwelling Unit Per Acre (du/ac.)								
Minimum	8	0	16	N/A	N/A	16	N/A	
Maximum	16	16	32	N/A	N/A	32	N/A	
Floor Area Ratio (FAR)								
Minimum	0.25	N/A	0.75	N/A	N/A	0.5	N/A	
Maximum	1.5	0.8 without residential or 1.5 with residential	2.5	0.8	0.8	2.0	0.8	
Height								

Table 17.12-02
Development Standards – Commercial and Mixed-Use Zones

Development Feature (minimum unless otherwise specified)	**Zone**							
	NCMU	**CC**	**TC** / **TC-AUFO** / **TC- EO**	**SC**	**GC**	**BCMU**	**RC**	**Specific Regulations**
Minimum (ft.)	N/A	N/A	20	N/A	N/A	2 story	2 story	
Maximum (ft.)	45	45	57	45	45	4 story	4 story	17.12.060.E (First Floor Height)
Parcel Dimensions								
Area (sq. ft.)	6,000	2,000	2,000	10,000	10,000	5,000	5,000	17.12.060.B (Parcel Area for Condominium Subdivisions)
Block Perimeter (max. ft.)	1,600	N/A	1,600	N/A	N/A	1,600	1,600	17.12.060.D (Block Perimeter)
Setbacks (ft.)								
Front								
Minimum	None required	0-10	None required	0-10	0-10	None required	None required	
Maximum	N/A	N/A	N/A	N/A	N/A	5	5	17.12.060.C (BCMU and RC Zone Maximum Front Setback)
Rear								
Adjacent to Residential	10	5	10	10	10	None required	None required	
Adjacent to Nonresidential	None required	None required	None required	10	10	None required	None required	
Side								
Adjacent to Residential	10	5	10	15	15	None required	None required	
Adjacent to Nonresidential	None required	None required	None required	None required	None required	None required	None required	
Street Side	None required	10	None required	None required	None required	None required	None required	

Other Applicable Regulations	
Land Use or Development Feature	**Chapter or Section**
Fences, Wall, and Hedges	Chapter 17.26
Height Measurement and Exceptions	Section 17.20.040
Landscaping	Chapter 17.28

Table 17.12-02
Development Standards – Commercial and Mixed-Use Zones

Development Feature (minimum unless otherwise specified)	Zone							
	NCMU	CC	TC / TC-AUFO / TC- EO	SC	GC	BCMU	RC	Specific Regulations
Parking, Loading, and Access								Chapter 17.30
Performance Standards								Chapter 17.32
Setback Measurement and Exceptions								Section 17.20.040
Sign Regulations								Chapter 17.36

17.12.060 Additional Development Standards – Commercial and Mixed-Use Zones

A. **Encroachment Into Easements.** Regardless of the setback standards established for a given zone, no structure shall encroach on any recorded easement.

B. **Parcel Area for Condominium Subdivisions.** The review authority may allow smaller parcels in condominium type subdivisions provided that the common ownership parcel complies with the minimum requirements.

C. **BMU and RC Zones Maximum Front Setback.** The maximum front setback in the BCMU and RC zone shall be five feet, with up to 20 percent of the façade setback 10 feet. In order to accommodate a stoop, common stoop, or terrace frontage type, the Review Authority may increase the front setback in the BMU zone to a maximum of 12 feet.

D. **Block Perimeter.** In the TC, TC-AUFO, TC-EO, BCMU, and RC zones, the maximum block perimeter may be increased to a maximum of 2,000 for blocks with structured parking.

E. **First Floor Height.** In the BCMU and RC zones, the first-floor façade must be a minimum of 12 feet in height.

F. **Frontage Type.** The recommended frontage type for ground floor residences are stoop, common stoop, and terrace. ADA units and adaptable units may use other frontage types. When a different frontage type is used, it should be elevated from the sidewalk to provide privacy and be covered. [CPTED]

G. **Entries.** Entries to upper floor residential units that face a public street or public driveway shall be framed by an entry that is covered and:

1. Provides a direct connection to the street or driveway.

2. Is oriented parallel to the street or driveway.

3. Includes architectural details, such as columns, a recess, or other feature that delineates the entry.

17.12.070 BCMU– Boulevard Mixed-Use Zone Design and Development Standards

A. Structure height shall be limited to a maximum of two stories for all structures located within 150 feet of the Old Redwood Highway/Shiloh Road intersection in the BCMU zone; structures shall be a maximum height of three stories from 150 to 300 feet from the Old Redwood Highway/Shiloh Road intersection in the BCMU zone.

B. Maximum space between door openings on ground level shall be 35 feet. The Review Authority may increase the maximum distance between door openings when the project demonstrates that the increased door spacing complies with CPTED principles and is pedestrian oriented.

C. The commercial first floor façade must be a minimum of 12 feet in height. Glazing shall be a minimum of 10 feet in height on the first floor façade.

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Chapter 17.14

Industrial Zones

Chapter 17.14 Industrial Zones

17.14.010 Purpose of Chapter

This Chapter lists the land uses that may be allowed within the industrial zones established Chapter 17.06 (Zones and Zoning Map), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

17.14.020 Purposes of Industrial Zones

The purposes of the individual industrial zones and the way they are applied are as follows.

A. **BPI – Business Park/Industrial Zone.** The BPI zone is applied to areas appropriate for light industrial and business park land uses, including low-intensity manufacturing and assembly processes, research and development, and corporate headquarters offices. The land uses allowed, and development standards required within the BPI zone are intended to protect adjacent areas from impacts while allowing indoor, clean, and quiet industry. Except for those land uses listed in Table 17.14-01 (Land Use Regulations – Industrial Zones), residential land uses in this zone are prohibited. Land uses in the BPI zone are often organized as a business park, with tenants that may include some commercial activities. The maximum allowable nonresidential density is 0.6 FAR. The BPI zone is consistent with the Light Industrial (LI) land use designation in the General Plan.

B. **LI – Light Industrial Zone.** The LI zone is applied to areas appropriate for light industrial and manufacturing, warehousing, offices, and assembly uses. Except for those land uses listed in Table 17.14-01 (Land Use Regulations – Industrial Zones), residential land uses in this zone are prohibited. Land uses allowed in the LI zone will not create objectionable noise, smoke, odor, dust, noxious gases, glare, heat, vibration, or industrial wastes. The maximum allowable nonresidential density is 0.6 FAR. The LI zone is consistent with the Light Industrial (LI) land use designation in the General Plan.

C. **HI – Heavy Industrial Zone.** The HI zone is applied to areas appropriate for a wider variety of land uses that are more land-intensive manufacturing uses than allowed in the LI zone. These include industrial manufacturing, warehousing, offices, and assembly that may generate objectionable noise, smoke, odor, dust, noxious gases, glare, heat, vibration, and industrial wastes. Except for those land uses listed in Table 17.14-01 (Land Use Regulations – Industrial Zones), residential land uses in this zone are prohibited. The maximum allowable nonresidential density is 0.5 FAR. The HI zone is consistent with the Heavy Industrial (HI) land use designation in the General Plan.

17.14.030 Industrial Zones Land Use Regulations and Allowable Uses

A. **Table 17.14-01 Land Use Regulations – Industrial Zones.** Table 17.14-01 (Land Use Regulations – Industrial Zones) identifies the uses of land allowed within each industrial zone, and the land use permit required to establish each use.

B. **Uses Not Listed.** Land uses not listed in Table 17.14-01 (Land Use Regulations – Industrial Zones) are not allowed, in compliance with Subsection 17.04.030.A (Uses Not Listed are Not Allowed), except as otherwise established in Subsection 17.04.030.B (Director's Determination).

C. **Specific Use Regulations.** The far-right column in Table 17.14-01 (Land Use Regulations – Industrial Zones) indicated additional regulations that may apply to the specific use listed. Land use regulations and allowable use provisions in other sections of this Zoning Code may also apply.

D. **Zoning Clearance Required.** Each land use specified in Table 17.14-01 (Land Use Regulations – Industrial Zones) as allowed-by-right "P" shall require the issuance of a Zoning Clearance in compliance with Chapter 17.54 (Zoning Clearance).

E. **Site Plan and Design Review.** In addition to the permit requirements established in Table 17.14.01 (Land Use Regulations – Industrial Zones), Site Plan and Design Review may be required in compliance with Chapter 17.56 (Site Plan and Design Review).

Table 17.14-01
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
Human Services Uses				
Ambulance Service	—	P	—	
Child Day Care Facility	MUP	MUP	—	17.40.070 (Child Day Care Facility)
Community Care Facility, Large	MUP	MUP	—	
Emergency Shelter	—	CUP	—	17.40.100 (Emergency Shelter)
Funeral and Burial Services, Body Preparation and Crematorium	—	P	P	
Industrial, Manufacturing & Processing Uses				
Agricultural Product Processing	—	CUP	MUP	
Brewery	—	P	P	
Distillery	—	P	P	
Commercial Kitchen, Shared	P	P	P	

Table 17.14-01
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
Composting Facility	—	MUP	MUP	17.14.040.A (Composting Facilities)
Contractor Storage Yard	—	P	P	
Industrial				
Industrial, Hazardous	—	—	CUP	
Industrial, Major	—	MUP	P	
Industrial, Minor	MUP	P	P	
Outdoor Storage	MUP	P	P	17.40.170 (Outdoor Storage)
Recycling Facility				
Recycling Facility, Heavy Processing	—	—	CUP	17.40.190 (Recycling Facilities)
Recycling Facility, Large Collection	—	CUP	CUP	17.40.190 (Recycling Facilities)
Recycling Facility, Light Processing	—	CUP	CUP	17.40.190 (Recycling Facilities)
Recycling Facility, Small Collection	—	P	P	17.40.190 (Recycling Facilities)
Storage Facility, Personal	—	P	P	17.40.250 (Storage Facility, Personal)
Storage Facility, Restricted	—	—	CUP	
Vehicle Salvage and Dismantling Facility	—	—	CUP	
Warehousing and Distribution Facility, Large	CUP	CUP	CUP	
Warehousing and Distribution Facility, Small	MUP	P	P	
Winery	—	P	P	
Prohibited Uses				
Marijuana Accessory Sales	—	—	—	17.42 (Marijuana)
Marijuana Dispensary	—	—	—	17.42 (Marijuana)
Marijuana Cultivation	—	—	—	17.42 (Marijuana)
Marijuana Distribution Facilities	—	—	—	17.42 (Marijuana)
Marijuana Microbusiness	—	—	—	17.42 (Marijuana)
Marijuana Mixed-Light Cultivation	—	—	—	17.42 (Marijuana)
Marijuana Nursery	—	—	—	17.42 (Marijuana)
Marijuana Product Manufacturing	—	—	—	17.42 (Marijuana)
Marijuana Retail Sales (including Home Occupations)	—	—	—	17.42 (Marijuana)
Marijuana Testing Facility	—	—	—	17.42 (Marijuana)
Gas Station	—	—	—	17.70.070 (Nonconforming Gas Stations)

Table 17.14-01
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
Recreation, Education, & Public Assembly Uses				
Athletic Club	P	MUP	MUP	
Commercial Recreation and Entertainment Facility, Outdoor	—	CUP	CUP	
Place of Assembly	—	MUP	—	
Residential Uses				
Caretaker's Residence	P	P	MUP	
Indoor Marijuana Cultivation (up to 6 plants)	P	P	P	17.42.040 (Indoor Marijuana Cultivation)
Live-Work Unit	MUP	MUP	—	17.40.130 (Live/Work Units)
Low Barrier Navigation Center	—	P	—	
Retail, Service, and Office Uses				
Accessory Structure, Non-Residential	P	P	P	
Automated Teller Machine (ATM)	P	—	—	17.40.040 (Automated Teller Machine (ATM))
Bank and Financial Institution	P	—	—	
Broadcasting and Film Recording Studio	P	P	P	
Building Materials Sales	P	P	P	
Business Support Services	P	P	—	
Equipment Sales and Rental Facility	—	P	P	
Hotel or Motel	MUP	—	—	
Kennel, Commercial	—	P	—	
Office				
Office, Accessory	P	P	P	
Office, Administrative	P	P	P	
Office, Production	—	P	P	
Office, Professional	P	P	P	
Research and Development Facility, up to Biosafety level 3	P	P	P	
Restaurant, Accessory Cafeteria	P	P	P	
Retail Sales, Accessory	P	P	P	
Retail Sales, Firearms	—	CUP	—	17.40.210 (Retail Sales, Firearms)
Veterinary Clinic	P	P	—	
Public, Utility, Transportation, and Communication Uses				
Heliport	—	CUP	CUP	
Parking Facility	MUP	—	—	
Transit Station and Terminal	P	—	—	

Table 17.14-01
Land Use Regulations – Industrial Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	BPI	**LI**	**HI**	
Utility Facility and Infrastructure	P	P	P	
Vehicle and Freight Terminal	—	MUP	P	
Wireless Telecommunication Facility	MUP	MUP	MUP	17.40.260 (Wireless Telecommunication Facility)
Vehicle Oriented Uses				
Vehicle Rental Facility, General,	—	MUP	—	
Vehicle Rental Facility, Limited	—	MUP	—	
Vehicle Repair and Service, Major	—	P	P	
Vehicle Repair and Service, Minor	—	P	P	
Vehicle Sales, Automobile, Truck, Van	—	MUP	—	
Vehicle Sales, Recreational Vehicle, and Trailer,	—	MUP	—	

17.14.040 Additional Land Use Regulations – Commercial and Mixed-Use Zones

A. **Composting Facilities.** A Conditional Use Permit, in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit), shall be required for any outdoor composting activities.

17.14.050 Industrial Zones Development Standards

A. **Table 17.14-02 Development Standards – Industrial Zones.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 17.14-02 (Development Standards – Industrial Zones).

B. **Other Applicable Regulations.** The "Other Applicable Regulations" section of Table 17.14-02 (Development Standards – Industrial Zones) indicates the location of additional development standards that apply to the industrial zones. Other regulations in this Zoning Code may also apply.

Table 17.14-02
Development Standards – Industrial Zones

Development Feature (minimum unless otherwise specified)	**Zone**		
	BPI	**LI**	**HI**
General			
Height (max. ft.)	50	50	50
Density			
Minimum FAR	N/A	N/A	N/A
Maximum FAR	0.6	0.6	0.5
Parcel Dimensions			
Area (sq. ft.)	10,000	10,000	20,000
Minimum Dimensions (ft.)	100	100	100
Setbacks (ft.)			
Front	10	10	10
Rear	10	10	None required
Side			
Interior Side	10	None required	None required
Street Side	10	None required	None required

Other Applicable Regulations	
Land Use or Development Feature	**Chapter or Section**
Environmental Preservation Standards	Chapter 17.22
Fences, Wall, and Hedges	Chapter 17.26
Height Measurement and Exceptions	Section 17.20.040
Landscaping	Chapter 17.28
Parking, Loading, and Access	Chapter 17.30
Performance Standards	Chapter 17.32
Setback Measurement and Exceptions	Section 17.20.050
Sign Regulations	Chapter 17.36

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Chapter 17.16

Special Purpose Zones

Chapter 17.16 Special Purpose Zones

17.16.010 Purpose of Chapter

This Chapter lists the land uses that may be allowed within the special purpose zones established by Chapter 17.06 (Zones and Zoning Map), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

17.16.020 Purposes of Special Purpose Zones

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

A. **OS – Open Space Zone.** The OS zone is applied to areas in the Town with natural resource values to be conserved, and also to areas that have hazardous conditions (such as floodways). The maximum allowable nonresidential density is 0.05 FAR. The OS zone is consistent with the Open Space (OS) land use designation in the General Plan.

B. **PD – Planned Development Zone.** The PD zone is intended for sites where the Town desires to achieve a particular mix of uses, appearance, land use compatibility, or special sensitivity to natural resources, including oak trees and vernal pools. The allowable density range for all uses (residential and nonresidential) shall be determined by the General Plan land use designation applied to the subject parcel(s). The PD zone is consistent with all land use designations in the General Plan. See Section 17.16.050 (PD Zone Standards and Procedures) for specific requirements applicable to the PD zone.

C. **PI – Public/Institution Zone.** The PI zone is applied to areas appropriate for public facilities, utilities, and public gathering facilities including, but not limited to schools, libraries, and government offices. The maximum allowable nonresidential density is 1.0 FAR. The PI zone is consistent with the Public/Quasi-Public (PQP) land use designation in the General Plan.

D. **REC – Recreation Zone.** The REC zone is applied to locations appropriate for the development of parks and recreational facilities. The maximum allowable nonresidential density is 0.1 FAR. The REC zone is consistent with the Parks and Recreation (PR) land use designation in the General Plan.

17.16.030 Special Purpose Zones Land Use Regulations and Allowable Uses

A. **Table 17.16-01 Land Use Regulations – Special Purpose Zones.** Table 17.16-01 (Land Use Regulations – Special Purpose Zones) identifies the uses of land allowed within each special purpose zone, and the land use permit required to establish each use.

B. **Uses Not Listed.** Land uses not listed in Table 17.16-01 (Land Use Regulations – Special Purpose Zones) are not allowed, in compliance with Subsection 17.04.030.A (Uses Not Listed are Not Allowed), except as otherwise established in Subsection 17.04.030.B (Director's Determination).

C. **Specific Use Regulations.** The far-right column in Table 17.16-01 (Land Use Regulations – Special Purpose Zones) indicated additional regulations that may apply to the specific use listed. Land use regulations and allowable use provisions in other sections of this Zoning Code may also apply.

D. **Zoning Clearance Required.** Each land use specified in Table 17.16-01 (Land Use Regulations – Special Purpose Zones) as allowed-by-right "P" shall require the issuance of a Zoning Clearance in compliance with Chapter 17.54 (Zoning Clearance).

E. **Site Plan and Design Review.** In addition to the permit requirements established in Table 17.16-01 (Land Use Regulations – Special Purpose Zones), Site Plan and Design Review may be required in compliance with Chapter 17.56 (Site Plan and Design Review).

F. **PD Zone Land Use Regulations and Allowable Uses.** The land uses that may be allowed within the PD zone and the land use requirements for each use shall be determined through the process of rezoning property to the PD zone. Projects within the PD zone shall comply with Section 17.16.050 (PD Zone Standards and Procedures).

Table 17.16-01
Land Use Regulations – Special Purpose Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	OS	**PI**	**REC**	
Agriculture, Resource & Open Space Uses				
Accessory Structure, Agricultural	P	P	—	
Agricultural Worker Housing	P	P	—	17.40.030 (Agricultural Worker Housing)
Agriculture, Horticulture	P	P	—	
Beekeeping	P	—	—	
Hiking Trail	P	P	P	
Nature Preserve	P	P	P	
Human Services				
Cemetery	CUP	CUP	—	
Child Day Care Facility	—	MUP	MUP	17.40.070 (Child Day Care Facility)
Community Care Facility, Large	—	MUP	—	

Table 17.16-01
Land Use Regulations – Special Purpose Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	OS	**PI**	**REC**	
Industrial, Manufacturing & Processing Uses				
Recycling Facility, Small Collection	—	P	—	17.40.190 (Recycling Facilities
Prohibited Uses				
Marijuana Accessory Sales	—	—	—	17.42 (Marijuana)
Marijuana Dispensary	—	—	—	17.42 (Marijuana)
Marijuana Cultivation	—	—	—	17.42 (Marijuana)
Marijuana Distribution Facilities	—	—	—	17.42 (Marijuana)
Marijuana Microbusiness	—	—	—	17.42 (Marijuana)
Marijuana Mixed-Light Cultivation	—	—	—	17.42 (Marijuana)
Marijuana Nursery	—	—	—	17.42 (Marijuana)
Marijuana Product Manufacturing	—	—	—	17.42 (Marijuana)
Marijuana Retail Sales (including Home Occupations)	—	—	—	17.42 (Marijuana)
Marijuana Testing Facility	—	—	—	17.42 (Marijuana)
Recreation, Education, & Public Assembly Uses				
Athletic Club	—	CUP	CUP	
Golf Course and Driving Range, Public	CUP	CUP	CUP	
Library	—	P	—	
Museum	—	P	—	
Place of Assembly	—	CUP	CUP	
Public Park and Recreation Area	—	—	P	
School	—	P	—	
Studios - Art, Dance, Music, and Photography	—	MUP	—	
Residential Uses				
Agricultural Worker Housing	P	P	—	17.104 (Agricultural Worker Housing)
Caretaker's Residence	MUP	P	MUP	
Retail, Service, and Office Uses				
Accessory Structure, Non-Residential	P	P	P	
Office, Accessory	P	P	P	
Retail Sales, Accessory	MUP	MUP	P	

Table 17.16-01
Land Use Regulations – Special Purpose Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; (–) = Not Allowed CUP = Conditional Use Permit			
Land Use (see Article 8 for land use definitions)	**Permit Requirement by Zone**			**Specific Use Regulations**
	OS	**PI**	**REC**	
Public, Utility, Transportation, and Communication Uses				
Heliport	—	CUP	—	
Parking Facility	—	MUP	—	
Public and Quasi-Public Use	P	P	P	
Transit Station and Terminal	—	CUP	—	
Utility Facility and Infrastructure	P	P	P	
Wireless Telecommunication Facility	—	CUP	—	17.40.260 (Wireless Telecommunication Facilities)

17.16.040 Special Purpose Zones Development Standards

A. **Table 17.16-02 Development Standards – Special Purpose Zones.** Except for the PD zone, subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 17.16-02 (Development Standards – Special Purpose Zones).

B. **Planned Development (PD) Zone Standards.** Projects within the PD zone shall comply with Section 17.16.050 (PD Zone Standards and Procedures).

C. **Other Applicable Regulations.** The "Other Applicable Regulations" section of Table 17.16-02 (Development Standards – Special Purpose Zones) indicates the location of additional development standards that apply to the special purpose zones. Other regulations in this Zoning Code may also apply.

Table 17.16-02
Development Standards – Special Purpose Zones

Development Feature (minimum unless otherwise specified)	**Zone**		
	OS	**PI**	**REC**
General			
Density/Intensity (max. FAR)	0.05	1.0	0.10
Height (ft.)			
Primary Structure (max.)	35	35	35
Accessory Structure (max.)	15	15	15
Parcel Dimensions			
Area (sq. ft.)	N/A	6,000	Determined through development review process
Width (ft.)	N/A	60	Determined through development review process
Setbacks (ft.)			
Front	20	20	20
Rear	20	20	20
Side			
Interior Side	5	5	5
Street Side	10	10	10

Other Applicable Regulations	
Land Use or Development Feature	**Chapter or Section**
Environmental Preservation Standards	Chapter 17.22
Fences, Wall, and Hedges	Chapter 17.26
Height Measurement and Exceptions	Section 17.20.040
Landscaping	Chapter 17.28
Parking, Loading, and Access	Chapter 17.30
Performance Standards	Chapter 17.32
Setback Measurement and Exceptions	Section 17.20.050
Sign Regulations	Chapter 17.36

17.16.050 PD Zone Standards and Procedures

The application of the PD zone to property through the rezoning process will include identifying the specific land uses that may be allowed on the site and establishing specific site planning and development standards (i.e., setback requirements, height limits, site coverage), consistent with the General Plan land use designations that apply to the parcel. The process of rezoning a parcel to the PD zone shall comply with the following requirements, in addition to those of Chapter 17.72 (Amendments).

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

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

2. **Density, Intensity, and FAR.** The minimum and maximum density and intensity allowed for residential land uses on the parcel in dwelling units per acre and the minimum lot size for new parcels. Additionally, the minimum and maximum FAR for all non-residential land uses proposed.

3. **Development Standards.** The development standards that would otherwise be provided by Article 2 (Zones, Allowable Uses, and Development Standards) and Article 3 (Regulations Applicable to All Zones) or shall reference specific provisions of this Zoning Code that shall apply.

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

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

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

2. **Density and Intensity.** The minimum maximum density allowed for residential land uses and the minimum and maximum FAR allowed for non-residential land uses consistent with the approved Preliminary Development Plan.

3. **Development Standards.** The development standards that would otherwise be provided by Article (Zones, Allowable Uses, and Development Standards) and Article 3 (Regulations Applicable to All Zones) or shall reference specific provisions of this Zoning Code that shall apply consistent with the approved Preliminary Development Plan.

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

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

6. **Comprehensive Sign Program.** A comprehensive sign program in compliance with Section 17.36.070 (Comprehensive Sign Program).

C. **Approval of Preliminary and Final Development Plans**. The approval of preliminary and final development plans shall comply with the following standards:

1. A Preliminary Development Plan shall be reviewed and acted upon by the Commission and Council as part of their respective reviews of and actions on the property rezoning request, in compliance with Chapter 17.72 (Amendments).

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

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

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

D. **Criteria for PD Zone Approval.** Criteria for evaluating planned developments shall include, without limitation, elements of design that, in the determination of the review authority, are superior to those achieved through standard zone development standards and community benefit. These elements may include unique design features, creation of common open space, provision of amenities, preservation of natural resources, or similar features, or other items proposed by the applicant and approved by the review authority. Provisions for long-term maintenance and management of common areas shall be in the form of an owner's association or other mechanism acceptable to the Town.

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

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Chapter 17.18

Overlay Zones

Chapter 17.18 Overlay Zones

17.18.010 Purpose of Chapter

This Chapter regulates new and existing structures and land uses in the overlay zones established by Chapter 17.06 (Zones and Zoning Map). The provisions of this Chapter provide guidance for development in addition to the standards and regulations of the underlying base zones, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

17.18.020 Applicability of Overlay Zones

A. **Mapping of Overlay Zones.** The applicability of any overlay zone to a specific site is shown by the overlay Zoning Map symbol established Chapter 17.06 (Zones and Zoning Map), being appended as a suffix to the symbol for the base zone on the Zoning Map (i.e., PI-FH, MDR-HO).

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

17.18.030 Airport Safety Overlay Zone (-AS)

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

It is further the intent of this overlay zone to establish consistency between the Zoning Code regulations and the adopted policies of the Sonoma County Airport Land Use Commission as they exist at the time of Zoning Code adoption.

B. **Applicability.** The -AS overlay zone applies to lands within the Sonoma County Airport referral area that are subject to the Sonoma County Comprehensive Airport Land Use Plan.

C. **Allowed Land Uses.** Any land use normally allowed in the underlying base zone may be allowed within the -AS overlay zone, provided that the land use is also in compliance with any applicable Airport Land Use Plan standards.

D. **Permit Requirements.** A proposed development and/or new land use within the -AS overlay zone shall obtain the land use permit(s) required for the specific use in the underlying base zone.

E. **Development Standards.** Development and new land uses within the -AS overlay zone shall comply with the Airport Land Use Plan, all applicable permit and development requirements of the underlying base zone, and the following requirements.

1. **Height Limits.** The height limits of the Airport Land Use Plan apply if they are more restrictive than otherwise required by this Article for the underlying base zone, or by Article 3 (Regulations Applicable to All Zones).

2. **Open Space.** The open space defined by the Airport Land Use Plan applies if after reviewing the Airport Land Use Plan as applied to the entire affected zone and not just those parcels within the Town, it is more restrictive than otherwise required by this Article for the underlying base zone, or by Article 3 (Regulations Applicable to All Zones). Open Space areas are also identified in General Plan Figure PHS-11: Designated Airport Open Space Areas.

3. **Intensity of Use.** Intensity of proposed uses within the -AS overlay zone shall be defined by the Airport Land Use Plan. Prior to issuance of any Building Permit on commercial properties in the -AS overlay zone, the Town may require the property owner to execute and record an agreement or similar legal instrument limiting the number of employees and type of business to those allowed by the Airport Land Use Plan.

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

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

17.18.040 Flood Hazard Overlay Zone (-FH)

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

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

C. **Allowed Land Uses.** Any land use normally allowed in the underlying base zone by this Article may be allowed within the -FH overlay zone, provided that the land use is also in compliance with development standards identified below and other applicable development standards required by this Zoning Code and Town Code.

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

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

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

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

17.18.050 Historic Overlay Zone (-HO)

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

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

C. **Allowed Land Uses.** Any land use normally allowed in the underlying base zone shall be allowed in the -HO overlay zone, provided that the land use is also in compliance with applicable development standards of this Zoning Code and the development standards established in this Section.

D. **Destruction of Site or Structure.** If the designated site or structure is demolished or destroyed by 50 percent or greater due to a natural disaster or occurrence (e.g., earthquake, fire, flood, etc.) the property owner may obtain a Building Permit to remove the structure if it poses an immediate health or safety issue, without first obtaining a discretionary permit.

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

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

2. Alterations shall be subject to the Minor Use Permit process and demolition shall be subject to the Conditional Use Permit process in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit). At the discretion of the Director, Minor Use Permits for alternations may be referred to the Commission for consideration.

3. Interior renovations, re-roofs, and similar alterations that require a building permit are subject to administrative review and action by the Director.

F. **Development Standards.** Development and new land uses within the -HO overlay zone shall comply with the following requirements, to assure that alterations and/or use does not alter or destroy the significance of the architecture and style that is being protected. Refer to Chapter 17.24 (Historic Preservation and Conservation) for additional criteria and standards.

1. Efforts shall be made to incorporate the existing use into any new development of the parcel.

2. Whenever feasible, development shall reuse architectural or historical buildings in a manner that preserves their historic architectural merit.

3. Development is subject to the Historic Conservation and Preservation Standards as provided in Chapter 17.24 (Historic Preservation and Conservation).

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

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

6. The Town may request, at the applicants' expense, the expertise of a design professional with a background in historic preservation to provide review and recommendations on development applications.

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

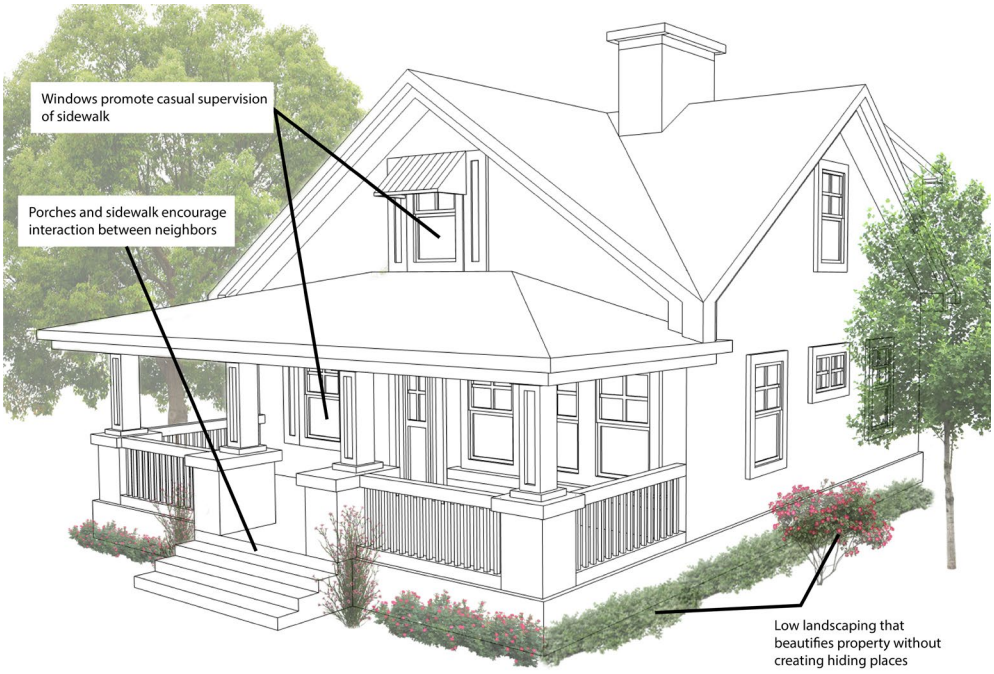


Figure 17.20-02
Examples of CPTED Principles for a Multi-Unit Building



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



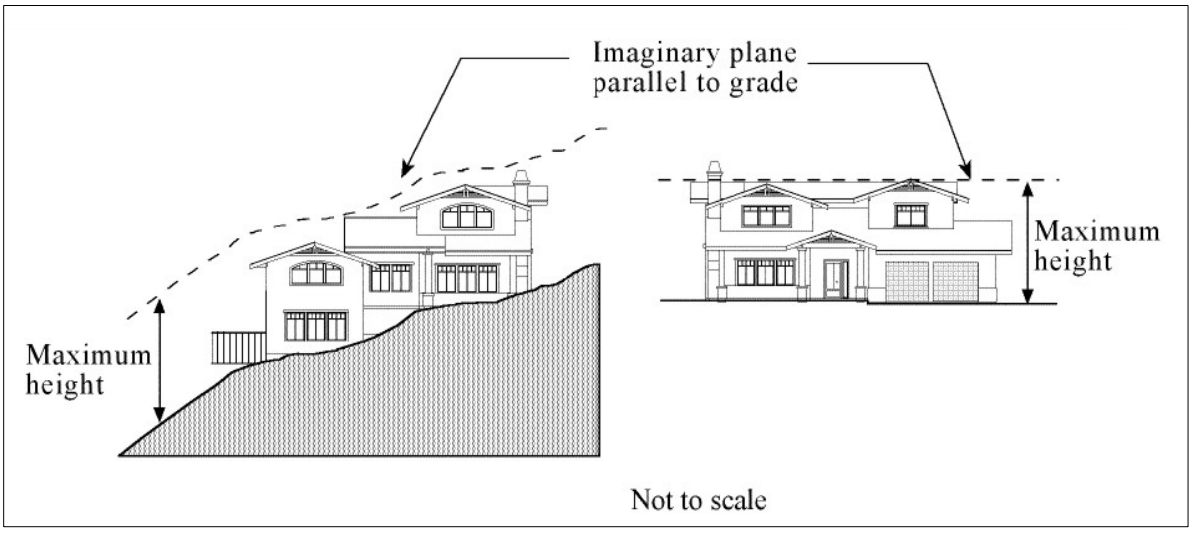
17.20.040 Height Measurement and Exceptions

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.

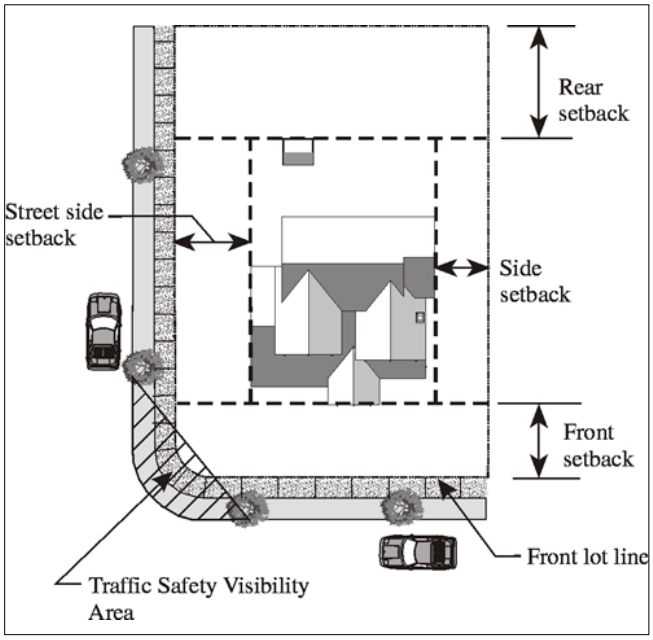
    b. **Corner Lots.** The measurement shall be taken from the nearest point of the structure to the nearest point of the narrowest street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for setback measurement shall be determined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

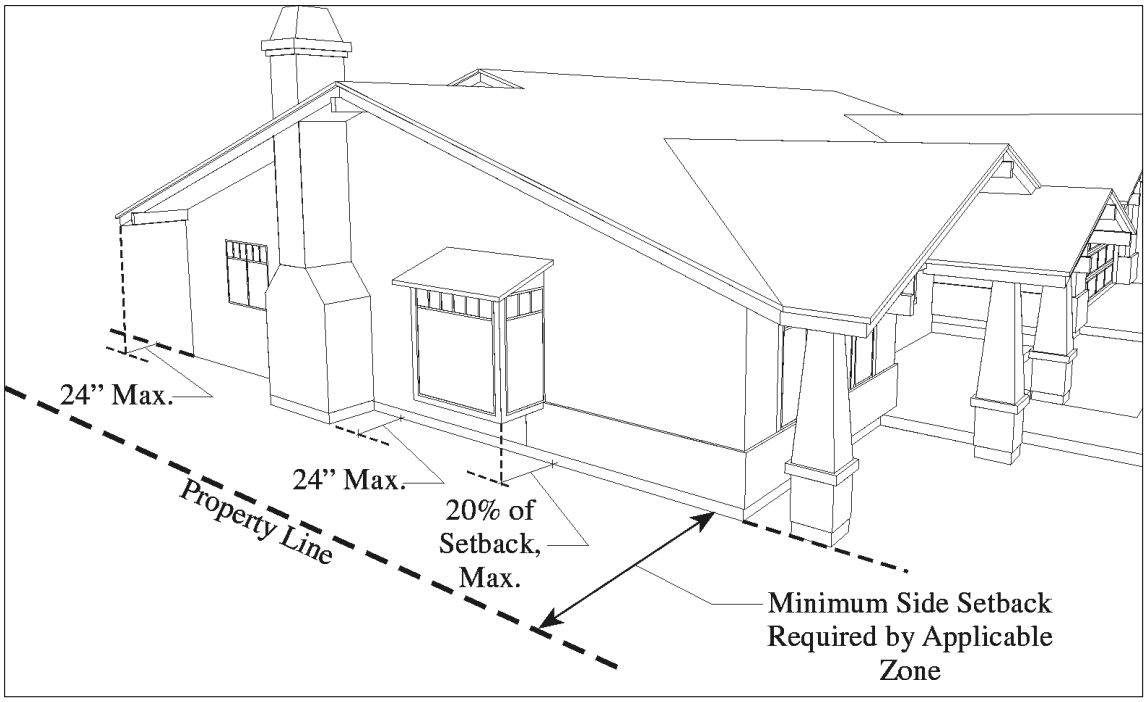
Notes

(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:

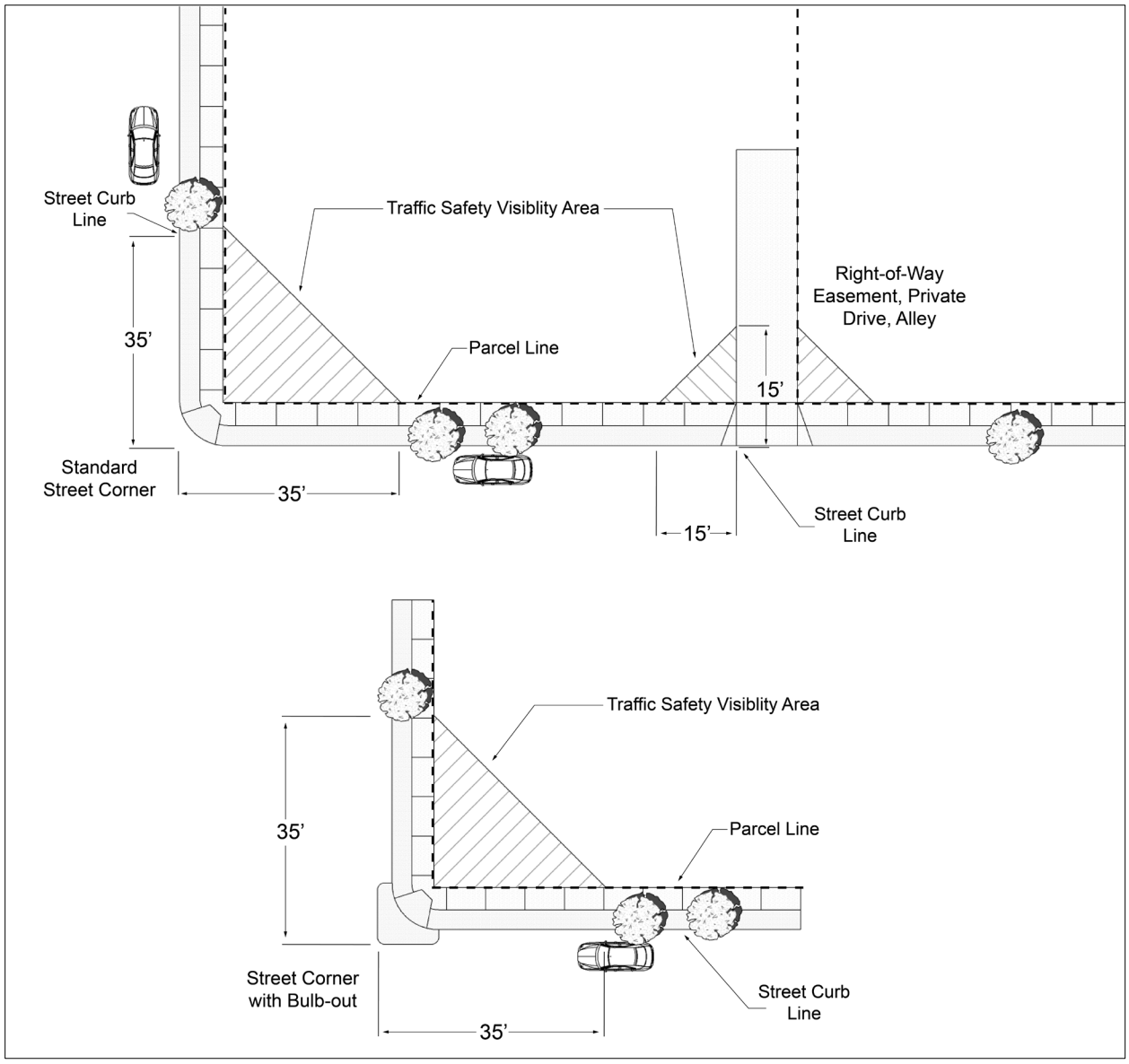
1. **Corner Parcels.** On corner parcels, the traffic safety visibility area shall be formed by a 90-degree triangle with two sides measuring 35 feet along both the front and side street curb lines, said length beginning at their intersection, and a third side connecting the two ends running diagonally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

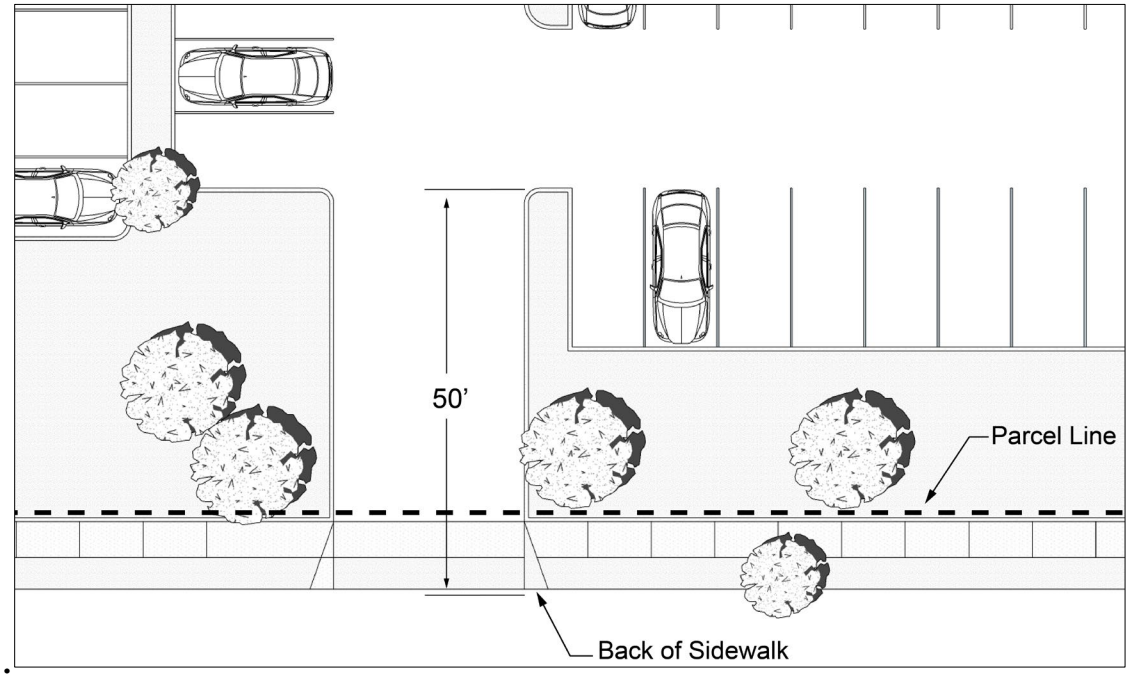
Required parking areas shall be designed and constructed as follows:

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

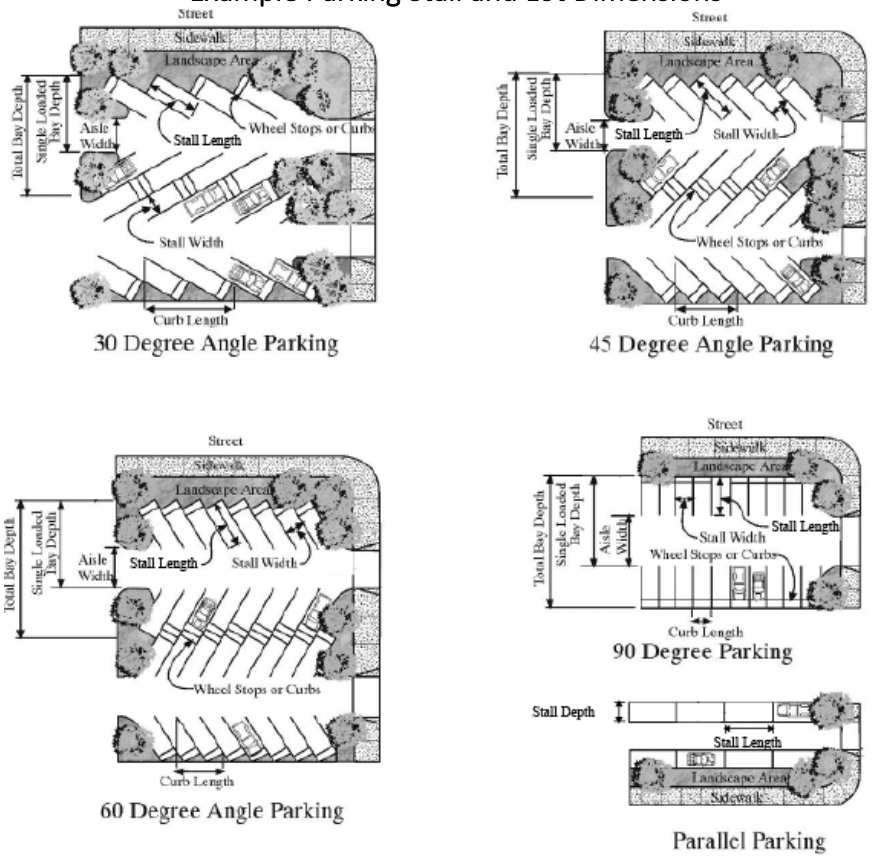
Note: Compact parking spaces shall comply with Section 17.30.080(C)(3) – Compact Parking Spaces.

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.

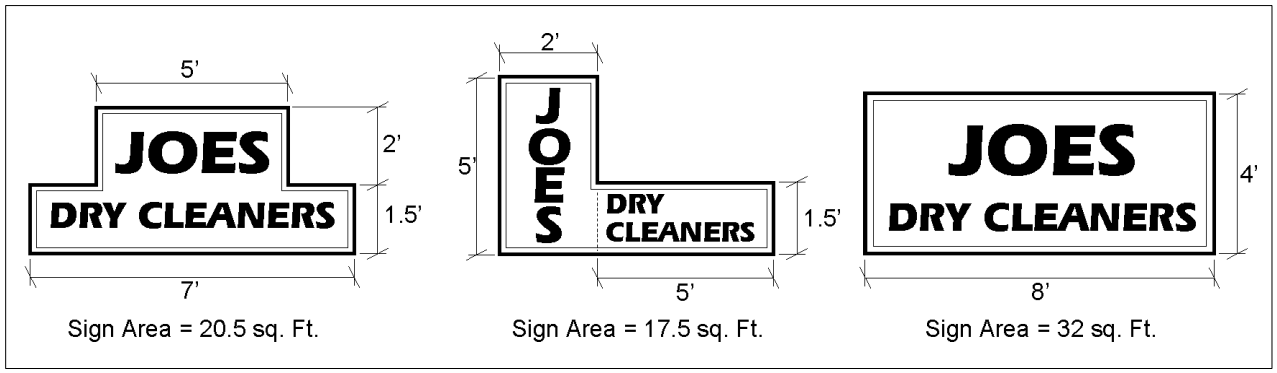
2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

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.

Title 17 – Zoning Code

Article 4 – Standards for Specific Land Uses

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Chapter 17.40

Standards for Specific Land Uses

Chapter 17.40 Standards for Specific Land Uses

17.40.010 Purpose and Applicability

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Zones, Allowable Uses, and Development Standards) in individual or multiple zones, and for activities that require special standards to ensure their compatibility with adjacent land uses and avoid problems for the community.

17.40.020 Adult Entertainment Business

A. Purpose. The intent of this Section is to prevent community-wide economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods, which can be brought about by the concentration of adult business establishments in close proximity to incompatible uses such as schools for youth minors, churches, and residentially zoned districts or uses. The Council finds that it has been demonstrated in various communities that adult business establishments can cause an increase in the number of transients in the area, and an increase in crime and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Section to establish reasonable and uniform regulations to prevent the close proximity of adult business establishments to incompatible uses, while permitting the location of adult business establishments in certain areas.

B. Applicability. Adult business establishments are allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and the following Standards.

C. Separation Requirements. An adult entertainment business shall not be established within 300 feet of another similar establishment or within 500 feet of any of the following:

1. Any residential zone;
2. Residential use;
3. Place of assembly uses (e.g., church, chapel, place of worship, meeting halls for clubs and other membership organizations, banquet halls, community centers);
4. Retirement or convalescent home or hospital;
5. School or day care establishment, or public or private park or playground; and/or
6. Recreational facility, (e.g., game arcade, bowling alley, skateboard rink, skating rink, etc.), or similar area where minors regularly congregate; Town Hall, Town offices, libraries or other governmental facilities.

D. **Measurement of Distances.** Distances shall be measured in a straight line, without regard for intervening structures, from the nearest property line for which the adult business is proposed to be located to the nearest property line of a use or district listed above.

E. **Development Standards.** Adult entertainment businesses shall comply with the following development standards.

1. **Screening.** New or existing structures intended to accommodate adult business establishments shall be designed so that windows and entries are oriented to prevent the interior of the premises from being visible to the public; however, screening or barriers to windows and entries are not allowed, to facilitate crime prevention by law enforcement agencies.

2. **Signs, Advertisements, and Displays.** Signs, advertisements, displays or other promotional materials depicting or describing "specified anatomical areas", "specified sexual activities" or displaying instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be visible from areas open to the general public.

3. **Facilities for Live Entertainment.** The following standards shall apply to adult entertainment businesses that provide live entertainment depicting "specified anatomical areas" or involving "specified sexual activities":

   a. There shall be no live entertainment performances, for patrons of an adult entertainment business, except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons. Patrons shall not be allowed within six feet of the stage while the stage is occupied by an entertainer/performer;

   b. The adult entertainment business shall provide separate dressing room facilities and entrances/exits to the premises which are exclusively dedicated to the entertainers' use; and

   c. The adult entertainment business shall provide permanent access for entertainers between the stage and the dressing room facilities which is completely separated from the patrons and prevents any physical contact between the entertainers and patrons.

4. **Arcade Viewing Area.** Adult entertainment businesses with an arcade viewing area(s) shall comply with the following standards.

a. It is unlawful to maintain, operate, or manage or permit to be maintained, operated, or managed any adult arcade in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall, or other enclosure. For purposes of this Subsection, "viewing area" means the area where a patron or customer would ordinarily be positioned while viewing a film, performance, picture, or show.

b. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

c. It is unlawful to create, maintain, or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.

F. **Operational Requirements.** Adult entertainment businesses shall comply with the following operational requirements.

1. **Employees Required.** It shall be the duty of the owners to ensure that at least one employee in addition to any performers is on duty at all times when any patron is present inside the premises.

2. **Hours of Operation.** The adult business establishment shall not operate or be open between the hours of 2:00 a.m. and 7:00 a.m.

3. **Security Program.** A security program shall be prepared and submitted for the approval of the Chief of Police. The security program shall be subject to change based on problem activity as identified by the Chief of Police.

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

17.40.030 Animal Keeping

A. **Purpose and Intent.** The provisions of this Section are intended to minimize potential adverse effects on adjoining property, the neighborhood, and persons in the vicinity from the improper management of animals. Potential adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion, and sedimentation.

B. **Applicability.** Animal keeping activities, as specified in this Zoning Code and Section, shall only be allowed as an accessory use to an existing or proposed residential use, where allowed in Article 2 (Zones, Allowable Uses, and Development Standards).

C. **Nonconforming Uses.** Any legally established noncommercial animal keeping use that became nonconforming upon adoption of this Zoning Code may continue in compliance with Chapter 17.70 (Nonconformities).

D. **Site and Animal Density Requirements.** All animal keeping shall comply with the standards established in Table 17.40-01 (Animal Keeping Standards).

Table 17.40-01
Animal Keeping Standards

Type of Animal or Facility	Maximum Number of Animals per Site [(1)]	Minimum Parcel Area [(2)]	Minimum Setbacks [(3)]
Chinchillas, guinea pigs, hamsters, rabbits, rodents, and similar small animals, not raised for commercial purposes	5 or fewer	None	10 feet
Horses, cows, goats, sheep, llamas, and other hoofed animals	1 animal for the first 2 acres and 1 additional for each additional acre, to a maximum of 4	2 acres	40 feet
Household pets (including birds, cats, dogs, and other commonly domesticated small animals)	4 of each species, not to exceed an aggregate total of 8 animals	None	None
Poultry, fowl (not including roosters, ducks, geese, guinea fowl, or peafowl, which are not allowed)	5 or fewer	None	10 feet
Swine	Not allowed	N/A	N/A

Notes

[(1)] Offspring are allowed in addition to the maximum number until weaned. The keeping of multiple species (for example, horses and poultry) is allowed, provided that the total number shall not exceed four large animals (horses, cows, goats, etc.), and 10 small animals (rabbits, poultry, etc.).

[(2)] Minimum lot area required for the keeping of animals.

[(3)] Minimum setbacks from all property lines for areas and structures where animals are housed. Animals shall not be kept in a required front yard setback.

E. **Maintenance and Operational Standards.** Animal keeping shall comply with the following maintenance and operational standards.

1. **Odor and Vector Control.** All animal enclosures, pens, coops, cages, and feed areas shall be maintained free from litter, garbage, and the accumulation of manure, to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.

2. **Erosion and Sedimentation Control.** In no case shall animal keeping be managed or maintained to produce sedimentation on any public road, adjoining property, or in any drainage channel. If sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with Chapter 17.76 (Enforcement).

3. **Waterway Protection.** The keeping of horses or cattle within 50 feet of any waterway shall first require Director approval of a good housekeeping plan to protect the waterway from the polluting effects of runoff from the animal keeping area.

F. **Animal Husbandry Project Exception.** The keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds, or other animals as a 4-H or Future Farmers of America (FFA) project is not subject to the requirements of this Section, provided that:

1. A minimum of one acre of site area shall be required for each large animal and swine;

2. The project animals shall be confined in a pen or fenced area that is located no closer than 25 feet to any residential use other than that on the project site;

3. Hogs shall not be located closer than 100 feet from any dwelling other than those on the project site; and

4. The animal keeping shall comply with the maintenance and operational standards in Subsection E (Maintenance and Operational Standards), above.

5. **Zoning Clearance.** In compliance with Chapter 17.54 (Zoning Clearance), a Zoning Clearance is required to demonstrate that the keeping of animals for 4-H or FFA purposes complies with the requirements of this Section. A Zoning Clearance shall be obtained annually for the duration of the 4-H or FAA activity on the parcel.

17.40.040 Automated Teller Machine (ATM)

Automated teller machines (ATM) shall be located and operate as follows:

A. **Location.** ATMs may be attached to a structure or be freestanding. Whenever ATMs are provided on the exterior of a structure, they shall be located on that portion of the structure most visible from a public right-of-way;

B. **Drive-Up Aisles and Queuing Lanes.** Vehicle drive-up aisles for ATMs shall comply with the requirements of Section 17.40.090 (Drive-in and Drive Through Facility); and

C. **Security.** Security lighting shall be provided at each ATM in compliance with the light and glare standards established in Section 17.32.050 (Light and Glare). The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

17.40.050 Bed and Breakfast Inn

A. **Exterior Appearance.** The exterior appearance of the structure housing the bed and breakfast inn (B&B) in a residential zone shall not be altered from its original residential character except for allowed signs and any structural modifications necessary to comply with Title 24 of the California Code of Regulations.

B. **Limitations on Guest Rooms.** The B&B shall be limited to five guest rooms.

C. **Limitation on Services Provided.** Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. A B&B within a residential zone shall not be used for receptions, private parties, or similar activities.

D. **Off-Street Parking.** Parking shall comply with the parking standards established in Chapter 17.30 (Parking, Loading, and Access).

E. **On-Site Management.** A manager shall be present on the site at all times when guests are present.

F. **Signs.** Signs shall comply with the sign standards established in Chapter 17.36 (Sign Regulations).

17.40.060 Beekeeping

A. **Purpose.** The purpose of this Section is to provide benefits for bees and their keepers and to reduce potential conflict between the public, honeybees, and their keepers.

B. **Applicability.** Beekeeping activities, as specified in this Zoning Code and Section, shall only be allowed as an accessory use to an existing or proposed residential use, where allowed by Article 2 (Zones, Allowable Uses, and Development Standards). Hives may be allowed on other residentially zoned property in compliance with the requirements of this Section with Director approval. Considerations for allowing beekeeping subject to Director approval include:

1. Type of development on the property (single unit dwelling or multi-unit dwellings); and
2. Ability to comply with the Sonoma County Beekeepers' Association's Recommended Best Practices for Sustainable Beekeeping.

C. **Zoning Clearance Required.** A Zoning Clearance is required prior to locating a hive on a parcel.

D. **Best Management Practices.** Beekeeping operations shall comply with the Sonoma County Beekeepers' Association's (SCBA) Recommended Best Practices for Sustainable Beekeeping dated October 10, 2016, as may be amended, which address the following:

1. Location and placement of hives;
2. Hive density;
3. Hive management;
4. Hive maintenance;
5. Colony temperament;
6. Swarming/honey bee removal and relocation; and
7. Disease control.

E. **Hive Location:** Hives shall be setback a minimum of five feet from interior side and rear property lines, 10-feet from a street side property line, and shall not be located within the required maximum front yard setback. Screening, foliage, shrubs, trees, fencing, and other barriers shall be located as necessary to redirect any bee flight path to minimize human and animal contact. Screening shall be of sufficient density and length to establish bee flyways above head height (a minimum of six feet) in all directions.

F. **Other Requirements.** Prior to locating any hive on a property as allowed in Article 2 (Zones, Land Uses, and Development Standards) and in compliance with the requirements of this Section, it is recommended that the owner of the hive(s) review any conditions, covenants, and restrictions (CC & Rs) to determine whether beehives are allowed on the property and the homeowner's association be consulted, for properties that are subject to CC&Rs or a homeowners' association.

17.40.070 Child Day Care Facility

A. **Applicability**. Child day care facilities shall comply with the following standards, where allowed by Article 2 (Zones, Allowable Uses, and Development Standards). These standards apply in addition to the other provisions of this Zoning Code and requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for all facilities.

B. **Facility Standards.** Child day care facilities shall comply with the following development and operational standards.

1. A six-foot-high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic safety visibility area in Section 17.20.060 (Traffic Safety Visibility Area). Fences or walls shall provide for safety with controlled points of

entry. Fences and walls shall be provided in combination with landscape materials to help mitigate the appearance of long, flat walls.

2. The minimum parcel size for a child day care facility shall be 10,000 square feet.

3. Off-street parking shall be provided in compliance with Chapter 17.30 (Parking, Loading, and Access).

4. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

5. Potential noise sources shall be identified during the entitlement process, and noise attenuation and sound dampening shall be addressed.

6. The minimum separation between the main assembly building of the center and a residential zone shall be 30 feet.

7. The facility shall be provided with both indoor and outdoor play areas in compliance with State requirements.

17.40.080 Convenience Store

A. Hours of Operation. Convenience stores shall only be open for operation from 7:00 a.m. to 9:00 p.m., daily, unless the convenience store is ancillary to another use on the parcel. When the convenience store is ancillary to another use on the parcel the same or more restrictive hours as the primary hours shall apply.

B. Floor Area. No more than 50 percent of floor area shall be for the sale of alcohol and tobacco products and paraphernalia.

C. Parking. Off-street parking shall be provided in compliance with Chapter 17.30 (Parking, Loading, and Access), and easily accessible.

D. Trash and Recycling. Trash and recycling receptacles shall be provided for patrons near the front door, outside of any public right-of-way.

E. Security and Crime Prevention. Convenience stores shall have drop safes, closed circuit television (CCTV) or equivalent with retrievable electronic data kept in operation and maintained, and signage that discloses no more than $100 is kept on the premises after 9:00 p.m.

17.40.090 Drive-in and Drive Through Facility

A. **Purpose.** The purpose of this Section is to preserve the unique character of the Town, ensure compatibility with uses adjacent to drive-through and drive-in sales and services facilities, and to address potential air pollution, greenhouse gas emission, light and glare, and noise impacts resulting from new drive-through and drive-in uses.

B. **General Standards**. Drive-in and drive-through facilities shall be designed and operated to mitigate problems of congestion, idling, excessive pavement, litter, and noise.

C. **Permit Requirements.** All drive-through and drive-in uses require a Conditional Use Permit where allowed in Article 2 (Zones, Allowable Uses, and Development Standards).

D. **Town Council Review.** Town Council review of all applications for new drive-through or drive-in uses is required at a noticed public meeting. An application for Town Council concept review shall be submitted prior to a formal application. The concept review application shall include a site plan, elevations, and other information deemed necessary by the Director. Town Council has the discretion to deny the use, support the use subject to submittal of a formal application, environmental review, and compliance with all applicable requirements. Town Council shall also determine whether the formal application is subject to review and decision by the Town Council or Commission.

E. **On-Site Circulation Standards.** Parcels with drive-through facilities shall be provided with internal circulation and traffic control devices as follows.

1. **Aisle Design.** Drive-in and drive-through aisles shall comply with the following.

    a. The entrance/exit of any drive-through aisle shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.

    b. Drive-through aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.

2. **Stacking Area.** A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation.

    a. The stacking area shall accommodate a minimum of five cars for each drive-through window in addition to the vehicle(s) receiving service. Additional stacking may be required for drive-through or drive-in uses known to generate more stacking than required by this Section. A queuing study may be required at the discretion of the Director.

b. The stacking area shall be located at and before the menu board, teller window, pharmacy window, etc.

c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.

d. Stacking areas parallel to streets or public rights-of-way are prohibited unless no other configuration is feasible and requires approval of the Review Authority.

e. Queuing shall not extend over a public sidewalk or into the right-of-way.

f. Double drive-through lanes are prohibited.

g. **Walkways.** Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility and shall be emphasized by enhanced paving and be approved by the applicable Review Authority.

F. **Screening.** An opaque screen consisting of plant material and a solid masonry wall, a minimum of six feet in height, shall be constructed on each property line that is adjoining a residentially mixed-use zoned or a parcel occupied by a residential use. The design of the wall and the proposed construction materials shall be subject to the approval of the Review Authority.

G. **Signs.** In addition to the standards established in Chapter 17.36 (Sign Regulations), drive-in and drive-through uses shall comply with the following sign standards.

1. **Directional Signs.** Each entrance to, and exit from, any drive aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

2. **Menu boards.** Menu boards shall comply with the following standards:

a. Shall not exceed 24 square feet in area, with a maximum height of six feet, shall face away from public rights-of-way, and shall be screened from view from the public right-of-way.

b. Outdoor speakers shall be located at least 50 feet from any residentially zoned/occupied parcel.

c. Speakers and digital menu screens imbedded in the menu board shall count towards the total allowable sign area.

17.40.100 Emergency Shelter

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

B. **Applicability.** In addition to the development standards in the underlying zone, all emergency shelters shall comply with the standards established in this Section.

C. **Location of Emergency Shelters.** Emergency shelters shall be allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards). In addition, emergency shelters shall not be located within 300 feet of any other existing emergency shelter facility.

D. **Conflict in Standards.** In the event of a conflict between the standards established in this Section and the underlying zone standards, the standards in this Section shall apply.

E. **Standards.** Emergency shelters shall comply with the following operational and design standards.

1. **Facility Compliance with Applicable State and Local Standards and Requirements.** Emergency shelters shall comply with federal, State, and local licensing, as required, for any program incidental to the emergency shelter.

2. **Physical Characteristics.** Emergency shelters shall comply with the following physical characteristics standards:

   a. Compliance with applicable State and local housing and Building Code requirements;

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

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

   d. Facility shall provide secure areas for personal property; and

   e. If the emergency shelter is proposed in conjunction with a place of assembly use, the area utilized for emergency shelter facilities may not exceed 50 percent of the total floor area used for the place of assembly use.

3. **Limited Number of Bed per Facility.** Emergency shelters accessory to a place of assembly use shall not exceed 20 beds. Other emergency shelters located in the commercial or industrial zones shall not exceed 40 beds.

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

5. **Parking.** Parking shall be provided in compliance with Chapter 17.30 (Parking, Loading, and Access).

6. **Emergency Shelter Management.** A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, good services, evidence of the required permits and licensing

for all services and programs associated with the emergency shelter. The plan shall be submitted to and approved by the Director prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this Section. The operator of each emergency shelter shall annually submit the management plan to the Director with updated information for review and approval.

17.40.110 Guest House and Pool House

A. **Intended Use.** Guest houses and pool houses shall not be rented or otherwise used as separate dwelling units. A guest house is intended to provide temporary living quarters for short-term, temporary use by guests of the occupants of the premises. A pool house is intended to provide changing and restroom facilities in conjunction with a swimming pool, spa, hot tub, or other similar facilities on site.

B. **Deed Restriction.** A deed restriction shall be filed with the Sonoma County Recorder prior to issuance of a Building Permit, which restricts the use of the guest house or pool house for temporary accommodation only, prohibits use as a short-term rental, and limits the improvements to those allowed by this Zoning Code.

C. **Development and Use Standards.** Guest houses and pool houses shall comply with the following development and use standards.

1. **Architectural Compatibility.** Guest houses and pool houses shall have similar architecture as the primary structure including exterior colors and siding, roof materials and pitch, windows, doors, etc. Modifications to this requirement may be allowed with administrative site plan and design review.

2. Only one guest house or pool house is allowed on a single parcel. Both structures may be allowed on a single parcel with Minor Use Permit approval in Surrounding Residential, Village Residential, Medium Density Residential, and High Density Residential, in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

3. **Rural Residential and Estate Residential Zoning Districts, and Surrounding Residential.** On parcels zoned Rural Residential, Estate Residential, and Surrounding Residential and that exceed 10,000 square feet in size, one guest house and one pool house are allowed on a single parcel when in compliance with the requirements of this section.

4. The total parcel coverage including a guest house, the main dwelling, and other accessory structures, shall not exceed the maximum allowable parcel coverage for the applicable zone.

5. A guest house or 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 seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

6. A guest house or pool house shall not contain kitchen and/or cooking facilities. A wet bar is allowed, with a maximum sink size of 12-inches by 12-inches, unless otherwise approved by the Director.

7. The height of a guest house or pool house shall not exceed 15 feet, except where a greater height is authorized through Minor Use Permit approval, in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

8. The setbacks for a guest house or pool house shall comply with the setback requirements for Residential Accessory Structures established in Section 17.40.200.

17.40.120 Home Occupation

A. **Permit Requirement.** A Zoning Clearance shall be obtained in compliance with Chapter 17.54 (Zoning Clearance) to establish a home occupation. The applicant shall sign a statement certifying agreement and compliance with the operating standards identified in Subsection B, below, before issuance of the Zoning Clearance. Additional permits from other agencies and Town and/or County departments may be required to establish a home occupation (e.g., Sonoma County Environmental Health and Safety Department, Department of Alcoholic Beverage Control, etc.).

B. **Operating Standards.** Home occupations shall comply with the following operation standards.

1. The home occupation shall be clearly secondary to the full-time residential use of the property.

2. The home occupation shall be located within the residential dwelling, except that the garage may be used as part of the home occupation, including storage, provided that the required number of covered parking spaces for the residential use is in compliance with Chapter 17.30 (Parking, Loading, and Access).

3. Residential accessory structures may be used to house a home occupation, provided the home occupation obtains a Home Occupation Permit and complies with the standards established by this Section.

4. The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from any adjoining public rights-of-way or from neighboring parcels.

5. The use shall not display advertising signs, merchandise, or stock in trade, other than a single-unit residential dwelling name plate in compliance with Chapter 17.36 (Sign Regulations).

6. The use shall be confined to not more than 25 percent of the floor area of the main dwelling nor more than 400 square feet of floor area, whichever is greater. Home occupation activities and storage shall not occur out-of-doors or within a required parking area.

7. Only one vehicle with a capacity not exceeding one ton may be used by the resident directly or indirectly in connection with a home occupation. Trailers and recreational vehicles are prohibited as part of a home occupation.

8. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of pesticides or explosive, flammable, or hazardous materials.

9. The use shall not create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances.

10. The home occupation shall be limited to eight customers and two deliveries each day.

11. Only persons residing on the property may be employed within the home occupation.

C. More than One Home Occupation. More than one home occupation may be allowed when the combined activities of the home occupations comply with the operational characteristics in this Section. More than two home occupations on a single parcel are also subject to Director review and approval.

D. Cottage Food Operations. Cottage food operations allowed by Sonoma County Environmental Health require a Home Occupation Permit and shall comply with the requirements of this Section.

E. Home Occupations Requiring Minor Use Permit. The following are activities that may not comply with the operating standards in Subsection B, above, but may be allowed with Minor Use Permit approval, in compliance with Chapter 17.58 (Conditional Use permit and Minor Use Permit).

1. A use exceeding 400 square feet or 25 percent of the floor area of the main dwelling, whichever is greater. In no case shall the home occupation, including storage areas and accessory structures, exceed either 1,000 square feet or 40 percent of the floor area of the main dwelling.

2. A use employing no more than one person living off-site and working at the home occupation located in the dwelling.

3. Hand woodworking or machine work.

4. More than one home occupation in a single dwelling unit that exceeds the operational requirements of this Section.

5. Uses generating up to two customer visits at a time or more than two deliveries each day. In no case shall customer or delivery traffic exceed more than 10 trips each day.

17.40.130 Live/Work Units

A. **Purpose.** The purpose of this Section is to provide location, development, and performance standards for live/work units in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

B. **Intent.** Live/work units are intended to be occupied by business operators who live in the same structure where the commercial activity occurs. A live/work unit is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation.

C. **Applicability.** The standards in this Section shall apply as follows.

1. The provisions in this Section shall regulate the conversion and new construction of live/work uses, where allowed by the underlying zone.

2. Except as specifically provided in this Section, live/work units shall comply with the regulations of Article 2 (Zones, Allowable Uses, and Development Standards).

D. **Limitations on Use.** The nonresidential component of a live/work unit shall be a use otherwise allowed within the applicable base zone as established in Article 2 (Zones, Allowable Uses, and Development Standards), subject to the following additional limitations.

1. **Prohibited Uses.** A live/work use shall not be established or used in conjunction with any of the following uses:

a. Adult entertainment business;

b. Industrial, hazardous;

c. Industrial, major;

d. Personal service, restricted;

e. Retail Sales, restricted; and

f. Vehicle repair and service (minor and major).

2. **Director's Determination.** In addition to the prohibited uses established in Subsection D.1, above, the Director may prohibit any use that is determined to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

E. **Design and Development Standards.** Live/work units shall comply with the following design and development standards.

1. **Density and Floor Area Ratio.** Live/work units shall comply with the density range and/or floor area ratio requirements of the applicable zone and underlying General Plan and use designation.

2. **Minimum Facilities.** Each live/work unit shall have adequate kitchen facilities (sink, stove, and refrigerator hook-ups) and bathroom facilities (shower or bathtub, sink, and toilet). At a minimum, an efficiency kitchen shall be provided.

3. **Unit Size Requirements.** The minimum gross total square footage of a live/work unit shall be 800 square feet. No more than 30 percent of the net floor area of the unit shall be reserved for the work component of the live/work unit. In no case shall the work component of a live/work unit exceed 400 square feet or be less than 200 square feet. All floor area other than that reserved for the work component shall be reserved exclusively for and used for living space.

4. **Floor Plan and Integration.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the work component, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Section and Zoning Code, and living and working space may be separated by interior courtyards or other similar private spaces.

5. **Separation and Access.** Each live/work unit shall be separated from other live/work units and other uses in the structure. Access to each live/work unit shall be provided from common access areas, corridors, halls, and/or the public street sidewalk; and the access to each unit shall be clearly separate from other live/work units or other uses within the structure.

6. **Structure Height.** Live/work units shall comply with the height standard established by the underlying zone.

7. **Structure Setbacks.** Live/work units shall comply with the setback standards established by the underlying zone.

8. The workspace component of a live/work unit shall be located on the ground floor and oriented to the street.

F. **Operational Standards.** Live/work units shall comply with the following operations standards.

1. **Occupancy and Employees.** Live/work units shall comply with the following occupancy and employee standard.

   a. **Occupancy.** A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.

   b. **Nonresident Employees.** No more than one employee, other than the resident(s) of the unit, shall be employed in a live/work unit at any given time. The employment of two or more persons who do not reside in the live/work unit may be allowed subject to the approval of a Minor Use Permit, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity.

2. **Sale or Rental of Portions of Live/Work Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the unit or as a residential space for any person not working in the same unit.

3. **Business License.** The operator of the business shall have a valid Business License.

4. **Business Activity.** In compliance with Chapter 17.32 (Performance Standards), none of the uses allowed in a live/work unit shall be operated in an objectionable manner, due to fumes, odor, dust, smoke, gas, noise or vibrations that are or may be detrimental to properties and occupants in the neighborhood, and/or to any other uses and occupants on the same property.

5. **License Required.** An owner or occupant must operate a properly licensed business from said unit and comply with all standards established in this section.

17.40.140 Mixed-Use Development

A. **Maximum Density.** When residential dwelling units are combined with office or retail commercial uses in a single structure or on the same parcel, the maximum density shall be within the density

range and floor area ratio allowed for the parcel, plus any density bonus units approved in compliance with Chapter 17.80 (Affordable Housing Requirements and Incentives).

B. **Location of Units.** Residential units shall be located in compliance with Chapter 17.10 (Residential Zones) and Chapter 17.12 (Commercial and Mixed-Use Zones).

C. **Access and Parking.** The number of parking spaces shall comply with the requirements of Chapter 17.30 (Parking, Loading, and Access). Residential parking and commercial parking may be located in the same location or facility. Shared parking may be allowed in compliance with Chapter 17.30 (Parking, Loading, and Access).

D. **Loading and Refuse Areas.** Commercial loading areas and refuse storage facilities shall be located away from residential units and shall be completely screened from view from the residential portion of the project. Where appropriate, the Director may allow the shared use of refuse storage facilities.

E. **Lighting.** In addition to Section 17.32.050 (Light and Glare), lighting for commercial uses shall be appropriately shielded so as not to spill over into other residential area or impact the residential units in any way.

F. **Sound Mitigation.** All residential units shall be designed to be sound attenuated against present and future project noise. New projects, additions to existing projects, or new nonresidential uses in existing projects shall provide an acoustical analysis report, prepared by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

G. **Joint Owners' Association.** A joint owner's association shall be formed where there is more than one property owner and shared interest in maintaining common facilities related to lighting, signage, landscaping, shared parking, etc. The association shall be formed of equal voting rights according to type of use (i.e., residential, commercial, office). The association bylaws shall be subject to review by the Town Attorney and approval by the Director.

H. **Design Considerations.** In addition to complying with the development standards established by the underlying base zone in Article 2 (Zones, Allowable Uses, and Development Standards), mixed-use projects shall demonstrate compatibility between the different uses. The proper mix of residential and nonresidential uses on the same site shall consider the effects of potential noise, odors, glare, and pedestrian traffic. Also, the design of the mixed-use project shall take the land use of adjacent properties into consideration.

I. The design of a mixed-use project shall ensure that the residential units are of a residential character. The design of the project shall ensure that privacy between residential units and between other uses on the site are maximized.

17.40.150 Neighborhood Market

A. **Hours of Operation.** Neighborhood markets shall only be open for operation from 7:00 a.m. to 9:00 p.m., daily.

B. **Floor Area.** The minimum parcel area for a neighborhood market shall be 6,000 square feet. And no more than 50 percent of floor area shall be for the sale of alcohol and tobacco products and paraphernalia.

C. **Parking.** Off-street parking shall be provided in compliance with Chapter 17.30 (Parking, Loading, and Access), and easily accessible.

D. **Trash and Recycling.** Trash and recycling receptacles shall be provided for patrons near the front door, outside of any public right-of-way.

E. **Security and Crime Prevention.** Neighborhood markets shall have drop safes, closed circuit television (CCTV) or equivalent with retrievable electronic data kept in operation and maintained, and signage that discloses no more than $100 is kept on the premises after 9:00 p.m.

17.40.160 Outdoor Sales and Activities

A. **Applicability.** The provisions of this Section apply to temporary and permanent facilities for outdoor display and sales (e.g., garden nurseries, lumber yards, and similar uses where merchandise is displayed for sale).

B. **Temporary Outdoor Displays and Sales.** See Chapter 17.60 (Temporary Use Permit).

C. **Permanent Outdoor Displays and Sales.** The permanent outdoor display and sale of merchandise (e.g., garden centers, nurseries, lumber yards, etc.) is allowed subject to the following standards.

1. The outdoor display of merchandise shall not exceed a height of 10 feet above finish grade unless a greater height is allowed through the approval of a Conditional Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

2. Outdoor sales areas shall not encroach into required setback areas. In zones where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property line(s) unless otherwise allowed through the approval of a Conditional Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

3. Displayed merchandise shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, parking spaces, or pedestrian walkways. Displays shall not obstruct intersection visibility or otherwise create hazards for vehicle, bicycle, or pedestrian traffic.

4. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the subject parcel.

5. Outdoor sales and activity areas other than vehicle sales lots shall be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.

6. Additional signs, beyond those normally allowed for the subject use, shall not be provided because of the outdoor display and sales area.

17.40.170 Outdoor Storage

A. **Applicability.** The standards established in this Section shall apply to all outdoor storage uses where allowed in Article 2 (Zones, Allowable Uses, and Development Standards) and defined in Article 8 (Definitions).

B. **Development Standards.** All outdoor storage areas shall comply with the following standards.

1. Permanent outdoor storage areas shall be entirely enclosed by a six-foot high solid wall or fence as approved by the Director. Stored materials shall not be higher than the fence, except with a Minor Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

2. In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the setback area shall be landscaped to the approval of the Director, and in compliance with Chapter 17.28 (Landscaping).

17.40.180 Personal Service, Restricted

A. **Applicability.** The standards established in this Section shall apply to all restricted personal service uses as allowed in Article 2 (Zones, Allowable Uses, and Development Standards) and defined in Article 8 (Definitions).

B. **Hours of Operation.** Restricted personal service uses shall only be open for operation from 9:00 a.m. to 8:00 p.m., daily.

C. **General Permit and License Requirements**. Restricted personal service uses shall comply with the following requirements.

1. **Regulatory Permits, License, and Clearances.** Uses shall obtain the appropriate permits/license/clearance from the County, State, or Federal agency that governs the use. Conditions of the permit allowing the restricted personal service land use shall include a provision requiring the applicant to provide written proof of the permit/license/clearance to the Director, prior to commencement of the use.

2. **Business License.** A permit allowing the establishment of a restricted personal service land use shall include a provision requiring the applicant to obtain a Business License, as appropriate, prior to commencement of the use. The Business License shall be kept current for the duration of operation of the use.

3. **Building Permit.** The owner shall obtain appropriate Building Permit(s) and clearances, prior to construction, remodel and/or tenant improvements.

D. **Signs.** Signs shall comply with all applicable standards established in Chapter 17.36 (Sign Regulations), in addition to all conditions of approval.

E. **Security and Crime Prevention.** Restricted personal service uses are subject to review and approval by the Chief of Police, prior to commencement of the use. The following may be required and become provisions of the permit approving the restricted personal service land use, at the discretion of the Chief of Police:

1. Installation of a CCTV (or equivalent) inside the business with retrievable electronic data maintained regularly and of sufficient resolution to identify customers involved in criminal offenses;

2. Central station silent intrusion alarming of the business with personnel access in strategic locations within the premises;

3. Acceptance and use of the Sonoma County Sheriff's Department bank alarm response policy and training;

4. Money safe or vault as approved by the Chief of Police. Personnel shall have the ability to make frequent cash and/or check drops and a policy shall be instituted to limit available cash on hand; and/or

5. While closed, the business will provide sufficient interior night-lights for nighttime security.

F. **Time Limitations, Revocation, and Revisions.** Permits are subject to the time limits, extensions, and revocation requirements as provided for in this Zoning Code.

17.40.190 Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities where allowed by Article 2 (Zones, Allowable Uses, and Development Standards).

A. **Reverse Vending Machines.** Reverse recycling vending machines shall comply with the following standards.

1. The machines shall be installed only as an accessory use to an allowed main use.
2. If located outside of a structure, the machines shall not occupy parking spaces required by the main use.
3. In addition to the sign standard established in Chapter 17.36 (Sign Regulations), sign area shall not exceed four square feet for each machine, exclusive of operating instructions.
4. In addition to the light and glare standards established in Section 17.32.050 (Light and Glare), reverse vending machines shall be illuminated to ensure comfortable and safe operation if machines are accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are directed downward and confined within the boundaries of the site.

B. **Small Collection Facility.** Small recycling collection facilities shall comply with the following standards.

1. Collection containers shall not occupy more than 350 square feet nor three parking spaces, not including space that will be periodically needed for the removal of materials or exchange of containers.
2. Collection containers shall be set back at least 10 feet from any public right-of-way and shall not obstruct pedestrian or vehicular traffic.
3. Collection containers shall be constructed of durable waterproof and rustproof materials, secured from unauthorized removal of material, and shall be of sufficient capacity to accommodate materials collected and the collection schedule.
4. Containers shall not be located within 50 feet of any residentially zoned parcel.
5. Collection containers shall be of a color and design to be both compatible with the surrounding uses and neighborhood.
6. Signs may be provided as follows:
    a. Recycling facilities may have identification signs with a maximum area of 12 square feet for each side or exterior surface; and

b. Directional signs may be installed with the approval of the Director if found necessary to facilitate traffic circulation.

7. Additional parking spaces shall not be required for customers of a small collection facility located in an established parking lot of commercial/industrial use.

8. Use of parking spaces by the facility and by the attendant, if provided, shall not reduce available parking spaces below the minimum number required for the commercial/industrial use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility is in operation.

9. The site shall be maintained clean, sanitary, and free of litter and other undesirable materials, and shall be cleaned of loose debris daily.

C. **Large Collection Facility.** Large recycling collection facilities shall comply with the following standards.

1. The facility shall not abut a parcel zoned for residential use.

2. Structure setbacks and landscape requirements shall be those provided for the zone in which the facility is located.

3. Exterior storage of materials shall be screened from view from adjacent public rights-of-way and adjoining parcels.

4. The parcel shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris daily.

5. Any containers provided for "after hours" deposit of recyclable materials shall be located at least 300 feet from any residential zone, constructed of sturdy, rustproof material(s), with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials.

6. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable from adjoining parcels.

D. **Light Processing Facilities.** Light recycling processing facilities shall comply with the following standards.

1. The facility shall not abut a parcel zoned for residential use.

2. Processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, sorting of source-separated recyclable materials, and repairing of reusable materials.

3. A processing facility shall not exceed 45,000 square feet, may have up to an average of two outbound truck shipments of material each day, and shall not bale, compact, or shred ferrous metals other than beverage and food containers.

4. Outdoor storage shall be screened by a six-foot-high opaque fence or solid masonry wall in combination with landscape materials. Storage, excluding truck trailers, shall not be visible above the height of the required wall.

5. Any containers provided for "after hours" deposit of recyclable materials shall be located at least 300 feet from any residential zone, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of the materials.

6. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable from adjoining parcels.

E. Heavy Processing Facilities. Heavy recycling processing facilities are facilities that do not meet the requirements for light processing facilities established in Subsection D, above, and shall comply with the following standards.

1. The facility shall not abut a residential zone or residential use.

2. All processing activities shall take place entirely within a structure that is wholly enclosed, except for incidental storage.

3. The facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

4. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Sonoma County Fire District and health official. No storage excluding truck trailers and overseas containers shall be visible above the height of the fencing.

5. Outdoor storage shall be screened by a six-foot-high opaque fence or solid masonry wall in combination with landscape materials. Storage, excluding truck trailers, shall not be visible above the height of the required wall.

6. The parcel shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

7. Any containers provided for "after hours" deposit of recyclable materials shall be located at least 300 feet from any residential zone, constructed of sturdy, rustproof materials, with

sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of the materials.

8. If the facility is located within 500 feet of a residential district, residential use, and/or sensitive receptor (i.e., school, day care center), it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open.

9. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable from adjoining parcels.

17.40.200 Residential Accessory Structures and Uses

A. **Applicability.** The standards established in this Section apply to residential accessory structures, including garages, gazebos, greenhouses, patio covers, storage sheds, studios, recreation rooms, hobby shops, play structures/houses, workshops, home offices, and similar non-commercial uses, Regulations for accessory dwelling units and junior accessory dwelling units are instead provided by Chapters 17.82 and 17.84 (Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)), and guest houses and pool houses under Section 17.40.110 (Guest Houses and Pool Houses).

B. **Relationship of Accessory Use to Primary Use.** Accessory uses and structures shall be incidental to and not alter the character of the parcel from that created by the primary 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 Building Code, permits may be required). No structure identified in Subsection A, above, shall be used as a living unit or for commercial purposes. A residential accessory structure may be used for a home occupation in compliance with Section 17.40.120 (Home Occupation), and upon obtaining a Home Occupation Permit and Business License.

C. **Attached Structures.** An accessory structure attached to the primary residential structure shall comply with the requirements applicable to the primary structure, including setbacks, height, and parcel coverage, and shall be of the same architectural design as the primary structure. For the purpose of this Section, an attached structure is any structure that does not comply with the separation requirement included in Section D.2.

D. **Detached Structures.** An accessory structure that is detached from the primary residential structure shall comply with the following standards.

1. **Setbacks.** Accessory structures shall not be located within a required front yard setback, and shall maintain side and rear yard setbacks of at least five feet, except that accessory

structures on corner parcels shall maintain the street side setback required by the applicable zoning district.

2. **Separation between Structures.** A minimum separation of six feet shall be maintained between the accessory structures and an accessory structure and the primary residence. When less than six feet of separation is provided, the requirements for attached structures shall apply.

3. **Height Limitations.** The height of an accessory structure shall not exceed 15 feet. In no case shall the accessory structure height exceed the height of the primary structure.

4. **Parcel Coverage.** The maximum parcel coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district.

5. **Architectural Compatibility.** Structures that require a building permit shall have similar architecture as the primary structure including exterior colors and siding, roof materials and pitch, windows, doors, etc. Deviations from this requirement require administrative site plan and design review.

E. **Size Limitations.** The following size limitations shall apply:

1. The maximum square footage of residential accessory structures is limited to 840 square feet, which may be a single structure of 840 square feet or multiple structures totaling 840 square feet. Structures over 840 square feet require a Minor Use Permit.

2. Accessory dwelling units, guest houses, pool houses, and tiny homes are not included in the size limit for residential accessory structures.

F. **Portable Structure.** A single portable structure per parcel or unit, including pre-manufactured storage sheds and other small similar structures, which do not require a Building Permit shall comply with the minimum side and rear yard setback requirements in Subsection D.1 above. The maximum parcel coverage for all structures on a parcel shall comply with the requirements of the applicable zone.

G. **Attached Open-Sided Patio Covers.** Detached free standing patio covers are subject to all requirements of this Section. Patio covers that are attached to the primary dwelling, and open on at least three sides, are allowed subject to the limitations of Subsections D.1 through D.3 above. Attached enclosed patio covers are subject to the same regulations as the primary structure.

H. **Detached Garages.** Single story detached garages are included in the allowable aggregate square footage. Detached garages that provide the required covered parking may be exempt from this calculation at the discretion of the Director. Detached garages are subject to the requirements of this Section that apply to detached structures.

I. **Minor Use Permit.** Requests to exceed or deviate from the maximum height and/or square footage requirements in the above sections are subject to the Minor Use Permit process, prior to Building Permit, in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

J. **Deed restrictions.** At the discretion of the Director, a deed restriction may be required for accessory structures. The deed restriction shall be filed and recorded with the Sonoma County Recorder, prior to issuance of a Building Permit. The deed restriction shall identify the use of the structure at the time of issuance of the Building Permit.

17.40.210 Retail Sales, Firearms

A. **Purpose.** This Chapter establishes standards for the retail sale of firearms to provide for the appropriate location and ensure that the use does not have a negative impact on the surrounding neighborhood and is operated in a safe and secure manner.

B. **Applicability.** All the standards of this Chapter shall be immediately enforceable as to the retail sales for firearms.

C. **Standards for the Retail Sales of Firearms**. Retail sales of firearms shall comply with the requirements of this Subjection, where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

1. **Conditional Use Permit Required.** The retail sales of firearms shall comply with the following permit requirements.

   a. All retail sales of firearms require the approval of a Conditional Use Permit in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

   b. An application for a Conditional Use Permit shall be referred to the Police Department for review and comment.

   c. The Director may refer the application to other Town Departments to determine whether the premises where the retail sale of firearms are proposed to occur complies with the Town's building, health, fire ordinances, and any other applicable ordinances or laws. Town Departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.

d. Council has the authority to revoke or modify a Conditional Use Permit pertaining to the retail sale of firearms in accordance with Chapter 17.66 (Permit Modification and Revocation).

e. In addition to making the findings required for the issuance of a Conditional Use Permit, the Commission shall consider the following factors in determining whether to grant or deny a Conditional Use Permit:

i. The proposed location would comply with the requirements of this Section;

ii. The proposed location would be consistent with the character and uses of the surrounding neighborhood;

iii. The proposed use would not affect the welfare of the area residents; and

iv. The proposed use would not be in conflict with any provision contained in this Section or Zoning Code.

2. Conditional Use Permit Conditions. The Commission may require that a Conditional Use Permit for the retail sales of firearms include any conditions necessary to ensure compliance with the provisions of this Section and other sections of the Zoning Code or Municipal Code.

3. Performance Standards. The retail sales of firearms, as an accessory or standalone use, shall comply with the following performance standards.

a. The applicant shall maintain all Federal, State, and local licenses and permits.

b. The applicant shall maintain specified security measures on premises. Any exterior modifications to the structure including bars on windows are not permitted without Design Review approval.

c. The use shall be subject to inspection by the Town as necessary.

d. Firearms and ammunition shall be maintained in a secured location so that access is controlled solely by the dealer or employee and not accessible to the public. This includes any firearm or ammunition on display or in storage.

e. Display of semi-automatic long rifle firearms is prohibited in any window display or in store.

f. Sales of semi-automatic long rifle firearms shall be by appointment only.

g. All storage of ammunition and other firearms related merchandise classified by the California Code of Regulations Title 24, Part 9, California Fire Code, as amended

by the Town of Windsor, as a hazardous material and shall be subject to approval of the Fire Chief.

h. **Firearm Sales Accessory to Sporting Good Retail Sales.** All Conditional Use Permits issued to establish retail firearm sales operating as an accessory use to a sporting goods store shall not exceed five percent of the total floor area of the sporting goods establishment. The five percent restriction includes all display, storage, and firearm sales area.

4. **Location Standards.** The retail sales of firearms shall comply with the following location standards.

a. No retail sales of firearms shall be located within 1,000 feet of a school, or 500 feet of the following:

i. Church, chapel, place of worship;

ii. Preschool, daycare facility, youth centers;

iii. Park, libraries; and or

iv. Other firearm sales establishment or personal services-restricted use.

b. For the purposes of this Paragraph, all distances shall be measured in a straight line, without regard for structures, roads, railways, or natural features, from the nearest property line on which the firearm sales use is located to the nearest property line of any use listed in Subparagraph 4.a, above.

17.40.220 Retail Sales, Restricted

A. **Applicability.** The standards established in this Section shall apply to all restricted retail sales as defined in Article 8 (Definitions).

B. **Hours of Operation.** Restricted retail sales uses shall only be open for operation from 9:00 a.m. to 8:00 p.m., daily.

C. **Minor Use Permit Required.** In compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit), a Minor Use Permit is required to establish any restricted retail sales use.

D. **General Permit and License Requirements**. Restricted retail sales uses shall comply with the following requirements.

1. **Regulatory Permits/License/Clearances.** Uses shall obtain the appropriate permits/license/clearance from the County, State, or Federal agency that governs the use. Conditions of the Minor Use Permit or Conditional Use Permit shall include a provision

requiring the applicant to provide written proof of the permit/license/clearance to the Director, prior to commencement of the use.

2. **Business License.** Conditions of the Minor Use Permit or Conditional Use Permit shall include a provision requiring the applicant to obtain a Business License, as appropriate, prior to commencement of the use. The Business License shall be kept current for the duration of operation of the use.

3. **Building Permit.** Obtain appropriate Building Permit(s) and clearances, prior to construction, remodel and/or tenant improvements.

E. **Smoke Shops.** Smoke shops are defined as devoting more than 15 percent of the total floor space and/or more than a two foot by four-foot section of shelf space for display for sale of smoking, drug and/or tobacco paraphernalia.

1. Conditions. The following is required and will become conditions of the Minor Use Permit or Conditional Use Permit:

   a. No smoking shall be allowed inside the shop;

   b. All Town smoking regulations shall be abided by;

   c. Signs shall be posted in accordance with the Town's Municipal Code Chapter 20;

   d. No person under age 18 may enter the business even if they are accompanied by an adult;

   e. All clerks/personnel shall be 18 or older;

   f. Smoke shops may not be located within 600 feet of youth-frequented locations including schools, religious institutions, public libraries, and public parks;

   g. Smoke shops may not be located within 500 feet of residentially zoned areas;

   h. No products may be sold by means of self-service or vending machine assisted;

   i. No form of advertising for tobacco products shall be displayed in visible locations with the exception of any onsite sign that contains the name or slogan of a business that lawfully sells tobacco products that have been placed at or upon the business premises for the purpose of identifying the business;

   j. Business shall not distribute free tobacco products or promotional items;

   k. Business shall not sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings; and

l. Compliance with State law including but not limited to Health and Safety Code Section 11364.5 and as amended from time to time.

2. **Security and Crime Prevention.** Restricted retail uses are subject to review and approval by the Chief of Police, prior to commencement of the use. The following may be required and become provisions of the Minor Use Permit or Conditional Use Permit, at the discretion of the Chief of Police:

   a. Installation of a CCTV (or equivalent) inside the business with retrievable electronic data maintained regularly and of sufficient resolution to identify customers involved in criminal offenses;

   b. Central station silent intrusion alarming of the business with personnel access in strategic locations within the premises;

   c. Acceptance and use of the Sonoma County Sheriff's Department bank alarm response policy and training;

   d. Money safe or vault as approved by the Chief of Police. Personnel shall have the ability to make frequent cash and/or check drops and a policy shall be instituted to limit available cash on hand; and/or

   e. While closed the business will provide sufficient interior night-lights for nighttime security.

3. **Time Limitations, Revocation, and Revisions.** Permits are subject to the time limits, extensions, and revocation requirements as provided for in the Town of Windsor Zoning Code.

17.40.230 Short-Term Rentals

A. The provisions of this Section establish standards for the operations of short-term rentals within the Town in a manner to provide for the appropriate location and to preserve the character of the neighborhoods in which they are located.

B. Non-hosted short-term rentals are prohibited from operating in residential zones. Notwithstanding the foregoing, a non-hosted short-term rental operating with a valid Town Business License on March 1, 2023, may continue to operate until July 1, 2025, after which point the use shall be terminated.

C. All short-term rental uses allowed by this Zoning Code shall, prior to establishing and operating any such short-term rental use, obtain and always maintain a valid Short-Term Rental License from the Town in compliance with Chapter 23, "Short-Term Rentals," of Title III, "Public Welfare," of the Windsor Municipal Code.

D. Short-term rentals are prohibited from operating unless in compliance with the provisions of this Section as well as Chapter 3-23 of the Windsor Municipal Code.

E. Any short-term rental use existing as of June 21, 2023, when the Town Council adopted the Short-Term Rental Ordinance, but which is not permitted by this Section shall terminate no later than July 1, 2025. This termination date is established by the Council as a reasonable amortization period. This Subsection shall control over anything contrary to this Zoning Code, including but not limited to Chapter 17.70 (Non-Conformities).

F. All the provisions of this Section shall be immediately enforceable as to all short-term rentals located within the Town as defined by Article 8 (Definitions), but is not intended to regulate hotels, motels, inns, or other rental arrangements including, but not limited to, community care facilities, lodging housing, rooming houses, supportive housing, or transitional housing.

G. Notwithstanding the foregoing, the existing timeshare facility located at 1251 Shiloh Road and similar facilities, as determined by the Director in commercials zones shall be exempt from the provisions of this Section.

17.40.240 Single Room Occupancy (SRO)

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

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

C. Laundry Facilities: An SRO shall provide laundry facilities as follows.

1. One washer and one dryer for every 20 units or fraction thereof.

2. At least one washer and one dryer per floor.

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

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

F. Closets. Each unit must have a separate closet.

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

H. **Parking.** Parking for an SRO shall comply with the parking standards established in Chapter 17.30 (Parking, Loading, and Access). Parking reductions may be considered at the discretion of the Director, if a parking analysis is prepared.

17.40.250 Storage Facility, Personal

A. **Setbacks.** The minimum setback from the front property line shall be 10 feet, except that for sites located within 300 feet of a residential zone, any enclosed structure, fencing, storage or parking area shall be set back a minimum of 20 feet. Variation of the setback to avoid the appearance of a continuous wall along the street frontage is required. Side and rear yard setbacks shall be as required for the zone.

B. **Landscaping.** In addition to Chapter 17.28 (Landscaping), all required setback areas shall be landscaped. Landscaping shall consist of a variety of evergreen and deciduous trees, high-profile shrubs, suitable ground cover and native grasses.

C. **Screening.** Fencing shall be provided around the sides and rear of the project. Such fencing shall be solid wood or masonry and shall be constructed to prevent the passage of debris or light and shall not be less than six feet as measured on the side with the highest ground elevation.

D. **Structure Design.** The project shall be designed to ensure compatibility with existing or anticipated development in the vicinity and the overall community. This can be accomplished by avoiding the appearance of a walled enclave along the street frontage, by providing architectural relief in the form of roofline variation, change in materials, building articulation, and the use of window treatments. Blank walls shall be avoided. The design of the project shall be oriented to the street and promote an inviting, walkable street environment.

E. **Structure(s) Height.** Structures included in the facility shall comply with the following height requirements:

1. Structures shall be a minimum of two stories in height and comply with the height of the zoning district.

2. Structures within 300 feet of a residential zone shall be limited to a maximum height of one story and a height of twenty feet along the outside perimeter adjacent to the residence zone and shall be designed to protect adjacent residences from noise, nighttime glare, and visual activity.

F. **Mixed Uses.** Mixed-uses, including and/or office uses should be located along the street frontage with driveway access to the storage facility located behind the mixed-use to promote the Town design goals of defensible space along the street frontage and to minimize the visibility of parking areas.

17.40.260 Wireless Telecommunication Facility

A. **Definitions.** In addition to the terms defined in Article 8 (Definitions), the following definitions shall apply to the provisions established in this Section:

1. **Microcell.** A wireless communication facility that contains a maximum of four whip or panel antennae. Each whip antenna does not exceed four inches in diameter and four feet in length. Each panel antenna does not exceed two square feet in surface area; Contains a maximum of one microwave antenna no larger than 10 square feet in surface area; has an array of antennae less than 10 feet in height; is roof- or structure-mounted or, if within the public right-of-way, is located on top of a light pole or telephone pole or a metal or precast concrete monopole (similar in design to a street light pole or street tree); and has a total height, if roof- or structure-mounted, that does not exceed the maximum height allowed in the zoning district in which the facility is located.

2. **Minor Wireless Communication Facility.** A wireless communication facility that consists of a microcell; and roof- or structure-mounted and is less than 10 feet in height and does not exceed the maximum height allowed in the zoning district in which the facility is located.

3. **Private Wireless Communication Facility.** A wireless communication facility that has not been granted a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC).

4. **Public Wireless Communication Facility.** A wireless communication facility that has been granted a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (CPUC).

B. **Applicability.** Cellular wireless telephone antennas, including supporting towers and related ground-mounted structures and equipment structures, shall comply with the following requirements.

C. **Permit Requirements.** The establishment of wireless telecommunication antennas and facilities shall be allowed in compliance with a Conditional Use Permit approved by the Town subject to the standards of this Section. At the time of permit application, the Director may require the applicant to submit a visual impact analysis of the proposed facility using mock-ups and photomontages.

D. **Site Selection.** Sites for cellular wireless telecommunications shall be selected according to the following order of preference:

1. On existing structures (e.g., a building, church steeple, communication tower, freestanding sign, water tank, etc.);

2. In locations where the existing topography, vegetation, or other structures provide the greatest amount of screening; and/or

3. On vacant land without significant visual resources and only in commercial, industrial, and public zones.

4. As part of the application process, applicants for cellular wireless telecommunication facilities shall be required to provide written documentation demonstrating a good faith effort in locating facilities in compliance with the site selection standards above.

E. **Prohibited Areas.** Wireless communications facilities shall not be established within a residential zoning district or on a parcel that contains a legally established residential use unless otherwise required by State or federal law.

F. **Co-Location.** Town agencies, special districts, and utility providers shall allow co-location of cellular equipment on appropriate existing structures and towers subject to reasonable engineering requirements.

G. **Microcell Facilities and Arrays.** Microcell facilities shall comply with the following standards.

1. Shall be limited to a maximum of four whip or panel mounted antenna, subject to the following:

   a. Each whip antenna shall not exceed four inches in diameter and four feet in length; and

   b. Each panel antenna shall not exceed two square feet in surface area.

2. Microcells facilities shall be limited to a maximum of one microwave antenna, no larger than 10 square feet in surface area.

3. The overall microcell array shall be no larger than 10 square feet.

4. Microcells facilities and arrays shall only be mounted as follows. Standalone microcell facilities are prohibited:

   a. Roof or structure mounted and shall not exceed the maximum height allowed in the zone in which the facility or array is installed; or

   b. Within the public right-of-way on a street light pole, telephone pole, and/or metal or precast monopole and shall not exceed the maximum height allowed in the zone in which the facility or array is installed.

H. **Construction Materials.** Telecommunication facilities shall be constructed of metal or other non-flammable and non-reflective materials.

I. **Painting.** The equipment and supporting structure shall be painted a single, neutral, nonglossy color (e.g., earth-tones, sky blue, light gray, sea ranch green, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

J. **Setbacks.** Equipment shall not be located within any setback in any zone and shall not extend beyond the property lines. Telecommunication facilities shall be set back at least 20 percent of the tower height from all property lines and at least 100 feet from any public trail, park, riparian corridor buffer setback area, or outdoor recreation area.

K. **Signs.** Identification signs, including emergency phone numbers of the cellular service provider, shall be posted and readable at ground level at all equipment and tower sites. Signs shall not exceed four square feet in area.

L. **Undergrounding Required.** Electrical and equipment wiring shall be placed underground.

M. **Unused/Obsolete Equipment.** Unused/obsolete equipment or towers shall be removed from the site within six months after their need has ceased.

N. **Tower Support.** Towers shall be single pole self-supportive. The use of guy wires is prohibited.

O. **Federal Communications Commission Regulations.** Telecommunication facilities shall comply with all applicable Federal Communications Commissions (FCC) and Federal Aviation Administration (FAA) rules, regulations, and structures.

P. **Lighting.** All telecommunication facilities shall be unlit except for the following:

1. A manual-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are present at night; and

2. The minimum tower lighting required which shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

Q. **Height.** Telecommunication facilities shall not exceed the height limit from grade established by the base-zone for the proposed facility, at the highest point of the antenna. An approved Conditional Use Permit may modify this provision if strict compliance would result in substandard reception/transmission.

R. **Roads and Parking.** Existing roads shall be used for access, whenever possible. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, roadways shall meet the width and structural requirements of the Fire Chief and Town Engineer.

S. **Noise and Traffic.** All telecommunication facilities shall be constructed and operated in a manner as to minimize the amount of disruption caused to nearby properties. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

T. **NIER Exposure.** No telecommunication facilities or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC adopted NIER (Nonionizing Electromagnetic Radiation calculations) standard for human exposure. Every telecommunication facility within 400 feet of an inhabited area shall demonstrate continued compliance with the NIER standard by submitting to the Director a report annually demonstrating compliance with the FCC adopted NIER standard for human exposure.

U. **Town of Windsor Exemption.** The Town of Windsor is exempt from the provisions hereof when the telecommunication facility is located on Town owned property and approved by the Town Council.

Chapter 17.42

Marijuana

Chapter 17.42 Marijuana

17.42.010 Definitions

In addition to terms defined in Article 8 (Definitions), the following definitions shall apply to the provisions established in this Chapter.

A. **Marijuana.** All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture. Salt, derivative, mixture, or preparation of the plant, its seeds or resin.

B. **Nonmedical Marijuana.** Marijuana that is intended to be used for nonmedical and/or recreational purposes pursuant to California Health and Safety Code, section 11362.1 et seq., as those sections may be amended from time to time.

C. **Outdoor.** Any location within the Town, on private grounds, that is exposed to the open air not within an enclosed and secure residential structure or private residence.

D. **Property.** A parcel of land upon which is built or placed, a private residence.

E. **Solid Fence.** A fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.

17.42.020 Marijuana Dispensary

A marijuana dispensary, as defined in Article 8 (Definitions), is a prohibited land use in the Town of Windsor. No Conditional Use Permit, Minor Use Permit, Temporary Permit, or permit of any nature shall be issued for prohibited land uses.

17.42.030 Outdoor Marijuana Cultivation

Outdoor cultivation of marijuana is prohibited in all zones. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zone in the Town of Windsor to cause or allow such lot or site to be used for the outdoor cultivation of marijuana plants.

17.42.040 Indoor Marijuana Cultivation

A. **Purpose.** It is the purpose of this Chapter:

1. To require that the indoor cultivation of marijuana occur only in appropriately secured, enclosed, and ventilated structures so as not to be visible to the general public; to provide for the health, safety and welfare of the public;

2. To prevent odor created by marijuana plants from impacting adjacent properties;

3. To ensure that personal marijuana cultivation remains secure and does not find its way to illicit markets; and

4. To establish reasonable limits on the personal cultivation of marijuana for purposes within the Town of Windsor as defined by state law and subject to the provisions established herein.

B. **Applicability.** Indoor cultivation of marijuana is prohibited in all zones of the Town, except when such cultivation occurs on property with a private residence in compliance with the standards established in this Chapter. All of the standards of this Chapter shall be immediately enforceable as to the personal indoor cultivation of nonmedical marijuana.

C. **State and Federal Law Compliance.** Nothing in this Chapter is intended to authorize the cultivation, possession, or use of marijuana in violation of state or federal law.

D. **Standards for Personal Indoor Marijuana Cultivation.** The personal cultivation of marijuana shall comply with the following.

1. The limit of six plants per residence for marijuana indoor cultivation shall apply regardless of how many adult individuals reside at the private residence. Indoor cultivation may only occur within a private residence or fully enclosed and secure private residential structure. Attached and detached garages, designed and intended primarily for the use of vehicle parking are not considered private residences or fully enclosed and secure structures and may not be used for the cultivation of marijuana. Indoor cultivation may only occur in a locked space that is not visible by normal unaided vision from a public place.

2. A Zoning Clearance, in compliance with Chapter 17.54 (Zoning Clearance), shall be required at the time of Department review of any building, grading, or other construction permit, or other authorization required by this Zoning Code for the proposed use.

3. The Town retains the right for Town officials to access a property to determine continued compliance with the standards established by this Chapter pursuant to Section 17.76.050 (Inspection).

4. No person other than an individual over 21 years of age may engage in the cultivation of marijuana.

5. If the cultivation occurs in a dwelling unit, the dwelling unit shall retain at all times legal and functioning cooking, sleeping and sanitation facilities with proper egress. These rooms shall not be used for marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.

6. Marijuana cultivation is allowed only on a parcel with a dwelling unit. The primary purpose of the property on which the cultivation occurs shall be as a private residence.

7. Indoor grow lights shall not exceed 1,200 watts and comply with the California Building, Electrical, Plumbing and Fire Codes as adopted by the Town. Gas products (e.g., CO2, butane, propane, natural gas, etc.) or generators may not be used indoors.

8. The residence or fully enclosed and secure structure used for the cultivation of marijuana must install a filtered ventilation system that will prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the California Mechanical Code Section 402.3, Mechanical Ventilation, as amended. The filtered ventilation system must be approved by the building official and installed prior to commencing cultivation.

9. A fully enclosed and secure residential accessory structure used for the cultivation of marijuana shall be located in the rear yard area of the property and must maintain a minimum 10-foot setback from any property line, and must comply with applicable height, site coverage and permit requirements of the underlying zone. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This standard shall not apply to cultivation occurring in a garage.

10. Volatile solvents as defined in State Health and Safety Code Section l 1362.3(d) or generators are strictly prohibited and may not be used for the cultivation. manufacturing or processing of marijuana.

11. A portable fire extinguisher that complies with the regulations and standards adopted by the California State Fire Marshal and other applicable laws shall be kept in the area of cultivation at all times in a location that is easily accessible.

12. The private residence or the fully enclosed and secure structure shall comply with all provisions of California Building Standards Code (Title 24, California Code of Regulations) as adopted and amended by the Town.

13. Adequate mechanical locking or electronic security systems must be installed to ensure the indoor marijuana cultivation is secure from the entry or access or any person under 21

years of age and from theft or vandalism, prior to the commencement of indoor cultivation.

14. Cultivation of indoor marijuana shall only take place on impervious surfaces.

15. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation occurring on the property.

16. Written consent and contact information of the property owner to cultivate marijuana within the residence or in a fully enclosed and secure structure shall be obtained and shall be kept on the premises, and available for inspection by the Building Official, Chief of Police, Fire Chief or their designee(s).

E. Public Nuisance Prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel, dwelling unit, and/or fully enclosed and secure structure within the Town to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any indoor location. A public nuisance may be deemed to exist, if such activity produces:

1. odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;

2. Repeated responses to the parcel from law enforcement officers;

3. Repeated disruption to the free passage of persons or vehicles in the neighborhood;

4. Excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public; and/or

5. Any other impacts on the neighborhood which are disruptive of normal activity in the area.

F. Violation and Penalty. The administration and enforcement of the provisions in this Chapter shall be as follows:

1. A violation of this Chapter shall be prosecuted by the Town Attorney through the civil enforcement process, including injunctive relief, as set forth in Section 1-1-205 of the Town of Windsor Code. Each day a person is in violation of this article shall be considered a separate violation.

2. The administrative citation penalty for each and every marijuana plant cultivated in violation of this article shall be $1,000 per plant, plus $100 per plant per day the plant remains unabated past the abatement deadline set forth in the administrative citation.

3. Any property upon which a violation of this article is found shall be subject to immediate abatement by the Town.

4. In addition to any administrative penalty assessed for violation of this Chapter, any person found in violation of this Chapter will be charged abatement, actual, administrative and enforcement costs as defined in Section 1-1-260 of the Town of Windsor Code, calculated to recover the total costs incurred by the Town in enforcing this article.

17.42.050 Prohibited Marijuana Uses

In addition to the prohibited marijuana activities and uses established in this Section, the following uses shall also be prohibited in the Town of Windsor.

A. Mixed-light cultivation of marijuana;

B. Marijuana nurseries;

C. Manufacturing of marijuana products;

D. Testing facilities for the testing of marijuana or marijuana products;

E. Retail sales of marijuana, marijuana products, or marijuana accessories;

F. Facilities for the distribution of marijuana, marijuana products, or marijuana accessories;

G. Marijuana microbusinesses; and

H. Marijuana cultivation as a home occupation.

Title 17 – Zoning Code

Article 5 – Permit Processing Procedures

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Chapter 17.50

General Provisions

Chapter 17.50 General Provisions

17.50.010 Purpose and Intent

This Article establishes the overall structure for the application, processing, review, and action on discretionary permit applications and identifies and describes those discretionary permits and other approvals required by this Zoning Code.

17.50.020 General Plan Consistency Required

All development within the Town Limits shall be consistent with the General Plan. This Zoning Code is one of the primary tools for implementing the goals, objectives, and policies of the General Plan. Zoning permit applications filed, in compliance with the requirements of this Code, shall be consistent with the General Plan and any applicable specific plan, which are also considered part of the General Plan. General Plan consistency shall be accomplished as specified in Section 17.02.060 (Relationship to General Plan) and Table 17.06-1 (Zones Classifications).

17.50.030 Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of this Zoning Code shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Zoning Code shall eliminate the need to obtain any permits required by:

A. Any other Municipal Code provisions, including Building, Grading, Fire, or other construction permits, or subdivision approval if required by the Subdivision Ordinance; or

B. Any applicable County, regional, State, or Federal regulations.

17.50.040 Subdivision Maps and Construction Approvals

A. Subdivision of Land. Procedures and standards for the review and approval of land subdivisions are established in the Town's Subdivision Ordinance.

B. Buildings and Construction. Procedures and standards for the review and approval of construction and building are established in Municipal Code Title 7 (Building and Housing).

Chapter 17.52

Application Processing Procedures

Chapter 17.52 Application Processing Procedures

17.52.010 Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Zoning Code.

17.52.020 Authority for Land Use and Zoning Decisions

Table 17.52-01 (Review Authority) identifies the Town official or body responsible for reviewing and making decisions on each type of permit application required by this Zoning Code.

Table 17.52-01
Review Authority

Type of Decision	Role of Review Authority (1)		
	Director	Commission	Council
Administrative and Amendments			
Interpretation	Decision (2)	Appeal	Appeal
General Plan Amendment	Recommend	Recommend	Decision
Zoning Map Amendment	Recommend	Recommend	Decision
Zoning Code Amendment	Recommend	Recommend	Decision
Land Use Permits/Development Approvals			
Comprehensive Sign Program	Recommend	Decision	Appeal
Conditional Use Permit	Recommend	Decision	Appeal
Minor Use Permit	Decision (2) (4)	Appeal	Appeal
Minor Variance	Decision (2) (4)	Appeal	Appeal
Sign Permit	Decision (2)	Appeal	Appeal
Site Plan and Design Review			
a. Minor, 2 to 10 dwellings, or up to 20% increase in GFA (3)	Decision (2) (4)	Appeal	Appeal
b. Major, more than 11 dwellings, or over 20% increase in GFA (3)	Recommend	Decision	Appeal
c. Small Projects	Decision (2)	Appeal	Appeal
Specific Plan	Recommend	Recommend	Decision
Temporary Use Permit	Decision (2)	Appeal	Appeal
Variance	Recommend	Decision	Appeal
Zoning Clearance	Decision (2)	Appeal	Appeal
Zoning Permit	Decision (2)	Appeal	Appeal

Table 17.52-01
Review Authority

Type of Decision	Role of Review Authority [1]		
	Director	Commission	Council
Subdivisions			
Lot Line Adjustments	Decision [2] [4]	Appeal	Appeal
Minor Subdivisions	Decision [2] [4]	Appeal	Appeal
Tentative Maps	Recommend	Decision	Appeal

Notes

[1] "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.74 (Appeals).

[2] The Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

[3] GFA means gross floor area.

[4] The Director, acting as the Administrative Hearing Officer, is the Review Authority for this decision.

17.52.030 Multiple Permit Applications

A. Concurrent Filing. An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map, etc.), shall file all related applications concurrently, together with all application fees required by Section 17.52.040 (Application Preparation and Filing) and Section 17.52.050 (Fees).

B. Concurrent Processing. Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved by the highest Review Authority designated by this Zoning Code for any of the applications. For example, a project for which applications for a Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission being the final decision-making authority for the Conditional Use Permit as required by Table 17.52-01 (Review Authority). In the example cited, the Commission would consider all the applications (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the Council.

17.52.040 Application Preparation and Filing

A. **Preapplication Conference.** A prospective applicant is strongly encouraged to request a pre-application conference with the Department before permit application submittal. The purpose of this conference is to inform the applicant of Town requirements as they apply to the proposed project, review the Town's permit review process, consider possible project alternatives or modifications, and identify necessary technical studies and required information relating to the environmental review of the project. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application or project by Department representatives.

B. **Application Contents.** Land use permit applications shall be filed with the Department using the forms provided by the Department. Applications shall include all necessary fees and/or deposits, and all other information and materials required by the Department. It is the responsibility of the applicant to provide information in support of any findings required by this Article for the approval of the permit or other approval being requested.

C. **Compliance with Growth Control Ordinance.** Any application for proposed residential dwelling units, whether through subdivision or non-subdivision application shall comply with the Town's Growth Control Ordinance.

D. **Eligibility for Filing.** Applications may only be filed by the owner of the subject property, or other person with the written consent of the property owner.

E. **Filing Date.** The filing date of any application described in this Chapter shall be the date when the Department receives the last submission of information or materials required by Subsection B, above, in compliance with Section 17.52.060 (Initial Application Review).

17.52.050 Fees

A. **Fee Schedule.** The Council shall establish a fee schedule for the processing permit applications required by this Zoning Code, hereafter referred to as the Master Fee Schedule.

B. **Multiple Applications.** The Town's Application Fees are cumulative. For example, if an application for a Lot Line Adjustment also requires a Variance, both fees shall be charged. Unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees, at the discretion of the Director.

C. **Timing of Payment.** An application shall not be processed and shall not be considered submitted until all required fees and deposits have been paid.

D. **Refunds and Withdrawals.** The required application fees cover Town costs for public hearings, mailings, staff time, and the other activities involved in processing applications. No refunds due to

a denial are allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

17.52.060 Initial Application Review

Applications filed with the Department in compliance with this Zoning Code and applicable provisions of State law shall be processed as follows:

A. **Completeness Review.** The Director shall review all applications for completeness and accuracy before they are accepted as being complete and officially filed.

1. **Notification to Applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be notified in writing that the application is complete and the remaining fees that are necessary for processing to begin; or that the application is incomplete, and that additional information shall be provided within 60 days. The Director shall have the authority to extend the amount of time for submitting the additional information required to complete the application. Per Government Code Section 65928, the review periods established in this Paragraph do not apply to legislative land use decisions, such as amendments to the Zoning Code or General Plan.

2. **Appeal of Determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 17.74 (Appeals).

3. **Submittal of Additional Information.** The time and submittal requirements for applications which require the submittal of additional information shall comply with the following:

   a. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by Paragraph 4, below.

   b. The Director's review of the additional information submitted by the applicant shall be accomplished in compliance with Subparagraph A.1, above, along with another 30-day period of review for completeness.

4. **Expiration of Application.** If an applicant fails to provide the additional information specified in the Director's letter within six months after the first filing with the Department, the application shall expire and be deemed withdrawn. The applicant may request, and

the Director may grant one extension of up to six months. After the expiration of an application, project approval shall require the submittal of a new, complete application, and associated filing fees.

5. **Application Available for Public Review.** After an application has been submitted, in compliance with the Freedom of Information Act, the Town may, if requested, make the application available for public review.

6. **Environmental Information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 17.52.090 (Environmental Assessment).

B. **Referral.** At the discretion of the Director, or where otherwise required by this Zoning Code, General Plan, or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

17.52.070 Notice of Application

A. **Notice of Application Required.** A notice of application shall be required for each discretionary project requiring action by the Commission or Council. When required, notice of the application shall be provided to property owners and occupants within 300 feet of the project site.

1. **Applicability.** A notice of application is required for a project meeting the following:

   a. The project requires approval of a discretionary permit by the Commission or Council;

   b. The project requires a public hearing; and

   c. The project is located in or adjacent to a residential or mixed-use development or zoning district.

2. **Exemption.** A notice of application is not required for a project meeting any of the following:

   a. Nonresidential projects adjacent to nonresidential land uses, zoning districts, and General Plan land use designations.

   b. **Ministerial Projects.** Ministerial projects include the issuance Building Permits, Business Licenses, Home Occupation Permits, and similar project or permits as determined by the Director.

3. **Director's Right to Require.** At the sole discretion of the Director, a notice of application or neighborhood meeting may be required for a development proposal. When a

neighborhood meeting is required, it shall comply with the requirements included in Section 17.52.080.

17.52.080 Neighborhood Meeting

When a neighborhood meeting is required, it shall comply with the requirements of this Section. While neighborhood consensus or agreement is the goal, it is not a required outcome of the neighborhood meeting.

A. **Timing**. The timing of neighborhood meetings shall comply with the following:

1. **Meeting Timing.** When required by this Section, a neighborhood meeting shall be held before submittal of the formal application for the development proposal, except as established in Section 17.52.070.A.3 (Director's Right to Require), above.

2. **Failure to Hold Meeting.** If the neighborhood meeting is not held before submittal of the formal application for development, the application shall be deemed incomplete until the neighborhood meeting has been held.

3. **Follow-up Meeting Encouraged.** When a neighborhood meeting has been held before submittal of the formal application, applicants are encouraged to hold a follow-up neighborhood meeting to explain project changes to the neighborhood before the public review by the Commission or Council.

B. **Notification Required.** A neighborhood meeting shall be notified as required in this Subsection.

1. **Mailed Notices.** A neighborhood meeting shall be noticed by mail to real property owners and occupants located in whole or in part within a radius of 300 feet from the exterior boundaries of the Assessor's parcels that are the subject of the development proposal.

2. **On-Site Posting.** The applicant shall install a sign on the subject property in a place conspicuous to the public, at least 10 days before the scheduled neighborhood meeting, as indicated in Chapter 17.78 (Public Notices and Hearings).

3. **Official Posting.** The Town shall post notices in at least one public place within the Town boundary as specified by the Director.

4. **Town Webpage Posting.** Notice shall also be given by posting on the Department's Town webpage. Alternative online postings, including but not limited to social media are at the discretion of the Director.

5. **Electronic Notice.** Notice shall be emailed to the Department's electronic distribution list for Town public notices.

6. **Other Notices.** Additional notice may be required at the discretion of the Director, including alternate methods and/or the use of a greater radius for notice for projects of particular interest, scale, or size.

C. **Town Staff Responsibilities at Neighborhood Meeting.** Town staff is required to attend neighborhood meetings. The role of Town staff is to identify and explain Town policies, including provisions of the General Plan and this Zoning Code, as they relate to the development proposal under consideration. Town staff may provide objective comments on the proposal but is not expected to present a position or recommendation on the proposal at the neighborhood meeting. Town staff shall also serve as moderator/facilitator and take meeting notes. A summary of the neighborhood meeting will be provided to the applicable Review Authority as part of the report provided by Town Staff for a conceptual or formal application.

D. **Applicant Responsibilities at Neighborhood Meeting.** The applicant or project representative is required to attend the neighborhood meeting and provide basic information including the following:

1. Site analysis, graphically depicting existing conditions and the neighborhood context;
2. Conceptual site plan showing locations of all proposed structures, roads, parking areas, landscaping, and conceptual parcel lines with approximate dimensions;
3. Conceptual structure design information and the proposed density of the project; and
4. Purpose of the project and its target market.

E. **Independent Professional Staff Recommendation Required.** Neighborhood or applicant comments and recommendations are not binding on Town staff. Town staff will consider the neighborhood comments, as well as those of all referral agencies/organizations, but will formulate its own professional independent recommendation to the applicable review authorities.

17.52.090 Environmental Assessment

A. **California Environmental Quality Act Review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA).

B. **Compliance with California Environmental Quality Act.** All environmental documents shall comply with CEQA and the Town's CEQA guidelines.

C. **Special Studies Required.** One or more special studies, paid for in advance by the applicant and overseen and managed by the Town, may be required to complete the Town's CEQA compliance review. The final studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

Chapter 17.54

Zoning Clearance

Chapter 17.54 Zoning Clearance

17.54.010 Purpose

Zoning Clearance is the procedure used by the Town to verify that a proposed structure or land use complies with the allowed list of activities allowed in the applicable Zone, and the development standards applicable to the type of use and is consistent with the General Plan.

17.54.020 Applicability

In addition to those land uses identified in Article 2 (Zones, Allowable Uses, and Development Standards) as requiring a Zoning Clearance, this Subsection identifies those actions which require the approval of a Zoning Clearance. A Zoning Clearance shall be required at the time of Department review of any building, grading, fire, or other construction permit, or other authorization required by this Zoning Code.

A. **Establishment of a New Land Use.** A Zoning Clearance shall be obtained before the initiation, establishment, or commencement of any land use not requiring the construction of a structure.

B. **Change of Land Use.** Whenever a land use is proposed to be changed from an activity for which a Zoning Clearance has been issued, whether the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall be obtained.

C. **Change of Tenancy or Ownership.** A new Zoning Clearance shall be obtained for a change of lessee, operator, or owner even when the change does not involve a change in the use or activity being conducted on the subject property.

D. **Issuance of Business License.** As part of the Business License application and review process, an applicant shall also obtain a Zoning Clearance before the Business License is granted.

17.54.030 Review and Decision

A. **Form of Zoning Clearance.** A Zoning Clearance may take the form of a Zoning Clearance Certificate, an authorized signature on another Town approval document, a stamp or authorized signature on a set of building plans, or other form determined by the Director to be appropriate.

B. **Issuance.** The Director shall issue the Zoning Clearance after determining that the request complies with all Zoning Code provisions applicable to the proposed use.

Chapter 17.56

Site Plan and Design Review

Chapter 17.56 Site Plan and Design Review

17.56.010 Purpose and Applicability

A. **Purpose.** This Chapter establishes procedures for the Town's review of the design aspects of proposed development (i.e., building design, landscaping, site planning, signs, etc.). These procedures are not intended to restrict imagination, innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Chapter are, to:

1. Recognize the interdependence of land values and aesthetics and encourage the orderly and harmonious appearance of development within the community;
2. Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;
3. Protect the increasing values, standards, and importance of land and development in the community;
4. Retain and strengthen the visual quality of the community;
5. Assist project developers in understanding the public's concerns for the aesthetics of development, and
6. Ensure that development complies with all applicable Town standards and guidelines, and does not adversely affect community health, safety, aesthetics, or natural resources.

B. **Applicability.** Site Plan and Design Review is required for projects that meet one of the following, except that single-unit development is exempt.

1. **Construction.** New construction on a vacant parcel.
2. **New Structures.** New structures, additions to structures, and reconstruction projects.
3. **Substantial Change.** Projects involving a substantial change or intensification of land use (e.g., the conversion of an existing structure to a restaurant, the conversion of a residential structure to an office or commercial use. etc.).
4. **Station Area/Downtown Specific Plan Area.** 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.

5. **Small Projects.** New accessory structures and additions to structures shall qualify for Site Plan and Design Review through the Building Permit process, based on the Director's determination that it complies with all the following criteria for Small Projects.

   a. Are less than 20 percent of the square footage of the existing structure(s) or 5,000 square feet, whichever is less;

   b. Are not visible from the public right-of-way;

   c. Use the same exterior colors and materials, and design as the existing primary building(s); and

   d. Qualifies for an exemption from the California Environmental Quality Act (CEQA).

17.56.020 Review Authority

An application for Site Plan and Design Review shall be reviewed and approved or denied by the Review Authority identified in Table 17.56-01 (Review Authority for Site Plan and Design Review). The Commission shall review any project that is not exempt from the California Environmental Quality Act.

Table 17.56-01
Review Authority for Site Plan and Design Review

Type of Decision	Review Authority	
	Director (1)	Commission
Residential		
2 to 10 dwelling units	✔ (5)	
11 or more dwelling units		✔
A 20% or less increase in the number of units in an existing multi-family project.	✔ (5)	
A 21% or more increase in the number of units in an existing multi-family project.		✔
Small projects	✔ (4)	
Commercial		
New structures exempt from CEQA	✔	
New structures subject to CEQA		✔
Additions to existing structures that are 50% or less of the existing gross floor area and are 10,000 square feet or less.	✔ (2) (5)	
Additions to existing structures that are 51% or more of the existing gross floor area or are 10,001 square feet or more.	✔ (2)	✔
Projects of a limited size and scope that do not meet the criteria identified above.	✔	

Table 17.56-01
Review Authority for Site Plan and Design Review

Type of Decision	Review Authority	
	Director [1]	Commission
Small projects	✔ [4]	
Industrial		
New structures subject to CEQA		✔
New structures exempt from CEQA	✔ [3] [5]	
Projects of a limited size and scope that do not meet the criteria identified above.	✔	
Small projects	✔ [4]	

Notes

[1] The Director may instead refer any application to the Commission for a decision. The Commission shall be responsible for design review of any project that is not exempt from the California Environmental Quality Act.

[2] When located within an existing commercial center, consistent with all applicable Zoning Ordinance provisions, and designed by a licensed architect. Commission approval is otherwise required.

[3] The land use shall be allowed by right, within an approved subdivision with adequate existing public improvements, when constructed on an interior parcel, not adjoining a residential land use.

[4] Requires the approval of a Building Permit. Site Plan and Design Review is conducted through the Building Permit review process.

[5] The Director acting as the Administrative Hearing Officer is the Review Authority.

17.56.030 Application Filing, Processing, and Review

An application for Site Plan and Design Review approval shall be filed and processed in compliance with Chapter 17.52 (Application Processing Procedures).

17.56.040 Project Review

A. **General.** The review authority shall consider the location, design, site plan configuration, and the overall effect of the proposed project upon surrounding properties and the Town in general. Review shall be conducted by comparing the proposed project to applicable General Plan policies, any applicable specific plan, applicable Zoning Code requirements, design guidelines, and other applicable Town requirements.

B. **Review with other Entitlements.** Site Plan and Design Review applications for projects that also require the approval of a discretionary permit (e.g., Use Permit, Variance, etc.) shall be acted upon concurrently with the discretionary permit, in compliance with Section 17.52.030 (Multiple Permit

Applications). The Review Authority may approve or approve with conditions based upon the findings in Section 17.56.060 (Findings and Decision).

17.56.050 Notice and Hearing

Any application for a Site Plan and Design Review shall be scheduled for a public hearing once the Director has determined the application complete, and the required environmental review has been completed. Notice of the public hearing shall be provided in compliance with State law and the provisions established in Chapter 17.78 (Public Notices and Hearings).

17.56.060 Findings and Decision

A Site Plan and Design Review application shall be approved if the Review Authority first finds all the following:

A. The design and layout of the proposed development are consistent with the General Plan, any applicable specific plan, the development standards of the applicable Zones, design standards/guidelines, and architectural criteria for special areas;

B. 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;

C. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood or is consistent with applicable plans and policies for development of the site;

D. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and will remain aesthetically appealing and be appropriately maintained; and

E. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

17.56.070 Conditions of Approval

In granting Site Plan and Design Review approval, the Review Authority may impose any reasonable conditions of approval to ensure that the project will comply with the findings required by Section 17.56.060 (Findings and Decision), above.

17.56.080 Post-Decision Procedures

The procedures relating to appeals, project changes and modifications, issuance of a Building Permit, performance guarantees, and revocation in Article 6 (Zoning Code Administration), and those in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Site Plan and Design Review.

Chapter 17.58

Conditional Use Permit and Minor Use Permit

Chapter 17.58 Conditional Use Permit and Minor Use Permit

17.58.010 Purpose and Applicability

A. **Purpose.** Conditional Use Permits and Minor Use Permits provide a process for reviewing uses and activities that may be desirable in the applicable zone, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location.

B. **Applicability.** A Conditional Use Permit or Minor Use Permit is required to authorize proposed land use activities identified by Article 2 (Zones, Allowable uses, and Development Standards) as being allowable in the applicable zone subject to the approval of a Conditional Use Permit or Minor Use Permit.

C. **California Environmental Quality Act Review.** A Minor Use Permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in compliance with State law and the Town's CEQA Guidelines or it shall be processed as a Conditional Use Permit.

D. **Filing, Notice, and Review.** An application for a Conditional Use Permit or Minor Use Permit shall comply with the following processing standards.

1. **Notice of Application.** All applications shall comply with the notice of application requirements established in Section 17.52.070 (Notice of Application), if applicable.

2. **Filing.** An application for a Conditional Use Permit or Minor Use Permit shall be filed and processed in compliance with Chapter 17.52 (Application Processing Procedures).

3. **Project Review, Notice, and Hearing.** Each application shall be analyzed by the Department to ensure that the application is consistent with the purpose and intent of this Chapter. The Administrative Hearing Officer shall conduct a public hearing on an application for a Minor Use Permit; the Commission shall conduct a public hearing on an application for a Conditional Use Permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with State law and Chapter 17.78 (Public Notices and Hearings).

17.58.020 Findings and Decision

The Review Authority may approve or disapprove an application for Conditional Use Permit or Minor Use Permit approval. The Review Authority shall record the decision and the findings on which the decision is based. The Review Authority may approve a Conditional Use Permit or Minor Use Permit only after first finding all the following:

A. The proposed use is consistent with the General Plan and any applicable specific plan;

B. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code or Municipal Code;

C. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

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

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

17.58.030 Conditions of Approval

In approving a Conditional Use Permit or Minor Use Permit, the Review Authority may impose any conditions (e.g., buffers, landscaping and maintenance, hours of operation, off-site improvements, performance guarantees, screening, surfacing, time limits, etc.) deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 17.62.030 (Findings and Decision).

17.58.040 Post-Decision Procedures

The procedures relating to appeals, project changes and modifications, issuance of a Building Permit, performance guarantees, and revocation in Article 6 (Zoning Code Administration), and those in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Site Plan and Design Review.

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Chapter 17.60

Temporary Use Permit

Chapter 17.60 Temporary Use Permit

17.60.010 Purpose and Applicability

A. **Purpose.** This Chapter establishes procedures for the granting of ministerial Temporary Use Permits for short-term activities.

B. **Applicability.** A Temporary Use Permit allows the short-term activities listed in Section 17.60.030. (Allowed Temporary Uses) that may not comply with the normal development or use standards of the applicable Zone but may otherwise be acceptable because of their temporary nature.

17.60.020 Exempt Temporary Activities

The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below shall comply with Subsection D.

A. **Construction Yards - On-site.** On-site contractors' construction yards, in conjunction with an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

B. **Emergency Facilities.** Emergency public health and safety needs/activities.

C. **Public Property.** Activities conducted on public property that are approved by the Council.

17.60.030 Allowed Temporary Uses

The following temporary activities may be allowed within the specified time limits, but in no event for more than 12 months, subject to the issuance of a Temporary Use Permit by the Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.

A. **Construction Yards - Off-site.** Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire, and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. **Events.** Arts and crafts exhibits, carnivals, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, garage sales, and swap meets for up to seven consecutive days, or six two-day weekends, within a 12-month period when conducted on nonresidential properties.

C. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director, but not to exceed 12 months. Any unmanned aerial vehicle (i.e., drone) filming shall be subject to the requirements of the FAA and emergency response agencies.

D. **Outdoor Displays and Sales.** The temporary outdoor display and sales of merchandise, in compliance with Section 17.40.160 (Outdoor Display and Sales) when conducted on nonresidential properties.

E. **Seasonal Sales Lots.** Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence or security trailers, on nonresidential properties, for up to 30 days.

F. **Temporary Real Estate Sales Offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 24 months from the date of approval of the Building Permit for the project. The Director may approve a maximum of one 12-month extension. For phased projects, these requirements apply to each phase.

G. **Temporary Residence.** A temporary mobile residence as a temporary residence of the property owner when a valid Building Permit for a new single-unit is in force. The permit may be approved for no longer than 12 months, or upon expiration of the Building Permit, whichever first occurs. The following criteria pertain to a temporary residence under this section.

1. The temporary residence shall not be larger than 400 square feet.
2. Shall not be located within a front setback.
3. Shall be located a minimum of five feet from a rear or side property line and not beyond the front facade of the primary residence.
4. A cash financial security shall be secured at the discretion of the Building Official and shall be sufficient to cover the cost of removal, if necessary.
5. Any proposed deviation from this Subsection may be considered through the Minor Use Permit process.

17.60.040 Temporary Structure

A. **Temporary Structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, as an accessory use or as the first phase of a development project.

B. **Temporary Work Trailers.** A trailer or mobile home used as a temporary work site for employees of a business, in compliance with the following requirements:

1. During construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit, whichever first occurs; or
2. Upon demonstration by the applicant that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained.

17.60.050 Similar Temporary Activities

The Director may approve a Temporary Use Permit for temporary activities that are similar in nature to the temporary activities allowed by this Chapter, when the Director determines the activity is compatible with the zoning of the parcel on which the activity would be located and surrounding land uses.

17.60.060 Application Filing, Processing, and Review

An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 17.52 (Application Processing Procedures).

17.60.070 Development Standards

The Director shall establish the following standards based on the type of temporary use, using the requirements of the applicable zone and this Zoning Code for guidance:

A. Floor area, height, landscaping, off-street parking, setbacks, signs, and other structure and property development features;

B. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code; and

C. Limitation on the duration of approved "temporary structures," to a maximum of 12 months, with a maximum of one, 12-month extension, so that they shall not become permanent or long-term structures.

17.60.080 Findings and Decision

A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

17.60.090 Post-Decision Procedures

Procedures relating to appeals, performance guarantee, and revocation as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Temporary Use Permit application.

A. **Condition of the Site Following Temporary Activity.** Each site occupied by a temporary activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity and shall be used in compliance with the provisions of this Zoning Code. A bond may be required before initiation of the activity to ensure cleanup after the activity is finished.

B. **Performance Security for Temporary Structures.** Before issuance of a Temporary Use Permit for a temporary structure the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.

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Chapter 17.62

Variance

Chapter 17.62 Variance

17.62.010 Purpose and Applicability

A. **Purpose.** This Chapter allows Variances from the development standards of this Zoning Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zones.

B. **Applicability.** A Variance may be granted to waive or modify any requirement of this Zoning Code except allowed land uses, residential density, specific prohibitions, i.e., prohibited signs, or procedural requirements. The Director may grant a Minor Variance for a 25 percent maximum adjustment to any provision of this Zoning Code eligible for a Variance. The Commission may grant all other Variances.

17.62.020 Application Filing, Processing, and Review

A. **Application Filing and Processing.** An application for a Variance shall be filed in compliance with Chapter 17.52 (Application Processing Procedures).

B. **Project Review, Notice, and Hearing.** Each application shall be analyzed by the Department to ensure that the application is consistent with the purpose of this Chapter. The Review Authority shall conduct a public hearing on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.78 (Public Notices and Hearings) and State law.

17.62.030 Findings and Decision

The Review Authority may approve a Variance, with or without conditions, only after first making all the following findings, as applicable.

A. **General Findings.** The Review Authority shall make the following general findings.

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions, etc.), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zones or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the development standards.

2. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zone and denied to the property owner for which the Variance is sought.

3. Granting the Variance is consistent with the General Plan and any applicable specific plan.

B. **Findings for Off-Street Parking Variances.** For a nonresidential development project proposing to locate a portion of the required parking at an off-site location or provide in-lieu fees or facilities instead of the required on-site parking spaces, the Review Authority shall first make both of the following findings in compliance with State law (Government Code Section 65906.5), instead of those required by Subsection A, above.

1. The Variance would be an incentive to, and a benefit for, the subject nonresidential development; and

2. The Variance would facilitate access to the subject nonresidential development by patrons of public transit facilities.

17.62.040 Conditions of Approval

In approving a Variance, the Review Authority:

A. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and Zone in which the property is located; and

B. May impose conditions (e.g., buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, etc.), deemed reasonable and necessary to ensure that the approval would comply with the findings required by Section 17.56.060 (Findings and Decisions).

17.62.050 Post-Decision Procedures

Procedures relating to appeals and revocation as identified in Article 6 (Zoning Code Administration), in addition to those identified in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a Variance application.

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Chapter 17.64

Permit Implementation, Time Limits, and Extensions

Chapter 17.64 Permit Implementation, Time Limits, and Extensions

17.64.010 Purpose

This Chapter provides requirements for the implementation or "exercising" of the land use permits required by this Zoning Code, including time limits, and procedures for granting extensions of time.

17.64.020 Effective Dates

The permits required by this Zoning Code shall become effective on the 11th day following the date of the decision of the Review Authority, provided that no appeal has been filed in compliance with Chapter 17.74 (Appeals).

17.64.030 Applications Deemed Approved

A land use permit application deemed approved in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Zoning Code, which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

17.64.040 Performance Guarantees

An applicant may be required by conditions of approval, or by action of the Director, to provide adequate security to guarantee the faithful performance of any conditions of approval imposed by the Review Authority. The Director shall be responsible for setting the amount of the required security, after consultation with the Building Official.

17.64.050 Time Limits and Extensions

A. Time Limits. Permits shall comply with the following, unless otherwise specified.

1. Unless other provisions of this Zoning Code establish a different time limit, any permit or approval not exercised within two years of approval shall expire and become void in compliance with Subsection D below, except where an extension of time is approved in compliance with Subsection B, below.

2. The permit shall not be deemed "exercised" until the permittee has substantially commenced the approved activity or has commenced the allowed use on the site in compliance with the conditions of approval.

3. The land use permit shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or certificate of occupancy has been granted.

4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within two years from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall expire and be deemed void in compliance with Subsection D below, except where an extension of time is approved in compliance with Subsection B, below.

5. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit shall be exercised before the expiration of the Tentative Map, or the permit shall expire and be deemed void.

B. **Extensions of Time.** Upon written request by the applicant, the Director may extend the time for an approved entitlement in compliance with the following standards:

1. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the entitlement, together with the filing fee required by the Master Fee Schedule.

2. The Director shall determine whether the applicant has made a good faith effort to exercise the entitlement. The burden of proof is on the applicant to establish, with substantial evidence, that factors beyond the control of the applicant (e.g., demonstration of financial hardship, legal problems with the closure of the sale of the parcel, poor weather conditions in which to complete construction activities, etc.), demonstrate why the entitlement should be extended.

3. The Director may extend the time for an approved entitlement for two additional one-year time periods. Notice shall be provided 10 days prior to the decision being made to property owners and occupants within 300 feet of the subject parcel that the approval is pending. The notice shall provide an opportunity to request a public hearing regarding the extension. The request for a public hearing may be made up until the close of business of the day prior to the decision.

4. In addition to the two one-year extensions by the Director, the Review Authority for the original approval may extend the approval for one additional year. The requested extension shall be considered at a noticed public hearing.

C. **Expiration.** Extensions shall comply with the following.

1. **Time Limit.** If the time limit for exercising a land use permit provided by Subsection A expires, the permit shall be deemed expired and void.

2. **Decision.** If the Review Authority determines that the applicant has not diligently pursued establishing the land use or constructing the project as authorized by the land use permit, or that all delays in progress were not entirely beyond the applicant's control, the Review Authority shall deem the land use permit expired and void.

D. **Effect of Expiration.** After the expiration of a land use permit in compliance with this Section, no further work shall be done on the site until a new land use permit is first obtained.

17.64.060 Changes to an Approved Project

A development or new land use allowed through a Minor Use Permit, Conditional Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, or other permits and procedures established in this Article, shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Section.

A. **Request for Change.** Requests for changes to approved projects and permits shall comply with the following:

1. **Application Required.** A request for changes is discretionary and is not the automatic right of an applicant. Requests for changes to an approved project or permit shall not be implemented until first approved by the applicable Review Authority in compliance with this Section.

2. **Application Contents and Processing.** An applicant shall request desired changes in writing and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested at any time during the term of the permit and either before or after construction or establishment and operation of the approved activity.

3. **Types of Changes Allowed.** Requested changes may involve changes to one or more conditions of approval imposed by the Review Authority or actual changes to the operation, use, or physical characteristics of the project (e.g., hours of operation, expansion of a use) as originally proposed by the applicant or approved by the Review Authority.

4. **Classification of Change.** Each request for change is classified as either administrative, minor, or major in compliance with this Section.

B. **Classification of Changes.** A request for change(s) shall be classified as follows:

1. **Administrative Change.** An administrative change is one that does not result in any material change in the nature of the project or permit. The following are deemed administrative changes for the purposes of this Section.

a. Any change that is consistent with all applicable provisions of this Zoning Code, findings required for approval of the original permit, and the spirit and intent of the original approval;

b. Any change that does not involve a feature of the project that was a basis for findings in a negative declaration or mitigation requirements in an environmental impact report for the project;

c. Any change that does not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the Review Authority, e.g., the Director, Commission, or Council, in the approval of the entitlement; or

d. Any change that does not result in an increase in density or an expansion of the activity.

2. Minor Change. A minor change is one that results in minor changes to the operation, use, or physical characteristics of the project or permit. The following are deemed minor changes for the purposes of this Section.

a. Any change identified in Subparagraphs a, b, and c, of Subsection B.1 (Administrative Change), above.

b. Any change that results in the addition of up to 10 dwelling units, or up to 20 percent increase in gross floor area. A change that results in an increase of dwelling units or gross floor area beyond this threshold shall be classified as a major change. See Subsection 3 (Major Change), below.

3. Major Change. A major change is one that results in major changes to the operation, use, or physical characteristics of the project or permit. The following are deemed major changes for the purposes of this Section.

a. Any change that involves a feature of the project that was a basis for findings in a negative declaration or environmental impact report for the project;

b. Any change involving a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the Review Authority, e.g., the Director, Commission, or Council, in the approval of the entitlement;

c. Any change in the nature of the use;

d. Any change in in the density or intensity of the project that would result in more than 10 dwelling units, or an increase in gross floor greater than 20 percent;

e. Any change in the orientation or location of the structure on the parcel; or

f. Any change not classified as either administrative or minor.

C. **Review Authority.** The applicable Review Authority for requests for changes shall be determined as follows:

1. **Director – Administrative Changes.** The Director may approve requests for changes as follows:

a. **Administrative Change.** The Director may authorize an administrative change(s), to an approved project or permit. See Table 17.64-01 (Review Authority – Changes to Approved Project/Permit).

b. **Noticed Public Hearing Not Required.** An administrative change shall not require a noticed public hearing.

c. **Discretion to Elevate.** The Director or Administrative Hearing Officer, in their sole discretion, may elect to elevate the review and decision of a request to change a project or permit to a higher Review Authority (e.g., Director to Administrative Hearing Officer, Administrative Hearing Officer to Commission). The decision of the Director or Administrative Hearing Officer under this section is final and is not subject to reconsideration or appeal.

2. **Administrative Hearing Officer.** The Administrative Hearing Officer may authorize requests for changes as follows:

a. **Minor Change.** The Administrative Hearing Officer may authorize a minor change(s), as defined Paragraph 2.a (Minor Change), to an approved project or permit. See Table 17.64-01 (Review Authority – Changes to Approved Project/Permit).

b. **Noticed Public Hearing Required.** The Administrative Hearing Officer shall hold a noticed public hearing to consider the requested minor change in compliance with Chapter 17.78 (Public Notices and Hearings).

c. **Discretion to Elevate.** The Director or Administrative Hearing Officer, in their sole discretion, may elect to elevate the review and decision of a request to change a project or permit to a higher Review Authority (e.g., Administrative Hearing Officer to Commission). The decision of the Director or Administrative Hearing Officer under this section is final and is not subject to reconsideration or appeal.

3. **Commission or Council.** The Commission or Council may authorize requests for changes as follows:

a. **Major Change.** Applications for major changes shall be approved by the Commission or Council, depending on the body which initially issued the project approval. See Table 17.64-01 (Review Authority – Changes to Approved Project/Permit).

b. **Noticed Public Hearing Required.** The Commission and Council shall hold a noticed public hearing to hear the requested major change in compliance with Chapter 17.78 (Public Notices and Hearings).

D. **Decision and Findings.** The Review Authority shall approve requested changes based on the findings required for approval of the initial application. The Review Authority may impose further conditions of approval to the requested change as determined necessary or appropriate to make the required findings.

E. **Appeals.** Decisions on requests to change an approved project or permit are appealable in compliance with Chapter 17.74 (Appeals).

Table 17.64-01
Review Authority – Changes to Approved Project/Permit

Classification of Change	Review Authority		
	Director	Administrative Hearing Officer	Commission/Council
Administrative Change	X		
Minor Change		X	
Major Change			X

17.64.070 Resubmittals

A. **Resubmittal After Denial with Prejudice.** Projects and applications denied with prejudice shall comply with the following:

1. The Director shall reject an application for a discretionary planning permit, or amendment, on the grounds that one or more similar applications for the same parcel(s) have been denied in the 12 months (also known as denial with prejudice), or that another cause exists for limiting the refiling of the application.

2. For a period of one year following the actual date of denial with prejudice by the Director, Commission, or Council, or, if appealed, the actual date of denial by the applicable Review Authority considering the appeal, of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same parcel, or any portion thereof.

B. **Exception.** The Director may allow an exception to Subsection A, above, based on one or more the following findings:

1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant.

2. The surrounding area has been rezoned or a major change in the area has taken place since the previous hearing(s), which materially affects the applicant's real property.

3. A mistake was made at the previous hearing(s) that was a material factor in the denial of the previous application.

C. **Resubmittal after Denial without Prejudice.** There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.

D. **Director's Determination.** The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or denied permit or amendment and shall either process or reject the application in compliance with this Section.

E. **Appeal.** The Director's determination may be appealed to the Commission, in compliance with Chapter 17.74 (Appeals).

Chapter 17.66

Permit Modification and Revocation

Chapter 17.66 Permit Modification and Revocation

17.66.010 Purpose

The purpose of this Chapter is to establish the process by which an approved land use permit may be revoked, or conditions of approval, or other provisions of the permit or entitlement may be modified by the Town.

17.66.020 Hearing and Notice

A. The Review Authority shall hold a public hearing to revoke or modify an application, entitlement, or permit granted in compliance with the provisions of this Zoning Code.

B. Ten days before the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted.

C. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

17.66.030 Review Authority Action

A land use permit may be revoked or modified by the Review Authority which originally approved the permit (i.e., Director, Administrative Hearing Officer, Commission, or Council), or the equivalent Town Review Authority for permits originally approved by the County, after first making one or more of the following findings:

A. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings required to grant the original permit can no longer be made;

B. Permit issuance was based on misrepresentation by the applicant, either through the omission of a material statement in the application, or in public hearing testimony;

C. One or more conditions of approval have not been completed or have been violated;

D. The use or structure for which the permit was granted no longer exists or has been suspended for at least six months, as defined in Chapter 17.70 (Nonconformities); or

E. Improvements authorized by the permit are in violation of any code, law, ordinance, regulation, or statute.

17.66.040 Effect of Revocation

The revocation of a land use permit shall have the effect of terminating the permit and denying the privileges granted by the original permit.

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Title 17 – Zoning Code

Article 6 – Zoning Code Administration

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Chapter 17.70

Nonconformities

Chapter 17.70 Nonconformities

17.70.010 Purpose and Intent

A. **Purpose.** This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or future amendments.

B. **Intent.** It is the intent of this Zoning Code to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Chapter.

17.70.020 Restrictions on Nonconforming Uses and Structures

A. **Applicability and Exception.** Except as provided in Section 17.70.070 (Nonconforming Gas Stations), all nonconforming uses and structures shall comply with the following regulations:

B. **Nonconforming Uses of Land.** A nonconforming use of land may be continued, transferred, or sold, provided that the use shall not be enlarged or intensified, nor be extended to occupy a greater area than it lawfully occupied before becoming nonconforming.

C. **Nonconforming Structures.** A nonconforming structure may continue to be used as follows:

1. **Changes to or Expansion of a Structure.** Changes to a nonconforming structure by addition, enlargement, extension, reconstruction, or relocation, may be allowed if the changes conform to applicable provisions of this Zoning Code.

2. **Nonconforming Parking.** See Section 17.30.030.I (Nonconforming Parking).

3. **Maintenance and Repair.** A nonconforming structure may be maintained and repaired.

4. **Seismic Retrofitting and Building Code Compliance.** Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.

5. **Other Modifications Allowed.** The enlargement, extension, reconstruction, or structural alteration of a nonconforming structure to improve safety, reduce fire hazard and/or to improve the appearance of the structure may be allowed with Minor Use Permit approval.

6. **Historical Structures.** Structures of historical significance in the Town Center (TC) Zone may be altered or enlarged with the Director's approval without conforming to new setbacks.

D. **Station Area Plan and Downtown Specific Plan Expansion and Conversion of Residential Structures.** Properties in the Station Area Plan and Downtown Specific Plan shall comply with the following:

1. **Expansion of Uses.** Expansion of 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 allowed with Commission approval provided it is in conformance with this Zoning Code and is consistent with similar development in the immediate area.

2. **Conversion of Residential Structures to Commercial Uses.** The conversion or expansion of nonconforming residential uses or structures 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 allowed at the discretion of the Commission. The intent is the reuse 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 Zone and complies with all other applicable provisions of the Station Area Plan and the Zoning 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 and 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 be materially injurious to persons, property, or improvements in the vicinity and zone 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.

17.70.030 Agricultural and Residential Exemptions

An involuntarily damaged or destroyed agricultural structure, mobile home, or single- or multi-unit dwelling may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements, provided it is reconstructed or replaced within 24 months.

17.70.040 Loss of Nonconforming Status

A. **Termination by Discontinuance.** Discontinuance of a use, structure, or parcel may result in the termination of nonconforming status in compliance with the following.

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of six months or more, rights to legal nonconforming status shall terminate.

2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

3. Without further action by the Town, any further use of the site or structure shall comply with all of the regulations of the applicable zone and all other applicable provisions of this Zoning Code.

B. **Termination by Destruction.** Except as provided by this Chapter, nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, provided that the structure may be repaired or rebuilt and reoccupied as follows.

1. If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the assessed value of the structure immediately before damage, the structure may be restored, and the use continued if the restoration is started within 12 months of the date of damage and is diligently pursued to completion. The applicant may request, and the Director may grant one 12-month extension.

2. Minor Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the

structure immediately before damage. Minor Use Permit approval shall require a finding, in addition to those contained in Section 17.58.020 (Findings and Decision), that the benefit to the public health, safety or welfare exceeds the detriment inherent in the restoration and continuance of nonconformity.

17.70.050 Nonconforming Parcels

A. **Legal Building Site.** A nonconforming parcel that does not comply with the applicable area, depth, or width requirements of this Zoning Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

1. **Approved Subdivision.** The parcel was created by a recorded subdivision;
2. **Individual Parcel Legally Created by Deed.** The parcel is under one ownership and of record and was legally created by a recorded deed before the effective date of the Zoning Amendment that made the parcel nonconforming;
3. **Variance or Lot Line Adjustment.** The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or
4. **Partial Government Acquisition.** The parcel was created in compliance with the provisions of this Zoning Code but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the setback facing a public right-of-way was decreased not more than 50 percent.

B. **Subdivision of a Nonconforming Parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel, except as may otherwise be required by State law.

17.70.060 Nonconforming Due to Lack of Permit

A. **Conformity of Uses Requiring Use Permits.** A use lawfully existing without a Minor Use Permit or Conditional Use Permit that would be required by this Zoning Code to have Use Permit approval, shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.).

B. **Previous Use Permits in effect.** A use that was authorized by a Use Permit but is not allowed by this Zoning Code in its current location may continue, but only in compliance with the original Use Permit.

17.70.070 Nonconforming Gas Stations

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

1. Provide for the continued operation of gas stations as legal nonconforming uses and describe when they shall be deemed abandoned.

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

3. Prohibit gas station operations from increasing the storage and dispensing capacity of gasoline, diesel, and other fossil fuels.

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

1. All lawfully developed and operating gas stations in existence prior to October 5, 2022.

2. All gas stations not yet developed and/or operating but subject to an approved and unexpired land use permit or a planning entitlement application that was submitted before October 5, 2022.

C. **Modifications to Gas Stations – Generally.** Except as provided in this Section, gas station uses and structures related thereto shall not be enlarged, extended, or intensified. As determined by the Director, examples of features subject to this provision include, but are not limited to, those related to the sale, storage, conveyance, and dispensing of gasoline, diesel, and other fossil fuels (e.g., storage tanks, pumps, dispensers).

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

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

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

Chapter 17.72

Amendments

Chapter 17.72 Amendments

17.72.010 Purpose

This Chapter provides procedures for the amendment of the General Plan, the Zoning Map, this Zoning Code, Specific Plan, or Master Plan.

17.72.020 Processing, Notice, and Hearing

After the filing and initial processing of a proposed amendment in compliance with Chapter 17.52 (Application Processing Procedures) the Commission and Council shall conduct public hearings regarding the amendment. Notice of the hearings shall be given in compliance with State law and the public noticing requirements included in Chapter 17.78 (Public Notices and Hearings) and Section 17.52.080 (Neighborhood Meeting).

17.72.030 Commission Action

The Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or deny the proposed amendment, based on the findings in Section 17.72.050 (Findings), below.

17.72.040 Council Action

A. Action to Approve/Denial. Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or deny the proposed amendment based on the findings in Section 17.72.050 (Findings), below.

B. Referral to Commission. If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification may be first referred back to the Commission for its recommendation, in compliance with Government Code Sections 65356 and 65857.

17.72.050 Findings

An amendment to the General Plan, the Zoning Map, Specific Plan, Master Plan, or this Zoning Code may be approved only if all the following findings are made, as applicable to the type of amendment.

A. Findings for General Plan Amendments. All the following findings shall be made for General Plan Amendments.

1. The proposed amendment would not make the General Plan internally inconsistent.

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

3. The site is physically suitable, including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities, for the requested/ anticipated land use developments.

B. **Findings for Zoning Code, Specific Plan, Master Plan, and Zoning Map Amendments.** All of the following findings shall be made for Zoning Code, Specific Plans, Master Plans, and Zoning Map Amendments.

1. Findings Required for all Zoning Map/Code Amendments:

   a. The proposed amendment is consistent with the General Plan and any Specific Plan or Master Plan.

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

2. **Additional Finding for Zoning Map Amendments:** The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested Zones and anticipated land uses/developments.

3. **Additional Finding for Zoning Code Amendments:** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

17.72.060 Prezoning

A. **Purpose.** An unincorporated property within the Town's Urban Growth Boundary may be prezoned to the Zone that would apply upon annexation to the Town.

B. **Initiation and Processing.** A prezoning shall be initiated, processed, and approved or denied in the same manner as provided for Zoning Map Amendments by this Chapter.

C. **Application of Official Zones.** Upon the effective date of annexation, the zone established by prezoning shall become the official zone of the site and shall be so designated on the Zoning Map.

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Chapter 17.74

Appeals

Chapter 17.74 Appeals

17.74.010 Purpose

This Chapter establishes procedures for the appeal and review of determinations of the Director or Commission.

17.74.020 Appeal Subjects and Jurisdiction

A. **Director Decision.** A determination or decision by the Director may be appealed to the Commission.

B. **Commission Decisions.** A decision by the Commission may be appealed to the Council, provided that a member of the Commission shall not be allowed to file an appeal of a decision rendered by the Commission.

17.74.030 Appeal Procedure

A. **Eligibility.** Any action or decision by the Director, Department Staff, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Chapter.

B. **Timing and Form of Appeal.** Appeals shall be submitted in writing and filed with the Department or Town Clerk, as applicable, on a Town application form, within 10 days after the date of the decision. The appeal shall state the pertinent facts of the case and the basis for the appeal. Appeals addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the Town Clerk. Appeals shall be accompanied by the required filing fee. If the appeal period provided in this Chapter ends on a day when the Town offices are closed, the last day to file an appeal shall be the next regular business day for the Town.

C. **Report and Scheduling of Hearing.** When an appeal has been filed, the Director shall prepare a report on the matter, and schedule the matter for consideration by the appropriate review authority identified in Section 17.74.020 (Appeal Subjects and Jurisdiction), above.

D. **Action.** If the matter originally required a public hearing, the Department or Town Clerk, as applicable, shall provide notice of the hearing in compliance with State law and the notice and hearing procedures established in Chapter 17.78 (Public Notices and Hearings). At the hearing, the Review Authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. The Review Authority may:

1. Affirm, affirm in part, or reverse the action, the determination or decision that is the subject of the appeal;

2. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or

3. Deny the land use permit approved by the previous Review Authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

E. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission, as applicable, for further consideration.

17.74.040 Appeals by Councilmembers and Commissioners

A member of the Commission may appeal an action of the Director; and a member of the Council may appeal an action of the Director or Commission. All provisions of this Chapter shall apply to an appeal, provided however, no filing fee need be paid and further there shall be no inference of bias attributed to the party undertaking the appeal.

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Chapter 17.76

Enforcement

Chapter 17.76 Enforcement

17.76.010 Purpose

This Chapter provides procedures that are intended to ensure compliance with the requirements of this Zoning Code and the conditions of permit approval.

17.76.020 Compliance with Code Enforcement Procedures

In addition to the provisions and procedures established in this Chapter, all enforcement procedures shall comply with Municipal Code Chapter 1 – General Provisions.

17.76.030 Violations

A. Public Nuisance. Any use, structure, or other activity on a site that is altered, enlarged, erected, established, maintained, moved, or operated, contrary to the provisions of this Zoning Code or any applicable condition of approval, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties specified in the Town Code, including this Chapter.

B. Infraction/Misdemeanor. Infraction and misdemeanors shall be issued as follows.

1. Any person who violates or fails to comply with any provision of this Zoning Code, or a condition imposed on any development permit, map, or license, shall be guilty of an infraction on each separate day the violation or failure to comply exists, except as otherwise specified in this Chapter.

2. Any person responsible for these violations who has previously been convicted three or more times during a 12-month period for any other violation(s) of this Zoning Code shall be guilty of a misdemeanor.

C. Stop Work Order. Construction in violation of this Zoning Code or a condition(s) imposed on a permit shall be subject to the issuance of a "Stop Work Order." A violation of a Stop Work Order shall constitute a misdemeanor.

17.76.040 Remedies

A. Remedies Provided by Zoning Code. All remedies contained in this Zoning Code for the handling of violations or enforcement of the provisions of this Zoning Code shall be cumulative and not exclusive of any other applicable provisions of Town, County, State, or Federal law.

B. **Legal Remedies.** The Town may choose to undertake any civil action, civil remedy or penalty, or criminal prosecution or penalty allowed by law to correct and/or abate nuisances, or violations of this Zoning Code.

C. **Other Remedies.** If a person is found guilty and convicted of an infraction or misdemeanor for the violation of any provision of this Zoning Code, the conviction shall not prevent the Town from pursuing any other available remedies to correct the violation.

17.76.050 Inspection

A. **Access to Premises.** Every applicant seeking a permit application or any other action in compliance with this Zoning Code shall allow appropriate Town officials access to the site that is the subject of the application. If the permit or other action is approved, the owner or applicant shall allow appropriate Town officials access to determine continued compliance with the approved permit and/or any conditions of approval.

B. **Effect of Refusal.** Failure to allow inspections for compliance shall be grounds for revocation proceedings.

17.76.060 Enforcement Action

In cases where the Director has determined that property is being used, maintained, or allowed to exist in violation of this Zoning Code, enforcement will proceed in accordance with Municipal Code Chapter 1 – General Provisions.

17.76.070 Recovery of Cost

Recovery of administrative costs (e.g., staff, legal, etc.), including staff time expended in the enforcement of the provisions of this Zoning Code, in cases where no permits are required to correct a violation, shall be in accordance with Municipal Code Chapter 1 – General Provisions.

17.76.080 Additional Permit Processing Fees

A person who establishes a land use activity, or alters, constructs, enlarges, erects, maintains, or moves a structure without first obtaining a permit required by this Zoning Code, shall pay the additional permit processing fees established by the Town's Master Fee Schedule for the correction of the violation(s), before being granted a permit for an activity or structure on the site.

17.76.090 Reinspection Fees

A. Amount and Applicability of Reinspection Fee. Fees shall comply with the following.

1. A reinspection fee shall be imposed on each person who receives a notice of violation, notice and order, or letter of correction of any provision of the Town Code, adopted Building Code or State law. The fee amount shall be established by the Town's Master Fee Schedule. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.

2. The fee shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

B. Continuation of the Original Case. Continuation procedures shall comply with the following:

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Zoning Code or the Town Code for less than six months, the violation shall be deemed a continuation of the original case and all inspections or reinspection's, including the first inspection for the repeated offense, shall be charged a reinspection fee. This fee is intended to compensate for administrative costs for unnecessary Town inspections, and not as a penalty for violating this Zoning Code or the Town Code.

2. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Zoning Code or the Town Code, or costs incurred by the Town for the abatement of a public nuisance.

Chapter 17.78

Public Notices and Hearings

Chapter 17.78 Public Notices and Hearings

17.78.010 Purpose

This Chapter establishes procedures for public hearings before the Administrative Hearing Officer, Commission, and Council. When a public hearing is required by this Zoning Code, public notice shall be given, and the hearing shall be conducted in compliance with this Chapter.

17.78.020 Notice of Hearing

When a land use permit, or other matter is required by State law or this Zoning Code to have a public hearing, the public shall be provided with notice of the hearing in compliance with the provisions of this Chapter and State law.

A. **Authority to Give Notice.** Notices shall be given in compliance with the following:

1. The Director is authorized to give notice of public hearings to be held by the Administrative Hearing Officer, or Commission, under the provisions of this Zoning Code.

2. The Town Clerk is authorized to give notice of public hearings to be held by the Council, under the provisions of this Zoning Code.

3. A failure in the notice procedure shall not affect the jurisdiction or authority of a review authority to take action on a matter.

B. **Contents of Notice.** The contents of a notice of a public hearing shall be as follows, except where another provision of this Zoning Code requires a notice to provide alternative information.

1. **Hearing Information.** The notice shall provide the following information about a scheduled public hearing:

a. The date, time, and place (e.g., address, room, etc.) of the hearing and the name of the review authority holding the hearing;

b. A description of the Town's general procedure concerning the conduct of hearings and decisions;

c. A statement that that reads "Any interested person is invited to appear and be heard on the request or proposal."

d. The phone number, street address, and website of the Department, where an interested person could call or visit to obtain additional information; and

e. Any additional information as may be required by State or Federal law applicable to and binding upon the Town, including information required under the Town's implementation of the Americans with Disabilities Act (ADA).

2. **Project Information.** The name of the applicant; the Town's file number assigned to the application; a general explanation of the matter to be considered; and a general description of the location of the property that is the subject of the hearing.

3. **Statement on Environmental Document.** If a draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project, in compliance with the provisions of the California Environmental Quality Act (CEQA) and the Town's environmental review procedures identified in the Town Code, the hearing notice shall include a statement that the hearing body would also consider approval of the draft Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

C. **Method of Notice Distribution.** Notice of a public hearing required by this Chapter for a land use permit, or other matter shall be given as follows:

1. **Mailed Notices.** Notices shall be mailed or delivered, at least 10 days before the date of the scheduled public hearing, via first class mail with postage prepaid, to the following:

a. The applicant, if any, or the applicant's agent as designated and authorized in writing by the applicant as part of the project application;

b. The owner of the subject property, if different from the applicant or if there is no applicant; or the owner's agent as designated and authorized in writing by the owner as part of the project application;

c. Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

d. All owners and occupants of real property that is located in whole or in part within a radius of 300 feet from the exterior boundaries of the Assessor's parcels that are the subject of the hearing, as shown on the last equalized assessment roll and its master index update. The 300-foot radius shall be measured from the exterior boundaries of the subject parcels to the exterior boundaries of the neighboring parcels, without reference to structures existing on other parcels;

e. Any person who has filed a written request for notice with the Director.

f. Any additional persons as may be deemed appropriate by the Director, Commission, or Council.

2. **Newspaper Publication.** Newspaper publications shall comply with the following:

   a. Notice shall be given at least once by publication in a newspaper of general circulation within the Town, at least 10 days before the scheduled public hearing.

   b. In prezoning matters, the notice shall be published in a newspaper of general circulation, circulated in the area proposed to be prezoned.

3. **Official Posting Sites.** Notice shall also be given by posting the notice at the Town's designated official noticing locations.

4. **On-Site Posting.** Onsite sign posting shall be provided for Council public meetings and public hearings for projects requiring a land use or planning permit. The applicant shall install a sign on the subject property in a place conspicuous to the public, at least 10 days before the scheduled public hearing. On-site signs shall comply with the following standards:

   a. The size of the sign shall comply with Table 17.78-01 (Public Hearing Notice Sign Area Requirements).

Table 17.78-01
Public Hearing Notice Sign Area Requirements

Parcel Size	Minimum Sign Area
Under 6,000 sq. ft. or store front	6 sq. ft.
6,000 – 20,000 sq. ft.	12 sq. ft.
20,001 – 1 acre	24 sq. ft.
Over 1 acres	32 sq. ft.

   b. Sign height shall not exceed six feet.

   c. The sign shall be placed not less than five feet inside the property line in residential zoning districts, and not less than one foot inside the property line for commercial and industrial zoning districts.

   d. The sign shall be located in a position most visible to the public, but not within a required vision triangle.

   e. On or before the required date of posting, the applicant shall submit to the Department a signed affidavit verifying installation of the sign.

   f. The sign shall not be illuminated.

   g. One sign shall be displayed on each public street frontage of the subject property. The Director shall have the discretion to modify the number and location of signs for projects with more than one street frontage, where unusual circumstances

exist and when the number and location of signs will comply with the intent of this Chapter.

h. The sign shall be removed within 15 days after the public hearing.

5. **Online Postings.** Online posting of notices shall comply with the following:

a. Notice shall be given on the Town's webpage.

b. Alternative online postings including, but not limited to social media are encouraged at the discretion of the Director.

6. **Electronic Notice.** Notice shall be emailed to the electronic distribution list retained by the Department for Town public notices.

D. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Paragraph C.1, above, is more than 1,000, the Town may, as an alternative to the mailing requirements of this Chapter, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days before the scheduled hearing. However, any site-specific development must include on-site posting consistent with Paragraph C.4 above.

E. **Combined Notices.** A notice of public hearing required by this Chapter may be combined with a notice of public hearing required by other provisions of the Town Code, or State or Federal law, applicable to or binding upon the Town, provided the requirements of this Chapter relating to content, timing, or methods of giving notice, are complied with in the combined notice.

F. **Additional Notice.** In addition to the types of notice required by Subsections C and D, above, further noticing may be required at the discretion of the Director, including, but not limited to, the use of a greater radius for notice for projects of particular interest, scale, or size.

G. **Public Notice of Administrative Hearing Officer Action.** The Administrative Hearing Officer is authorized by this Zoning Code to consider certain applications. Notice of public hearings for projects for which the Administrative Hearing Officer is the review authority shall be provided to owners and occupants within a 300-foot radius of the subject parcel, posted at the Town's Official Posting Sites, posted on the project site, and on the Town's website, consistent with the requirements of this Chapter. At the Director's discretion additional noticing may be provided.

17.78.030 Hearing Procedure

A. **Conduct of Hearing.** Hearings shall be held at the date, time, and place described in the public notice required by this Chapter.

B. **Continuance.** If it is necessary to continue the hearing or decision or any matter before the review authority, the person presiding at the hearing may, before the adjournment or recess of the hearing, publicly announce the date, time, and place to which the hearing will be continued.

1. **Continuance with Date Announced.** If a date is announced for a continued hearing, no additional notice for the continued hearing is required.

2. **Continuance With No Date Announced.** If no date is announced for a continued hearing, a new notice of hearing is required in compliance with this Chapter.

17.78.040 Recommendation by Commission

At the conclusion of any public hearing on an amendment (General Plan, Zoning Code, or Zoning Map), a development agreement, or a specific plan, the Commission shall forward a written recommendation, including all required findings, to the Council for final action.

17.78.050 Decision and Notice of Action

A. **Decision.** Decisions shall comply with the following:

1. The review authority (e.g., Administrative Hearing Officer, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing or defer action and continue the matter to a later meeting agenda in compliance with Section 17.78.030 (Hearing Procedure), above.

2. At the conclusion of a hearing by the Administrative Hearing Officer, the Administrative Hearing Officer may instead refer the matter to the Commission for a decision.

B. **Notice of Action.** The notice of action shall contain applicable findings, any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate impacts and protect the public health, safety, and welfare.

C. **Mailing of Notice Action.** Providing notices of action shall comply with the following:

1. Within five days after the final decision, or recommendation, is rendered by the applicable review authority, a notice of action (e.g., decision or recommendation), any applicable conditions of approval, and the reporting/monitoring requirements shall be sent to the applicant.

2. A copy of the notice of action shall also be sent to the property owner, if different from the applicant, and to all other persons who have filed a written request for notice.

17.78.060 Finality of Decision

A. **Administrative Hearing Officer or Commission.** The decision of the Administrative Hearing Officer, or Commission is final unless appealed in compliance with Chapter 17.74 (Appeals).

B. **Council.** The decision of the Council on any matter shall be final.

17.78.070 Effective Date of Decision

A. **Administrative Hearing Officer or Commission.** A decision of the Administrative Hearing Officer or Commission shall become effective on the 11th day following the date of application approval by the applicable review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 17.74 (Appeals). If the appeal period ends on a day when Town Hall offices are closed, the appeal period shall be extended to the first day that Town Hall offices are open.

B. **Town Council.** Decisions by Council shall comply with the following:

1. **Other than Amendments.** The decision of the Council on any matter, other than an amendment, shall be effective immediately following the decision.

2. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council, and after the close of the statute of limitations under the California Environmental Quality Act (CEQA).

3. **Zoning Code and Zoning Map.** A Zoning Code or Zoning Map amendment shall become effective on the 30th day following the adoption of an ordinance by the Council.

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Title 17 – Zoning Code

Article 7 – Housing Regulations

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Chapter 17.80

Affordable Housing Requirements and Incentives

Chapter 17.80 Affordable Housing Requirements and Incentives

17.80.010 Purpose and Intent

A. **Purpose.** This Chapter provides incentives for the production of affordable housing for qualifying persons, households, and facilities.

B. **Applicability.** This Chapter is intended to implement the requirements of State Law (Government Code Sections 65302, 65913, and 65915-65918, et seq.) and the goals and policies of the Town's Housing Element.

C. **Conflicts.** Where regulations are not specifically addressed in this Chapter or where there are conflicts between these provisions and the provisions of the Government Code, the provisions of the Government Code, as they may be amended over time, shall apply.

17.80.020 Eligibility and Requirements

A. To be eligible for a density bonus, incentives, or concessions as provided by this Chapter, a proposed project shall satisfy the eligibility requirements established in Government Code Section 65915 (as amended over time).

B. The Town shall grant density bonuses for eligible projects, if requested by the applicant, in compliance with Government Code Sections 65302, 65913, and 65915-65918, et seq. (as amended over time). This includes density bonuses and incentives for land uses and facilities including:

1. Very-Low Vehicle Travel Areas
2. Very-low income housing
3. Low-income housing
4. Moderate-income housing
5. Land Donations
6. Senior housing
7. Student housing
8. Transitional foster youth, disabled veteran, or homeless persons Housing

17.80.030 Types of Bonuses, Incentives, and Concessions Allowed

A. An applicant for a density bonus which complies with the eligibility requirements established in Section 17.80.020 (Eligibility and Requirements), shall submit a request for the specific density bonus, incentive, or concession established in California Government Code Section 65915 (as amended over time). Applying for a density bonus provided in this Chapter shall comply with the following.

1. An applicant for a density bonus in compliance with this Chapter and Government Code Section 65915 shall submit a request for the specific incentives or concessions and may request a meeting with the Director.

2. The applicant may file a request for incentives or concessions either before filing an application for Town approval of a proposed project or concurrently with an application for project approval.

B. Right to Modify. If a density bonus or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this Zoning Code, modified standards may be considered subject to the review and final action by the applicable Review Authority.

C. Consideration of Request for Density Bonus and Incentive. The Town shall grant a density bonus or incentive requested by the applicant unless the Council makes a written finding, based on substantial evidence, of any the following:

1. The density bonus or incentive does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k) (as amended over time), to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5 (as amended over time), or for rents for the targeted units to be set as specified in Government Code Section 65915(c) (as amended over time).

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

3. The density bonus or incentive would be contrary to State or Federal law.

4. Effect of Density Bonus or Incentive. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval. The granting of a density bonus shall not

require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

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

6. **Number of Incentives.** An eligible project shall receive the number of incentives based on the percentage of affordable units in the proposed project in compliance with Government Code Section 65915.

D. **Additional Density Bonus.** An applicant may request, and the Town Council may grant, a density bonus above the density bonus required by State law for for-sale and rental affordable housing projects located within the boundaries of the Downtown Station Area Specific Plan or on properties zoned Boulevard Mixed-Use (BMU).

1. A request for an additional density bonus shall be made in writing and shall include the following:

   a. The amount of additional density bonus requested, up to 100%.

   b. The number of additional units that would result from the density bonus and the affordability level of these units.

   c. How the additional density bonus assists in the project's feasibility.

   d. How the additional density bonus and units assist in meeting the Town's Regional Housing Needs Allocation (RHNA).

2. The Director or Town Council may request additional information.

3. The Town Council's consideration of the request for an additional density bonus shall occur at a noticed public hearing. The Town Council has full discretion to grant or deny a density bonus request above that required by State law. In considering such requests, the Town Council will evaluate how the additional density bonus assists the feasibility of the project, how the additional density bonus assists in meeting the Town's RHNA, how the additional density bonus would impact Town services and utilities, and whether the additional density bonus is compatible with the Town's land use planning including, but not limited to, the Town's General Plan and any applicable Specific Plan.

17.80.040 Continued Affordability and Control of Resale

A. The applicant shall agree to, and the Town shall ensure, the continued affordability of the units that qualified the housing development for a density bonus and other incentives shall continue to be available as affordable dwelling units in compliance with the following requirements, as required by Government Code Section 65915(c) (as amended over time).

B. Control of Resale. The Town shall control the resale of eligible units in compliance with the following standards.

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

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

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

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

5. Multi-unit and mixed-use–income projects within the Station Area/Downtown Specific Plan Area are exempt from the requirements set forth in this Section. A Density Bonus Agreement in compliance with Section 17.80.080 (Density Bonus Agreement) is required to receive a density bonus for moderate-income projects in the Downtown Plan area.

17.80.050 Donations and Dedications of Land

Upon the approval by the Council, an applicant shall be eligible for the increased density bonus for land donated or dedicated provided all the following conditions established in California Government Code Section 65915(g) (as amended over time). The density bonus percentage received for land donated shall be in addition to the density bonus received for providing affordable units in compliance with the provisions of State law. The intent of allowing a land dedication option is to provide the land needed to make affordable housing development feasible, thus furthering the intent of this Chapter.

17.80.060 Housing with Childcare and Community Healthcare Facilities

A. Housing Developments Childcare Facilities. When an applicant proposes to construct a housing development that complies with the resident and project size requirements established in Government Code Section 65915(b)(1) (as amended over time) and includes as part of that development a childcare facility or community healthcare facility that will be located on the site of, as part of, or adjacent to the housing project, the Town shall grant either an additional density bonus or an additional incentive, unless otherwise specified in this Section or State law.

1. Bonuses and Incentives. In compliance with Government Code Section 65915(h)(1) (as amended over time), the Town shall grant a qualifying project which includes a childcare facility or community healthcare facility one or more of the following:

   a. An additional 10 percent density bonus in addition to what the project would normally qualify as established in State Law and this Zoning Code.

   b. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility or community healthcare facility; or

   c. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility or community healthcare facility.

2. Determination of Adequate Childcare and Community Healthcare Facilities. In compliance with Government Code Section 65915(h)(1) (as amended over time), the Town shall not be required to provide a density bonus or concession for a childcare facility or community

healthcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities of community healthcare facilities.

B. **Commercial Developments Childcare and Community Healthcare Facilities.** An applicant for a commercial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a childcare facility of community healthcare facility, in compliance with Government Code Section 65915(h)(1) (as amended over time).

17.80.070 Application and Review

A. **Application.** An application for a density bonus or donation of land for housing shall be filed and processed in compliance with this Chapter. If desired, a request for specific incentives or concessions may be filed in compliance with Government Code Section 65915(a)(1) (as amended over time).

B. **Determination.** Within 30 days of filing the application, the Director shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to:

1. The amount of the density bonus for which the project is eligible;
2. The parking ratio for which the project is eligible, if requested by the applicant; and
3. Whether the applicant has provided enough information for the Town to decide if the application is eligible for a density bonus or concession.

17.80.080 Density Bonus Agreement

A. **Agreement Required.** An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the Town.

B. **Agreement Provisions.** Agreements between an applicant and the Town shall comply with the following.

1. **Project Information.** The agreement shall include at least the following information about the project:
    a. The total number of dwelling units approved for the housing development, including the number of designated affordable dwelling units;
    b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost

consistent with the United States Department of Housing and Urban Development (HUD) Guidelines;

c. The marketing plan for the affordable dwelling units;

d. The location, size (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 17.80.040 (Continued Affordability and Control of Resale);

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

g. A description of the additional incentives and concessions being provided by the Town;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this Chapter.

2. Minimum Requirements. The agreement shall provide, at minimum, that:

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

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

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

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

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

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

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

C. **Conditions by Project Type.** The following conditions shall apply to affordable units in compliance with this Chapter.

1. **For-Sale Housing.** In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

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

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

i. Restricts the sale of the unit in compliance with this Chapter, or other applicable Town policy or ordinance, during the applicable use restriction period;

ii. Contains provisions as the Town may require ensuring continued compliance with this Chapter and State law; and

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

2. **Rental Housing.** In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

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

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

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

d. The applicable use restriction period shall comply with the time limits for continued availability in Section 17.80.040 (Continued Affordability and Control of Resale).

3. Moderate-Income Housing. In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:

a. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.

b. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment, and the value of the unit's appreciation, less the Town's share of the appreciation.

c. When the initial purchaser sells the unit, the Town shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale. The Town shall use this share of appreciation for any of the purposes established in Health and Safety Code Section 33334.2(e) (as amended over time).

4. Childcare Facility. In the case of childcare facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide operating duration requirements for the childcare facility, such that the childcare facility shall remain in operation for as long as or longer than the period during which the density bonus units are required to remain affordable.

5. Agreement Execution. Agreements between an applicant and the Town shall be executed as follows.

a. Following the Council's approval of the agreement, and execution of the agreement by all parties, the Town shall record the completed agreement on the parcels designated for the construction of designated dwelling units.

b. The approval of the agreement shall take place at the same time as the approval of any required final map or, where a map is not being processed before the issuance of Building Permits for the project. Recordation of the agreement shall take place as soon as possible after the approval of any required final map or, where a map is not being processed before the issuance of any Building Permit for the project.

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

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Chapter 17.82

Accessory Dwelling Unit (ADU)

Chapter 17.82 Accessory Dwelling Unit (ADU)

17.82.010 Purpose

The provisions of this Chapter are intended to set standards, in compliance with California Government Code Sections 66310-66342 (as amended over time) , for the development of accessory dwelling units to increase the supply of smaller and affordable housing while ensuring such housing remains compatible with the existing neighborhood.

17.82.020 Intent

The provisions of this Chapter are intended to implement the provisions of the General Plan Housing Element that encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development.

17.82.030 Applicability

Except as otherwise provided by this Chapter, accessory dwelling units shall be ministerially permitted where allowed in Article 2 (Zones, Allowable Uses, and Development Standards).

17.82.040 General Requirements

A. Accessory to Primary Residential Use. Accessory dwelling units shall be accessory to an existing or proposed primary dwelling.

B. Where Allowed. Accessory dwelling units shall be located on a parcel zoned to allow single-unit or multi-unit residential uses and that contains an existing or proposed primary dwelling.

C. Density Exemption. Accessory dwelling units are not subject to the density requirements of the General Plan but shall otherwise be consistent with the General Plan text and diagrams.

D. Separate Conveyance. Accessory dwelling units shall not be sold or otherwise conveyed separately from the primary dwelling, except as otherwise provided in Government Code Sections 66340-66342 (as amended over time) 65852.26.

E. Rental Terms. Accessory dwelling units shall not be rented for a term of less than 30 consecutive days.

F. Owner Occupancy. The property owner is not required to occupy the accessory dwelling unit or primary dwelling located on the parcel.

G. **Permit Requirements.** An application for an accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially through the Building Permit process. A Building Permit application for an accessory dwelling unit on a parcel with an existing single-unit or multi-unit dwelling shall be acted upon within 60 days of the Building Permit application being complete. The Building Permit applicant may request a delay in the Town's processing of the Building Permit, which shall result in the tolling of the 60-day time.

H. **Planned Development Districts.** Accessory dwelling units located in Planned Development zones shall comply with the requirements of this Section.

17.82.050 Development Standards

A Building Permit for an accessory dwelling unit shall be issued only when the accessory dwelling unit complies with all the following development standards:

A. **Number of Units Allowed.** The number and type of accessory dwelling units and junior accessory dwelling units as provided in Government Code section 66323 (as amended over time). See Chapter 17.84 (Junior Accessory Dwelling Unit (JADU)).

B. **Location.** An accessory dwelling unit shall be allowed in the following locations:

1. Within or attached to an existing or proposed primary dwelling, including attached garages, storage areas, or similar attached areas;

2. An existing or proposed detached accessory structure, including "tiny homes"; or

3. Above a garage that is attached to or detached from the primary dwelling.

4. When located within an existing accessory structure, the accessory structure shall only be enlarged to provide ingress and egress. An expansion needed to provide ingress and egress shall be limited to a maximum of 150 square feet, shall provide exterior access, and shall provide side and rear setbacks adequate for fire and safety.

C. **Setbacks.** An accessory dwelling unit shall comply with the following setback requirements:

1. **Attached Unit.** An attached accessory dwelling unit shall be subject to the same front setback requirement applicable to the primary dwelling, unless it precludes development of an accessory dwelling unit that is at least 800 square feet, with four-foot side and rear yard setbacks and complies with all other development standards of this Section. For an accessory dwelling unit that is attached to a primary dwelling the maximum height is 25 feet or the height limitation in the applicable zoning district that applies to the primary dwelling, whichever is lower. However, in no case shall the accessory dwelling unit exceed two stories. The interior side, street side, and rear setbacks shall be a minimum of four feet. No rear, street side, or interior side setback is required for an accessory dwelling unit

that is located fully within an existing single-unit dwelling, provided a separate exterior access is provided for the accessory dwelling unit.

2. **Conversion of Existing Living Space or Existing Accessory Structure.** An accessory dwelling unit or portion of an accessory dwelling unit located within an existing dwelling or within an existing detached accessory structure shall not require a setback from the rear, street side, or interior side property lines.

3. **Existing Garage.** No setback shall be required for an existing garage that is converted to an accessory dwelling unit, except as required for fire and safety. A setback of four feet from the interior side, street side, and rear property lines is required for an accessory dwelling unit constructed above an existing garage.

4. **Replacement of Existing Structures.** An accessory dwelling unit constructed in generally the same location and to the same dimensions as an existing structure that will be demolished may utilize the same setbacks as the structure being replaced.

5. **New Detached Unit.** A new detached accessory dwelling unit shall comply with the front setback of the underlying zoning district, unless it precludes development of an accessory dwelling unit that is at least 800 square feet, with four-foot side and rear yard setbacks and complies with all other development standards of this Section. A detached accessory dwelling unit shall be located a minimum of four feet from the interior side, street side, and rear property lines.

6. **Distance Between Structures.** A detached accessory dwelling shall maintain a minimum of five feet of separation between the primary dwelling and other accessory structures on the site or the minimum distance required by the Building Code, whichever is greater.

D. **Maximum Floor Area.** Accessory dwelling units shall comply with the following floor area standards:

1. Studio and one-bedroom accessory dwelling units shall not exceed 850 square feet in floor area.

2. An accessory dwelling unit with two or more bedrooms shall not exceed 1,200 square feet in floor area.

3. An accessory dwelling attached to an existing primary dwelling shall not exceed 50-percent of the living area of the existing primary dwelling and shall also comply with the square footage limitations and allowances in Paragraph 1 and 2 above.

4. A detached, new construction accessory dwelling unit may be combined with one junior accessory dwelling unit that complies with the requirements of Chapter 17.84 (Junior Accessory Dwelling Unit (JADU)). When combined with a junior accessory dwelling unit,

the maximum size of the accessory dwelling unit is limited to 800 square feet, regardless of the number of bedrooms.

5. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. For the purposes of measurement all attached and/or interior storage areas, mezzanines, lofts, attics (except those less than seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage.

E. **Height Limit.** A detached accessory dwelling is limited to a maximum height of 16 feet, except as set forth below:

1. If a detached accessory dwelling is located within a half-mile of a major transit stop or high-quality transit corridor, as defined in Article 8 (Definitions), the unit is limited to a maximum height of 18 feet, and may be up to two feet taller, for a maximum of 20 feet, if necessary to match the roof pitch of the primary dwelling unit.

2. If a detached accessory dwelling is located on a parcel with a multistory, multi-unit dwelling structure, the unit is limited to a maximum height of 18 feet.

3. An accessory dwelling located above a detached garage is limited to a maximum height of 25 feet.

4. An accessory dwelling attached to the primary dwelling is limited to the height allowed in the underlying zoning district.

F. **Site Coverage.** An accessory dwelling unit shall comply with the site coverage requirements of the applicable zoning district, except that in the case where the allowable site coverage would preclude an accessory dwelling unit, one attached or detached accessory dwelling unit with a maximum size of 800 square feet, regardless of the number of bedrooms, shall be allowed and shall comply with the requirements of this Section.

G. **Architectural Relationship and Design.** An accessory dwelling unit that is attached to the primary dwelling and visible from the public right-of-way shall have the same materials, colors, roof materials and pitch, trim, and windows and doors as the primary structure.

H. **Privacy.** For an accessory dwelling unit located outside of the required setbacks for the primary dwelling and fronting an adjoining property, one or more of the following measures shall be used to provide privacy: windows located outside of the required setback of the primary dwelling and facing an adjoining property shall be clerestory (minimum of five feet, six inches above the finished floor) or shall have permanently obscured glazing or, with agreement of the adjoining property owner, two-feet of lattice that is 50 percent open shall be added to a solid six-foot fence located on the shared property line.

I. **Parking.** One off-street, all-weather parking space is required for an accessory dwelling unit in addition to that required for the main dwelling, except as set forth below.

1. No off-street parking shall be required if any of the following circumstances exist:

   a. The accessory dwelling is located within one-half mile of public transit as defined in Article 8 (Definitions).

   b. The accessory dwelling unit is located on a property with a Historic Overlay zone.

   c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

   d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

   e. Where there is a car share vehicle located within one block of the accessory dwelling unit.

   f. To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to public transit or car share vehicle or on a lot with an Historic Overlay zone, or proof of local parking permit requirements.

2. The required off-street parking space may be covered or uncovered and shall be permitted in tandem and in setback areas, unless the review authority makes specific findings that such parking is not feasible due to specific site topographical or fire and life safety conditions. For the purpose of this Section, "tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a parcel, lined up behind one another.

3. If a garage, carport, or covered parking is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking is not required.

J. **Separate Access Required.** An accessory dwelling unit shall have exterior access that is separate from the exterior access for the primary dwelling. A passageway that provides access to the accessory dwelling unit from a street is not required. For the purpose of this section, a passageway is defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

K. **Fire Sprinklers.** Fire sprinklers shall be required if required for the primary residence.

L. **ADU's Compliant with Government Code Section 66323(a)(1)-(4).** Notwithstanding anything herein to the contrary, the Town shall ministerially approve an application for a building permit to construct an ADU consistent with Government Code section 66323(a)(1)-(4).

17.82.060 Illegal Units.

This Chapter shall not validate any existing illegal accessory dwelling unit. The standards and requirements for the conversion of an illegal accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit.

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Chapter 17.84

Junior Accessory Dwelling Unit (JADU)

Chapter 17.84 Junior Accessory Dwelling Unit (JADU)

17.84.010 Purpose and Intent

A. Purpose. The provisions of this Section are intended to set standards, in compliance with Government Code Sections 66333-66339, for the development of junior accessory dwelling units to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood. It is not the intent of this ordinance to override lawful use restrictions as set forth in Conditions, Covenants, and Restrictions.

B. Intent. The provisions of this Section also are intended to implement the provisions of the General Plan Housing Element that encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development.

17.84.020 Applicability

As otherwise provided by this Section, junior accessory dwelling units shall be ministerially permitted only where allowed in Article 2 (Zones, Allowable Uses, and Development Standards).

17.84.030 Density

As provided by Government Code Sections 66337 and 66338, junior accessory dwelling units are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan.

17.84.040 General Requirements

A junior accessory dwelling unit:

A. Shall only be allowed on parcels zoned for single-unit dwellings and that include an existing or proposed single-unit dwelling.

B. Is limited to one per parcel.

C. Is not subject to the density requirements of the General Plan but shall otherwise be consistent with the General Plan text and diagrams.

D. Requires property owner occupancy of the junior accessory dwelling unit or the remaining portion of the single-unit residence or an accessory dwelling unit located on the same parcel unless the single-unit residence is owned by another governmental agency, land trust, or housing organization.

17.84.050 Location

A junior accessory dwelling unit shall be allowed in the following locations:

A. **Within a Single-Unit Dwelling.** Within the walls of an existing single-unit dwelling, including an attached garage, or proposed single-unit dwelling.

B. **Combined with a Detached, New Construction Accessory Dwelling Unit.** When combined with a junior accessory dwelling unit, the maximum size of the accessory dwelling unit is limited to 800 square feet, regardless of the number of bedrooms.

17.84.060 Application Processing Procedures

An application for a junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially through the Building Permit process.

A. **Existing Single-Unit Dwelling.** A Building Permit application for a junior accessory dwelling unit on a parcel with an existing single-unit dwelling shall be acted upon within 60 days of the Building Permit application being complete. If the permit application is denied, a written set of comments shall be provided to the applicant within 60 days describing the items that are deficient in the application and how they may be remedied. The Building Permit applicant may request a delay in the Town's processing of the Building Permit, which shall result in the tolling of the 60-day period.

B. **New Single-Unit Dwelling.** A junior accessory dwelling unit included with a new single-unit dwelling shall be reviewed ministerially with the building permit for the single-unit dwelling. The building permit for the junior accessory dwelling unit shall be issued with the building permit for the associated single-unit dwelling.

17.84.070 Development Standards

A permit for a junior accessory dwelling unit shall be issued only if the unit complies with the following development standards:

A. **Maximum Floor Area.** A junior accessory dwelling unit shall not exceed 500 square feet in area.

B. **Location.** A junior accessory dwelling unit shall be contained entirely within the walls of an existing or proposed single-unit dwelling.

C. **Number Per Parcel.** A maximum of one junior accessory dwelling unit shall be permitted on any parcel.

D. **Kitchen.** The junior accessory dwelling unit shall contain an efficiency kitchen, which shall include:

1. A cooking facility with appliances; and

2. A food preparation counter and storage cabinets that area of a reasonable size in relation to the size of the junior accessory dwelling unit.

E. The efficiency kitchen shall be removed when the junior accessory dwelling unit use ceases.

F. **Sanitation.** A junior accessory dwelling unit may include a full bathroom, or the occupants of the junior accessory dwelling unit may share the bathroom facilities within the remainder of the single-unit dwelling. If the bathroom facility is shared, an interior entry into the main living area of the single-unit dwelling shall be provided.

G. **Entrance.** The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the existing or proposed single-family dwelling. The junior accessory dwelling may, but is not required to, include an entry into the main living area, which may include a second interior doorway for sound attenuation.

H. **Parking.** Off-street parking shall not be required for a junior accessory dwelling unit.

17.84.080 Deed Restriction Required

Prior to occupancy of a junior accessory dwelling unit, the property owner shall record with the Sonoma County Recorder and file with the Town a deed restriction, which has been approved by the Town as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

A. The junior accessory dwelling unit shall not be sold separately from the single-unit residence;

B. The junior accessory dwelling unit shall comply with all the standards included in this Section; and

C. The restrictions shall run with the land and be binding upon any successor in ownership of the property. Lack of compliance shall void the approval of the junior accessory dwelling unit and may result in legal action against the property owner and future purchasers.

Chapter 17.86

Reasonable Accommodation

Chapter 17.86 Reasonable Accommodation

17.86.010 Purpose

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

17.86.020 Applicability

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

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

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

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

17.86.030 Procedure

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

1. The applicant's name, address, and telephone number.
2. Address of the property for which the request is being made.
3. The current use of the property.

4. The reason for the request. Per Federal and State law, applicants shall not disclose medical information as it relates to a diagnosis but shall explain the disability-related limitations and why the reasonable accommodation is necessary to make the specific property accessible to the individual.

5. The Zoning Code provision, regulations, or policy from which reasonable accommodation is being requested.

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

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

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

17.86.040 Approval Findings

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

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

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

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

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

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

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

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

17.86.050 Conditions of Approval

In granting a request for reasonable accommodation, the Director, or if applicable the Commission or designated hearing body may impose any conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation complies with the findings in Section 17.86.040 (Approval Findings), above. The conditions shall also state whether the accommodation granted shall be removed if the person for whom the accommodation was requested no longer resides on the site.

17.86.060 Appeals

The decision of the Director, or if applicable to the Commission or designated hearing body shall be considered final unless an appeal is filed in compliance with Chapter 17.74 (Appeals).

Chapter 17.88

Small Lot Subdivisions

Chapter 17.88 Small Lot Subdivisions

17.88.010 Purpose

The provisions of this Chapter are intended to provide opportunities to increase the supply of smaller dwelling units and rental housing units by allowing the creation of subdivisions with smaller parcels and dwellings, and to establish design and development standards for these projects to ensure that they are compatible with the surrounding neighborhood.

17.88.020 Intent

The provisions of this Chapter are intended to implement the provisions of the General Plan Housing Element that encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development.

17.88.030 Location

A small lot subdivision may be proposed and approved on any site within the Surrounding Residential (SR), Village Residential (VR), and Medium Density Residential (MDR) zoning districts, subject to the permit requirements in Article 2 (Zones, Allowable Uses, and Development Standards). A small lot subdivision shall not be allowed where the Review Authority determines that public utilities and services are inadequate. No detached single-unit dwellings are allowed within a small lot subdivision in the Medium Density Residential zoning district.

17.88.040 Project Review and Approval

A proposed small lot subdivision shall be subject to the permit requirements in Article 2 (Zones, Allowable Uses, and Development Standards), and approval of a Tentative Map in compliance with the Town of Windsor Subdivision Ordinance. Applications for all required permits shall be submitted and considered concurrently.

17.88.050 Allowable Land Uses and Permit Requirements

A small lot project shall be developed with, and used for, only the land uses allowed by the zoning district applicable to the site, except that the range of allowed uses may be limited by Conditional Use Permit approval.

17.88.060 Conflicts with other Town Requirements

If there is a conflict between the requirements of this Chapter and the Town's Subdivision Ordinance or other Town standards, the requirements of this Chapter shall control.

17.88.070 Site Planning and Project Design Standards

A small lot subdivision shall comply with all the following requirements.

A. **Allowed Lot Configurations.** A small lot project may be designed to include zero lot lines, zipper lots, alternate width lots, quad lots, and motor court lots.

B. **Maximum Density.** A small lot project shall not exceed the maximum density allowed by the General Plan land use and zoning designations of the site.

C. **Minimum Parcel Area for Detached Dwellings.** Except for attached single-unit dwellings (i.e., townhouses, rowhouses), the minimum area of a parcel with a detached single-unit dwelling may range from 1,800 to 4,000 square feet. A project site that is larger than five acres shall be designed to provide a variety of lot configurations and lot sizes.

D. **Parcel Width.** The minimum lot width shall not be less than 25 feet.

E. **Parcel Depth.** The minimum lot depth shall not be less than 50 feet.

F. **Setback Requirements.** Each small lot project shall comply with the following setback requirements, provided that an applicant may propose, and the review authority may approve different setbacks, if the review authority determines that the alternative approach is more appropriate to the characteristics of the site and surroundings. Proposed setbacks shall be shown on the proposed site plan, including identification of proposed building areas, and areas for possible future additions to proposed housing units.

    1. **Front Setback.** A minimum front setback of 10 feet shall be required. A one-story covered porch may project up to five feet into the setback. No front porch shall have a depth of less than five feet. Front yard setbacks shall be varied along each block face.

    2. **Side Setbacks.** Except for attached single-family units, rowhouse, or zero lot line units, the one-story portions of a proposed structure shall be set back a minimum of four feet from side property lines, and the two-story portions of a structure shall be set back a minimum of eight feet from side property lines.

    3. **Rear Setbacks.** A minimum rear setback of 15 feet shall be required except as provided for garages in this Chapter and except where a 10-foot setback is authorized by the Review Authority.

4. **Height Limits.** Proposed primary structures shall not exceed a maximum height of 35 feet for primary structures.

5. **Active Use Required.** An active use (e.g., kitchen, living room, family room) shall be located at the front of the residence facing the street or other public or common area to provide "eyes on the street."

6. **Garage – Street Facing.** A garage entrance facing a street shall be set back as follows:

    a. Minimum of 19 feet from the back of the public sidewalk, or 19 feet from the street property line or street plan line, whichever is greater.

    b. Minimum of 19 feet from the back of the driveway approach on a private lane with no sidewalks.

7. **Garage Near Rear Parcel Line.** Garage near rear parcel lines shall comply with the following:

    a. A garage entrance facing an alley shall be placed either at a point three feet from the rear property line located adjacent to the alley access.

    b. A garage placed in a rear yard without alley access shall be paced a minimum of four feet from the rear and side property lines.

8. **Parcel Coverage.** Maximum lot coverage for all structures shall not exceed 65-percent.

9. **Private Open Space.** Each single-unit parcel shall provide a minimum of 400 square feet of usable private open space with no dimension less than 15 feet. The driveway shall not be counted as a private open space.

10. **Two-Story Structures.** Proposed dwellings other than row houses and townhouses shall be designed so that:

    a. The floor area of a second story is no more than 75 percent of all the roofed first floor area of the dwelling (including covered porch area and an attached garage, but not a detached garage);

    b. Minimum of 25 percent of the dwelling units in the project are one-story; or

    c. All two-story units have one-story elements.

11. **Accessory Structures.** Accessory structures shall comply with Section 17.40.200 (Residential Accessory Structures and Uses).

12. **Accessory Dwelling Units.** A residential small lot subdivision may include accessory dwelling units and junior accessory dwelling units, provided that the units comply with the

standards in Chapter 17.82 (Accessory Dwelling Unit (AD)) and Chapter 17.84 (Junior Accessory Dwelling Unit (JADU)).

13. **Modifications to Development Standards.** Modifications to the requirements for lot size, lot depth, lot width, and open space may be allowed with approval of a Minor Use Permit.

14. **Additions and Changes to Project or Approved Units.** Subsequent expansions or additions to dwelling units not shown on the approved site plan for the project may be allowed with Minor Conditional Use Permit approval, provided that any proposed expansion is in compliance with all applicable requirements of this Section and is not in conflict with the approved site plan.

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Chapter 17.90

Temporary Housing Measures for Recovery from Declared Disasters and Emergencies

Chapter 17.90 Temporary Housing Measures for Recovery from Declared Disasters and Emergencies

17.90.010 Purpose

This Chapter establishes interim regulations for the provision of temporary housing in response to declared disasters and emergencies to provide temporary housing for people displaced as a result of a declared Federal, State, or local disaster or emergency and for workers needed for recovery and reconstruction efforts. The provisions established in this Chapter will benefit the public health, safety, and welfare by serving to stabilize the community and area's economy.

17.90.020 Intent

The temporary housing provisions of this Chapter are intended to serve people whose homes were damaged or destroyed as a result of a declared disaster or emergency and workers who are involved in related recovery and reconstruction efforts.

17.90.030 Authority

In the event of a local, State, or Federal disaster declaration, the Town Council or Town Manager is authorized to invoke the temporary housing provisions established in this Chapter as necessary to address the housing needs of displaced individuals and families.

17.90.040 Duration

The temporary housing provisions invoked by the Town Council or Town Manager shall remain in effect for the duration of the declared disaster or until such time as the Town Council or Town Manager determines that the temporary housing is no longer necessary or as established by adopted ordinance, subject to applicable laws and regulations.

17.90.050 Location

The temporary housing options allowed by this Chapter shall be limited to properties that are located within the Town limits and that are zoned for residential, commercial, or light industrial uses as established in Article 2 (Zones, Allowable Uses, and Development Standards).

17.90.060 Temporary Housing Allowed on Residentially Zoned Properties

A. Single Units on Developed Residential Properties. The following may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with approval of a Ministerial Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit). The additional temporary unit is exempt from the density applicable to the parcel on which the unit will be located.

1. One mobile home, manufactured home, or other similar structure when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures.

2. One recreational vehicle when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures. A recreational vehicle may also be allowed in the front driveway area of the property provided that it does not encroach into the public right-of-way when parked.

3. Use of an existing residential accessory structure with conditioned space, such as a pool house, guest house, recreation room or studio space, when in compliance with the following requirements:

   a. The accessory structure shall have been constructed with a Building Permit.

   b. The structure shall be subject to inspection by the Building Official and Sonoma County Fire District staff prior to occupancy as a temporary housing unit.

   c. Compliance with any exiting and/or safety requirements determined to be necessary by the Building Official and Sonoma County Fire District staff.

4. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

B. Multiple Units on Developed Residential Properties. Multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles, and other similar structures may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with the approval of an Administrative Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit), subject to the following development standards:

1. The total number of units, including any existing residence(s), does not exceed the maximum allowable density of the General Plan land use designation for the property.

2. The units are located in the side or rear yard area of the property and are sited in conformance with applicable side and rear yard setback requirements for accessory structures.

3. The total square footage of all structures on the property, permanent and temporary, does not exceed the maximum allowable parcel coverage of the applicable zone.

4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit.

5. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

C. Units on Vacant Residential Properties. Single or multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles, and other similar structures may be allowed on vacant properties zoned for residential uses, with the approval of an Administrative Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit), subject to the following development standards:

1. The total number of units does not exceed the maximum allowable density of the General Plan land use designation for the property.

2. The units are sited in conformance with applicable front, side, and rear yard setback requirements.

3. The total square footage of all structures on the property does not exceed the maximum allowable parcel coverage of the applicable zone.

4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit. Parking for each unit shall be provided to the side or rear of the unit.

5. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

17.90.070 Temporary Housing Allowed on Commercially Zoned Properties

A. Units on Vacant Commercial Properties. Single or multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles, and other similar structures may be allowed on vacant properties zoned for commercial uses, with the approval of an Administrative Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit), subject to the following development standards:

1. A 15-foot setback shall be maintained along the front, side, and rear property lines.
2. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Chapter 17.30 (Parking, Loading, and Access) standards for stall size and aisle widths.
3. A centralized refuse collection area shall be provided.
4. All units shall be accessible from a 20-foot wide emergency vehicle access way.
5. A minimum of 15 feet shall be provided between units to provide dedicated outdoor space for each unit.
6. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
7. Security lighting shall be provided to the satisfaction of the Chief of Police.
8. **Density.** Parcels with temporary dwellings shall comply with the following density standards:
    a. **Parcels which Allow Residential Uses.** When a temporary dwelling(s) is located on a commercially zoned parcel whose zoning allows residential uses (see Article 2 (Zones, Allowable Uses, and Development Standards)), the allowable density shall comply with density and/or intensity standards established for that underlying zone; or
    b. **Parcels which Do Not Allow Residential Uses.** When a temporary dwelling(s) is located on a commercially zoned parcel whose zoning does not allow residential uses, the maximum density shall be 16 units per acre.
9. **Director Authority.** The Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

B. **Units on Developed Commercial Properties.** Placement of temporary housing units on developed commercially zoned properties is prohibited.

17.90.080 Temporary Housing Allowed on Vacant Light Industrially Zones Properties

A. **Units on Vacant Light Industrial Properties.** Single or multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for light industrial uses, with the approval of an Administrative Temporary Use Permit, subject to the following development standards:

1. The minimum size of a site shall be two acres, which may be comprised of one parcel or two or more contiguous parcels.
2. The maximum density allowed is 16 units per acre.
3. A 15-foot setback shall be maintained along the front, side, and rear property lines.
4. A minimum buffer of 50 feet shall be provided between the temporary housing unit and any existing light industrial use or property with light industrial zoning.
5. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Zoning Code standards for stall size and aisle widths.
6. A centralized refuse collection area shall be provided.
7. All units shall be accessible from a 20-foot wide emergency vehicle access way.
8. A minimum of 15-feet shall be provided between units to provide dedicated outdoor space for each unit.
9. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
10. Security lighting shall be provided to the satisfaction of the Town of Windsor Police Chief.
11. Occupants of temporary housing units shall sign a form acknowledging the that the temporary housing unit is located in an area with active light industrial uses or in an area zoned for light industrial uses and that these uses may create noise, smoke, odors, dust, gases, glare, heat, vibration and wastes that are not found in residential neighborhoods and/or involve uses not found in residential neighborhoods.

B. **Units on Developed Light Industrial Properties**. Placement of temporary housing units on developed light industrially zoned properties is prohibited.

17.90.090 Temporary Expansion of Existing Shelters

A. **Length of Stay.** Existing emergency shelters may extend the length of stay of shelter occupants until the expiration of the enacting ordinance.

B. **Number of Beds.** Existing emergency shelters may increase the maximum number of beds to above 40, subject to review and approval of the Sonoma County Fire District and the Building Official.

C. **Expiration of Expanded Use.** The provisions of this Section shall expire concurrently with the expiration of the enacting ordinance.

17.90.100 Wine Country Recreational Vehicle (RV) Park

A. **Expansion of Non-Conforming Use.** Additional recreational vehicles may be parked at the Wine Country RV Park property on a temporary basis.

B. **Temporary Parking.** For temporary parking of additional recreational vehicles, an Administrative Temporary Use Permit, in compliance with Chapter 17.60 (Temporary Use Permit), approved by the Council shall be required, subject to the following:

1. Each RV unit shall acquire Town water service and electrical service. Sewage disposal to a legal disposal facility is the responsibility of each RV unit.

2. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

3. Any necessary approvals from the California Department of Housing and Community Development (HCD) shall be secured prior to occupancy of the temporary units.

4. Parking of recreational vehicles and/or improvements needed to serve the additional temporary parking spaces shall avoid any impact to trees protected under the Town's Tree Preservation and Protection standards established in Section 17.22.030 (Tree Preservation and Protection).

5. Parking of recreational vehicles and/or improvements needed to serve the additional temporary parking spaces shall be appropriately set back from any creek or waterway on or adjacent to the property.

6. Other conditions or requirements as determined to be appropriate by the Council.

17.90.110 Temporary Use Permit Required

Unless otherwise stated in this Chapter, all temporary housing units permitted by this Chapter shall require approval of a Temporary Use Permit. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 17.52 (Application Processing Procedures) and Chapter 17.60 (Temporary Use Permits).

A. **Ministerial Temporary Us Permit.** A Temporary Use Permit processed at the staff level is required for a single temporary housing unit on a developed residentially zoned property.

B. **Administrative Temporary User Permit.** An Administrative Temporary Use Permit considered through the administrative hearing process is required for more than one temporary housing unit on a developed residentially zoned property, for one or temporary housing units on a vacant residentially zoned property, for one or more temporary housing units on a commercially zoned

property, for one or more temporary housing units on light industrially zoned property, and for additional recreational vehicle parking at the Wine Country RV Park.

C. **Growth Control Ordinance.** Temporary Use Permits authorized by this Chapter are exempt from the Town's Growth Control Ordinance.

D. **Public Notice.** Notice of the administrative hearing required for an Administrative Temporary Use Permit shall be sent to property owners and occupants located within 300 feet of the property a minimum of 10 days prior to the hearing.

E. **Expiration of Permit.** An Administrative Temporary Use Permit shall expire 24 months after the date of approval, unless otherwise indicated in the conditions of approval for the Permit.

17.90.120 Inspections

Inspection of a temporary housing unit and site by the Department, Public Works Department, Windsor Water District, and Sonoma County Fire District is required prior to occupancy of a temporary housing unit. The temporary housing unit shall comply with all Town, Windsor Water District, and Sonoma County Fire District requirements prior to use as a temporary housing unit.

17.90.130 Fees

Because the provision of temporary housing for people displaced by the Fires and workers involved in the recovery and reconstruction efforts will provide an economic benefit to the Town by allowing residents to retain jobs, reside in the area, and shop in the community, and is temporary in nature, development impact and mitigation fees and application fees are not required and shall not be charged.

17.90.140 Agreement

Property owners shall enter into an agreement with the Windsor Water District governing the provision and termination of water and sewer services for temporary housing units prior to occupancy.

17.90.150 Conflicting Requirements

If a conflict occurs between the provisions of this Chapter and other requirements of the Zoning Code, Station Area/Downtown Specific Plan, or Municipal Code, the provisions of this Chapter shall control.

17.90.160 Discontinuance of Use

Upon the expiration of a Temporary Use Permit for temporary housing or upon expiration of the enacting Code, the use of the property or structures for one or more temporary housing units shall cease and the

condition of the property or structures shall be returned to the condition that existed prior to use for temporary housing.

17.90.170 Land Use, Zoning, or Other Situations not Addressed

The Director shall have the authority to make determinations regarding any land use, zoning, or other similar situation not addressed by this Chapter.

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Chapter 17.92

Multi-Unit Dwelling Objective Design Standards

Chapter 17.92 Multi-Unit Residential Design and Development Standards

17.92.010 Purpose and Intent

A. **Purpose.** The purpose of this Chapter is to provide design and development standards for multi-unit residential dwelling development projects (referred to as "projects" or the "project"). It is the intent of these standards to provide applicants and property owners a clear understanding of the Town's expectations for development. These standards also further the goals, policies, and actions of the General Plan, which encourage high quality design, promote public safety through design, and streamline of housing development.

B. **Intent.** The standards contained in this Chapter are written as requirements, rather than guidelines; therefore, all mixed-use and residential multi-family projects shall comply with each standard contained in this Chapter. Proposed projects shall also comply with all other applicable standards in the Code of the Town of Windsor, including, but not limited to Building Permit requirements, Zoning Code requirements, Grading Permit requirements, and development standards.

17.92.020 Applicability

A. **Applicability**. The standards established in this Chapter shall apply to the following projects, even if ministerial Town approval is required:

1. **Mixed-Use.** A structure consisting of both residential and non-residential uses (e.g., commercial retail, retail service, office, civic, and institutional) with at least two-thirds of the square footage designated for residential use, transitional housing, or supportive housing.

2. **Multi-Unit Residential Dwellings.** A residential structure containing two or more residential dwelling units, each of which is for the occupancy by one or more persons, including duplexes, triplexes, fourplexes, apartments, condominiums, and townhouses.

3. **Qualifying Streamlined Projects.** A project that satisfies the eligibility requirements for affordable streamlined projects in compliance with Government Code Section 65913.4.

B. **Objective Standards.** As defined by Government Code Section 65913.4, objective design standards are standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark.

C. **Modifications to Standards.** Projects seeking exceptions to the standards contained herein, or projects which do not qualify for a streamlined process, shall be subject to existing discretionary design review process and development standards established by this Zoning Code.

17.92.030 Approval Authority

The Review Authority shall use the standards established in this Chapter to review and approve project that comply with Section 17.92.020 (Applicability). The Review Authority's approval can be appealed in compliance with Chapter 17.74 (Appeals).

17.92.040 Design and Development Standards

A. **Neighborhood Compatibility**. All applicable projects shall comply with the following neighborhood compatibility standards.

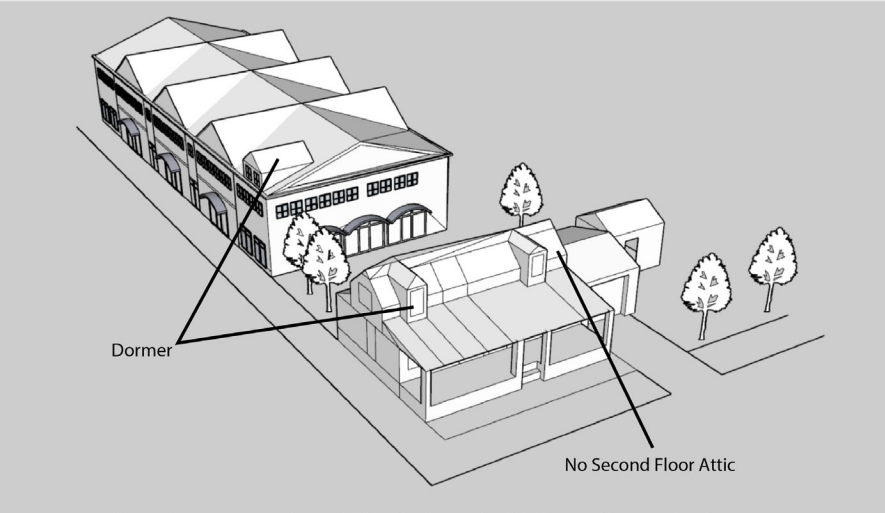
1. **Massing.** Projects shall incorporate the following massing standards:

a. Multi-story multi-unit residential dwellings adjacent[1] to single-unit residential dwelling(s), shall use a minimum of one of the following techniques along the street frontage to reduce the perceived size of the structure:

i. Incorporate dormer windows to achieve a lower height;

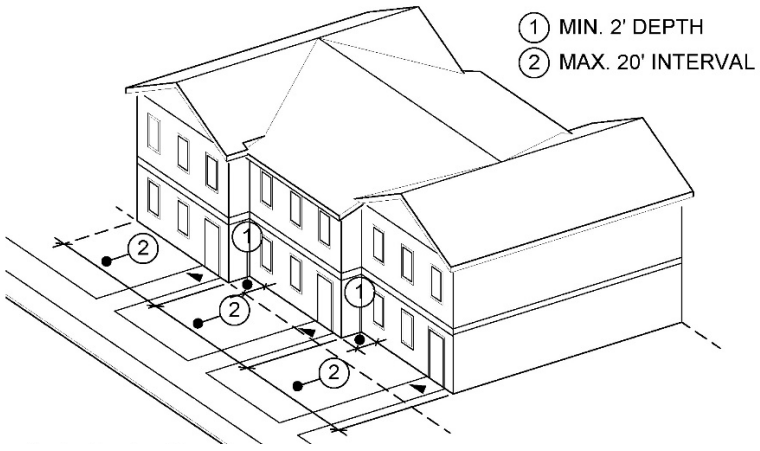
[1] Adjacent: developments sharing a side property line.

Figure 17.92-01
Use of Dormer Adjacent to Single-Unit Residential Dwelling(s)



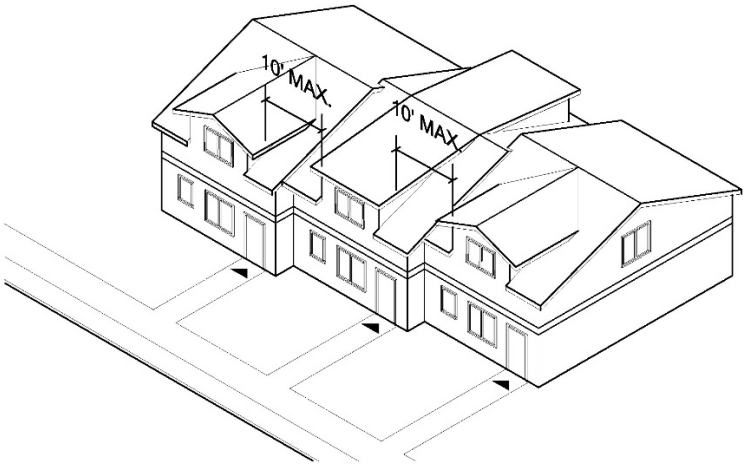
ii. Modulate the horizontal plane by a minimum depth of two feet at intervals of a maximum of 20 feet; or

Figure 17.92-02
Wall Plane Modulation



iii. Articulate the roofline through change in roof pitch or inclusion of a gable at intervals of a maximum of 10 feet.

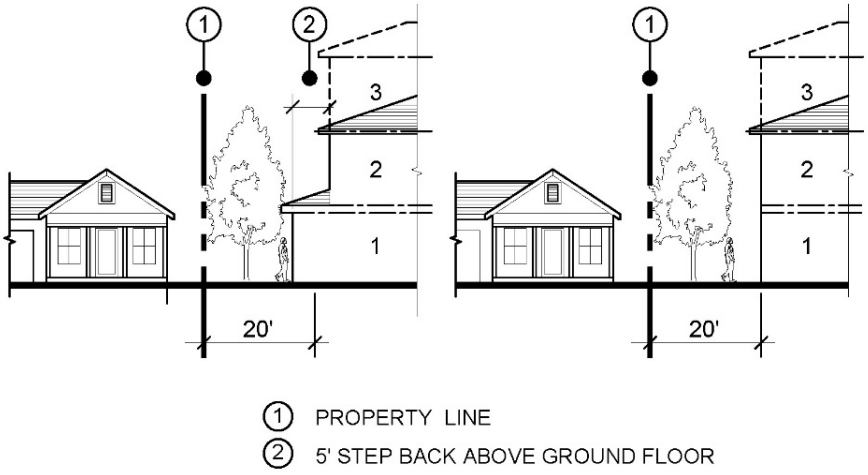
Figure 17.92-03
Roofline Articulation



b. Two- and three-story multi-unit residential dwellings adjacent[1] to single-story residential dwellings shall use a minimum of one of the following techniques along that side:

i. Step back floors above the ground floor by a minimum depth of five feet along sides where the ground wall plane lies within 20 feet of the side property line; or

Figure 17.92-04
Upper Floor Setbacks Adjacent to Single-Story Residential



[1] Adjacent: developments sharing a side property line.

ii. Increase the required side setback by one foot for each three feet of structure height in excess of 5 feet of total height.

c. Multi-unit residential dwellings taller than three-stories adjacent to residential uses shall use a minimum of one of the following techniques along that side:

i. Step back the walls of each floor above the ground floor by a minimum of 10 feet along sides where the ground floor wall plane lies within 20 feet of a side property line; or

ii. Increase the required side setback by one foot for each two feet of structure height in excess of 15 feet of total height.

2. **Orientation.** Projects shall incorporate the following orientation standards:

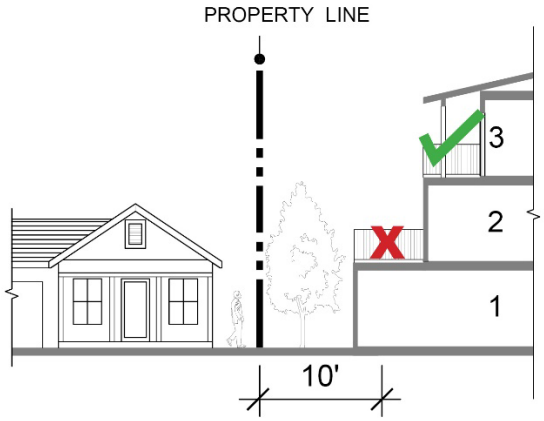
a. Multi-unit residential dwellings at the street shall have a front entry oriented to the street;

b. Multi-unit residential dwellings that face two public streets shall provide an accessible entrance along each street, or a single corner entrance;

c. Multi-unit residential dwellings not at the street shall be oriented to a shared interior space. Shared interior spaces include, but are not limited to, plazas, gathering spaces, paseos, and internal pedestrian spaces; and

d. Upper floor balconies shall not be located along side walls within 10 feet of the property line.

Figure 17.92-05
Side Yard Balconies

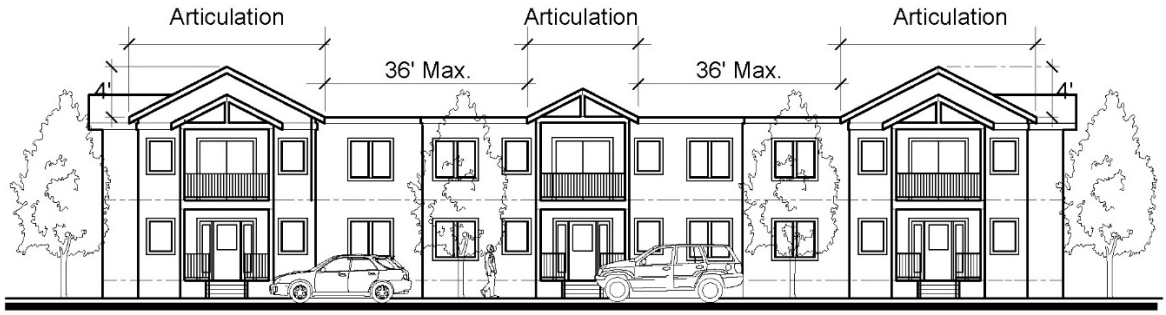


B. **Structure Design.** All applicable projects shall comply with the following structure design standards.

1. **Articulation.** Projects shall incorporate the following articulation standards:

a. Multi-unit residential dwellings shall be vertically articulated by a minimum height of four feet at intervals of a maximum of 36 feet; and

Figure 17.92-06
Vertical Articulation



b. Multi-unit residential dwellings shall include variations in massing and articulation on all sides facing a public street, shared interior space, or neighboring residence, including a minimum of one of the following:

i. Awnings, balconies, porches, recesses, reveals, brackets, cornices at the roof and at the top of the ground floor, piers at corners, or structural bays;

ii. Vertical articulations, including variations in height of a minimum of two feet or changes in roof-slope, at intervals of a maximum of 18 feet; or

iii. Horizontal articulations recessing/projecting a minimum of two feet at intervals of a maximum of 10 feet.

Figure 17.92-07
Variable Height Articulation



2. **Variation.** Projects shall incorporate the following variation standards:

   a. Adjacent multi-unit residential dwelling facades within a development shall differ in width or height by a minimum of four feet.

   b. Adjacent residential multi-unit residential dwellings shall not use the same body color(s).

      Accessory structures and detached accessory dwelling units shall:

      i. Use roof forms, overhangs, and trim and body colors that match a residential structure within the development; and

      ii. Match window types, shapes, and proportions to those of a residential structure within the development.

   c. Multi-unit residential dwellings exceeding 30 feet in height shall not use the same combination of primary wall material and body colors on each structure elevation.

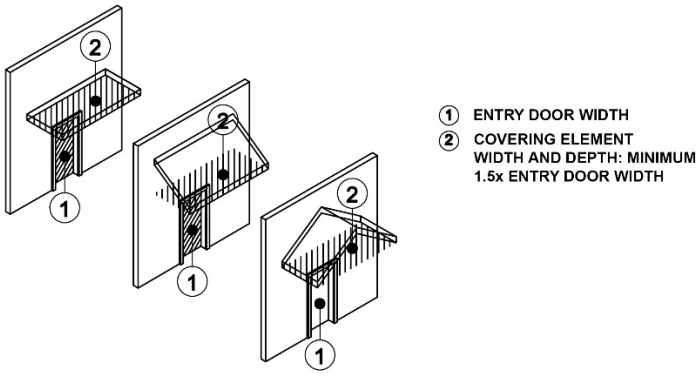
3. **Fenestration.** Windows, entryways, doors, display windows, or arcades shall make up a minimum of 30 percent of street-facing facades.

4. **Multi-unit Residential Dwelling Entries**. Projects shall incorporate the following structure entry standards:

   a. Multi-unit residential dwelling entries at the street shall incorporate a projection (e.g., porch) or recess, or combination of projection and recess with minimum area of 48 square feet.

   b. All primary multi-unit residential dwelling entries shall be covered by a permanent waterproof structural element with a depth and width that is a minimum of 50 percent larger than the entry door width.

Figure 17.92-08
Covered Entryways



c. Corner entries shall be treated with architectural treatments to highlight the entry, including one of the following:

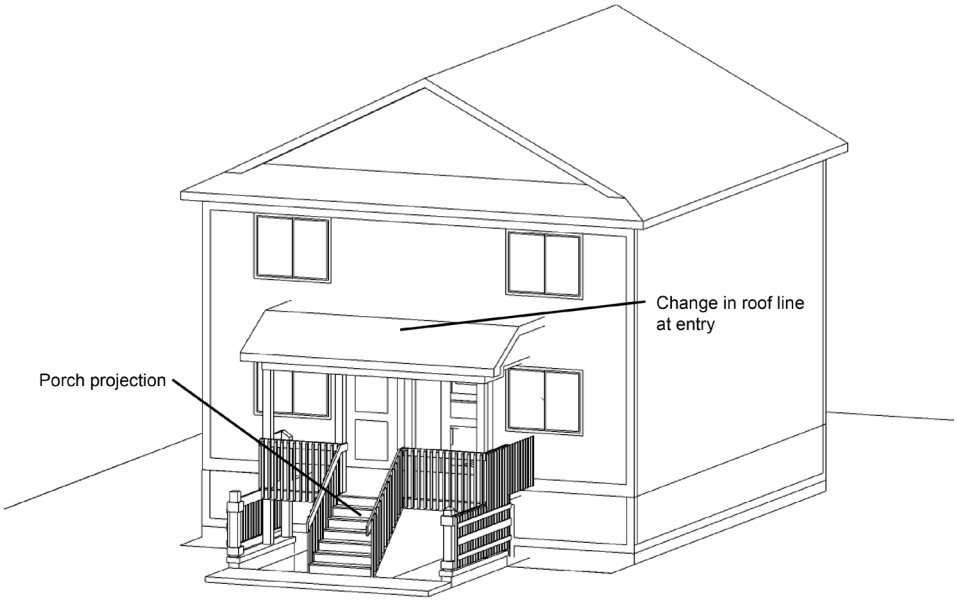
i. A change in wall material and color;

ii. A change in roof height of more than four feet;

iii. A projected or recessed entry with a minimum depth of two feet from the corner wall plane; and

iv. Rounded structure corners.

Figure 17.92-09
Entry Variation



d. Entryways shall be visible from the nearest street or shared interior space and shall not be separated from these areas by vehicular parking, a wall, fence, or landscaping taller than three feet in height.

e. Paved or wooden deck surfaces that function as a porch, stoop, or unfenced patio may project up to three feet into the front setback area.

5. Ground Floor Commercial Uses. Mixed used structures with nonresidential ground floor uses shall design the ground floor with minimum 12-foot ceiling height to accommodate a variety of uses.

Figure 17.92-10
Mixed-Use Ground Floor Height



6. **Street-Facing Façade Transparency.** Mixed-use structures with ground floor commercial uses shall have windows that make up a minimum of 50 percent of the ground floor frontage.

7. **Wall Modulation.** Blank walls (walls without windows, recessed entryway or porch, or articulation) shall not exceed 20 feet in length. Walls that are not visible from public streets and neighboring residences are excluded from this requirement.

8. **Roof Type.** Projects shall incorporate the following roof standards.

   a. Where a flat roof is combined with a sloped roof, one of either roof type shall be constructed with an eave or a similar projection that extends a minimum of one foot from the façade and the other roof edge.

   b. Where a flat roof and sloped roof are combined on one structure, neither roof type shall be more than 70 percent of the total roofed area.

Figure 17.92-11
Combining Flat and Sloped Roof Types



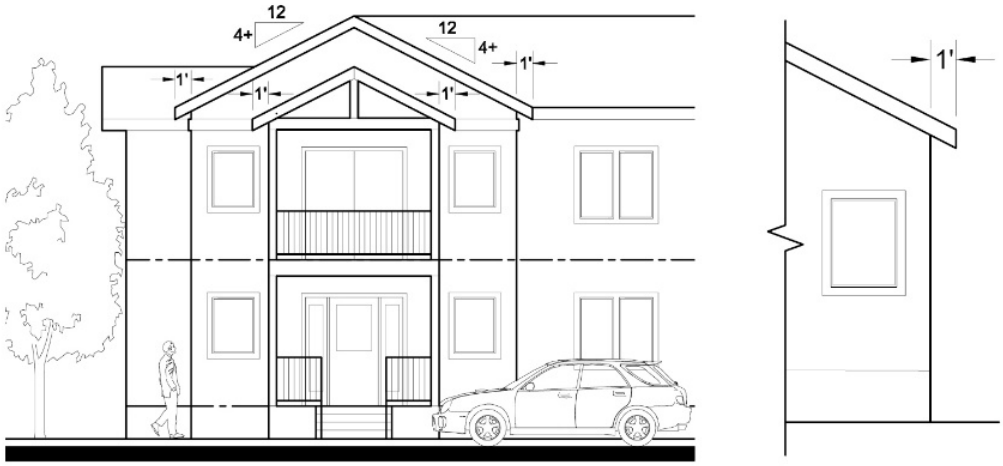
① SLOPED ROOF = 30 % OF TOTAL ROOF AREA
② FLAT ROOF =70 % OF TOTAL ROOF AREA

c. Structures shall not incorporate more than two roof types.

9. **Roof Pitch.** Roof pitches steeper than 12:12 are prohibited.

10. **Roof Form.** Pitched roofs steeper than 4:12 shall include eaves and overhangs projecting a minimum one foot from the structure wall.

Figure 17.92-12
Required Eaves for Pitched Roofs



11. **Sustainable Design.** In addition to any sustainability requirements of the Building Code, multi-unit residential dwellings shall incorporate solar or heat pump (air-source, geothermal, or ductless mini-split) technologies in a minimum of one of the following:

    a. Hot water system; or

    b. HVAC system.

C. **Structure Materials.** All applicable projects shall comply with the following structure material standards.

1. **Primary Wall Materials.** Residential structures shall incorporate the following primary wall materials. For the purpose of this Paragraph, the primary wall material is the siding material that occupies the greatest area of a structure face or elevation.

    a. Primary wall materials shall be wood, stone, concrete, fiber cement, brick, or stucco. Additionally, engineered wood and manufactured stone products designed to resemble real wood or stone are permitted. Sustainable materials allowed under the California Building Code are also allowed.

    b. Decks, carports, and other accessory structures shall use the same materials as a residential structure within the development.

    c. Metal shall not cover more than 25 percent of the surface area of any structure elevation.

2. **Secondary and Accent Materials.** Residential structures shall incorporate the following secondary and accent materials.

    a. Acceptable secondary building materials include: wood, concrete, brick, stone, engineered wood, and manufactured stone. Sustainable materials allowed under the California Building Code are also allowed. Sustainable materials include materials that are locally-harvested, sustainably grown, made from naturally-renewable materials, biodegradable, or free of toxins.

    b. Secondary wall materials and accent materials shall be required on all structures and shall comprise a minimum of 15 percent and a maximum of 30 percent of surface area of the structure façade (excluding roofing).

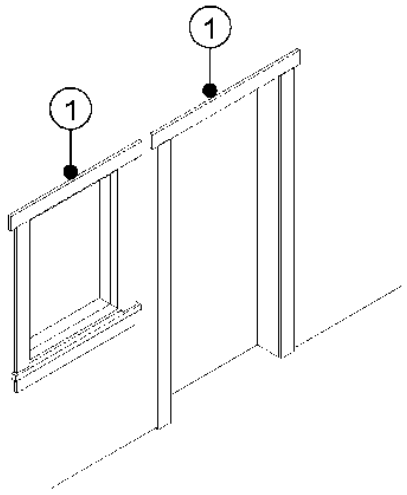
    c. Polished metal and reflective glass shall only be used as accents materials. These products combined shall be visible on a maximum of five percent of the surface area of any structure elevation.

3. **Windows and Doors.** Structures shall incorporate the following window and door standards.

a. Mirrored glass and glass block are prohibited. Obscured glass windows shall only be used to provide privacy along sides facing neighboring residences.

b. To create facades with rich shadow lines and textures, windows and doors shall be trimmed with metal or wood/wood composite materials. Trim shall be a minimum width of three inches and shall protrude from the wall plane by a minimum of three-quarters of an inch. Windows and doors installed with the exterior glass surface recessed by a minimum of three inches from the face of the exterior wall finish material are excluded from this requirement.

Figure 17.92-13
Window and Door Trim



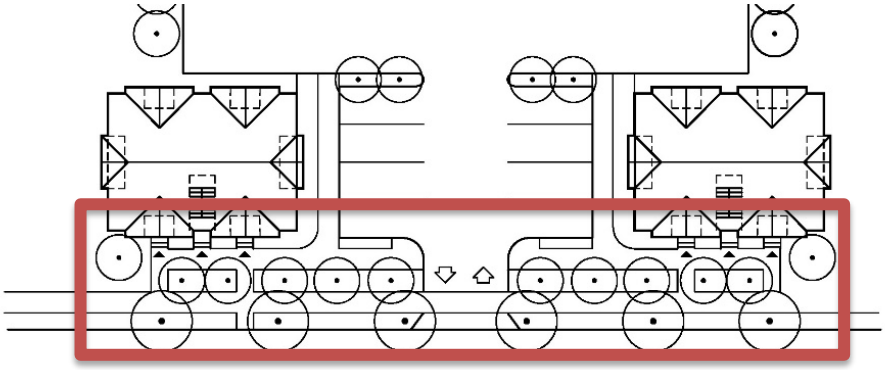
D. **Connectivity and Parking.** All applicable projects shall comply with the following connectivity and parking standards.

1. **Vehicular Circulation.** Projects shall incorporate the following vehicular and circulation standards.

a. Parking shall not be located in the front setback area.

b. Parking areas shall be internally connected and shall use shared driveways within the development. This standard applies only within the development.

Figure 17.92-14
Shared Driveway(s) Within Residential Developments



c. Side and rear parking areas visible from a street shall include a landscaped buffer including a planting strip; a screening feature, such as a hedge, that is approximately three feet high; and trees planted (on average) every 30 feet. Trees, hedges, and shrubs shall be classified as Very Low (0-0.1) or Low (0.1-0.3) in the Water Use Classification of Landscape Species Classification System (WUCOLS) and shall be evergreen variety to provide screening throughout the year.

d. One shade tree shall be planted for every five parking spaces. A minimum of 50 percent of the trees shall be deciduous, as they provide shade in the summer and sun in the winter. Covered parking areas with solar capture technology are exempt from this requirement.

2. **Pedestrian and Bicycle Circulation.** Projects shall incorporate the following pedestrian and bicycle circulation standards.

a. All structures, facilities, parking areas, amenities, and common areas shall be internally connected by pedestrian pathways.

b. Pedestrian pathways shall be separated from parking areas by landscaping, curbs, or other edge treatments.

c. Pedestrian pathways shall be directly connected to adjacent public sidewalks on each street frontage.

E. **Open Space and Common Areas.** All applicable projects shall comply with the following open space and common areas standards.

1. **Amount of Open Space Required.** Developments shall provide open space as follows:

a. **Compact Residential and Mixed-Use Zones:** Minimum of 125 square feet of open space per dwelling unit.

b. **Medium Density Residential:** Minimum of 200 square feet per unit.

2. **Composition of Open Space.** Open space shall consist of the following:

   a. Open space may be a combination of common open space accessible to all project residents, or private open space for the exclusive use of a single dwelling; however,

   b. When private open space is provided, the minimum square footage provided shall be 50 square feet and may be provided as a porch, deck, balcony, yard, or similar feature as determined by the Director.

   c. Porch areas can apply toward these requirements, but driveways and service areas shall not be counted.

3. **Location of Open Space.** The required open space shall be located in compliance with the following:

   a. At least 50 percent of the required common open space shall be provided at the ground level on the same parcel as the project, except that in the Town Center, Town Center-Active Use Frontage Overly, and Boulevard Commercial zoning districts the percentage of common open space located at ground level may be reduced by the Review Authority, when the project provides the total amount of required open space.

   b. Common open spaces shall be at grade-level or located on a roof top. Covered structures may be included if they are open on a minimum of three sides.

4. **Required Amenities.** Projects shall incorporate the following:

   a. One amenity shall be provided for each 20 units or fraction thereof.

   b. Common area amenities shall occupy a minimum area of 400 square feet with no dimension less than 15 feet.

   c. Amenity areas may be combined into a single area, if the minimum required elements for each are included within the combined area.

   d. Amenities provided shall comply with Subsection 17.92.040.E.5 (Approved Amenities) of this Chapter.

5. **Approved Amenities.** Approved amenities include the following:

   a. Amenity options for all developments:

      i. Active recreational facilities (spaces, fields, courses, or equipment used for recreational activity).

      ii. Passive recreation facilities (paseos, plazas, or shaded seating areas used as gathering spaces) with a minimum seating capacity for eight persons and a minimum of one feature element. Feature elements includes, but are not limited to, barbecues, firepits, commissioned public art, water features, or picnic tables.

      iii. Playground or tot lot with a minimum of three structured play modules (i.e., slide, swing, and climber) and an adjacent bench or sitting area.

      iv. Community or rooftop garden.

      v. Lounge or media room.

   b. Additional amenity options for CR and MDR zones:

      i. Outdoor games (i.e., garden chess).

      ii. Dog park with a minimum of two benches.

      iii. Picnic areas with a minimum of two tables with seating.

   c. Additional amenity options for CR and MU zones:

      i. Private balconies (a minimum of 80 percent of units with a minimum of 50 square feet of usable space).

      ii. Water feature with gathering space.

      iii. Bike repair station, fully enclosed bike lockers, or secured indoor bike storage.

6. **Safety (CPTED).** Projects shall incorporate the following safety and crime prevention through environmental design standards:

   a. To provide 'eyes on the street' surveillance, floor plans shall provide a common interior space (i.e., living room, dining room, family room, or kitchen), with a door that connects to outdoor common open space and/or windows shall be placed to provide view of the adjacent outdoor public space.

b. Units not facing the street shall be oriented to provide visual access to structure entries, pedestrian pathways, recreation areas, and common facilities from dwelling units.

c. Drainpipes, parapets, and ledges shall not be located within three feet of windows, corridors, and balconies. If such placement is not feasible, they shall face parking lots, public spaces, and/or a street.

F. **Landscaping.** All applicable projects shall comply with landscaping standards within the Windsor Zoning Code, Section 17.28 (Landscaping) and the following landscape standards.

1. **Space Required.** Projects shall incorporate the following landscaping space requirements.

a. All pedestrian pathways shall be landscaped with shade trees at intervals of a maximum of 30 feet. A minimum of 50 percent of the trees planted shall be deciduous, as they provide shade in the summer and sun in the winter.

b. Common space areas, structure entries, and pedestrian pathways shall be landscaped with defined edges.

2. **Plant Selection.** Projects shall incorporate the following plant types.

a. Landscaping plans shall comply with each standard held within the Prescriptive Compliance Option of the Town's Water Efficient Landscape Ordinance (Windsor Municipal Code Title XII, Chapter 3, Article 9; 12-3-927).

b. Plants classified as Low-Water Use (plant factor of 0.1-0.3) or Very Low-Water Use (plant factor of 0.0-0.1), as defined by the Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension and the Department of Water Resources, 2014, shall be used for a minimum of 75 percent of the plant area, excluding edibles and areas using recycled water, as required by the Water Efficient Landscape Ordinance (Windsor Municipal Code, 12-3-927-b(4)).

c. All tree plantings shall be a minimum size of 15-gallons at the time of planting.

3. **Conservation.** Projects shall incorporate the following landscaping conservation standards:

a. All landscaped areas shall include irrigation systems that comply with the Water Efficient Landscape Ordinance (Windsor Municipal Code, 12-3-927-b(6)).

b. Existing mature trees shall only be removed with an approved Tree Removal Permit as outlined in the Town of Windsor Tree Technical Manual.

c. Landscaping plans shall comply with the tree preservation and protection requirements of the Windsor Zoning Code, Article 3, Section 17.22.030 (Tree Preservation and Protection).

d. Plant materials that are damaged or destroyed during construction shall be replaced prior to occupancy.

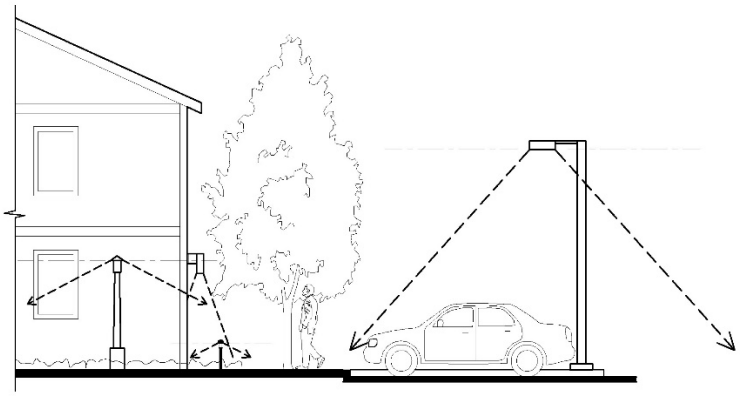
G. **Light Design.** All applicable projects shall comply with the light and glare standards included within Windsor Zoning Code Section 17.32.050 (Light and Glare) and the following light design standards.

1. **General Provisions.** Projects shall incorporate the following general light design standards.

a. All pedestrian pathways, parking areas, structure entries, trash and refuse enclosures, and common space areas shall be illuminated for safety and security.

b. All lighting shall be fully shielded and directed downward (not above the horizontal plane).

Figure 17.92-15
Fully Shielded Downward-Directed Lighting



c. Lighting shall not spill beyond the intended area and shall not extend across a property line.

d. Lighting shall use light emitting diodes (LEDs) and shall have a color temperature of a maximum of 3,000 Kelvins.

e. Lighting for upper floor units' entries and exposed stairways shall be completely directed at the structure so that the illuminated bulb is not visible from neighboring residential properties at ground level.

2. **Pedestrian Pathways.** Lighting along pedestrian pathways shall not exceed three feet in height.

3. **Parking Areas.** Lighting in parking areas shall not exceed 16 feet in height.

4. **Bicycle Parking Areas.** Bicycle parking areas shall be illuminated.

5. **Signs.** The illumination of signs shall comply with the following:

    a. Gateway entry signs, directional signs, and unit and structure identifiers shall be externally illuminated for visibility at night.

    b. Backlit, internally illuminated, and halo signs are prohibited.

H. **Fences, Walls, and Hedges.** All applicable projects shall comply with the following fence, wall, and hedge standards.

1. **Location.** A fence or masonry wall with a minimum height of six feet and a maximum height of seven feet shall be provided along the rear and side property lines adjacent to residential uses. Side fences are not required to extend forward beyond a point two feet behind the front façade. Fences that extend beyond this point shall be stepped down to a maximum height of three feet.

2. **Materials.** Fences, walls, and hedges shall comply with the following standards.

    a. Fences or walls shall be constructed of wood, masonry, metal, stone, or faux wood composite fencing, except as described in Subparagraphs b and c, below.

    b. Chain link is prohibited.

    c. Masonry walls consisting exclusively of smooth-surfaced concrete masonry units are prohibited.

I. **Signs.** All applicable projects shall comply with the following sign standards.

1. **Required Signs.** Projects shall incorporate the following signs.

    a. Entryways, structure addresses, amenities, and individual units shall be identified with signage. Developments with more than one structure containing dwelling units shall also include directory signs in parking areas and along pedestrian pathways. All signs shall comply with Chapter 17.32 of the Zoning Ordinance.

    b. In addition to signs prohibited by Chapter 17.36 (Sign Regulations), signs with raceway channel letters are prohibited.

J. **Utilities and Services Areas.** All applicable projects shall comply with the following utility and service area standards.

1. **Utilities Area.** Projects shall incorporate the following standards in utility service areas.

a. Ground-mounted utility boxes, transformers, lines, utility meters, fire line detector check valves, backflow preventers, and mechanical equipment shall be located to the side or rear of structures.

b. Utilities, mechanical equipment, and service areas shall not obstruct pedestrian pathways.

c. New development shall underground new utilities, as well as existing utilities of 26kv or less, that are on-site along the project's frontage.

d. Developments located on two-, three-, and five-lane boulevards, as defined by the 2040 General Plan, shall underground all mechanical equipment and utility cabinets that are required to be located along the street frontage.

e. Ground-mounted utility and mechanical equipment shall be screened from view from streets, parks, plazas, gathering areas, and structure entries. Approved screening includes building recesses, vine-covered walls or fences, trellises, or evergreen plant materials. Screening shall exceed the equipment in height by a minimum of one foot.

f. Roof-mounted utility and mechanical equipment shall be screened from view behind parapets or recessed into hips, gables, or other building recession.

2. Refuse Collection Areas. Projects shall incorporate the following standards in refuse collection areas.

a. Bins, carts, and dumpsters for trash, yard waste, compost, and recycling shall be contained in covered refuse enclosures with an opaque gate. Developments with three or fewer units may be excluded from this requirement if the receptacles are kept in a lighted area separate from parking and pedestrian areas.

b. Refuse enclosures shall be provided in the number, dimensions, and type required by the local waste hauler.

c. Refuse enclosures shall be made of the same materials and colors as a residential structure within the development. Refuse enclosures may be made of concrete masonry units if the enclosure is painted with the same colors as a residential structure within the development.

d. Refuse enclosures shall not be located within the front setback and shall be screened from view of the street behind opaque landscaping or fencing reaching a minimum of six feet in height.

Chapter 17.94

Two-Unit Dwelling and Lot Split Development Standards

Chapter 17.94 Two-Unit Dwelling and Lot Split Development Standards

17.94.010 Purpose

The purpose of this Chapter is to establish standards for the development of two-unit residential dwelling developments and lot splits within single-unit residential zoning districts in accordance with California Government Code Sections 65852.21 and 66411.7 and to implement the goals and policies of the Town's Housing Element, including providing additional housing opportunities and a diversity of housing types.

17.94.020 Applicability

The requirements of this Section shall apply to urban lot splits and the development and use of two-unit residential dwelling developments within a single-unit zoning district. In compliance with Article 2 (Zones, Allowable Uses, and Development Standards), single-unit zoning districts are Rural Residential (RR), Estate Residential (ER), Surrounding Residential (SR), and Village Residential (VR). SB9 lot splits and units are prohibited in all other zoning districts.

17.94.030 Conflict with other Requirements

In the event of a conflict between the requirements of this Chapter and other provisions of this Code or other Town Codes, the provisions established in this Chapter shall control.

17.94.040 Interpretation

The provisions of this Chapter shall be interpreted to be consistent with the provisions of California Government Code Sections 6585.2.21 and 66411.7 and shall be applied in a manner consistent with State law. The Town shall not apply any requirement or development standard provided for in this Chapter to the extent prohibited by any provision of State law.

17.94.050 Definitions

A. Individual Property Owner. An individual property owner is the natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. It does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.), except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

B. **New Primary Dwelling.** A new primary dwelling is a new, additional dwelling unit that is created, but does not include an accessory dwelling unit or junior accessory dwelling unit.

C. **Single-Unit Residential Zone(s).** A single-unit residential zone includes the Rural Residential (RR), Estate Residential (ER), Surrounding Residential (SR), Village Residential (VR), and any property within a residential Planned Development (PD) district where a single-unit dwelling is an allowed use.

D. **SB9 Two-Unit Residential Development.** A SB9 two-unit residential development is a housing development containing no more than two primary residential units within a single-unit residential zone that qualifies for ministerial review pursuant to California Government Code Section 65852.21 and this Section. A housing development contains two residential units if it proposes no more than two new units or to add one new unit to one existing primary unit.

E. **Urban Lot Split.** An urban lot split shall have the same meaning as stated in California Government Code Section 66411.7.

17.94.060 Allowed Locations

An urban lot split or two-unit residential development shall only be allowed on parcels within single-unit residential zoning districts that allow single-unit dwellings as an allowed use as defined in this Chapter and identified in Article 2 (Zones, Allowable Uses, and Development Standards). An urban lot split or two-unit residential development is prohibited on any parcel that is not zoned for single-unit residential uses.

17.94.070 Qualifying Requirements

A proposed urban lot split or two-unit residential development shall meet all of the following requirements in order to qualify for ministerial review, in compliance with the provisions of this Chapter and California Government Code Sections 65852.21 and 66411.7. It shall be the responsibility of the applicant to demonstrate, to the reasonable satisfaction of the Director, that each of these requirements is satisfied.

A. The property is located in a single-unit residential zoning district.

B. The property does not include wetlands, hazardous waste site, prime farmland, FEMA-designated flood plains or regulatory floodways, or located in an earthquake fault or high fire severity zones, or subject to a conservation easement, based upon maps or regulations established by state or federal regulatory agencies.

C. The property is not located within a historic district or on property included on the State Historic Resources Inventory, as defined in California Public Resources Code Section 5020.1, or within a site that is designated or listed as a landmark or historic property on the Town's Historic Register.

D. The proposed development does not require the demolition or alteration of deed restricted affordable housing.

E. The proposed development does not require the demolition or alteration of housing subject to rent control.

F. The proposed development does not require the demolition or alteration of housing that has been occupied by a tenant within the past three years.

G. The proposed development does not require the demolition or alteration of housing that has been withdrawn from the rental market in the past 15 years.

H. The property is owned solely by one or more individual property owners.

I. No unpermitted construction shall exist on the property.

J. The following additional requirements shall apply to urban lot split applications.

1. The parcel proposed to be subdivided shall not have been established through a prior urban lot split.

2. The parcel proposed to be subdivided ("subject lot") is not adjacent to any parcel that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject parcel.

17.94.080 General Requirements

A. **Prohibited Uses.** The following are prohibited.

1. **Residential Use Only.** Non-residential use is prohibited on any lot created through an urban lot split or containing a SB9 two-unit residential development.

2. **Short-Term Rental Prohibited.** The rental of any dwelling unit on a lot created through an urban lot split or containing an SB9 two-unit residential development shall be for terms of not less than 30 consecutive days.

3. **Non-Conforming Conditions.** The design of an urban lot shall not create non-conforming conditions on the parcels created. The correction of legal non-conforming zoning conditions is not a condition for ministerial approval of a parcel map for an urban lot split.

B. **Number of Dwelling Units Allowed.** The number of dwelling units allowed on a qualifying parcel shall comply with the following:

1. **Urban Lot Split.** No more than two dwelling units may be constructed or maintained on a lot that results from an urban lot split. For the purposes of this Chapter, the two-unit

limitation applies to primary dwelling units, accessory dwelling units, and junior accessory dwelling units.

2. **Two-Unit Residential Development.** On lots not created through an urban lot split, two primary dwelling units are permitted when in conformance with the requirements of this Section. For the purposes of this Chapter, the two-unit limitation applies to primary dwelling units, accessory dwelling units, and junior accessory dwelling units.

17.94.090 Permit Application and Review Procedures

A. **Application.** An application for a qualifying project as specified in Section 17.94.070 (Qualifying Requirements), urban lot split or two-unit residential development shall be submitted on a form prepared by the Department, along with all information and materials prescribed by such form or required by the Director. No application shall be accepted unless it is completed as prescribed and is accompanied by payment of all applicable fees.

B. **Application Requirements.** The following information shall be included in the application for qualifying projects established in this Chapter:

1. **Two-Unit Residential Dwelling Application.** An SB9 unit shall be reviewed and processed through a Building Permit application. The Building Permit application shall include the following:

   a. Information required by Section 17.94.110;

   b. A completed and signed SB9 Two-Unit Development Application form; and

   c. Information and submittal requirements included in the SB9 Two-Unit Development Application form.

2. **Urban Lot Splits.** An SB9 urban lot split shall be reviewed through an SB9 lot split application:

   a. Information required by Section 17.94.100;

   b. Completed and signed SB9 Urban Lot Split Application form;

   c. Information and submittal requirements included in the SB9 Urban Lot Split Application form; and

   d. Information required by the Town's Subdivision Ordinance for tentative parcel maps.

C. **Fees.** Development of qualifying projects established in this Chapter shall be subject to all applicable fees, including development impact fees, and assessments, duly adopted by the Town in the Master Fee Schedule.

D. **Review.** Consistent with State law, the Director shall consider and approve or disapprove a complete application for an SB9 two-unit residential development or an urban lot split ministerially, without discretionary review or public hearing.

E. **Action.** The Director shall decide whether to approve or deny an SB9 urban lot split or SB9 two-unit development application. No public notice shall be given or public hearing held.

F. **Approval.** Approvals for qualifying projects shall comply with the following:

1. **Two-Unit Residential Dwelling.** In approving an application for an SB9 Two-Unit Development, the Director shall find that the application complies with the requirements of this Chapter and the intent of Government Code Sections 65852.21 and 66411.7.

2. **Urban Lot Splits.** In approving an application, that Director shall find that an SB9 Urban Lot Split application complies with the requirements of this Chapter, the intent of Government Code Sections 65852.21 and 66411.7, and the Town's Subdivision Ordinance.

G. **Denial – Specific, Adverse Effects.** Notwithstanding anything else in this Chapter, the Director may deny an application for an SB9 two-unit residential development or a parcel map for an urban lot split if the Building Official makes a written finding , based on a preponderance of evidence, that the project would have a specific adverse impact, as defined and determined in California Government Code Section 65589.5, on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

H. **Notification of Action.** The Director shall issue a written notice of the decision, which shall be provided to the applicant and property owner, if different than the applicant.

I. **Effective Date of Approval.** The ministerial approval of an SB9 two-unit residential development or a parcel map for an urban lot split does not take effect until the Town has confirmed that all required documents have been recorded and a copy of the recorded documents have been provided to the Director and Town Engineer.

J. **Hold Harmless.** Approval of an SB9 two-unit residential development or parcel map for an urban lot split shall be conditioned on the property owner agreeing to defend, indemnify and hold harmless the Town, its officers, agents, employees, and/or consultants from all clams and damages (including attorney's fees) related to the approval and its subject matter.

17.94.100 Urban Lot Splits – Development and Design Standards

A. **General.** An urban lot split shall conform to all objective requirements in this Section, the Subdivision Map Act, and the Town's Subdivision Ordinance, except as otherwise provided in this Section.

B. **Dedications and Improvements.** No dedications of right-of-way or off-site improvements shall be required solely for an urban lot split.

C. **Parcel Size.** The tentative parcel map for an urban lot split must subdivide an existing lot and shall comply with the following requirements.

1. No more than two lots shall be created.
2. Each lot shall be forty percent of the lot area of the lot proposed to be subdivided.
3. Each newly created lot shall be a minimum of 1,200 square feet.

D. **Easements.** Easements shall comply with the following:

1. The owner shall enter into an easement agreement with each utility/public service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
2. Each easement shall be shown on the tentative parcel map and the final parcel map.
3. Copies of the unrecorded easement agreements shall be submitted with the application. The easements shall be recorded against the property prior to final map approval.

E. **Parcel Frontage.** The following types of parcel frontages are allowed:

1. A minimum of 40-feet of lot frontage on a public street is required for both parcels.
2. Where 40-feet of lot frontage is not proposed, the following shall apply:
    a. **Access Via Easement.** Access shall be provided by an easement for ingress and egress and emergency vehicle access that is a minimum of 20-feet in width for the entire length of the corridor. The access corridor shall be kept free and clear of structures, and shall not be used for the parking of vehicles; or
    b. **Access Via Corridor (flag parcel).** Access shall be provided by an access corridor that is a minimum of 20-feet in width for the entire length of the corridor. The access corridor shall be kept free and clear of buildings, structures, and shall not be used for the parking of vehicles.

F. **Parcel Depth.** The minimum parcel depth shall be 45-feet. The parcel depth required by the Town's Subdivision Ordinance does not apply to Urban Lot Splits.

G. **Parcel Width.** The minimum parcel width shall be 40 feet.

H. **Setbacks.** Setback areas for Urban Lot Splits shall comply with the following standards:

1. **Easement Accessible Parcels:** Parcels accessed by an easement shall comply with the following standards:

   a. There shall be no front property line.

   b. The rear property line is the line that is generally parallel to the public right of way from which the lot gains access, and that abuts the properties that are not a part of the Urban Lot Split.

   c. The remaining properties shall be considered side property lines.

2. **Access Corridor Accessible Parcels:** Parcels accessed by an access corridor shall comply with the following standards:

   a. The front setback is the property line that abuts the public street and is the entire length of the access corridor.

   b. The rear property line is the line that is generally parallel to the public right of way from which the lot gains access, and that abuts the properties that are not a part of the Urban Lot Split.

   c. The remaining properties shall be considered side property lines.

I. **Modifications by the Director.** The Director may modify the objective standards when necessary for an SB9 Urban Lot Split to meet the minimum required lot size of 1,200 square feet. The applicant shall request the modification in writing as part of the SB9 application and provide information in support of the requested modification.

17.94.110 Two-Unit Dwelling – Development and Design Standards

A. **General.** An SB9 two-unit residential development on an existing parcel or developed on a parcel created by an urban lot split shall be subject to the standards included in this Chapter, including the requirements of this Section.

B. **Unit Size.** The maximum size of each new primary unit is limited to 1,200 square feet. When an existing single-unit dwelling is converted to a duplex, each of the resulting units shall not exceed 1,200 square feet.

C. **Height.** The maximum height is limited to one-story and 18-feet when located within the rear setback required by the underlying zoning district or two-stories and 35-feet when located outside of the setback required by the underlying zoning district.

D. **Setbacks.** The following minimum setbacks shall be maintained from property lines for each new primary unit, any garages, and accessory structures that are attached to the new primary dwelling. Detached garages and accessory structures shall comply with the requirements of Section 17.40.200 (Residential Accessory Structures and Uses). The setback for construction on a parcel that abuts a public street that has not been fully improved shall be measured from the ultimate street right-of-way.

1. **Front.** Twenty feet
2. **Interior Side.** Four feet
3. **Street Side**. Ten feet
4. **Rear.** Four feet

E. **Structure Separation.** Structures shall be separated by a minimum of six feet between the primary dwelling unit and all detached accessory structures on the site, including all residential units, garages, and accessory structures.

F. **Allowed Encroachments.** Encroachments into required setbacks shall be allowed consistent with Section 17.20.050 (Setback Measurement and Exceptions).

G. **Reduction of Setbacks.** A required minimum setback may be reduced when application of the required setback would physically preclude the development or maintenance of two dwellings units on a parcel or physically preclude any new dwelling unit from being 800 square feet in floor area.

H. **Existing Structures.** No increased setback is required for an existing legally established structure or new primary dwelling unit constructed to the same dimensions and in generally the same location as an existing legally established structure, provided that the new primary dwelling unit shall not be larger than 800 square feet.

I. **Parcel Coverage.** Maximum parcel coverage shall not exceed the parcel coverage allowed by the zoning district in which the parcel is located, unless the lot coverage standard would preclude establishment of an 800 square foot dwelling unit. If the parcel coverage requirement would preclude establishment of an 800 square foot dwelling unit, the maximum parcel coverage may be increased to the extent needed to allow an 800 square foot dwelling unit.

J. **Open Space.** Each new primary dwelling unit shall provide a minimum of 200 square feet of continuous private open space, with minimum interior dimensions of 10 feet. The private open space shall be open and unobstructed from the ground to the sky, except as allowed in Section 17.20.050 (Setback Measurement and Exceptions). The private open space area may be located in the required rear, side, or street side setback.

K. **Required Off-Street Parking.** Off-street parking spaces shall comply with the following:

1. **Number of Spaces Required.** One off-street parking space shall be required for each new primary dwelling unit, unless the location of the lot complies with one of the following. Information demonstrating that the lot meets one of the following requirements shall be submitted with the Building Permit application, when requesting relief from the parking requirement.

    a. The parcel is located within one-half mile walking distance of a high-quality transit corridor as defined in Section 21155 of the California Public Resources Code or a major transit stop as defined in Section 21064.3 of the California Public Resources Code.

    b. The lot is located within one block of a car-share vehicle location.

2. **Covered and Uncovered Parking Allowed.** The required off-street parking space may be covered or uncovered.

3. **Compliance with Established Parking Standards.** The size, location and design of off-street parking spaces shall comply with Chapter 17.30 (Parking, Loading, and Access) of this Code.

4. **Maintenance.** The area designated for covered parking shall remain open. Storage cabinets, mechanical equipment, washers and dryers, and similar items shall not encroach into the required parking area. Required covered parking spaces shall maintain the ability to park the required number of vehicles at all times.

L. **Refuse Storage Area.** All developments shall provide each unit with the appropriate number of containers for recyclable, organics, and non-recyclable solid waste ("refuse containers") as required by the Town's waste hauler and shall comply with all of the following requirements.

1. Refuse containers shall be stored in designated storage areas only and not within the required covered parking area.

2. The area required by each container shall comply with the required refuse receptacles used by the Town's refuse hauler at the time of development.

3. Refuse areas shall be paved and located in an area with access to and from the street.

M. **Deed Restriction.** Prior to approval of a parcel map for an urban lot split and/or the issuance of a building permit for the development of an SB9 two-unit development, the owner(s) of record of the property shall provide to the Director a copy of a covenant agreement, declaration of restrictions, or similar deed restriction ("deed restriction") recorded against the property, and that includes all the following.

1. Expressly requires the rental of any dwelling unit on the property be for a term longer than 30 consecutive days.

2. Expressly prohibits any non-residential use of the lot.

3. Expressly prohibits primary dwelling units located on the same lot from being owned or separately conveyed from one another.

4. Expressly requires all fee interest in each lot and all dwellings to be held equally and undivided by all individual owners of the lot.

5. Expressly prohibits condominium air space division and common interest developments on the property.

6. Expressly prohibits more than two dwelling units from being constructed or maintained on a lot that results from an urban lot split.

7. States that the property was formed and/or developed pursuant to the provisions of this Section and is therefore subject to the Town regulations set forth in this Section, including all applicable limits on dwelling size and development.

8. States that (1) the deed restriction is for the benefit of and is enforceable by the Town; (2) the deed shall run with the land and shall bind future owners, their heirs, and successors, and assigns; (3) lack of compliance with the deed restriction shall be good cause for legal action against the owner(s) of the property; (4) if the Town is required to bring legal action to enforce the deed restriction, then the Town shall be entitled to its attorney's fees and court costs; and (5) the deed restriction may not be modified or terminated without the prior written consent of the Director.

N. **Exceptions.** The Director may approve an exception to objective zoning, subdivision, or design standards that would preclude two 800 square foot units from being built on a parcel.

1. **Priority of Development Standards.** The Town prioritizes the following development standards in the following descending order of priority, with the first development standard having the highest priority.

   a. Height

   b. Front setback

   c. Open space

   d. Side or rear setback

   e. Lot coverage

   f. Building separation

2. New garages or accessory structures may only be allowed when they provide the required parking, provided that these structures due not preclude the construction of two 800 square foot dwelling units.

3. Building standards, standards required by federal, State, or local law for sanitation or safety reasons, the off-street parking requirements, and the lot size, access, and frontage requirements will not be waived or modified unless required by State law.

4. As part of the application, the applicant shall provide a written explanation that: specifically describes each development standard the applicant seeks to modify or waive, and to what extent; demonstrates why the waiver or modification of each development standard is needed to prevent physically precluding the construction of up to two primary dwelling units on the lot and/or each new unit from being at least 800 square feet in floor area; and demonstrates that the requested waivers and/or modifications are consistent with the priority set forth in this Subsection.

O. **Expiration of Approval.** The approval of an SB9 two-unit residential development shall become null and void if construction has not commenced within one year of the approval and diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to the approval shall expire if the building permits for the project expire.

Chapter 17.96

Dwelling Group

Chapter 17.96 Dwelling Group

17.96.010 Purpose

The provisions of this Chapter are intended to set standards for the development of more than one detached single-unit dwelling on a parcel to provide additional housing options and opportunities, while ensuring such housing remains compatible with the existing neighborhood and General Plan.

17.96.020 Intent

The provisions of this Chapter are intended to implement the provisions of the General Plan Housing Element that encourage the development of housing types for all economic segments of the community and to minimize governmental constraints on residential development.

17.96.030 Applicability

A dwelling group shall be allowed in the Rural Residential (RR), Estate Residential (ER), and Surrounding Residential (SR), and Village Residential (VR) zoning districts and subject to the permit requirements included in Article 2 (Zones, Allowable Uses, and Development Standard), when in compliance with the requirements of this Chapter.

17.96.040 General Requirements

A dwelling group is allowed on a vacant parcel or a parcel developed with one single-unit dwelling and when in compliance with all of the following requirements:

A. Density. The additional dwelling(s) shall be consistent with the General Plan density allowed for the parcel.

B. Parcel Size. The minimum lot size for a dwelling group shall be determined by the minimum parcel size required by the zoning of the parcel multiplied by the number of dwellings in the dwelling group plus 10 percent of the total lot area required based on the number of units included in the dwelling group.

C. Structure Type. The dwellings included in the dwelling group shall be detached.

D. **Location.** Dwelling units shall be oriented to the street frontage and consistent with the front setback required by the zoning of the parcel to provide "eyes on" on the street. If the width of the street frontage precludes a unit from being located along or oriented to the street frontage, the location and orientation shall be determined through the Site Plan and Design Review process.

E. **Development Standards.** The proposed dwelling unit shall comply with the development standards for the zoning of the parcel.

F. **Parking.** Parking for any existing dwellings on the site and all proposed new units shall be provided consistent with the requirements of this Code.

G. **Accessory Dwelling Units.** One accessory dwelling unit is permitted within a dwelling group, regardless of the number of single unit dwellings included in the dwelling group, when in compliance with Chapter 17.82 (Accessory Dwelling Unit (ADU)).

H. **Junior Accessory Dwelling Units.** One junior accessory dwelling unit is allowed, but not required, for each dwelling unit within a dwelling group, when in compliance with the requirements of Chapter 17.84 (Junior Accessory Dwelling Unit (JADU)).

I. **Future Subdivision.** The dwelling group shall be designed to allow for future subdivision of the parcel. A site plan demonstrating how future subdivision of the parcel could be designed shall be submitted with an application for approval of a dwelling group and is subject to Director review and acceptance. The site plan shall include the potential location of parcel lines, minimum parcel sizes, building setbacks, access to individual lots, building setbacks, access, and utilities.

17.96.050 Permit Requirements

Administrative Site Plan and Design Review is required for a dwelling group in accordance with Chapter 17.56 (Site Plan and Design Review).

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Chapter 17.98

Inclusionary Housing

Chapter 17.98 Inclusionary Housing

17.98.010 Purpose and Intent

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

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

17.98.020 Applicability

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

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

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

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

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

4. Accessory dwelling units constructed in compliance with Chapter 17.82 (Accessory Dwelling Unit (ADU)) and Chapter 17.84 (Junior Accessory Dwelling Unit (JADU)).

5. Dwelling units, which are offered and restricted for sale, lease, or rent solely to individuals or households of very low-, low-, or moderate-incomes.

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

17.98.030 Inclusionary Requirements

A. **Percentage Requirement.** Table 17.98-01 established the inclusionary percentage requirement for qualifying projects of 10 or more units. If, in the application of the requirements of this Section, a decimal fraction unit requirement is obtained, an in-lieu fee shall be provided equal to the applicable decimal fraction cost of a full housing unit.

Table 17.98-01
Inclusionary Housing Percentage Requirements

Income Level	Percentage
Very Low-Income	5
Low-Income	7.5
Moderate-Income	10

B. **Payment of an In-Lieu Fee for All Units.** The Council shall establish an in-lieu fee for inclusionary housing units in the Towns Master Fee Schedule. Any fee required by this Section shall be paid in full prior to the issuance of a Building Permit for the project. In multi-phase projects, the entire in-lieu fees required for the project, inclusive of all phases, shall be paid prior to issuance of any Building Permits for the first phase.

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

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

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

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

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

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

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

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

17.98.040 Pricing Requirements

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

A. **For Renters.** For renters, affordable housing expenses shall include rent plus a Utility Allowance and shall not exceed those percentages established in Table 17.98-02 (Affordable Housing Expense for Renters).

Table 17.98-02
Affordable Housing Expense for Renters

Income Level	Percentage
Very Low-Income	30% of 50% AMI[(1)], adjusted for household size
Low-Income	30% of 60% AMI[(1)], adjusted for household size
Moderate-Income	30% of 110% AMI[(1)], adjusted for household size

Notes
[(1)] "AMI" stands for Area Medium Income.

B. For Owners. For owners, affordable housing expenses shall include principal, interest, private mortgage insurance (PMI), property taxes, insurance, homeowners' association dues, property maintenance, repairs, and a Utility Allowance shall not exceed those percentage established in Table 17.98-03 (Affordable Housing Expense for Owners).

Table 17.98-03
Affordable Housing Expense for Owners

Income Level	Percentage
Very Low-Income	30% of 50% AMI[(1)], adjusted for household size
Low-Income	30% of 70% AMI[(1)], adjusted for household size
Moderate-Income	35% of 110% AMI[(1)], adjusted for household size
Moderate-Income	38% of 110% AMI[(1)], adjusted for household size with no Town subsidy or concession

Notes
[(1)] "AMI" stands for Area Medium Income.

17.98.050 Eligibility

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

B. Excluded Persons. The immediate relative of the project developer or owner, by virtue of their position or relationship, are ineligible to occupy an inclusionary unit.

17.98.060 In-Lieu Fee for Fractional Remainders

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

B. **Amount of Fee.** For purposes of this section, the fractional remainder and in-lieu inclusionary fee shall be established in the Town's Master Fee Schedule.

C. **Payment of Fee.** Any fee required by this Chapter shall be paid in full prior to the issuance of a Building Permit for the project. In multi-phase projects, the entire in-lieu fees required for the project shall be paid prior to issuance of any Building Permits.

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

17.98.070 Deed Restrictions

When inclusionary units are required, a deed restriction shall be recorded setting forth the applicable restrictions in this Chapter. Except as may be otherwise provided in Chapter 17.80 (Affordable Housing Requirements and Incentives), inclusionary units which are built without a public subsidy, or density bonus or other concession granted pursuant to Government Code Section 65915, shall be required to maintain affordability in perpetuity for rental units and for the longest feasible time, but not less than 45 years, for owner units, or for a different period when required by the Town or State law. At the resale of an affordable owner unit, the affordability period of not less than 45 years shall be renewed. A program to assure affordability for these units for this period of time shall be administered by the Town or by a non-profit housing agency approved by the Town. The developer shall enter into an agreement with the Town or its designee to provide monitoring and to assure affordability of the inclusionary units in perpetuity for rental units and for the longest feasible time, but not less than 45 years, for owner units from the effective date of first occupancy or resale of an affordable owner unit. The Town Manager shall be authorized to enter into such agreement on behalf of the Town. The approved agreement shall be recorded with the Sonoma County Recorder prior to issuance of a Building Permit for the project.

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

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

17.98.080 Monitoring

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

17.98.090 Developer Incentives

When a developer proposes a housing project that is subject to the inclusionary requirements of this Chapter, the Town shall provide the developer a density bonus compliant with State density bonus law, as defined in California Government Code section 65915 et seq, as revised periodically. Subject to the approval of the Town Manager, the Town may also provide other incentives, including, but not limited to:

A. Reduction in site development standards;

B. Modification of architectural design requirements;

C. Other similar incentives that assist in making the project economically feasible; and/or

D. Other incentives may be offered to produce very low- or low-income housing units.

17.98.100 Submittal Requirements

As part of any submittal to the Town for the construction of 10 or more new dwelling units, or for the subdivision of land into 10 or more parcels for residential use, each developer shall include information as to: the total number of housing units included within the application; the number of inclusionary units; proposed sale or rental prices of the inclusionary units; identification of the agency which will monitor occupancy and continued affordability of the inclusionary units for the amount of time specified by this chapter; and any other information deemed necessary by the Town. It shall be the responsibility of the developer to negotiate any needed agreement with the monitoring agency to comply with Section 17.98.070 (Deed Restrictions), of this Chapter.

17.98.110 Modifications – Hardship Exception

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

17.98.120 Appeals and Enforcement

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

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

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

D. **Appeal to the Council.** Any developer or other person who contends that his or her interests are adversely affected by a determination or requirement of the Town or its designee in regard to this Chapter and is not satisfied with the decision of the Commission may appeal to the Council upon payment of the applicable fee. The appeal shall set forth specifically wherein in action of the Town or its designee fails to conform to the provisions of this Chapter thereby adversely affecting the developer's or other person's interests. The Council may reverse or modify any determination or requirement of the Town or its designee if it finds that the action under appeal does not conform to the provisions of this Chapter.

Chapter 17.100

Cottage Home Development

Chapter 17.100 Cottage Home Development

17.100.010 Purpose

The purpose of this Chapter is to set standards for the development of cottage home developments to provide additional housing options and opportunities, while ensuring such housing remains compatible with the existing neighborhood and consistent with the General Plan.

17.100.020 Intent

Cottage housing developments are a type of infill development intended to provide small-scale, clustered housing units on a single parcel without the need for subdivision that are comparable in scale and intensity to single-unit residential development, thereby minimizing the impact on adjacent low-density residential uses. The provisions of this Chapter are intended to implement the policies of the General Plan and Housing Element which encourage the development of housing types for all economic segments of the community, to provide a variety of housing types, and to achieve the following objectives.

A. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs;

B. Provide opportunities for more affordable housing choices within single-unit neighborhoods and the community;

C. Encourage the creation of usable open space;

D. Promote neighborhood interaction and safety through design;

E. Ensure compatibility with neighboring land uses and surrounding properties; and

F. Provide opportunities for infill development that support the Town's growth management goal of more efficient use of land.

17.100.030 Applicability

Cottage home developments consist of two or more cottage home units on a parcel, which shall be allowed in the Surrounding Residential (SR), Village Residential (VR), and Medium Density Residential (MDR) zoning districts and subject to the permit requirements established in Article 2 (Zones, Allowable Uses, and Development Standards), when in compliance with the requirements of this Section.

17.100.040 Conflicting Requirements

In the event that a requirement included in this Chapter conflicts with another provision of this Code, the requirement included in this Chapter shall control.

17.100.050 General Requirements

The following requirements apply to cottage home developments.

A. **Density.** The density of the development shall be consistent with the density allowed by the General Plan land use and zoning designations of the parcel, except that studio and one-bedroom cottages that are 500 square feet or less shall be counted for the purposes of density, development impact fees, and capacity fees as 0.5 of a unit. The number of dwelling units allowed in a cottage home development shall be determined by the allowed density of the parcel and compliance with the other requirements of this Code.

B. **Existing Development.** A cottage home development should not be constructed on a site that includes an accessory dwelling unit, duplex, triplex, or apartment building. If any of these uses exist in the site, they shall be incorporated into the cottage home development and comply with the requirements of this Section.

C. **Accessory Dwelling Units.** The intent of these regulations is to allow multiple residential units on sites where only one residential unit would normally be allowed. As such, the Town will consider the second cottage home and third cottage home (if any) as the allowed ADU(s) for the parcel.

D. **Rental Term.** A cottage home shall not be rented for a term of less than 30 consecutive days.

E. **Site Plan and Design Review.** Site Plan and Design Review approval is required for all cottage home developments, which shall be in addition to the permit requirements included in Article 2 (Zones, Allowable Uses, and Development Standards).

17.100.060 Site Layout

Cottage home developments shall comply with the following site layout requirements:

A. **Street Frontage.** A minimum of 50 percent of the cottage homes located along the frontage of the parcel shall be oriented to the street to provide “eyes on” on the street and shall provide a direct connection from the entry to the street. A community building that serves the residents of the cottage home development may also be used to comply with this requirement.

B. **Common Open Space.** Dwellings not oriented to the street shall be clustered around common open space that is not separated by fencing. The primary common open space area(s) shall have

cottage homes abutting at least two sides, with the entries to the cottage homes oriented to the common open space.

C. **Cluster Size.** Cottage homes clustered around common open space shall range from a minimum of four to a maximum of 12.

D. **Setback from Common Open Space.** Cottage homes shall be no more than 25 feet from the common open space area, measured from the front wall of the cottage home to the nearest delineation of the common open space.

E. **Emergency Vehicle Access. Adequate** emergency vehicle access shall be provided, as determined by the Sonoma County Fire District. In areas where roadways are required solely for emergency vehicle access, alternative surface materials that are permeable and support low lying vegetation shall be utilized where feasible and are subject to approval of the Sonoma County Fire District.

17.100.070 Development and Design

Cottage home developments shall reflect a coherent and high-quality design concept and include architectural elements to ensure combability within the development and with the surrounding neighborhood and community character. The following requirements are intended to provide compatibility with existing residential development. Cottage home developments are subject to the design and development standards included in this Section.

A. **General.** Cottage home development shall comply with the following general requirements:

1. **Parcel Size.** The minimum lot size for a cottage home development shall be 8,000 square feet.

2. **Parcel Coverage.** Cottage home developments shall comply with the lot coverage requirement of the zoning of the parcel. An increase in the allowable lot coverage may be considered through the Conditional Use Permit and/or Site Plan and Design Review process.

3. **Building Type.** The dwellings in a cottage home development shall be detached and may include site-built units, HCD approved premanufactured units, units that meet DMV requirements for use as a tiny home, and similar units as approved by the Review Authority.

4. **Cottage Size.** Cottage homes shall not exceed 850 square feet.

5. **Height.** Cottage homes shall not exceed 25 feet in height. Garages and carports shall not exceed 15 feet in height.

6. **Entry.** Cottage homes shall be provided with a usable porch, deck, patio, or similar entry feature, exclusive of the entry to the home.

7. **Roof Pitch.** Roofs shall have a minimum pitch of 3:12 for a minimum of 50 percent of the roof area.

8. **Roof Design.** Roofs shall be gable, shed, or hip design. Roof decks are prohibited.

9. **Setbacks.** Setbacks for cottage homes are applied at the property lines of the development. Setbacks for structures within the development are subject to the building separation requirement. Structures within the development located along property lines are subject to the following setback requirements.

    a. Front: 10 feet.

    b. Side, street side and rear setbacks shall comply with the setbacks of the zoning of the parcel.

10. **Building Separation.** Individual structures shall be separated by a minimum of six feet.

11. **Exterior Materials.** Materials for exterior walls are limited to wood, cementitious siding, or equivalent as determined by the Director. Single piece composite laminate and interlocked metal sheathing are prohibited.

12. **Accessory Structures.** Accessory structures that serve the residents of the cottage home development and are subordinate in use and scale to the cottage homes are allowed subject to lot coverage and setback requirements of this Chapter and Site Plan Design Review.

B. **Fencing.** Cottage home developments shall comply with the following fencing requirements.

1. Solid six-foot-tall perimeter property line fencing along the rear, side, and street side property lines shall be provided. Two feet of lattice that is a minimum of 50 percent open shall also be provided when the cottage home development abuts existing residential development.

2. Fencing used to delineate private yards shall not exceed 42 inches in height and may be open or solid.

3. Solid fenced and walls up to six feet in height shall be provided to screen refuse areas, mechanical equipment, and similar areas.

4. Fence materials shall comply with Chapter 17.26 (Fences, Walls, and Hedges).

C. **Open Space.** Cottage home developments shall comply with the following open space requirements.

1. A minimum of 300 square feet of open space per cottage unit shall be provided.
2. A minimum of 100 square feet of the required open space per cottage unit shall be provided as private open space. Private open space may include porches, decks, and patios.
3. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10 feet.
4. Roadways, driveways, parking areas, stormwater facilities, private open space, and areas used for refuse bin storage do not count as common open space.
5. Landscaping and amenities located in common open space areas shall be designed to allow for easy access and use by all residents.
6. A cottage development shall include one or more common open space areas that are designed and maintained for recreation and use by all residents and that include a minimum of two of the following amenities, which shall be selected based on the needs of the residents anticipated for the development.
    a. Active recreation, such as field courses or equipment used for recreational activities.
    b. Passive recreation, such as paseos, plazas, shaded seating areas used as gathering spaces.
    c. Playground or tot lot with a minimum of three structured play modules.
    d. Community garden
    e. Lounge or media room
    f. Dog park with a minimum of two benches
    g. Outdoor games
    h. A community building may be provided for the residents of the cottage home development and counted toward the common open space requirement. The architectural design, materials, and colors of the community building shall be compatible with the cottage homes in the development.
    i. The Review Authority may approve alternative amenities that better serve the needs of the intended residents of the development.

D. **Parking.** Two spaces per unit shall be provided, which is inclusive of the parking required for residents of the cottage home development and guest parking. Parking may be covered or uncovered and may be provided as tandem parking spaces.

E. **Refuse and Recycling.** When bins are provided for individual cottage homes the bins shall be covered, screened from view by landscaping or architectural screening, and shall not be located in a front or street side setbacks. When containers are provided that serve the entire development, they shall be located a minimum of five feet from interior side and rear property lines, 10 feet from the street side property lines. Refuse containers shall be placed to avoid odors that may be offensive to adjoining properties.

F. **Solar Required.** Cottage home developments shall install solar voltaic system(s) with sufficient capacity to provide 50 percent of the total anticipated electrical demand generated by the cottage units.

G. **Utility Connection.** Cottage homes shall be connected to Town water and sewer. A cottage home may use on- or off-grid electricity.

H. **Common Area Maintenance.** Cottage housing developments shall implement a mechanism, acceptable to the Town, to ensure the continued care and maintenance of all common areas and amenities, including open space, parking, surface water management facilities, and any other common areas or shared facilities.

17.100.080 Modifications to Standards

Modifications to the Site Layout and Development Standards may be approved by the Review Authority through the Site Plan and Design Review process when the Review Authority finds that any of the following apply:

A. The site is constrained due to unusual shape, topography, or easements;

B. The site is constrained by environmental or cultural resources, and the alternative design would serve to protect the resource(s);

C. The modification will not result in a project that is less compatible with neighboring land uses and the surrounding neighborhood than would have occurred under the strict adherence to the provisions of this section; or

D. The alternative design provides a high level of design quality and compatibility with the character of the surrounding neighborhood and generally meets the intent of the regulations included in this Chapter.

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Chapter 17.102

Tiny Homes

Chapter 17.102 Tiny Homes

17.102.010 Purpose

The provisions of this Chapter are intended to set standards for the development of tiny home units to increase the supply of smaller and affordable housing while ensuring such housing remains compatible with the existing neighborhood.

17.102.020 Intent

The provisions of this Chapter are intended to implement the provisions of the General Plan Housing Element which encourage the development of housing types for all economic segments of the community and to minimize government constraints on residential development.

17.102.030 General Requirements

A tiny home shall conform to the objective requirements of this Chapter and is considered an accessory use.

A. **Location.** A tiny home shall be permitted where allowed in Article 2 (Zones, Allowable Uses, and Development Standards), when in compliance with the requirements of this Section.

B. **Density.** A tiny home is exempt from the density requirements of the General Plan but shall otherwise be consistent with the General Plan.

C. **Type.** A tiny home shall be considered as a detached ADU and follow all requirements and standards as specified for detached ADUs.

D. **Rental Term.** A tiny home shall not be rented for a term of less than 30 consecutive days.

E. **Owner Occupancy.** The property owner shall occupy the tiny home, or the primary dwelling located on the parcel.

F. **Permit Required.** A building permit is required prior to placing a tiny home on a parcel. The building permit application shall demonstrate compliance with the requirements of this Chapter.

17.102.040 Development Standards

A tiny home shall comply with all the following development standards.

A. **Number Allowed.** One tiny home is allowed on a parcel with an existing single-unit dwelling.

B. **Height.** A tiny home shall be limited to a maximum height of 13 feet six inches to comply with Department of Motor Vehicles (DMV) towing requirements.

C. **Setbacks.** A tiny home shall comply with the following setbacks:

1. **Front:** A tiny home shall not be located within the required front setback or between the front of the existing single-unit dwelling and the public right-of-way.

2. **Interior Side:** A minimum interior side setback of five feet shall be provided.

3. **Street Side:** A minimum streetside setback of 10 feet shall be provided.

4. **Rear:** A minimum setback of five feet shall be provided.

D. **Distance Between Structures.** A minimum distance of six feet shall be provided between a tiny home and any other structures on the parcel, including the primary residence and any accessory structures.

E. **Size.** The minimum size shall be that required by the California Health and Safety Code, as may be amended. The maximum size is limited to 400 square feet, which is inclusive of any loft spaces.

F. **Parcel Coverage.** A tiny home shall comply with the parcel coverage requirements of the underlying zoning district.

G. **Parking.** One onsite parking space shall be provided for a tiny home. The required parking space may be covered or uncovered and may be provided as a tandem parking space. For the purpose of this Chapter, "tandem parking" means two or more automobiles are parked on a driveway or in any other location on a parcel, lined up one behind another.

H. **Utility Connections.** A tiny home shall be connected to Town water and sewer. A tiny home may use on- or off-grid electricity. All tiny homes shall have a GFI shutdown breaker.

17.102.050 Design Standards

A tiny home is subject to the following Design Standards and shall provide a residential appearance and relationship to the primary residence through the following requirements.

A. **Foundation.** Placement of a tiny home on a permanent foundation is encouraged. When a tiny home is not located on a permanent foundation, it shall comply with the following requirements.

1. A paved parking pad shall be provided and shall include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Director.

2. The undercarriage (e.g., wheels, axels, tongue, and hitch) shall be screened with solid wood, metal, or concrete when parked.

B. **Exterior Materials**. Materials for exterior walls are limited to wood, cementitious siding, or equivalent as determined by the Director. Single piece composite laminate and interlocked metal sheathing are prohibited.

C. **Roof Pitch.** Roofs shall have a minimum pitch of 3:12 for a minimum of 50 percent of the roof area.

D. **Roof Design.** Roofs shall be gable, shed, or hip design.

E. **Privacy.** When a tiny home is located outside of the required setbacks for the primary dwelling and faces an adjoining property, one or more of the following measures shall be used to provide privacy.

1. Windows located outside of the required setback of the primary dwelling and facing an adjoining property shall be clerestory (e.g., minimum of five feet, six inches above the finished floor); or

2. Permanently obscured glazing; or

3. Two feet of lattice that is 50 percent open shall be added to the top of a solid six-foot fence located on the shared property line, subject to the consent of the owner of the adjoining parcel.

F. **Windows.** Windows shall be double pane glass or better, labeled for building use, and include exterior trim.

G. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof, except that solar panels may be located on the roof.

H. **Fire Inspection.** An annual fire inspection and compliance with Sonoma County Fire District requirements are required.

I. **Generators.** The use of generators is prohibited, except during emergencies and Public Safety Power Shutoff (PSPS) events. When in use, generators shall comply with the requirements of Subsection 17.32.070.I (Exempt Activities).

17.102.060 Applicable Codes

A. Tiny homes shall meet the requirements of ANSI 119.5 or NFPA 1192. It shall be the responsibility of the property owner to demonstrate compliance with these standards.

B. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles (DMV).

Chapter 17.104

Agricultural Worker Housing

Chapter 17.104 Agricultural Worker Housing

17.104.010 Purpose and Intent

The purpose and intent of this Section is to regulate the development and operation of agricultural worker housing land uses in compliance with the Employee Housing Act (Health and Safety Code Section 17021 et. seq.)..

17.104.020 Applicability

The standards in this Chapter apply only to agricultural worker housing (as defined in Article 8) on active farming operations where allowed by this Title (see "Agricultural, Horticulture"). These standards do not apply to housing accommodating six or fewer residents, which is classified as employee housing (as defined in Article 8) and regulated as a single-unit dwelling land use in accordance with this Title and State law.

17.104.030 Standards

The following standards shall apply to all agriculture worker housing units:

A. Agricultural worker housing shall obtain all applicable State-mandated entitlements and shall comply with the development standards established in the Employee Housing Act (Health and Safety Code Section 17021 et. seq.).

B. Agricultural worker housing units shall be allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards).

C. Agricultural worker housing shall comply with all applicable State laws including, when applicable, the California Mobilehome Parks Act.

D. Prior to issuance of a certificate of occupancy for construction of such housing, the developer shall enter into an agreement with the Town that ensures occupancy by qualified residents only.

Chapter 17.106

Mobile Home Parks and Mobile Homes on Single-Unit Parcels

Chapter 17.106 Mobile Home Parks and Mobile Homes on Single-Unit Parcels

17.106.010 Purpose and Intent

The purpose and intent of this Section is to regulate the development of mobile home parks and mobile homes on single-unit parcels to:

A. Promote safety and accessibility;

B. Encourage open space and amenities;

C. Ensure long-term maintenance and compliance; and

D. Ensure high quality development.

17.106.020 Mobile Home Park Standards

A. **Density.** Proposed mobile home parks shall comply with the following requirements:

1. **Minimum Parcel Area for Parks.** Four acres.

2. **Minimum Parcel Area.** 2,400 square feet for each mobile home site.

3. **General Plan Compliance.** Maximum allowable density shall be within the range allowed by the General Plan land use designation of the site and shall be determined by Conditional Use Permit approval in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

B. **Accessory Uses Allowed.** A mobile home park may contain accessory uses that are primarily for the convenience of the residents of the park. Any structure used for an accessory use shall meet all requirements for a main structure and shall be architecturally compatible with other structures on the site. Allowable accessory uses include laundry facilities, vending machines, storage area for recreational vehicles, management facility, recreational facility, and other uses which in the opinion of the Director are of a similar nature.

C. **General Development Standards.** The following standards shall apply to all mobile home parks

1. **Setbacks.** Minimum setbacks between mobile homes and other structures shall be 10 feet on all sides, including front and rear, except for any side or rear abutting the project property line, in which case the minimum setback shall be 15 feet. When an awning, cabana, porch, carport, or similar structure is attached to a mobile home, the minimum setback between these types of elements and other structures shall be six feet.

2. **Parcel Coverage.** The maximum parcel coverage allowed in the mobile home park shall comply with the requirements of the applicable zone in which the mobile home park is proposed.

3. **Parking Regulations.** On-site parking improvements and required parking spaces shall comply with Chapter 17.30 (Parking, Loading, and Access).

4. **Signs.** In addition the standards established in Chapter 17.36 (Sign Regulations), One nonilluminated or indirectly illuminated sign shall be allowed at each entrance to the park. The sign may be either wall mounted or freestanding monument-type. Signs shall not exceed 32 square feet in area. Freestanding signs shall not exceed a height of six feet.

5. **Landscaping.** All open areas shall be landscaped and continuously maintained. At least 60 percent of all open areas shall be landscaped with live materials. Landscaping shall include planting of trees along perimeter boundaries adjacent to adjoining properties. Trees shall be of a minimum 15-gallon size with a minimum of one tree for each mobile home site. Additional and more mature trees may be required through Conditional Use Permit approval in compliance with Chapter 17.58 (Conditional Use Permit and Minor Use Permit).

6. **Screening.** A six-foot-high wall, fence, or landscape screen may be required along all project boundaries. If a wall or fence is required, it shall not be less than six feet.

D. **Open Space.** Each mobile home park shall contain a minimum of 300 square feet of common open space for each mobile home site that includes amenities established in Paragraph a, below. In family parks, an additional 300 square feet per site shall be added. In no case shall the total recreation space be less than 6,000 square feet in area and each single recreation area shall be a minimum of 3,000 square feet in area.

1. **Required Amenities.** Projects shall incorporate the following amenities.

   a. One amenity shall be provided for each 20 units or fraction thereof.

   b. Common area amenities shall occupy a minimum area of 400 square feet. Common areas shall have a minimum width of 15-feet in any direction.

   c. Common areas may be combined into a single area if the minimum required elements for each are included within the combined area.

2. **Allowed Amenities.** Allowed amenities include the following:

   a. Active recreational facilities (i.e., spaces, fields, courses, or equipment used for recreational activity).

   b. Passive recreation facilities (paseos, plazas, or shaded seating areas used as gathering spaces) with a minimum seating capacity for eight persons and a

minimum of one feature element. Feature elements include, but are not limited to, barbecues, firepits, commissioned public art, water features, or picnic tables.

c. Playground or tot lot with a minimum of three structured play modules (i.e., slide, swing, and climber) and an adjacent bench or sitting area.

d. Lounge or media room.

E. **Access and Roadway Standards.** Park access shall be designed and constructed as follows:

1. All streets shall comply with the Town's standards for local residential streets. Narrow residential streets may be allowed, subject to approval of the Public Works Director, Director, and Fire Marshal.

2. No access driveway shall be located closer than 100 feet to any intersection.

3. The use of cul-de-sac streets is discouraged in mobile home parks. All cul-de-sac streets shall have a minimum outside turning radius of 40 feet.

4. All corners shall have minimum 15-foot radii.

5. All streets shall be adequately lighted in compliance with the Town's standards for roadway lighting.

6. Each site shall front on an access street.

7. Traffic control devices shall be provided at all intersections with public streets.

F. **Staged Development.** Development may be in stages provided that each stage meets the minimum standards of this Section and there is no occupancy of any mobile home until at least 10 mobile home lots are developed and improved on at least two acres.

17.106.030 Mobile Home on Single-Unit Parcel

A. **Applicability.** One mobile home per parcel is allowed wherever a single-unit dwelling is allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), subject to the standards of this Section.

B. **Mobile Home Standards.** A mobile home located on a parcel outside of a mobile home park shall be:

1. Placed on a permanent foundation system;

2. Constructed after September 15, 1971, and issued an insignia of approval by the California Department of Housing and Community Development; or constructed after July 1, 1976, and issued an insignia of approval by the U.S. Department of Housing and Urban Development, and has not been altered in violation of applicable codes;

3. Occupied only as a residential use type in compliance with all applicable regulations;

4. Subject to all Zoning Code provisions applicable to residential structures;

5. Constructed with a minimum width of 12 feet, not including an "expander";

6. Covered with an exterior material (including stucco, Masonite and horizontal "lap" siding) customarily used on conventional dwellings and approved by the Director. The exterior covering materials shall extend to the ground, except when a solid concrete or masonry perimeter foundation is used, the exterior covering materials need not extend more than six inches above finished grade;

7. Constructed with a roof pitch of not less than three inches vertical rise for each 12 inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the Director; and

8. Have eaves of a conventional design.

C. Corner Lots. On corner lots, the mobile home needs to comply with the development standards for corner lots included in Section 17.10.050(H), which require enhanced architecture.

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Chapter 17.108

Temporary Housing Measures for Recovery from the Nuns and Tubbs Fires for 4 Years

Chapter 17.108 Temporary Housing Measures for Recovery from the Nuns and Tubbs Fires for 4 Years

17.108.010 Purpose

This Chapter establishes interim regulations for the provision of temporary housing in response to the unprecedented loss of over 5,000 homes resulting from the Nuns and Tubbs fire events of October 8, 2017. The provision of temporary housing for people displaced by the fires and for workers who will be needed for recovery and reconstruction efforts will benefit the public health, safety and welfare by serving to stabilize the community and area's economy.

17.108.020 Applicability

The temporary housing provisions of this Chapter are intended to serve people whose homes were destroyed by the Nuns and Tubbs Fires and workers who are involved in related recovery and reconstruction efforts.

17.108.030 Location

The temporary housing options allowed by this Chapter shall be limited to properties that are located within the Town limits and that are zoned for residential, commercial, or light industrial uses as established in Article 2 (Zones, Allowable Uses, and Development Standards).

17.108.040 Temporary Housing Allowed on Residentially Zoned Properties

A. Single Units on Developed Residential Properties. The following may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with approval of a Ministerial Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit).

1. One mobile home, manufactured home, or other similar structure when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures.

2. One recreational vehicle when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures. A recreational vehicle may also be allowed in the front driveway area of the property provided that it does not encroach into the public right-of-way when parked.

3. Use of an existing residential accessory structure with conditioned space, such as a pool house, guest house, recreation room or studio space, when in compliance with the following requirements:

   a. The accessory structure shall have been constructed with a Building Permit.

   b. The structure shall be subject to inspection by the Building Official and Windsor Fire Protection District staff prior to occupancy as a temporary housing unit.

   c. Compliance with any exiting and/or safety requirements determined to be necessary by the Building Official and Windsor Fire Protection District staff.

4. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

B. Multiple Units on Developed Residential Properties. Multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles, and other similar structures may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with the approval of an Administrative Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit), subject to the following development standards:

1. The total number of units, including any existing residence(s), does not exceed the maximum allowable density of the General Plan land use designation for the property.

2. The units are located in the side or rear yard area of the property and are sited in conformance with applicable side and rear yard setback requirements for accessory structures.

3. The total square footage of all structures on the property, permanent and temporary, does not exceed the maximum allowable parcel coverage of the applicable zone.

4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit.

5. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

C. **Units on Vacant Residential Properties.** Single or multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles, and other similar structures may be allowed on vacant properties zoned for residential uses, with the approval of a Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit), subject to the following development standards:

1. The total number of units does not exceed the maximum allowable density of the General Plan land use designation for the property.
2. The units are sited in conformance with applicable front, side, and rear yard setback requirements.
3. The total square footage of all structures on the property does not exceed the maximum allowable parcel coverage of the applicable zone.
4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit. Parking for each unit shall be provided to the side or rear of the unit.
5. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

17.108.050 Temporary Housing Allowed on Commercially Zoned Properties

A. Units on Vacant Commercial Properties. Single or multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles, and other similar structures may be allowed on vacant properties zoned for commercial uses, with the approval of an Temporary Use Permit in compliance with Chapter 17.60 (Temporary Use Permit), subject to the following development standards:

1. A 15-foot setback shall be maintained along the front, side, and rear property lines.
2. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Chapter 17.30 (Parking, Loading, and Access) standards for stall size and aisle widths.
3. A centralized refuse collection area shall be provided.
4. All units shall be accessible from a 20-foot wide emergency vehicle access way.
5. A minimum of 15-feet shall be provided between units to provide dedicated outdoor space for each unit.

6. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

7. Security lighting shall be provided to the satisfaction of the Chief of Police.

8. The maximum density allowed is 16 units per acre.

9. Director Authority. The Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

Units on Developed Commercial Properties. Placement of temporary housing units on developed commercially zoned properties is prohibited.

17.108.060 Temporary Housing Allowed on Vacant Light Industrially Zones Properties

A. Units on Vacant Light Industrial Properties. Single or multiple temporary housing units, including mobile homes, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for light industrial uses, with the approval of an Administrative Temporary Use Permit, subject to the following development standards:

1. The minimum size of a site shall be two acres, which may be comprised of one parcel or two or more contiguous parcels.

2. The maximum density allowed is 16 units per acre.

3. A 15-foot setback shall be maintained along the front, side, and rear property lines.

4. A minimum buffer of 50 feet shall be provided between the temporary housing unit and any existing light industrial use or property with light industrial zoning.

5. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Zoning Code standards for stall size and aisle widths.

6. A centralized refuse collection area shall be provided.

7. All units shall be accessible from a 20-foot wide emergency vehicle access way.

8. A minimum of 15-feet shall be provided between units to provide dedicated outdoor space for each unit.

9. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

10. Security lighting shall be provided to the satisfaction of the Town of Windsor Police Chief.

11. Occupants of temporary housing units shall sign a form acknowledging the that the temporary housing unit is located in an area with active light industrial uses or in an area zoned for light industrial uses and that these uses may create noise, smoke, odors, dust, gases, glare, heat, vibration and wastes that are not found in residential neighborhoods and/or involve uses not found in residential neighborhoods.

12. Director Authority. The Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

B. Units on Developed Light Industrial Properties. Placement of temporary housing units on developed light industrially zoned properties is prohibited.

17.108.070 Temporary Expansion of Existing Shelters

A. Length of Stay. Existing emergency shelters may extend the length of stay of shelter occupants until the expiration of the enacting ordinance.

B. Number of Beds. Existing emergency shelters may increase the maximum number of beds to above 40, subject to review and approval of the Windsor Fire Protection District and the Building Official.

C. Expiration of Expanded Use. The provisions of this Section shall expire concurrently with the expiration of the enacting ordinance.

17.108.080 Wine Country RV Park (8225 Conde Lance, APN 164-030-024)

A. Expansion of Non-Conforming Use. Additional recreational vehicles may be parked at the Wine Country RV Park property on a temporary basis, or a permanent basis with Council approval of any required permit(s) or other land use action(s).

B. Temporary Parking. For temporary parking of additional recreational vehicles, a Temporary Use Permit, in compliance with Chapter 17.60 (Temporary Use Permit), approved by the Council shall be required, subject to the following:

1. Each RV unit shall acquire Town water service and electrical service. Sewage disposal to a legal disposal facility is the responsibility of each RV unit.

2. The property owner shall enter into an agreement with the Town and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

3. Any necessary approvals from the California Department of Housing and Community Development (HCD) shall be secured prior to occupancy of the temporary units.

4. Parking of recreational vehicles and/or improvements needed to serve the additional temporary parking spaces shall avoid any impact to trees protected under the Town's Tree Preservation and Protection standards established in Section 17.22.030 (Tree Preservation and Protection).

5. Parking of recreational vehicles and/or improvements needed to the serve the additional temporary parking spaces shall be appropriately set back from any creek or waterway on or adjacent to the property.

6. Other conditions or requirements as determined to be appropriate by the Council.

C. Permanent expansion of recreational vehicle parking at the Wine Country RV Park may be considered subject to approval of any required land use entitlements by the Council.

17.108.090 Temporary Use Permit Required

Unless otherwise stated in this Chapter, all temporary housing units permitted by this Chapter shall require approval of a Temporary Use Permit. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 17.52 (Application Processing Procedures) and Chapter 17.60 (Temporary Use Permits).

A. Ministerial Temporary Us Permit. A Temporary Use Permit processed at the staff level is required for a single temporary housing unit on a developed residentially zoned property.

B. Administrative Temporary User Permit. An Administrative Temporary Use Permit considered through the administrative hearing process is required for more than one temporary housing unit on a developed residentially zoned property, for one or temporary housing units on a vacant residentially zoned property, for one or more temporary housing units on a commercially zoned property, and for additional recreational vehicle parking at the Wine Country RV Park.

C. Growth Control Ordinance. Temporary Use Permits authorized by this Chapter are exempt from the Town's Growth Control Ordinance.

D. Public Notice. Notice of the administrative hearing required for an Administrative Temporary use Permit shall be sent to property owners and occupants located within 300 feet of the property a minimum of 10 days prior to the hearing.

E. Expiration of Permit. A Temporary Use Permit shall expire concurrently with the expiration of the enacting ordinance or earlier if specified in the terms of the Permit. The duration of all permits for temporary housing issued under the provisions of Ordinance No. 2017-320, Ordinance No. 2018-321, or Ordinance No. 2018-329 shall automatically be extended and expire concurrently with the expiration of the current enacting ordinance for temporary housing.

17.108.100 Inspections

Inspection of a temporary housing unit and site by the Department, Public Works Department, Windsor Water District, and Windsor Fire District is required prior to occupancy of a temporary housing unit. The temporary housing unit shall comply with all Town, Windsor Water District, and Windsor Fire District requirements prior to use as a temporary housing unit.

17.108.110 Fees

Because the provision of temporary housing for people displaced by the Fires and workers involved in the recovery and reconstruction efforts will provide an economic benefit to the Town by allowing residents to retain jobs, reside in the area, and shop in the community, and is temporary in nature, development impact and mitigation fees and application fees are not required and shall not be charged.

17.108.120 Agreement

Property owners shall enter into an agreement with the Windsor Water District governing the provision and termination of water and sewer services for temporary housing units prior to occupancy.

17.108.130 Conflicting Requirements

If a conflict occurs between the provisions of this Chapter and other requirements of the Zoning Code, Station Area/Downtown Specific Plan, or Municipal Code, the provisions of this Chapter shall control.

17.108.140 Discontinuance of Use

Upon the expiration of a Temporary Use Permit for temporary housing or upon expiration of the enacting Code, the use of the property or structures for one or more temporary housing units shall cease and the condition of the property or structures shall be returned to the condition that existed prior to use for temporary housing.

17.108.150 Land Use, Zoning, or Other Situations not Addressed

The Director shall have the authority to make determinations regarding any land use, zoning, or other similar situation not addressed by this Chapter.

17.108.160 Duration

All provisions of this Chapter shall be in effect until December 31, 2027, unless extended by the Town Council by Resolution or Ordinance.

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Chapter 17.110

Definitions

Chapter 17.110 Definitions

17.110.010 Purpose

This Chapter provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this Chapter, or in other provisions of the Town of Windsor Code, the Director shall determine the correct definition.

17.110.020 "A" Definitions

Accessible Path of Travel. Shall be as defined in the Town's adopted California Building Standards Code, Title 24.

Accessory Dwelling Unit.

1. Accessory Dwelling Unit (ADU). An attached or detached dwelling unit that provides complete independent living facilities on the same parcel as a legal single-unit or multi-unit dwelling, including permanent provisions for living, sleeping, eating, cooking and sanitation. See Chapter 17.82 (Accessory Dwelling Unit (ADU)).
2. Junior Accessory Dwelling Unit (JADU). A dwelling unit not exceeding 500 square feet in size and contained entirely within an existing legally established single-unit structure. A junior accessory dwelling unit shall include an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. See Chapter 17.84 (Junior Accessory Dwelling Unit (JADU)).

Accessory Structure.

1. Accessory Structure, Agricultural. An agricultural accessory structure which provides for the sheltering or confining of animals, or the storage of agricultural equipment, hay, feed, and other items commonly associated with agricultural activities. Agricultural structures are not intended for human habitation.
2. Accessory Structure, Non-Residential. A structure that is physically detached from, secondary and incidental to, and commonly associated with a non-residential use or structure. Non-residential accessory structures shall not change or alter the character of the non-residential use or structure. Illustrative examples of non-residential accessory structures include storage sheds and open-air structures.

3. **Accessory Structure, Residential.** A structure that is physically detached from, secondary and incidental to, and commonly associated with a residential use or structure. Residential accessory structures shall not change or alter the character of the residential use or structure. Illustrative examples of residential accessory structures include carports, detached garages, storage sheds, playhouses, workshops, recreation rooms, or any other open-air structure. For additional regulations, see Section 17.40.200 (Residential Accessory Structures and Uses). For accessory dwelling unit, see "Accessory Dwelling Unit (ADU)".

Accessory Use. A use customarily incidental to, related and clearly subordinate to a principal use established on the same parcel, which does not alter the principal use nor serve property other than the parcel where the principal use is located.

Adult Day Care Facilities. See "Community Care Facility"

Adult Entertainment Business. Any establishment, business, or concern which, as a regular course of the business, offers or engages in the display of "specified anatomical areas," "specified sexual activity," or men and/or women in a state of nudity, or state of partial nudity, as defined in this Article, by patrons, employees, or anyone on the premises, and includes without limitation the following types of establishments. See Section 17.40.020 (Adult Entertainment Business).

1. **Adult Related Book and Video Store.** An establishment, business, or concern with more than 25 percent of its display area devoted to and offering for sale or rent, stock-in-trade consisting of adult related book and video products, or an establishment where 25 percent or more of the retail or wholesale value of merchandise displayed or offered for sale or rent consists of adult related book and video products. The term "adult related book and video products" means books, magazines, periodicals or other printed matter, paintings, sculptures, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, DVD, CD-ROM, or other visual or audio representations or any material in digital format, which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
2. **Adult Related Sexual Device Store.** An establishment, business or concern which sells, rents, displays, exhibits, or offers for sale any of the following products:

    i. Instruments, devices, or paraphernalia which are designed or reasonably intended to be used in connection with "specified sexual activities"; or

ii. Goods which are replicas of, or which simulate "specified anatomical areas," or goods designed or reasonably intended to be placed on or in "specified anatomical areas" or reasonably intended to be used in conjunction with "specified sexual activities." Such goods include, but are not limited to, devices that are physical representations of the human genital organs, and devices with non-sex related utility being marketed or offered for sale or rent in a manner promoting sexual or sadomasochistic uses, including, but not limited to, leather whips, straps, harnesses, restraints, and ligatures.

3. **Topless Clubs.** Any live exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely, and opaquely covered.

Administrative Hearing Officer. The Community Development Director serves as the Administrative Hearing Officer and when acting in this capacity has the responsibility and authority to conduct public hearings and take action on applications for all administrative permits and approvals issued by the Department.

Affordable. Dwelling units (both rental and ownership) that are affordable to qualified households making 120 percent or less of the AMI for Sonoma County, adjusted for household size appropriate for the unit, with monthly housing payments calculated per affordable housing expense in accordance with California Health and Safety Code Sections 50052.5 and 50053, or successor statutes.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contact with Town staff, committees, Commissions, and/or the Council, regarding matters regulated by this Zoning Code.

Agricultural Buffer. An area of separation between urban development and land used or zoned for agricultural operations such as crop production, orchards, or vineyards, that involve cultivation, maintenance, and/or harvesting practices that have the potential to conflict with adjacent non-agricultural land uses. An agricultural buffer is provided on the parcel or parcels proposed for urban development and is of a sufficient width to minimize the potentially adverse effects of the agricultural operations on urban uses.

Agriculture, Horticulture. The practice of farming, including agricultural crops, fruit trees, hay crops, nurseries for producing trees, vines and other horticultural stock, orchards, pasture crops, nut trees, row crops, vineyards, and other plant crops.

Agricultural Product Processing. An agriculturally oriented commercial establishment which provides processing services for harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Illustrative examples of agricultural product processing use include:

- Corn shelling
- Custom grist mills
- Custom milling of flour, feed, and grain
- Cotton ginning
- Drying of crops
- Grain cleaning
- Hay baling and cubing
- Pre-cooling and packaging
- Sorting and grading

Agricultural Worker (Farmworker). Shall mean the same as "agricultural employee," as defined in Labor Code section 1140.4.

Agricultural Worker Housing (Farmworker Housing). Housing located on a parcel actively engaged in agricultural activities (see "Agricultural, Horticulture" definition) and employing agricultural workers as defined by this Article. The housing may include: (1) group living quarters, such as barracks or bunkhouses, with up to 36 beds exclusively for agricultural workers; or (2) up to 12 residential units. Housing for six or fewer workers is considered "employee housing" under this Article and qualifies as a single-unit dwelling per Health and Safety Code Section 17021.6.

Alcoholic Beverage Sales. The retail sale of alcoholic beverages for off-site consumption. For on-site consumption of alcoholic beverages, see "Bar." Or "Tasting Facility." For restaurants with alcohol sales, see "Restaurant, Alcohol Sales".

Alley. A private local street that provides secondary access as described in the Town's Complete Street Design Guidelines.

Allowed Use. A use of land identified by Article 2 (Zones, Allowable Uses, and Development Standards) as a permitted or conditional use (including Minor Use Permit) that may be established with a land use permit and, where applicable, Site Plan and Design Review, Zoning Clearance, and/or Building Permit approval, subject to compliance with all applicable provisions of this Zoning Code.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Alteration to Historic Structure. Any exterior change or modification to a property with a Historic District overlay, whether by public or private action, falls under this definition. Alterations encompass, but are not limited to, changes or modifications to structures, architecturally significant furniture and fences, landscape accessories, light fixtures, plaques, signs, steps, street plantings, or walls.

Ambulance Service. A commercial facility where ambulances are stored, and from which ambulances and emergency personnel are dispatched to emergencies.

AMI. Area Median Income, adjusted for family size, applicable to Sonoma County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 or successor statutes in accordance with California Health and Safety Code Sections 50079.5, 50105 and 50093 or successor statutes.

Animal Keeping. The keeping or raising of farm animals and household pets, as defined in Municipal Code Chapter 4 and further regulated in Section 17.40.030 (Animal Keeping).

Antenna. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

1. **Omni-directional antenna** ("whip" antenna) transmits and receives radio frequency signals in a 360-degree, radial pattern. For the purpose of this Code, an omni-directional antenna is up to 15 feet in height and up to seven inches in diameter.
2. **Directional antenna** ("panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less-than 360 degrees.
3. **Parabolic antenna** ("dish" antenna) is a bowl-shaped device for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a satellite dish.

Apartment. See "Multi-Unit Dwelling"

Approval. Includes both approval and approval with conditions.

Architectural Features. Exterior structure features including roofs, windows, doors, porches, etc.

Area of Parcel. See "Parcel Area"

Art, Antique, Collectible and Gift Sales. See "Retail Sales, General"

Artisan/Craft Product Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products. See also "Industrial, Minor."

Artisan Shops. A commercial establishment which sells art, glass, ceramics, jewelry, and other handcrafted items, where the establishment includes an area for the crafting of the items being sold.

Assessed Value. The value of a structure as shown in the records of the County Assessor.

Athletic Club. A membership facility that provides fitness services and facilities including, but not limited to, weight rooms, exercise classes and courses, exercise equipment, and health and lifestyle training.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales/Rental. See "Vehicle Rental Facility," and "Vehicle, Sales."

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers, without contact with financial

institution personnel. The machines may be located at or within banks, or in other locations, in compliance with Section 17.40.040 (Automated Teller Machine (ATM)).

Auto Parts Sales. See "Retail Sales, General"

Automobile Dismantling Yard. See "Vehicle Salvage and Dismantling Facility"

Automobile Repair. See "Vehicle Repair and Service"

Aviary.

1. **Aviary, Residential.** Large bird cages used for non-commercial keeping of birds; an accessory residential use.
2. **Aviary, Commercial.** Large bird cages used for commercial purposes to keep birds.

17.110.030 "B" Definitions

Bail Bonds. See "Personal Service, Restricted"

Bank and Financial Institution. Commercial establishments, including a federally chartered bank, savings and loan association, investment services, industrial loan company, or credit unions, that provides retail banking services to individuals and businesses. Does not include payday lending and/or check cashing businesses.

Bar. Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, night clubs, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a brew pub or micro-brewery.

Barbed Wire. A strand of twisted wire armed with barbs or sharp points.

Base Zoning District. The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

Bed and Breakfast Inn (B&B). Residential structures with one on-site manager in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to Section 17.40.050 (Bed and Breakfast Inn), and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel and is included under the definition of "Hotel or Motel." Does not include the definition of "short-term rental," which is separately defined.

Beekeeping. The keeping and maintenance of a collection of hives or colonies of bees. Also known as "apiary." See Section 17.40.060 (Beekeeping).

Bike Parking, Long-Term. Long-term bicycle parking provides residents and employees who live or work at a site a secure and weather-protected place to park and store bicycles. Long-term parking may be located in garages or other limited access areas for exclusive use by tenants, residents and/or employees. Long-term parking may not be located within an area of a dwelling unit primarily intended to serve a different function (e.g., clothes closet or bathroom).

Bike Parking, Short-Term. Short-term bicycle parking provides shoppers, customers, messengers, and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.

Branded Residence. A residential unit that is affiliated with a hotel brand, for which the owners of each unit typically have some access to hotel services and amenities, and which may be subject to voluntary or mandatory rental programs during which the units can be rented out by the hotel.

Brewery. Establishment which produces by beer for consumption, the sales and distribution of which are subject to regulation by the California Department of Alcohol and Beverage Control. Uses that are clearly incidental to the production of beer are allowed accessory uses to a brewery, including tasting and accessory retail sales of beer produced on site.

Broadcasting and Film Recording Studio. Commercial and public communication establishment that broadcasts or records radio, motion picture, film, television, and other digital productions entirely within a structure. Does not include transmission and receiving apparatus such as antennas and towers, which are included under the definition of "Wireless Telecommunications Facilities."

Building. See “Structure”

Building Material Sales. Retail establishments selling appliances, hardware, landscaping materials, lumber, and other building materials, where most sales and displays occur indoors. May include outdoor sales and display areas. May also include the rental of tools and equipment used in the building trades.

Business Support Service. Establishment providing other businesses with services including maintenance, repair and service, testing, and rental. Illustrative examples include:

- Advertising service
- Business equipment repair/service
- Commercial art and design
- Computer-related services
- Film processing
- Janitorial service
- Mail advertising service
- Mailbox service
- Printing and copying services
- Protective service
- Soil and materials testing
- Window cleaning

17.110.040 "C" Definitions

Cabinet Shop. See "Industrial, Minor"

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of their discretionary actions. CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to mitigate significant environmental damage to the extent feasible.

California Public Utilities Commission (CPUC). The governmental agency that regulates the terms and conditions of public utilities in the State.

Car Wash.

1. **Car Wash, Drive-Through.** A fully automated facility that provides washing services to vehicles using mechanical equipment such as conveyor chains, blowers, steam guns, roller brushes, or similar equipment, and where the customer drives the vehicle into the facility and remains in the vehicle during the entire wash process.
2. **Car Wash, Handwash and Detailing.** A facility that provides for the handwashing and detailing of vehicles. The customer exits the vehicle and waits for the attendant to complete the washing, cleaning, detailing, and driving of the vehicle. This car wash has a waiting area for the customer and a designated finishing and/or detailing area to complete the vehicle care service.
3. **Car Wash, Self-Service.** A facility that provides vehicle washing to be done by the customer. There are no employees other than service people who check and maintain the equipment, open, and close the facility, and provide general supervision of the use of the facility. Equipment shall be limited to a water softener, water heater, soap mixing tank, low pressure vacuum units, and a one horsepower electric motor and pump for each stall or similar equipment which shall produce only a low volume of sound.

Caretaker's Residence. A residence that is accessory to a nonresidential primary use and that is used for security, 24-hour care or supervision, or monitoring facilities, equipment, or other conditions on the site.

Cell Site. A parcel of land that contains telecommunications facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless service.

Cellular. An analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennas.

Cemetery. A facility used for the burial of the dead and dedicated for such purposes. Does not include funeral homes, mortuaries, or crematoriums. See "Mortuary or Funeral Home."

Certificate of Public Convenience and Necessity. A certificate issued by the California Public Utilities Commission (CPUC), Department of Alcoholic Beverage Control, or other State agency.

Check Cashing/Cash Advance Business. See "Personal Service, Restricted"

Chemical Product Manufacturing. See "Industrial, Hazardous"

Child Day Care Facility. A commercial or non-profit, nonmedical facility designed for the care and supervision of minor children for periods of less than 24 hours. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. May be operated in conjunction with a business, school, housing development, or religious facility, or as an independent land use. Does not include "Day Care Home." See Section 17.40.070 (Child Day Care Facility).

Child Day Care Home. A dwelling used by the occupant to provide day care and supervision for up to 14 children in compliance with Health and Safety Code Section 1597.465. Children under the age of 10 years who reside in the home count as a part of the 14-child maximum. Includes small and large family daycare homes.

Club, Lodge, and Private Meeting Hall. See "Place of Assembly"

Co-Location. The use of a single support structure, including but not limited to, a structure, monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider.

Commercial Recreation and Entertainment Facility.

1. **Commercial Recreation and Entertainment Facility, Indoor.** Indoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include adult entertainment businesses, bars, or indoor shooting ranges. Illustrative examples of indoor commercial recreation and entertainment use include:

    - Arcade
    - Axe throwing
    - Bowling alley
    - Indoor archery
    - Indoor commercial cinema and amphitheater
    - Indoor ice/roller skating rink
    - Pool and billiard room
    - Soccer arena
    - Trampoline facility
    - Volleyball court

2. **Commercial Recreation and Entertainment Facility, Outdoor.** Outdoor establishments where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include adult entertainment businesses or bars. Illustrative examples of outdoor commercial recreation and entertainment use include:

    - Amusement park
    - Golf course and driving range
    - Miniature golf course
    - Outdoor commercial cinema and amphitheater
    - Outdoor ice/roller skating rinks
    - Paint ball course
    - Soccer arena
    - Sports stadium and arena
    - Tennis/racquetball court
    - Volleyball court

Commission. See "Planning Commission"

Common Interest Development. Any residential condominium, community apartment house, or stock cooperative.

Community Care Facility. In compliance with Title 22 of the California Code of Regulations, any facility, place, or structure which is maintained and operated to provide residential care, day treatment, adult day care, or foster family agency services for children or adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, elderly, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). For the purpose of this Zoning Code, small community care facilities shall be considered a residential use, whereas large community care facilities shall be considered a commercial use. Community care facilities include the following:

1. **Adult Day Care Facility.** Facility that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.
2. **Child Therapeutic Day Services Facility.** Facility that provides care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care.
3. **Community Treatment Facility.** Facility that provides care and mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health.

4. **Foster Home.** Facility that provides 24-hour care for foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed.
5. **Residential Care Facility.** Group care facility for 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Includes residential care facilities for the elderly and memory care.
6. **Social Rehabilitation Facility.** Residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

Composting Facility. A commercial, industrial facility used for the collection, processing, and/or temporary storage of organic materials recovered from solid waste through a process of controlled biological decomposition to produce a compost product or soil amendment for beneficial uses. Does not include storage containers or processing activity located on the premises of an agricultural, residential, commercial, or manufacturing use and used solely for the composting of material generated by that agricultural or residential property, business, or manufacturer. Composting activities may take place outdoors subject to the approval of a Conditional Use Permit.

Concertina Fencing. A type of razor wire or barbed wire in which pairs of loops are clipped together in a coil configuration.

Concrete, Gypsum, and Plaster Product Manufacturing. Manufacturing establishments producing bulk, concrete, concrete building block, brick, and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Sales." See also "Industrial, Major."

Condominium. As defined by Civil Code Section 1315, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Contractor Storage Yard. Storage yards for contractor equipment and supplies, which may include small structures that are ancillary to the primary use.

Convenience Store. See "Retail Sales, Convenience Store"

Cottage Home Development. An infill housing development that provides small-scale, clustered housing on a single parcel consistent with the requirements included in Chapter 17.100 (Cottage Home Development).

County. The County of Sonoma, State of California.

17.110.050 "D" Definitions

Demolition. Any act or process that destroys entirely or in part, a structure, an individual cultural resource, or other designated historic resource.

Density. The number of permanent residential dwelling units per gross acre of land.

Density Bonus. As defined by Government Code Section 65915 et seq., an increased density over the maximum authorized density which is granted to an owner/developer of an affordable housing project meeting the qualifying requirements of Government Code Section 65915. When determining the number of dwelling units that are to be affordable, the number of dwelling units authorized by the density bonus shall not be included. See Chapter 17.80 (Affordable Housing Requirements and Incentives).

Density Bonus Housing Agreement. A legally binding agreement between an owner/developer and the Town to ensure that the requirements of this Code and State law are satisfied. The agreement shall establish the number of bonus units, their size, location, terms, and conditions of affordability, and production schedule. The agreement shall also require proper management and maintenance of the units. See Chapter 17.80 (Affordable Housing Requirements and Incentives).

Density Bonus Unit. A housing development that qualifies for a density bonus under State law or this Zoning Code is entitled to construct more dwelling units than would otherwise be allowed under the density requirements of this Code and the General Plan. Dwelling units allowed in excess of what is otherwise allowed pursuant to a density bonus are "bonus units." See Chapter 17.80 (Affordable Housing Requirements and Incentives).

Department. The Windsor Community Development Department referred to in this Zoning Code as "Department."

Designated Dwelling Unit. Affordable dwelling units within a Project and meeting the definition of Affordable included in this Article.

Designated Historic Landmark. Any improvement or natural feature that has been designated an historic landmark of the Town.

Detached. Any structure that does not have a wall or roof in common with another structure. For Accessory Structures, the structure must comply with the separation requirements to be detached (Section 17.40.200).

Developer. A person, firm, corporation, partnership, or agency who proposes to divide, subdivide, or construct improvements on real property for oneself or others.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Code.

Development Agreement. A contract between the Town and an applicant for a development project, in compliance with Municipal Code Title 16, Chapter 1 (Development Agreements) and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to Town policies, rules, and regulations after project approval. In return, the Town may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Director. The Town of Windsor Community Development Director or designee of the Director.

Distillery. Establishment which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the California Department of Alcohol and Beverage Control. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery, including tasting and accessory retail sales of spirits produced on site.

Drive-In and Drive-Through Sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include, but are not limited to, fast-food restaurants, drive-through coffee, dairy products, and pharmacies. See Section 17.40.090 (Drive-In and Drive Through Facility).

Drive-In and Drive-Through Services. Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up teller windows and ATMs, dry cleaners, etc. Does not include automobile service stations, or carwashes, which are separately defined.

Duplex. See "Multi-Unit Dwelling"

Dwelling, Dwelling Unit, or Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Dwelling Group. Two or more detached single-unit dwellings on one parcel in compliance with Chapter 17.96.

17.110.060 "E" Definitions

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Economic Hardship. With respect to a historic structure, a substantial economic burden placed on the owner by some aspect of the historic property. A hardship is determined by the Commission based upon a showing of financial impact in compliance with Section 17.18.050 (Historic Overlay Zone (-HO)).

Efficiency Unit. An efficiency unit as defined in Health and Safety Code Section 17958.1.

Electromagnetic Field. The local electric and magnetic fields which are caused by voltage and the flow of electricity that envelop the space surrounding an electrical conductor.

Electronics, Equipment, and Appliance Manufacturing. Establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and use of electrical energy. Illustrative examples include:

- Appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- Aviation instruments
- Electrical transmission and distribution equipment
- Electronic components and accessories and semiconductors, integrated circuits and related devices
- Electronic instruments, components, and equipment
- Electrical welding apparatus
- Industrial apparatus and controls
- Instruments for measurement, testing, analysis and control, associated sensors and accessories
- Lighting and wiring equipment, such as lamps and fixtures, wiring devices, vehicle lighting
- Miscellaneous electrical machinery, equipment and supplies, such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- Motors and generators
- Optical instruments and lenses
- Photographic equipment and supplies
- Radio and television receiving equipment, phonograph records, and surgical, medical, and dental instruments, equipment, and supplies
- Surveying and drafting instruments
- Telephone and telegraph apparatus
- Transformers, switch gear, and switchboards
- Watches and clocks

See also "Industrial, Minor." Does not include testing laboratories for soils, materials testing, etc. (see "Business Support Services)" or research and development facilities separate from manufacturing (see "Research and Development.").

Emergency Shelter. A facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of homeless. The facility provides minimal supportive services and is limited to occupancy of six months or less by a homeless person. See Section 17.40.100 (Emergency Shelter).

Employee Housing. Privately owned housing which houses up to six employees (including agricultural workers as defined by this Article) in living quarters and is provided in connection with any work, whether

rent is involved. Employee housing is subject to the provisions of the Employee Housing Act. In compliance with the California Code, Health and Safety Code Section 17021.5, employee housing, as defined herein, shall be deemed a single-unit dwelling land use and shall be regulated as such for the purposes of this Title. [Source: Health and Safety Code Section 17021.5]

Enhanced Specialized Mobile Radio. A digital wireless communication technology that specializes in providing dispatching services.

Enlargement of Use. The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area.

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facilities. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

Equipment Rental and Sales Facility. Service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment, for rent.

Equipment Structure. With respect to telecommunications facilities, a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

Extended Care Medical Services Facility. Residential facilities providing nursing and health related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

17.110.070 "F" Definitions

FAA. The U.S. Federal Aviation Administration.

Fabric Product Manufacturing. Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("General Retail Stores") are instead included under "Personal Services." See also, "Textile and Leather Product Manufacturing." See also "Industrial, Minor."

Façade. The face and/or front wall of a structure. For the purposes of calculating or determining setbacks, patios, decks, steps, landings, bay windows and other similar architectural features are not considered the façade of a structure.

FCC. The U.S. Federal Communications Commission.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fence. A barrier used for the purpose of marking a boundary, enclosing an area, screening, and/or preventing escape or intrusion. Walls, screens, trellises, and other similar linear features are included in the definition of fences.

Floor Area Ratio. The square footage of developed space divided by the square footage of the entire parcel or site. It provides an indication of how intensely a site is or will be developed, similar to residential densities.

Food and Beverage Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Illustrative examples include:

- Bakeries
- Bottling plants
- Candy, sugar, and confectionary products
- Coffee roasting
- Dairy products manufacturing
- Fats and oils products manufacturing
- Fruit and vegetable canning, preserving, related processing
- Grain mill products and by-products
- Meat, poultry, and seafood canning, curing, and by-product processing
- Soft drink production
- Miscellaneous food item preparation from raw products

See also "Industrial, Minor." May include tasting and accessory retail sales of beverages produced on site.

Food Truck. See "Mobile Vending Unit."

Fully Enclosed and Secure Structure. A space within a dwelling unit that complies with the California Building Code, as adopted in the Town ("CBC"); or, if exempt from the permit requirements of the CBC, an accessory structure, on a parcel or site containing a dwelling unit, having a complete roof and enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. To qualify as a fully enclosed and secure structure, the walls and roofs must be constructed of solid materials that cannot be easily broken through, such as

two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products, are not considered solid materials.

Funeral and Burial Services.

1. Funeral and Burial Services, Mortuary and Funeral Home. A facility which facilitates the sale of funeral and memorial service-related items (i.e., caskets, urns, memorial items). The facility may allow funeral memorial services and/or viewings subject to the approval of Minor Use Permit. Does not include body preparation or cremation services of deceased persons. See "Funeral and Burial Services, Body Preparation and Cremation."
2. Funeral and Burial Services, Body Preparation and Cremation. A facility where deceased persons are stored and/or prepared for burial, cremation, or viewing. Viewings, sales of funeral related items (i.e., caskets, urns), and funeral/memorial services are not allowed. See "Funeral and Burial Services, Mortuary and Funeral Home."

Furniture and Fixtures Manufacturing, Cabinet Shops. Manufacturers producing wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers, and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planning mills, which are instead included under "Lumber and Wood Product Manufacturing." Does not include the manufacture of household appliances ("Electronics, Equipment, and Appliance Manufacturing") See also "Industrial, Minor."

Furniture, Furnishings, and Equipment Stores. See "Retail Sales, General"

17.110.080 "G" Definitions

Garage or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Chapter 17.30 (Parking, Loading, and Access). A garage or carport complies with the requirements of this Zoning Ordinance for covered parking. A carport shall be enclosed on no more than two sides.

Garage Sale. Informal sale of miscellaneous, unwanted goods by the occupant of a dwelling, which may occur in the garage or yard. Includes garage sales, yard sales and rummage sales.

Gas Station. A commercial establishment selling gasoline, diesel, or other fossil fuel-based fuels for the on-site fueling of individual motor vehicles. May also include a convenience store or other ancillary services. Does not include the repair or servicing of vehicles or vehicle storage. See Section 17.70.070 (Non-Conforming Gas Stations)

General Plan. The Town of Windsor General Plan, including all its elements and all amendments to the General Plan, as adopted by the Town Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Code as the "General Plan."

General Retail Stores. See "Retail Sales, General"

Glass Product Manufacturing. Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small-Scale Manufacturing." See also "Industrial, Major."

Golf Course/Country Club. See "Commercial Recreation and Entertainment Facility, Outdoor"

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

Grand Opening. An advertising event which has as its purpose, the promotion of a newly opened use, a change in the orientation of a use or reopening of a use following a remodeling or major renovation.

Grocery Store. See "Retail Sales, General"

Ground-Mounted. Mounted to a lattice tower, monopole, pole, or other freestanding structure specifically constructed for the purpose of supporting antennae.

Guest House. A temporary living quarters within an existing primary residence or within a detached/attached residential accessory structure, located on the same premises with the main dwelling, for short-term, temporary use by guests of the occupants of the premises, but without kitchen or cooking facilities. See Section 17.40.110 (Guest House and Pool House).

Gym. See "Athletic Club"

17.110.090 "H" Definitions

Habitable Space. Space for living, sleeping, eating, or cooking.

Handcraft Industry. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. See also "Industrial, Minor."

Health/Fitness Facility. See "Athletic Club"

Heliport. A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

Historic Design Guidelines. In relation to historic structures, the appropriate and inappropriate methods of rehabilitation and construction shall be those listed in the Secretary of Interior's Standards for Rehabilitation, provided by the United States Department of the Interior.

Historic Structure/Sites. A historical resource that is at least 50 years or older, is listed in, or determined to be eligible for listing in the California Register of Historical Resources, listed in a local register, deemed

significant, presumed to be historically or culturally significant. Structures/sites that have architectural, cultural, and or historical features consistent with a period would be considered "deemed" or "presumed" for the purpose of this definition.

Home Occupation. The conduct of a business within a dwelling unit or a residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 17.40.120 (Home Occupation).

Hospital. Facility providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (e.g., cafeteria, gift/flower shop, waiting rooms).

Hotel or Motel. Facilities with guest rooms or suites provided with or without kitchen facilities, rented to the public for transient lodging (less than 30 consecutive days). Hotels typically provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, including restaurants, meeting facilities, and personal services. Motels typically provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, and accessory retail uses. Does not include "short term rental," which is separately defined.

Household Pets. The keeping/raising of birds, cats, dogs, or other common household pets, as determined by the Director, accessory to residential use.

Housing Cost. The sum of actual or projected monthly payments for the following costs:: principal and interest on a mortgage loan, including any loan insurance fees; property taxes and assessments; fire and casualty insurance; property maintenance and repairs; homeowner association fees; and a reasonable allowance for utilities.

Housing Development. Residential projects, including single-unit and multi-unit dwellings, for sale or rent.

17.110.100 "I" Definitions

Illegal Structure or Use. A structure or use that does not conform to one or more of the provisions of this Zoning Code and did not lawfully exist on the effective date of applicable provisions of this Zoning Code.

Improvement. Any fixture or embellishment affixed to public or private real property (e.g., a bollard, fence, gate, landscaping, park furniture, parking facility, paving, sidewalk, streetlight, street sign, streetscape, structure, tree, wall, work of art), or other object constituting a physical feature of real property or any part of the feature.

Incentives. The benefit offered by the Town to facilitate construction of eligible projects as defined by the provisions of this Chapter. Examples of incentives include adjustment of development standards,

expedited processing of entitlements, relaxation of otherwise applicable entitlement conditions, and provisions for mixed-use activities.

Inclusionary Unit. An ownership or rental housing unit, that is required to be constructed as a percentage of new units in a housing project, and defined by this Zoning Code that is affordable to very low-, low-, or moderate-income households.

Indoor Amusement and Entertainment Facility. See "Commercial Recreation and Entertainment Facility, Indoor"

Indoors. Within a private residence or a fully enclosed and secure structure on the grounds of a private residence.

Industrial. Establishment engaged in the manufacturing of finished parts or products either from raw materials or previously prepared materials, primarily within an enclosed structure. May include outdoor activities subject to compliance with specific performance standards. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, storage/warehousing, incidental office space, sales, and distribution of the parts or products. Excludes vehicle/equipment rentals, vehicle repair and service, vehicle sales.

1. **Industrial, Major.** The manufacturing, processing, storing, and/or testing of goods using large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Major industrial uses often sell products to other businesses rather than consumers. Characteristics of major industrial uses include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use of large quantities of raw materials. Illustrative examples of major industrial uses include:

    - Assembly and manufacturing of vehicles and/or vessels
    - Concrete and plaster manufacturing
    - Glass product manufacturing
    - Lumber and wood product manufacturing
    - Metal products manufacturing
    - Paving and roofing materials manufacturing
    - Paper product manufacturing
    - Stone and cut product manufacturing

- Synthetics product manufacturing
- Textile and leather product manufacturing

2. Industrial, Minor. The manufacturing, processing, storing, and/or testing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, noise, or other environmental effects, and that has limited associated truck activity. Minor industries generally require limited amounts of raw materials to produce goods. Examples of minor industrial uses include:

    - Artisan/craft product manufacturing
    - Assembly of small electronic and medical equipment and devices
    - Commercial laundries and dry cleaning plants
    - Electronics, equipment, and appliance manufacturing
    - Fabric product manufacturing
    - Food and beverage manufacturing
    - Furniture and fixtures manufacturing, cabinet shops
    - Handcraft industries
    - Metal products fabrication, machine and welding shops
    - Optical glass production
    - Small scale manufacturing
    - Structural clay and pottery product manufacturing

3. Industrial, Hazardous. Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products:

    - Basic chemicals, including acids, alkalis, salts, and organic chemicals;
    - Chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and
    - Finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

Infill Development. Development proposed on a vacant parcel that is located among other parcels that are already developed.

Intensification of Use. A change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site, or a change in the use of a structure or site, where the new use is required by Chapter 17.30 (Parking, Loading, and Access) to have more off-street parking spaces than the former use.

17.110.110 "J" Definitions

Junior Accessory Dwelling Unit. See "Accessory Dwelling Unit"

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

17.110.120 "K" Definitions

Kennel. Facility for the keeping or boarding of five or more dogs or cats (four months of age or older), but not including dogs or cats for sale in pet shops, or patients in animal hospitals.

1. **Kennel, Commercial.** A facility where the animals are kept for commercial purposes, including boarding, breeding, buying, selling, renting, exhibiting, or training.
2. **Kennel, Hobby.** A facility where the animals are kept by the owner or occupant for personal, noncommercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the parcel or premises.

Kitchen.

1. **Kitchen, Commercial.** A commercial facility designed and equipped for the preparation, cooking, and storage of food on a large scale, typically to serve customers in a commercial setting such as restaurants, cafeterias, catering businesses, food trucks and carts, ghost kitchens, and concession stands.
2. **Kitchen, Efficiency.** A kitchen which includes all the following: cooking facility with a limited food preparation counter; and storage cabinets. The entire kitchen shall not exceed 8 lineal feet, unless existing counter space is being converted to an efficiency kitchen use in which case the counter space shall not exceed eight lineal feet.
3. **Kitchen, Residential.** A room or space within a structure intended to be used for the cooking or preparation of food. A kitchen includes appliances or fixtures for the storage and/or preparation of food, including but not limited to refrigeration, dishwashers, countertops, cabinets, sinks, or

cooking facilities (cook tops, stoves, ovens, microwaves, hot plates, and similar). For the purpose of this definition, wet bars would be exempt.

4. Kitchen, Shared Commercial. A commissary kitchen, also known as a shared kitchen or ghost kitchen, is a centralized commercial facility equipped for food production, primarily used by multiple food businesses on a rental or membership basis. Typical food businesses include restaurants, food trucks and carts, concession stands, caterers, and ghost kitchens. Shared Commercial Kitchens offer shared access to their facilities, equipment, and resources, allowing food entrepreneurs, chefs, caterers, and food trucks to operate without the need for their own dedicated kitchen space.

17.110.130 "L" Definitions

Land Use Permit. Authority granted by the Town to use a specified site for a particular purpose, including Conditional Use Permits, Minor Use Permits, Temporary Use Permits, Variances, Site Plan and Design Review, and Zoning Clearances, as established in this Zoning Code.

Lattice Tower. A structure with three or four steel support legs that supports a variety of antennae. These towers generally range in height from 60 to 200 feet and are constructed in areas where increased height is needed, microwave antennas are required, or where the weather demands a more structurally-sound design.

Laundries and Dry-Cleaning Plant. Service establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services." See also "Industrial, Minor."

Library. See "Public and Quasi-Public Use"

Live Entertainment. A scheduled or planned performance or presentation, often sponsored, promoted, advertised, or publicized in advance to attract patrons or guests. These events 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. At the discretion of the Director, this definition excludes entertainment that is infrequent, minimally impactful to neighbors, and secondary to the primary use of the site, such as an occasional band playing background music or programmatic promotions like trivia nights.

Live-Work Unit. An integrated housing unit and working space, occupied, and used by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity. See Section 17.40.130 (Live/Work Units).

Living Area. The interior habitable area of a dwelling unit includes basements and attics but that does not include a garage or any accessory structure.

Lot. See "Parcel"

Lot Area. See "Parcel Area"

Lot Depth. See "Parcel Depth"

Lot Frontage. See "Parcel Frontage"

Lot Line. See "Parcel Line or Property Line"

Lot Width. See "Parcel Width"

Low Barrier Navigation Center. A shelter focused on temporarily housing persons and connecting them with income opportunities, public benefits, and health services prior to moving to permanent housing, in compliance with Government Code Section 65660. Low barrier navigation centers must meet the diverse needs of the population by allowing and accommodating people with disabilities, pets and pet owners, partners, the storage of possessions, and for survivors of domestic violence.

Low Income or Lower Income Household. A person or household having a gross annual income equal to or lesser than 80 percent AMI and greater than 50 percent AMI, adjusted for household size, as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 in accordance with California Health and Safety Code Section 50079.5.

Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales uses involving the milling of forests products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Illustrative examples include: (see "Industrial, Major")

- Containers, pallets, and skids
    - Milling operations
    - Trusses and structural beams
- Turning and shaping of wood products
    - Wholesale of basic wood products
    - Wood product assembly

17.110.140 "M" Definitions

Machinery Manufacturing. The manufacturing of machinery and equipment used for the manufacturing of other products, as parts in the assembly of other products and for end-use purposes. Illustrative examples include: (see also "Industrial, Major.")

- Construction equipment
- Conveyors
- Cranes
- Die Casting and Dies
- Dredging
- Engines and turbines
- Farming and gardening
- Food products manufacturing
- Gear cutting
- Heating, ventilation, and air conditioning
- Industrial furnaces and ovens
- Industrial molds
- Industrial trucks and tractors
- Laundry and dry cleaning
- Materials handling
- Mining
- Oil field equipment
- Paper manufacturing
- Passenger and freight elevators
- Pistons
- Printing
- Pumps
- Refrigeration equipment
- Textile manufacturing

Map Act. See "Subdivision Map Act"

Marijuana. All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

Marijuana Accessories. Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

Marijuana Sales, Cultivation, and Manufacturing.

1. Marijuana Cultivation. The planting, growing, harvesting, drying, curing, grading. or trimming of marijuana plants or any part thereof.
2. Marijuana Dispensary. Any facility or location where l marijuana is made available to, and/or distributed by or distributed.
3. Marijuana Distribution Facility. A facility or location, whether fixed or mobile, where a person makes available, sells, transmits, gives, or otherwise provides marijuana to two or more persons.
4. Marijuana Microbusiness. Any business that includes the cultivation of marijuana on an area less than 10,000-square feet which also acts as a distributor, manufacturer, and/or retailer of marijuana, marijuana products, or marijuana accessories.
5. Marijuana Mixed-Light Cultivation. The cultivation of marijuana using a combination of natural and supplemental artificial lighting.
6. Marijuana Nursery. A facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.
7. Marijuana Products Manufacturing. Manufacturing of a marijuana product that has undergone a process whereby the plant has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
8. Marijuana Retail Sales. Any facility where marijuana products, or devices for the use of marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, marijuana products as part of a retail sale.
9. Marijuana Testing Facility. An entity licensed and certified to analyze and certify the safety and potency of marijuana and marijuana products.

Major Wireless Communication Facility. See "Wireless Telecommunication Facility, Towers and Small Cell"

Medical Service – Clinic, Office, and Laboratory. See "Office, Medical"

Medical Service – Extended Care. See "Extended Medical Care Facility"

Medical Service – Hospital. See "Hospital"

Metal Products Fabrication, Machine, and Welding Shop. Establishments, including blacksmith and welding shops, sheet metal shops, and machine and boiler shops, engaged primarily in the assembly of metal parts, including the production of metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products. See also "Industrial, Minor."

Metal Product Manufacturing. Manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions, and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable. See also "Industrial, Major."

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

Mini-Market. See "Retail Sales, Convenience Store"

Mini-Storage. See "Storage Facility, Personal"

Mixed-Use Project. A project that combines both residential and nonresidential uses, where the residential component is typically located above the commercial.

Mobile or Manufactured Home. A structure intended for human habitation manufactured or constructed under authority of 42 U.S.C. Sec 5403, Federal Manufactured Home Construction and Safety Standards, or California law (Health and Safety Code Sections 18007 and 18008). The structure is manufactured either in whole or in substantial part at an off-site location, transported to and assembled on-site, and placed on a permanent foundation. See Section 17.106.030 (Mobile Home on Single-Unit Parcel) and Section 17.106.020 (Mobile Home Park Standards).

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes. See Section 17.106.020 (Mobile Home Park Standards).

Mobile Vending Unit. As defined by the Town of Windsor Municipal Code Section 3-7-105.

Moderate Income or Moderate Income Household. A household having a gross annual income equal to or lesser than 120 percent AMI and greater than 80 percent AMI, adjusted for household size, as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 in accordance with California Health and Safety Code Section 50093.

Monopole. A structure composed of a single spire used to support antennae and related equipment.

Mortuary and Funeral Home. See "Funeral and Burial Services, Mortuary and Funeral Home"

Mounted. Attached or supported.

Multi-Unit Dwelling. A structure or a portion of a structure used and/or designed as residences for two or more families living independently of each other. Includes: duplexes, triplexes, fourplexes (structures under one ownership with two, three or four dwelling units, respectively, in the same structure), and apartments (five or more units under one ownership in a single structure); townhouse/row house development (three or more attached single-unit dwellings located on separate parcels and where no unit is located over another unit). This definition does not include accessory dwelling units (ADU). For accessory dwelling unit, see "Accessory Dwelling Unit (ADU)".

Museum. Public or quasi-public facility that provides space for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest. Activities may include the sale of objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.

17.110.150 "N" Definitions

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

Neighborhood Market. See "Retail Sales, Neighborhood Market."

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Zoning Code and which does not conform to current Code provisions/standards (e.g., access, area, or width requirements, etc.) prescribed for the zoning district in which the parcel is located.

Nonconforming Sign. A sign which lawfully existed prior to the effective date of this Zoning Code, or any amendment thereto, but which fails by reason of such adoption or amendment to conform to all the standards and regulations of the adopted or amended provision.

Nonconforming Structure. A structure that was legally constructed prior to the adoption of this Zoning Code and which does not conform to current Code provisions/ standards (e.g., setbacks, open space, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

Nonconforming Use. A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Zoning Code and which does not conform to current Code provisions governing allowable land uses for the zoning district in which the use is located.

Non-Profit Housing Agency. A not-for-profit agency engaged in the provision and/or management of housing for households with very low to moderate income.

Nonrestricted Unit. All units within a housing development excluding the designated dwelling units.

17.110.160 "O" Definitions

Occupancy. All or a portion of a structure occupied by one tenant.

Occupancy Standard. One person per studio unit and one person per bedroom plus one for larger units.

Office. Facility or business that predominantly offers medical, professional, or business services.

1. **Office, Accessory.** Office that is incidental to and a part of another business, manufacturing, or sales activity that is the primary use.
2. **Office, Administrative.** Establishments providing direct services to consumers, such as insurance agencies, real estate offices, and utility company offices.
3. **Office, Medical.** Facility primarily providing outpatient medical, mental health, minor surgical, and other similar personal health services, including medical, dental, and psychiatric offices; chiropractors; outpatient care facilities; acupuncture; medical and dental laboratories; and other allied health services. Does not include services provided as part of a hospital.
4. **Office, Production.** Office-type facility occupied by businesses engaged in the production of intellectual property.
5. **Office, Professional.** Facility and business that predominantly offers professional and/or business services including accountants, architects, attorneys, advertising, computer support, engineers and land surveyors, land use planners, psychologists and social workers, and other similar professional services and uses.

Off-Site. An activity or accessory use that is related to a specific primary use but is not located on the same site as the primary use.

On-Site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

Open Fencing. A barrier constructed of material which is transparent, such as glass, plastic panels or wrought iron, used in conjunction with recreation and seating areas.

Ordinary Maintenance and Repair. Any work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

Organizational House. Residential lodging facility operated by a membership organization for its members and not open to the public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Commercial Recreation. See "Commercial Recreation and Entertainment Facility, Outdoor"

Outdoor Sales and Activities. Permanent outdoor sales and rental establishments including lumber and other material sales yards, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure. See Section 17.40.160 (Outdoor Sales and Activities).

Outdoor Storage. The storage of various materials outside of a structure, either as an accessory or principal use. See Section 17.40.170 (Outdoor Storage).

17.110.170 "P" Definitions

Paper Product Manufacturing. The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc. See also "Industrial, Major."

Parcel. A recorded parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and Town ordinances, including this Zoning Code. Types of lots include the following.

1. **Corner Parcel.** A parcel located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the parcel is considered an interior lot.
2. **Flag parcel.** A parcel having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Parcel.** A parcel abutting only one street.
4. **Key Parcel.** An interior parcel, the front of which adjoins the side property line of a corner parcel.
5. **Reverse Corner Parcel.** A corner parcel, the rear of which abuts a key parcel.
6. **Through Parcel.** A parcel with frontage on two generally parallel streets.

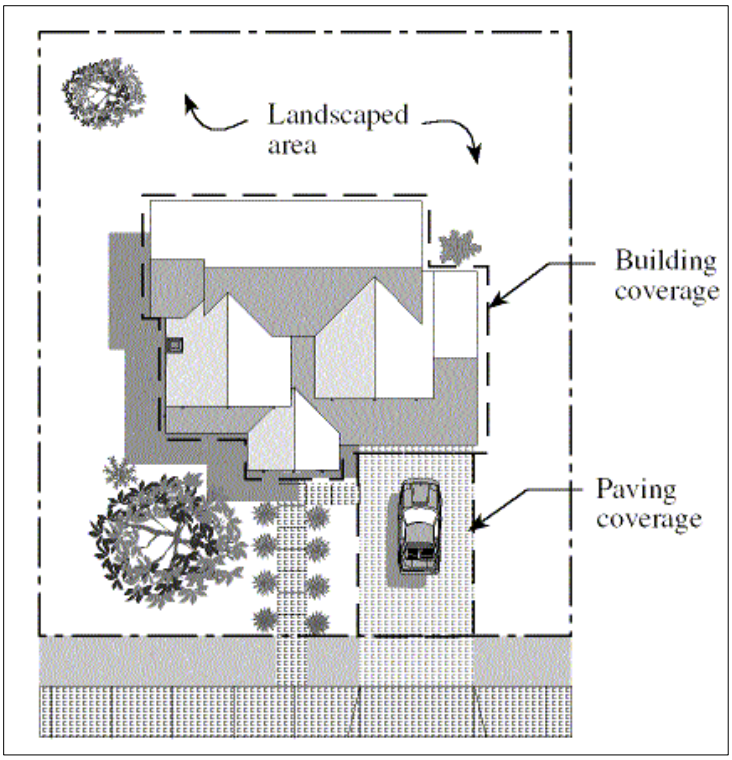
Parcel Area. Parcel area is the gross area included within the parcel lines of a parcel, exclusive of adjacent dedicated street right-of-way. The total of the area measured in a horizontal plane, within the parcel lines bounding the lot, exclusive of:

1. Easements for streets or driveways which are not for the exclusive use of the parcel on which any such easement is located; and
2. The access strip required to serve a flag parcel.

Parcel Coverage. The percentage of total parcel area occupied by structures. Structure coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor,

porches, stairs, etc.). Parcel coverage is measured from exterior wall to exterior wall. See Figure 8-1 (Parcel Coverage).

Figure 8-1
Parcel Coverage



Parcel Depth. The average linear distance between the front and the rear parcel lines or the intersection of the two side parcel lines if there is no rear line. See Figure 8-3 (Parcel Features). The Director shall determine parcel depth for parcels of irregular configuration.

Parcel Frontage. The boundary of a parcel adjacent to a public street right-of-way.

Figure 8-2
Parcel Types

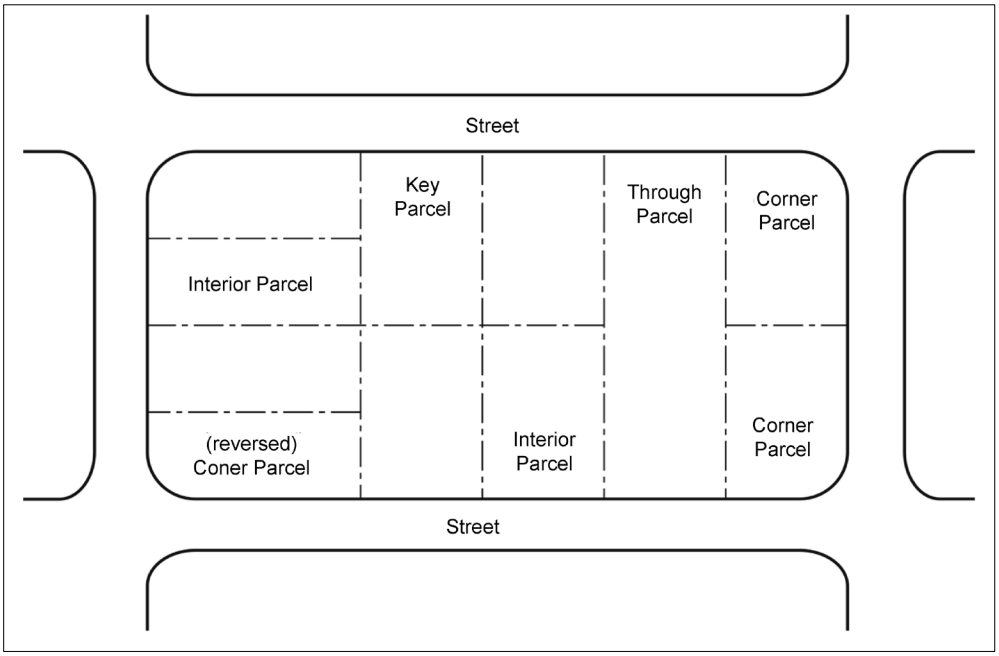
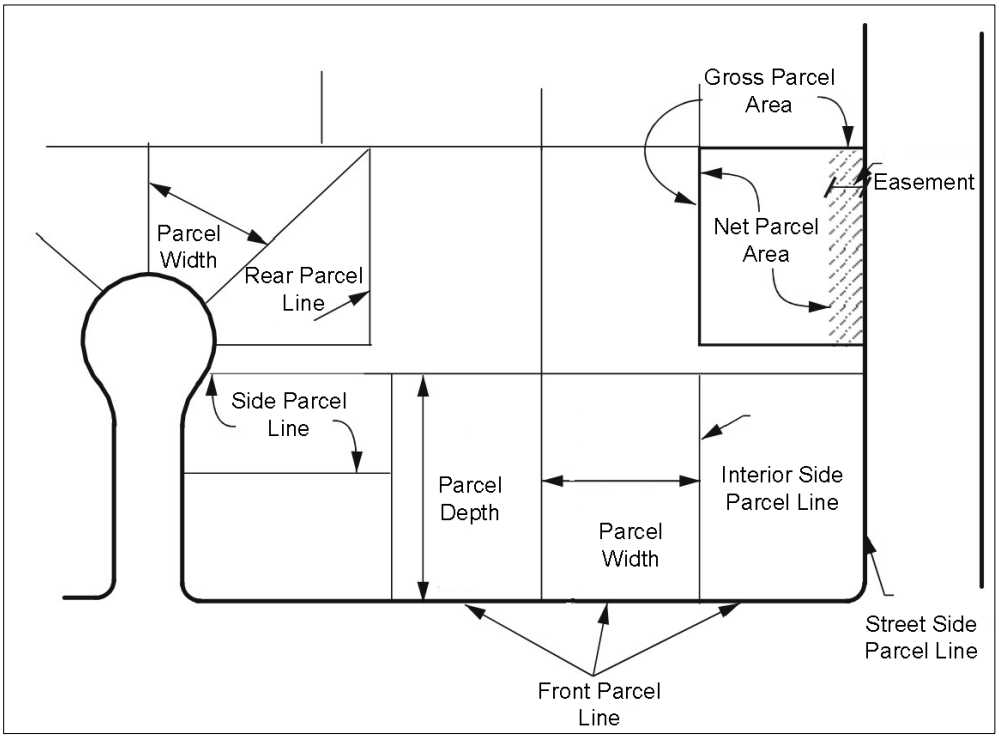


Figure 8-3
Parcel Features



Parcel Line or Property Line. Any recorded boundary of a parcel. Types of parcel lines are as follows (see Figure 8-3 (Parcel Features)):

1. **Front Parcel Line.** On an interior parcel, the property line separating the parcel from the street. The front parcel line on a corner parcel is the line with the shortest frontage. If the street-fronting parcel lines of a corner parcel are equal in length, the front parcel line shall be determined by the Director. On a through parcel, both parcel lines are front parcel lines, and the parcel is considered to have no rear parcel line.
2. **Interior Parcel Line.** Any parcel line not abutting a street.
3. **Rear Parcel Line.** A property line that does not intersect the front parcel line, which is most distant from and most closely parallel to the front parcel line.
4. **Side Parcel Line.** Any parcel line that is not a front or rear parcel line.
5. **Street Side Parcel Line.** The longer street fronting parcel line of a corner lot.

Parcel Width. The horizontal distance between the side parcel lines, measured at right angles to the parcel depth at a point midway between the front and rear parcel lines. See Figure 8-3 (Parcel Features). The Director shall determine parcel width for parcels of irregular shape.

Park and Ride Facility. A designated public area where vehicles may be left to ride public transit or carpool with other commuters.

Parks and Playgrounds. See "Public or Quasi-Public Use"

Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (e.g., shingles, shakes, etc.) is included under "Lumber and Wood Product Manufacturing. See also "Industrial, Major."

Pawn Shop. See "Retail Sales, Restricted"

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting, and pleasant place for pedestrians including but not limited to:

- Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk at the build-to line;
- Design amenities related to the street level such as awnings, paseos, arcades;
- Visibility into structures at the street level;
- Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- Continuity of structure facades along the street with few interruptions in the progression of structures and stores;
- Signage oriented and scaled to the pedestrian rather than the motorist;
- Landscaping; and

- Street furniture.

Pedestrian Oriented Use. A use which is intended to encourage walk-in customers, and which generally does not limit the number of customers by requiring appointments or otherwise excluding the public. A pedestrian oriented use provides spontaneous draw from the sidewalk and street due to visual interest, high customer turnover and social interaction.

Permitted Use. See "Allowed Use"

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Communication Services. A digital wireless communication technology that has the capacity for multiple communication services and provides a system in which calls are routed to individuals rather than places, regardless of location.

Personal Service, General. Commercial establishment that provides personal services and may also include accessory retail sales of products related to the personal services. Illustrative examples include:

- Alterations
- Barber shop
- Clothing rental shop
- Dry-cleaning with limited equipment
- Esthetician
- Hair salon
- Tailor and clothing alterations
- Laundromat (self-service laundry)
- Locksmith
- Micro-blading
- Nail salon
- Shoe repair
- Tanning salon

Personal Service, Restricted. Commercial establishments, that when concentrated in a single area, may have a blighting and/or deteriorating effect upon surrounding areas/uses and that may need to be dispersed from other similar uses to minimize adverse impacts. These uses may also include accessory retail sales of products related to the personal services provided. See Section 17.40.180 (Personal Service, Restricted). Illustrative examples include:

- Bail bonds
- Check cashing /cash advance
- Psychic, palm reader, fortune teller
- Tattoo, piercing, and scarification

Place of Assembly. Facility intended for public or private assembly and meetings, including civic auditoriums and theaters, banquet halls, community and civic centers, conference, and convention facilities, meeting halls for clubs and other membership organizations, and places of worship.

Planning Commission. The Town of Windsor Planning Commission, appointed by the Windsor Town Council in compliance with Government Code Section 65101, referred to throughout this Zoning Code as the "Commission."

Plant Nurseries and Garden Supply Store. See "Retail Sales, Nursery and Garden Supply."

Plastics and Rubber Product Manufacturing. The manufacture of rubber products, including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic, or reclaimed rubber. Also includes: establishments engaged in molding primary plastics for other manufacturers and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments primarily engaged in recapping and retreading automobile tires are classified as "Vehicle Repair and Service, Major." See "Industrial, Major."

Pool House. A detached residential accessory structure or accessory structure attached to a primary dwelling, located on the same parcel with the primary dwelling and used in conjunction with a swimming pool, spa, hot tub, or other similar use intended to be used for changing and restroom facilities. Does not include living or cooking facilities.

Preservation. The acquisition, identification, protection, rehabilitation, restoration, or study of historic landmarks.

Primary Caregiver. A "primary caregiver" as defined in Health and Safety Code Section 11362.7, as amended.

Private Residence. A house, an apartment unit, a mobile home, or other similar dwelling unit.

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site most of the hours during which activities occur, the floor area for each use, the percentage of sales, or similar characteristics of the business, as determined by the Director

Parking Facility. A publicly or privately owned and operated service establishment which temporarily stores operational vehicles (e.g., cars, trucks, buses, recreational vehicles, and other motor vehicles) for off-street vehicle parking. Includes both day use, overnight, and long-term parking garages, parking structures, and parking lots. Does not include the storage or parking of non-operational vehicles. See "Vehicle Storage."

Property. A parcel of land upon which is built or placed, a private residence.

Property Line. See Parcel or Property Line.

Public and Quasi-Public Use.

1. Library. Public facility that provides the use, but not sale, of literary, musical, artistic, or reference materials, which may also include accessory sales of media.
2. Public Building. Structure used (either owned and rented) by public agencies, including Town, county, State, and Federal administration buildings; fire stations, and other fire prevention and firefighting facilities; police and sheriff substations and headquarters, including interim incarceration facilities, and post offices. Does not include facilities specifically identified under another land use category, including schools.
3. Public Park and Recreation Area. Non-commercial outdoor recreation facility that provides a variety of recreational facilities including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreational facilities. May also include enclosed structures providing for recreational opportunities and community gardens.
4. Corporation and Maintenance Yard. A facility used for the storage, maintenance, and operation of equipment, vehicles, and materials used by a public agency. These yards are often used for activities such as vehicle repairs, equipment servicing, and storage of tools and materials necessary for the corporation's operational needs. They may include buildings and structures for administrative offices, workshops, storage sheds, and parking areas for fleet vehicles and heavy machinery.

Public Safety Facility. See "Public and Quasi-Public Use"

Public Transit. A location, including but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Public Utility Facility. See "Utility Facility and Infrastructure"

17.110.180 "Q" Definitions

Qualified Household. A household meeting statutory or regulatory requirements to receive the benefits conferred be the statutory or regulatory program.

Qualifying Resident. Senior citizens or other persons eligible to reside in senior citizen housing.

17.110.190 "R" Definitions

Radiofrequency Radiation. Electromagnetic radiation in the portion of the spectrum from three kilohertz to 300 gigahertz.

Razor Wire. A continuous coil of stainless-steel ribbon with razor type barbs or sharp points.

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all the following criteria:

- It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- It contains 400 square feet or less of gross area measured at maximum horizontal projections;
- It is built on a single chassis; and
- It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.
- Recreational vehicles shall not be used as a residential living unit except within an RV park.

Recreational Vehicle Park. An area or tract of land for temporary occupancy by motor homes, travel trailers, truck campers, camping trailers, or other vehicles for short term recreational habitation. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each space and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve park patrons only.

Recycling Facility. A variety of indoor and outdoor facilities involved with the collection, sorting, and processing of recyclable materials. See Section 17.40.190 (Recycling Facilities).

1. **Collection Facility**. A facility where the public may donate, redeem, or sell recyclable materials, which may include the following:

   a. **Reverse Vending Machine(s).** An outdoor automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

   b. **Collection Facility, Small.** A facility which occupies an area of 350 square feet or less and may include a mobile unit, kiosk-type units, and bulk reverse vending machines occupying more than 50 square feet; and

   c. **Collection Facility, Large.** A facility which occupies an area of more than 350 square feet and/or includes permanent structures.

2. **Mobile Recycling Unit. An** automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

3. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting,

remanufacturing, and shredding. Processing facilities are further categorized by "Heavy" and "Light" as follows:

a. **Light Processing Facility.** A facility occupies an area of less than 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

b. **Heavy Processing Facility.** Any processing facility other than a light processing facility. This includes recycling, scrap, and wrecking yards primarily engaged in assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. Does not include vehicle salvage and dismantling yards. See "Vehicle Salvage and Dismantling Yard."

4. **Recycling Center.** A center for the collection and/or processing of California Redemption Value (CRV) recyclable materials as defined by Public Resources Code, Division 12.1 (California Beverage Container Recycling and Litter Reduction Act). A "certified" recycling or processing facility is certified by the California Department of Resources and Recovery as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling center does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

Religious Places of Worship and Related Facilities. See "Place of Assembly"

Research and Development Facility. Business establishments engaged in scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development that is consistent with biosafety level three. Facilities that exceed biosafety level three are prohibited

Residential Accessory Uses and Structure. See "Accessory Structure" and "Accessory Use."

Residential Care Home. See "Community Care Facility."

Residential Development. Any dwelling units entitled under a General Plan amendment, Specific Plan, any dwelling units approved by the Town or the County, or subdivision approval, on contiguous parcels or otherwise, developed by the same entity or affiliates of the same entity.

Residential District or Zone. Any of the residential zoning districts established by Article 2 (Zones, Allowable Uses, and Development Standards).

Restaurant. A retail business selling food and beverages prepared on the site, for on- or off-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption, and establishments where most customers are served food at tables for on-premises consumption but may include providing food for take-out. Also includes coffee houses.

1. **Restaurant, Outdoor Dining.** A restaurant or other eating establishment where tables and seating are provided and food and/or beverages are served in outdoor areas, which front a street, and have at least one side open. For purposes of parking calculations, these do not include interior courtyard areas.
2. **Restaurant, Take Out.** A retail business selling food and beverages prepared on the site, exclusively for off-premise consumption.
3. **Restaurant, 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:
    a. The area devoted to eating is larger than the area devoted to alcohol consumption;
    b. The alcohol serving area cannot operate independent from the food service area; and
    c. Alcohol is only served when the full restaurant menu is being served.
4. **Restaurant, Live Entertainment.** Restaurants selling food and beverages prepared on the site, for on or off premise consumption with live entertainment. Does not include restaurants, takeout where food is exclusively for off-premise consumption.

Retail Sales.

1. **Retail Sales, Accessory.** The retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex, when they are intended to serve visitors and employees of the facility. These uses may include pharmacies, gift shops, and food service establishments within hospitals, convenience stores and food service establishments within hotel, office, and industrial complexes.
2. **Retail Sales, Auto Parts.** Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."
3. **Retail Sales, Consignment, Second Hand, and Thrift Stores.** A commercial establishment selling used goods, including consignment, secondhand, and thrift stores.

4. **Retail Sales, Convenience Store.** A commercial establishment with a maximum gross floor area of 3,500 square feet, which carries a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a vehicle fueling station. The sales floor area devoted to alcohol and tobacco sales shall not exceed 50 percent of the total floor area dedicated to merchandise sales.
5. **Retail Sales, Firearms.** A business, corporation, association or organization or other entity engaged in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, of firearms, ammunition, and related accessories and equipment, where the floor area is used solely for the sales, display, or storage of firearms, ammunition, and related accessories and equipment. For additional regulations, see Section 17.40.210 (Retail Sales, Firearms).
6. **Retail Sales, Furniture and Appliances.** A commercial establishment engaged primarily in the selling of furniture, mattresses, and household appliances, including incidental repair services. Illustrative examples of these establishments include:

    - Floor coverings
    - Home appliances
    - Home furnishings
    - Home sound systems
    - Interior decorating materials and services
    - Large musical instruments (i.e., piano organ)
    - Movable spas and hot tubs
    - Office furniture
    - Outdoor furniture
    - Televisions

7. **Retail Sales, General.** Commercial establishment within a structure, engaged in selling goods or merchandise to the general public for profit. Illustrative examples of these establishments and lines of merchandise include:

    - Antiques
    - Art studio and gallery
    - Artists' supplies
    - Bakeries (retail only)
    - Bicycle sales and rentals
    - Books
    - Cameras and supplies
    - Clothing and accessories
    - Drug and discount stores
    - Electronic equipment
    - Kitchen utensils
    - Medical supplies and equipment
    - Motor vehicle parts and accessories
    - Newsstands
    - Office supplies
    - Orthopedic supplies
    - Paint, draperies, and wallpaper
    - Pharmacies
    - Religious goods
    - Shoe stores

- Fabrics and sewing supplies
- Florists and houseplant stores
- Gift shops
- Glass and chinaware
- Hardware
- Hobby materials
- Jewelry
- Small musical instruments (i.e., guitar, violin)
- Small wares
- Specialty food and beverage
- Specialty shops
- Stationery
- Toys and games

8. Retail Sales, Grocery Store. A commercial establishment where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. This use is further categorized into *Small* and *Large*. A Small grocery store is defined as having a maximum of 30,000 square feet, while a Large grocery store exceeds 30,000 square feet.

9. Retail Sales, Neighborhood Market. A commercial, pedestrian-oriented establishment oriented to the daily shopping needs of surrounding residential areas. The sales floor area devoted to alcohol and tobacco sales shall not exceed 50 percent of the total floor area dedicated to merchandise sales (see Section 17.40.150 (Neighborhood Market).

10. Retail Sales, Nursery and Garden Supply. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a structure is also included under "Retail Sales, General." Home greenhouses are included under "Accessory Structure."

11. Retail Sales, Restricted. Commercial establishment within a structure, engaged in selling goods or merchandise to the public for profit that are subject to heightened public regulation due to the nature of the product. For additional regulations, see Section 17.40.220 (Retail Sales, Restricted). Examples of these establishments and lines of merchandise include:

    a. Pawn Shop. Commercial establishment where personal property is received in exchange for money, with the privilege granted to the person to whom the money is loaned to reclaim such property upon repayment of the loan, together with all legal charges. Does not include banks, savings and loan institutions, credit unions, or other banking organizations regulated by State or Federal law.

    b. Smoke Shop. Establishments that either: (1) devote more than 15 percent of their total floor space to smoking or tobacco paraphernalia, or (2) devote more than a two foot by four-foot (two feet in depth maximum) section of shelf space for display for sale and sale of smoking and/or tobacco paraphernalia. Nothing in the definition of smoking or tobacco

paraphernalia is intended to nor shall be interpreted as applying to tobacco products or legalizing or applying to any use otherwise prohibited by state or federal law, including without limitation, California Penal Code Section 308, Business & Professions Code Section 22950 et. seq., and Health & Safety Code Sections 11014.5, 11364, 11364.5 and 11364.7. Does not include the sale, distribution, advertising, or storage of marijuana, marijuana products, or devices and/or accessories for the use of marijuana. See "Marijuana Retail Sales."

Smoking and/or paraphernalia include, but are not limited to, the follow:

i. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of tobacco plant.

ii. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing tobacco.

iii. Isomerization devices intended for use or designed for use in increasing the potency of any species of tobacco plant. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of tobacco.

iv. For use or designed for use in weighing or measuring tobacco. Separation gins and sifters intended for use or designed for use in removing twigs, stems, seeds, or other foreign material from, or in otherwise cleaning or refining, tobacco.

v. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding tobacco substances.

vi. Envelopes, pouches, capsules, balloons, and other containers intended for use or designed for use in packaging small quantities of tobacco.

vii. Containers and other objects intended for use or designed for use in storing or concealing tobacco.

viii. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, such as the following:

(A). Metal, wood, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.

(B). Water pipes.

(C). Carburetion tubes and devices.

(D). Smoking and carburetion masks.

(E). Clips or other devices intended to hold burning materials, such as marijuana cigarette, that has become too small or too short to be held in the hand.

(F). Miniature cocaine spoons, and cocaine vials.

(G). Chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes or chillers.

12. **Retail Sales, Shopping Center.** Primarily retail commercial sites with two or more separate businesses sharing common pedestrian and parking areas. Further categorized into "small-scale" and "large-scale" shopping centers:

13. **Small-Scale Shopping Center.** A small-scale shopping center is 30,000 square feet or less in gross floor area and is located on a site that is five acres or less in size.

14. **Large-Scale Shopping Center.** A large-scale shopping center is a shopping center that is not consistent with the requirements for a small shopping center.

15. **Retail Sales, Sporting Goods. A** commercial establishment, corporation, association, organization, or other entity engaged in the business of selling sports equipment needed to participate in a particular sport. May include the retail sale of firearms not to exceed five percent of the gross floor area used for sales, display, and storage in compliance with Section 17.40.210 (Retail Sales, Firearms). See "Retail Sales, Sporting Goods, Accessory Firearm Sales."

16. **Retail Sales, Sporting Goods with Accessory Firearm Sales.** A commercial establishment, corporation, association or organization or other entity engaged in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, any firearm at a location where the floor area is used for the sales, display, or storage of firearms and does not exceed five percent of the total floor area of a bonafide sporting goods store selling a full range of non-firearm related sporting goods. The floor area used for gun sales must be contiguous and not dispersed throughout the location. Firearm sales must be accessory to the sporting goods sales. Use shall comply with Section 17.40.210 (Retail Sales, Firearms).

17. **Retail Sales, Wholesale.** A commercial establishment engaged in the selling of wholesale merchandise in large quantities to patrons, businesses, retailers, or other wholesalers. Sites and structures are typically large and industrial in character. Patrons may be required to pay membership fees.

Review Authority. The individual or official Town body (the Director, Administrative Hearing Officer, Commission, or Council) identified by this Zoning Code as having the responsibility and authority to review and approve or disapprove the permit applications described in Article 6 (Zoning Code Administration).

Roof-Mounted. Mounted above the eave line of a structure.

Room Rental. The renting of individual bedrooms within a dwelling for a term of 30 or more consecutive days.

17.110.200 "S" Definitions

SB9 Urban Lot Split. See Section 17.94.050 (Definitions).

SB9 Two-Unit Dwelling. See Section 17.94.050 (Definitions).

Scarification. To make scratches on or superficial incisions in the skin.

Schools. Public and private educational facilities. Illustrative examples include:

- Boarding school
- Business, secretarial and vocational
- Community college, college, and universities
- Driver education
- Elementary, middle, and junior high schools
- High schools
- Language
- Military academies
- Professional schools
- Seminaries, religious

Also includes facilities and institutions that offer specialized programs in tutoring, personal growth and development, environmental awareness, arts, communications, and management. Does not include athletic clubs, pre-schools, or child day care facilities (see "Child Day Care Facilities"). See also the definition of "Studios - Art, Dance, Music, Photography, etc." for smaller-scale facilities offering specialized instruction.

Scrap. Used metal, including appliances and machine parts, which can be reused only with repair, refurbishing, or attachment to other such materials.

Secretary of Interior's Standards for Rehabilitation. The guidelines prepared by the United States Department of the Interior, National Park Service, for rehabilitating historic structures.

Secondary Dwelling Unit. See "Accessory Dwelling Unit"

Security Fencing. A maximum of three strands of barbed wire at the top of a fence.

Senior Citizen. Persons at least 62 years of age; or persons at least 55 years of age in a senior citizen housing development, in compliance with State and Federal law.

Senior Citizen Housing. A housing development that qualifies as "housing for older persons" as defined in Government Code Section 12955.9 designed to meet the physical and social needs of senior citizens.

Service Station. See "Vehicle Fueling Station"

Setback. The distance by which a structure, parking area or other development feature must be separated from a parcel line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement.

Short-Term Rental. A dwelling unit or part of a dwelling unit rented for a period of less than 30 days.

1. **Short-Term Rental, Hosted.** A short term rental where the owner or primary occupant occupies a bedroom in the dwelling unit entering the entire rental. In addition, this includes the occupation of an accessory dwelling unit by the owner or primary occupant while the primary unit is being rented. Shall also include a short term rental where the owner or primary occupant is the permanent resident of the dwelling unit being rented, and rents the dwelling unit for a maximum 60 days per calendar year without occupying a bedroom in the dwelling unit during the entire rental. For the purposes of this definition, a ”permanent resident” shall be an individual who resides in the dwelling unit a majority of a calendar year and provides proof satisfactory to the director and executes a related affidavit.
2. **Short Term Rental, Non Hosted.** A short term rental where the owner or primary occupant does not occupy a bedroom in the dwelling unit for one or more nights during the rental period.

Showroom. A part of a structure used for the display of samples, patterns, or other goods and wherein orders are taken for merchandise which is stored in bulk in a warehouse part of the same building, generally for future delivery to its customers.

Sign. An object, device, figure, display, message placard, or other contrivance, or any part thereof, visible from a public place, a public right-of-way, or any parking area or right-of-way open to the public which is designed, constructed, intended, or used to advertise, to provide information in the nature of advertising, or to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, logos, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following.

1. **Abandoned Sign.** A sign that advertises a product, service, or activity that is no longer available, advertises a business this is no longer licensed, or is blank.
2. **A-Frame Sign.** A portable sign this is comprised to two separate panels or faces hinged at the top and capable of standing on its own frame without external support or attachment.
3. **Animated Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement, including but not limited to, blinking, flashing, revolving signs; electronic reader board signs; and strobe, laser, fiber optic, search lights, and strong lighting of any type.

4. **Awning Sign.** A sign painted, installed, attached or otherwise applied to or located directly on, an awning.
5. **Bannert.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.
6. **Bench Sign.** Copy painted on a portion of a bench.
7. **Canopy Sign.** A sign that is part of, or attached to, a canopy or other fabric, or structural protective cover over a door, entrance, window, or outdoor service area. NEW
8. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means.
9. **Commercial Mascot.** A person or animal, live or simulated, whether or not costumed or decorates, intended to serve or function as a commercial advertising devise, including but not limited to, sign twirlers, sign clowns, human sandwich boards, and persons or animals holding or supporting any sign or advertising device displaying a commercial message. NEW
10. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time.
11. **Feather Sign**. A sign typically made of flexible fabric attached to a long pole in the general shape of a feather, teardrop or similar shape. The definition includes functionally similar devices. NEW
12. **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.
13. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.
14. Highway-Oriented Sign. A monument sign or wall sign that is located on parcels adjoining U.S. Highway 101 and area oriented toward and visible from the highway. NEW
15. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts it's light onto the sign from some distance.
16. **Inflatable Sign**. Any device which is filled or activated by air or gas and is located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purposes of signage, advertising, or attention-getting. NEW
17. **Internally Illuminated Sign.** A sign whose light source is in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

18. **Monument Sign.** An freestanding sign supported on the ground having a solid base as opposed to being supported by poles or open braces.
19. **Nonconforming Sign.** An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Zoning Code but does not now completely comply with current regulations.
20. **Off-Site Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item sold or manufactured on the premise.
21. **Permanent Sign.** A sign constructed of durable materials, is fixed in place, and is intended to exist for more than 120 days.
22. **Pole/Pylon Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.
23. **Portable Sign.** A sign that is not permanently affixed to a structure or the ground, and is designed to be easily transported. Portable signs include A-frame signs and T-shaped signs. Portable sign does not include a temporary sign carried by a person or animal.
24. **Roof Sign.** A sign constructed upon or over a roof or placed to extend above the edge of the roof.
25. **Temporary Sign.** A sign intended to be displayed for a limited period of time.
26. **Vehicle Sign.** A sign which is attached or affixed to, or painted or mounted on, any surface of a vehicle, trailer, or similar wheeled conveyance which parked and visible from the public right-of-way, except for vehicles used in the normal day-to-day operations of the business. Also known as "Mobile Billboard."
27. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the structure wall.
28. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. A window sign also includes an interior sign which faces a window exposed to public view and is located within three feet of the window.

Sign Area. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

Sign Height. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

Single-Unit Dwelling. Residential structure, including manufactured housing and mobile homes, when placed on a permanent foundation system, containing one dwelling unit located on a single parcel of land for occupancy by a single household. Also includes duet units when each unit is located on its own parcel.

Single Room Occupancy Housing (SRO). A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels or rooming houses. For additional regulations, see Section 17.40.240 (Single Room Occupancy).

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site Coverage. See "Parcel Coverage"

Skilled Nursing Facility. See "Extended Medical Care Facility"

Small Family Day Care Home. See "Day Care Home"

Small Lot Subdivision. See Chapter 17.88 (Small Lot Subdivisions).

Smoke Shop. See "Retail Sales, Restricted"

Solid Fence. A fence constructed of substantial material, such as wood or metal, that prevents the viewing of contents from one side to the other of the fence.

Spa Service/Health Spa. A commercial establishment that provides one or a combination of nail, hair, skin care; waxing; facials; massage; reflexology; and/or other similar services to customers for financial compensation. May include a sauna, whirlpool, cryotherapy chamber, and other similar amenities for the incidental use of patrons. Does not include beauty shop, nail salon, or barber shop. where the active primary use of the establishment does not encompass two or more services identified in the preceding sentence. See "Personal Services."

Specified Anatomical Areas. Less than completely and opaquely covered human genitals or pubic region; buttocks; and female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Whether performed semi-nude or directly or indirectly through clothing or other covering, the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions.

Stealth Facility. A communications facility which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure. Also referred to as concealed antenna.

Stone and Cut Product Manufacturing. Establishments engaged primarily in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones. See also "Industrial, Major."

Storage Facility.

1. **Storage Facility, Personal.** A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand, referred to as "mini storage" or "self-storage". See Section 17.40.250 (Storage Facility, Personal).
2. **Storage Facility, Restricted.** Facility used for storage and distribution of generally dangerous and hazardous materials, including, but not limited to, chemicals, gasoline, propane, and explosives.

Street, Private. A private thoroughfare that is owned and maintained by the property owners and which provides principal access to abutting property. The allowable street types are included in the Town's Complete Street Design Guidelines.

Street, Public. A public thoroughfare accepted by the Town, which provides principal means of access to abutting property. The allowable street types are included in the Town's Complete Street Design Guidelines.

Street Line. The boundary between a street right-of-way and property.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Code, the term "structure" includes "buildings," but does not include swimming pools.

Structure-Mounted. Mounted to the side of a structure (e.g., a billboard, cupola, steeple, freestanding sign, etc.).

Structural Clay and Pottery Product Manufacturing. Manufacturing establishments engaged primarily in producing brick and structural clay products, including pipe, china, plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Handcraft Industries and Small-Scale Manufacturing," and "Home Occupations." See "Industrial, Minor"

Studio Apartment. Residential rental units whose square footage does not exceed 500 square feet. Studio apartments are encouraged in apartment projects of varied size units, to provide a mix of housing types.

Studios – Art, Dance, Music, and Photography. Small-scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. These include facilities for: individual and group instruction and training in the arts; production rehearsal; photography; martial arts training; gymnastics instruction; yoga and Pilates; and aerobics and gymnastics studios with no other fitness facilities or equipment. Facilities that facilitate more than one class at any given time are included under the definition of "School."

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Sonoma County assessment roll as a unit or contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights of way. Subdivision includes the following, as defined in Civil Code Section 1315: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Subdivision Map Act or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his/her health status, and maximizing his/her ability to live and, when possible, work in the community. Supportive housing units are subject to the privileges and restrictions set forth in Government Code Section 65651.

17.110.210 "T" Definitions

Tanning Salon. See "Personal Service, General"

Tasting Facility. A commercial establishment that facilitates the tasting of beer, wine, or spirits for a fee or without charge. May include the selling of wine, beer, spirits, and related products, in addition to limited production of wine or beer (maximum single batch not to exceed 4 U.S. Beer Barrels). Outdoor tasting activities may be allowed when accessory to a legally established indoor facility.

Tattoo Parlor. See "Personal Service, Restricted"

Telecommunications Facilities. See "Wireless Telecommunications Facility"

Temporary Structure. A structure without any foundation or footings, and which is removed when the designated time, activity, or use for which the temporary structure was erected has ceased. A temporary structure shall comply with the requirements included in Chapter 17.60 (Temporary Use Permit).

Temporary Use. Use established for a specified period, typically less than 12 months, with the intent to discontinue the use at the end of the designated time period. A temporary use shall comply with the requirements included in Chapter 17.60 (Temporary Use Permit).

Textile and Leather Product Manufacturing. Manufacturing establishments engaged in performing any of the following operations: See also “Industrial, Major.”

- Coating, waterproofing, or otherwise treating fabric
- Dying and finishing fiber, yarn, fabric and knit apparel
- Manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
- Manufacture of knit apparel and other finished products from yard
- Manufacturing of woven fabric, carpets, and rugs from yarn
- Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
- Upholstery manufacturing

Theaters and Auditoriums. Indoor facilities for public assembly and group entertainment, other than sporting events, including:

- Civic theaters, and facilities for "live" theater and concerts
- Exhibition and convention halls
- Motion picture theaters
- Public and semi public auditoriums
- Similar public assembly uses

Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Commercial Recreation." See also “Place of Assembly.”

Timeshare.

1. **Timeshare, Hotel Structure.** A right to exclusively use, occupy, or possess a tourist accommodation unit of a hotel/motel design with or without kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time that is subject to a timeshare or fractional ownership agreement.
2. **Timeshare, Residential Structure.** A right to exclusively use, occupy, or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time that is subject to a timeshare or fractional ownership agreement.

Timeshare Agreement. Any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives ownership rights in or the right

to use accommodations for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.

Timeshare Program/Project. A development in which a purchaser receives the right in perpetuity, for life, or for term of years, to the recurrent, exclusive use or occupancy of a parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided. The definition of timeshare project includes a residential and hotel/motel design timeshares.

Tiny Home. A tiny home is a small towable residential unit that may or may not be on a permanent foundation, and that complies with the requirements of Chapter 17.102 (Tiny Homes).

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guy towers or monopole towers. Telecommunication towers comprise personal wireless service facilities, including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communication service towers, and alternative tower structures.

Town. The Town of Windsor.

Town Council. The Windsor Town Council, referred to in this Zoning Code as the "Council."

Transit Stations and Terminal. Facility where buses, taxis, trains, rail, and other mass transit options regularly stop to load and unload passengers.

Transit Stop Shelters. A small-scale covered waiting area for busses and taxis.

Transitional Housing. Housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, as set forth in State statutes and regulations governing transitional housing.

Tree.

1. **Building Footprint.** The two-dimensional plan of a building's perimeter boundaries measured at grade level.
2. **Certified Arborist.** A person who is certified with the International Society of Arboriculture, thereby demonstrating knowledge and competency in the field of arboriculture and is a member of the American Society of Consulting Arborists.
3. **Compaction.** Compression of the soil structure within a TPZ by any means (e.g. traffic, heavy equipment, storage of construction materials, etc.) that creates an upper layer that is dense and impenetrable. Compaction injures the roots of trees and leads to poor health and decline. Symptoms of soil compaction often take three to 10 years to manifest themselves.

4. **Damage to a Tree.** Any action causing or contributing injury to the root system or other parts of a tree, by fire, application of toxic substances, operation of machinery or equipment; improper watering; changing natural grade of land by excavation or filling the drip line area around the trunk; or by attaching signs or artificial material thereby piercing the bark of the tree.

5. **Dead Tree.** Either a tree that is dead, or one that has been so irreparably damaged, or is in such an advanced state of decline that not enough live tissue exists to sustain life. Such a determination must be made by a certified arborist. Once a tree has been determined to be dead then removal is permitted.

6. **Diameter at Breast Height (DBH).** The diameter of the tree trunk at four and one-half feet (54") above the natural grade level. The diameter can be calculated using the formula: DBH = circumference at 4.5 feet divided by 3.142 (pi). To determine the DBH of multi-trunk trees, or measuring trees on slopes, consult the current Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

7. **Diseased Trees.** Trees afflicted by, but not limited to, any of the following: insect infestation, heart rot, exfoliation, slime flux, crown rot, leaf scorch, and root fungus that shall be evaluated, treated, and re-evaluated in an effort to restore or save the tree.

8. **Dripline Area.** The area represented by the actual size and shape of the tree canopy, as shown on an aerial photograph. Dripline does not represent the size or area of the root zone and is not the same as the Tree Protection Zone (TPZ), which represents the area required for preservation by fencing.

9. **Hand Digging.** Performing underground trenching without traditional trenching equipment such as backhoes, excavators, or trenchers. Alternate trenching techniques, as specified by the Project Arborist, might include using horizontal boring technology, high pressure air, high pressure water, and in limited locations manual removal of soil from a trench area with a shovel.

10. **Hazardous Tree.** A tree that possesses a significant structural defect that poses an unacceptable risk should the tree, or any part of it, fall on a target. A structural defect is defined as any structural weakness, whether caused by disease or any other means, which results in the deformity or weakness of a tree. Such a condition can be verified by a certified arborist. The Town retains the discretionary right to approve or amend a hazardous rating, in writing, and recommend any action that may reduce the condition to a less-than significant level of hazard. A tree with a structural defect may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts (e.g., a substandard tree in a non-populated area away from pedestrian pathways may not be considered a hazard).

11. Heritage Tree. A tree or grove of trees designated by resolution of the Council as a heritage tree because of an association with some event or person of historical significance to the community or because of special recognition due to size, condition, or aesthetic qualities.

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

13. Native Tree. Any tree which has its natural origin at the project site. Does not include trees that originate in other parts of the world that have naturalized in the Town. Does not include trees that are native to other parts of California that have been planted in the Town.

14. Non-native Tree. Any tree which has its natural origin outside the Town of Windsor. Includes ornamental trees, trees that have naturalized from other areas, and natives from other areas of the state.

15. Protective Tree Fencing. A temporary enclosure erected around a tree to be protected at the boundary of the tree protection zone. The fence serves three primary functions:

    a. To keep the crown, branch structure and trunk clear from direct contact with, and damage by, equipment, materials or other disturbances;

    b. To preserve roots and soil in a natural, intact and non-compacted state;

    c. To identify the tree protection zone in which no soil disturbance is permitted and in which activities are restricted.

16. Root Pruning. The deliberate and intended cutting of any root over 1 inch in diameter using a clean saw or other cutting instrument. Roots must never be torn from the ground but must always be cleanly severed when encountered.

17. Significant Groves or Stands of Trees. Groups of trees where the individual trees might not comply with the criteria of this Chapter, however, they represent a significant scenic or natural resource because of their grouping. Scenic resources may include entry statements to the Town, scenic corridors along major highways/streets, and/or specific rural, natural, or historic areas. Natural resources may include natural woodlands, riparian habitats, and/or drainage areas.

18. Significant Tree. As determined by the Project or Town Arborist, a significant tree can be identified by size, age, species, unusual character, historical significance, or a combination of these features. When identified by the Project or Town Arborist as significant, exceptional measures to preserve and protect may be required.

19. Site Plan. Either a Pre-application Plan, Improvement Plan, or Tentative Map. The Pre-application Plan need only show the surveyed tree locations and the tree driplines (including trees located on neighboring property that overhang the project site). The Improvement Plan or Tentative Map must show the surveyed tree locations, tree protection zones (TPZ), and tree numbers that

correspond to the tree information contained in the Tree Protection and Preservation Plan. Additionally, the Improvement Plan or Tentative Map shall show existing site conditions and proposed improvements.

20. **Street Tree.** Any publicly owned tree growing within the Town's right-of-way or an area within a public easement. A permit from the Town is required prior to any work on or around these trees.

21. **Target.** People, vehicles, structures, other trees, or landscape improvements subject to damage by a falling tree. A tree with a hazardous structure may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts, for example a small tree in a non-populated area, away from pedestrian pathways, might possibly not be considered a hazard.

22. **Topping.** The practice of cutting back large diameter branches to a stub or truncating the main stem.

23. **Tree Appraisal.** A method of determining the monetary value of a tree as it relates to the real estate value of a property, neighborhood, or community. When required, a certified arborist determines the tree's value by adjusting its 'basic value' by condition, location, and species, using the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

24. **Tree Injury.** A wound resulting from any activity, including but not limited to, excessive pruning, cutting, bruising, scarring, tearing, or breaking of roots, bark, trunk, branches or foliage. It also includes damage inflicted on a tree through activities in the tree protection zone such as trenching, excavating, altering grade, paving or compaction. It also includes the application of herbicides or poisons, or any other action that ordinarily would result in damage to a tree.

25. **Tree Inspection Report.** A written report prepared by the Project Aorist to document that the specified tree inspection, or any other required procedure, has been accomplished. All necessary mitigation or action items that are required based on conditions existing at the time of inspection shall be noted, as well as any violations of the Tree Preservation Policy or Tree Protection and Preservation Plan.

26. **Tree Inventory.** A site plan that illustrates the location and driplines of all trees on a proposed project site. An inventory is a recommended submittal in the pre-application stage of development.

27. **Tree Protection and Preservation Plan.** A plan prepared by a certified arborist that outlines measures to protect and preserve trees on a project. This plan shall include requirements for preservation, establish a tree protection zone (TPZ), specify tree protection during demolition and/or construction, and specify mitigation measures and appraisal values for each tree.

28. **Tree Protection Signage.** Signs measuring a minimum size of 12" x 18" designating the tree protection zone, which is a protected area. Tree protection signs must be attached to the tree protection fencing at maximum intervals of 12 feet apart on all fenced areas.

29. **Tree Protection Zone or (TPZ).** The area of temporary fenced tree enclosure. The roots that are critical for tree survival are typically found in the upper three feet of soil and may extend beyond the dripline area. Protecting the roots in the TPZ is necessary to ensure the tree's survival. The TPZ is a restricted activity zone where no access or soil disturbance is permitted, unless approved, in writing, and supervised by the Project Arborist. A TPZ must be identified for each tree and shown on all applicable Improvement plans. The TPZ is measured from the dripline of the furthest most tree limb plus a minimum of one inch for every inch of the diameter of the tree or a minimum of three feet beyond the dripline, whichever is greater to provide a protected zone outside the furthest dripline of the tree. (DBH - the diameter of the tree trunk at four and one-half feet (54") above the natural grade level). The Project Arborist retains the discretionary right to decrease or increase the size of a TPZ at any time.

30. **Tree Removal.** Complete tree removal either by cutting to the ground, or extraction, and then grinding or pushing over the stump of the tree and disposing of the remains as directed by the Project Arborist or Town Arborist.

31. **Trenching.** Any excavation, whether to provide irrigation, install foundations, lay utility lines, pipe, drainage, or other property improvements below grade. Trenching within the TPZ is injurious to roots and tree health and is prohibited, unless approved in writing by the Project Arborist.

17.110.220 "U" Definitions

Unit. See "Dwelling, Dwelling Unit, or Housing Unit"

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Use, Primary. See "Primary Use"

Utility Allowance. A utility allowance for renters or owners, calculated per utility allowance schedules published by the Sonoma County Housing Authority, a successor index, or an alternative index allowed by the California Tax Credit Allocation Committee.

Utility Facility. See "Utility Facility and Infrastructure"

Utility Facility and Infrastructure. A facility used for the transmission and distribution of utilities and services (i.e., electricity, natural gas, water, wastewater). These facilities may also be used for the storage of materials and equipment necessary for the maintenance and/or repair of the utility and transmission system. These uses include any of the following facilities that are not exempted from land f requirements by Government Code Section 53091:

- Electrical substations and switching stations
- Natural gas regulating and distribution facilities
- Public water system wells, treatment plants and storage
- Wastewater treatment plants, settling ponds and disposal fields

Utility Infrastructure. See "Utility Facility and Infrastructure"

17.110.230 "V" Definitions

Variance. A discretionary entitlement that may waive or relax the development standards of this Zoning Code, in compliance with Chapter 17.62 (Variance).

Vehicle and Freight Terminal. This land use consists of transportation establishments furnishing services incidental to air, motor freight, and rail transportation. Illustrative examples include:

- Freight forwarding services
- Freight terminal Services
- Joint terminal and service
- Packing, crating, and inspection
- Postal services and bulk mailing
- Transportation services
- Trucking facility
-

Vehicle Fueling Station. A commercial establishment selling gasoline, diesel, or alternative fuel for the on-site fueling of individual motor vehicles. May include a convenience store and provide secondary services incidental to fuel services. Does not include the storage or repair of wrecked vehicles, vehicle rentals, or vehicle service and repair.

Vehicle Rental Facility.

1. **Vehicle Rental, General.** Commercial establishment that rents automobiles, construction equipment, motorcycles, recreational vehicles, trucks, trailers, and similar vehicles and equipment. May include on-site storage and incidental maintenance that does not require pneumatic lifts, when conducted within a fully enclosed structure.
2. **Vehicle Rental, Limited.** Commercial establishment that rents small vehicles, including, bicycles, mopeds, scooters, and similar sized vehicles with electric power, engines less than 100cc, or are human powered. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent when conducted within fully enclosed structure.

Vehicle Repair and Service. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes the following categories:

1. **Vehicle Repair and Service, Major.** Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light duty truck and heavy-duty truck. Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops; paint shops; and transmission shops.
2. **Vehicle Repair and Service, Minor.** Minor repair of automobiles, motorcycles, recreational vehicles, or light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing services; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments; relining and repairs; oil and lube shops; smog shops, tire and battery sales and installation (not including recapping); and wheel alignment and balancing. Does not include any type of car washing service.

Vehicle Sales

1. **Automobiles, Trucks, and Van Sales.** A commercial establishment that sells new or used automobiles, trucks, vans, and equipment, including display, and storage. May include incidental minor maintenance (e.g., oil changes, fluid flushes), and accessory retail sales. All incidental minor maintenance activities and accessory retail sales shall be conducted within a fully enclosed structure. Vehicle repairs, including, but not limited to engine repairs, transmission services, brake replacement, wheel and tire alignment, and electrical installation, are not permitted (see "Vehicle Repair and Service"). Does not include: the sale of auto parts/accessories separate from a vehicle sales establishment (see "Retail Sales, General"), or commercial establishments dealing exclusively in used parts (see "Vehicle Salvage and Dismantling Facility").
2. **Large Recreational Vehicle, Trailer.** A commercial establishment that sells new or used large recreations vehicles (i.e., campers/camper shells, motorhomes, recreational/travel trailer, fifth-wheel, boats, and similar vehicles and equipment, including display, and storage. May include incidental minor maintenance (e.g., oil changes, fluid flushes), and accessory retail sales. All incidental minor maintenance activities and accessory retail sales shall be conducted within a fully enclosed structure. Vehicle repairs, including, but not limited to engine repairs, transmission services, brake replacement, wheel and tire alignment, and electrical installation, are not permitted (see "Vehicle Repair and Service"). Does not include: the sale of auto parts/accessories separate from a vehicle sales establishment (see "Retail Sales, General"), or commercial establishments dealing exclusively in used parts (see "Vehicle Salvage and Dismantling Facility").

3. **Small Recreational Vehicle Sales.** A commercial establishment that sells new or used small recreational vehicles, motorcycles, golfcarts, jet skis, snowmobiles, and other similar small recreational vehicles (subject to Director's discretion) and equipment, including display, and storage. May include incidental minor maintenance (e.g., oil changes, fluid flushes), and accessory retail sales. All incidental minor maintenance activities and accessory retail sales shall be conducted within a fully enclosed structure. Vehicle repairs, including, but not limited to engine repairs, transmission services, brake replacement, wheel and tire alignment, and electrical installation, are not permitted (see "Vehicle Repair and Service"). Does not include: the sale of auto parts/accessories separate from a vehicle sales establishment (see "Retail Sales, General"), or commercial establishments dealing exclusively in used parts (see "Vehicle Salvage and Dismantling Facility").

Vehicle Salvage and Dismantling Facility. Outdoor commercial establishment primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials from vehicles. Includes incidental wholesale or retail sales of parts from those vehicles.

Vehicle Storage. The storage of non-operational vehicles, including cars, trucks, recreational vehicles, boats, and similar vehicles. For the short and long-term parking of operational vehicles see "Parking Facility."

Very Low Income or Very Low Income Household. A household having a gross annual income equal to or lesser than 50 percent AMI, adjusted for household size, as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 in accordance with California Health and Safety Code Section 50105.

Veterinary Clinic. Office and indoor medical treatment facility used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Use as a kennel or boarding facility shall be limited to short time boarding incidental to medical care. For standalone long-term kennel and boarding facilities, see "Kennel, Commercial"

17.110.240 "W" Definitions

Warehousing and Distribution Facility. Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage or personal storage facilities offered for rent or lease to the public (see "Storage Facility, Personal"); commercial wholesale facilities (see "Retail Sales, Wholesale"); or terminal facilities for handling freight (see "Vehicle and Freight Terminals").

1. Warehousing and Distribution Facility, Large. Facilities 50,000 square feet or larger.
2. Warehousing and Distribution Facility, Small. Facilities less than 50,000 square feet.

Wet Bars. A small single sink that does not accommodate a garbage disposal for food waste. The sink and countertop have a total surface area of less than four square feet. Refrigeration and cabinets would be limited to space under the allowed countertop.

Wine and Beer Tasting. See "Tasting Facility."

Winery. An agricultural processing facility producing wine on the premises from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine that is bonded through the alcohol, tobacco tax and trade bureau and has a current California Alcohol Beverage Control Type 2 Winegrower's License. Uses that are clearly incidental to the production of spirits are allowed accessory uses to a distillery, including tasting and accessory retail sales of spirits produced on site.

Wireless Telecommunications Facility. Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

17.110.250 "X" Definitions

No specialized terms defined.

17.110.260 "Y" Definitions

Yard. An area between a parcel line and a required setback, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Code. See Section 17.20.050 (Setback Measurement and Exceptions).

1. **Front Yard.** An area extending across the full width of the parcel between the front parcel line and the required setback.
2. **Rear Yard.** An area extending the full width of the parcel between a rear parcel line and the required setback.
3. **Side Yard.** An area extending from the front yard to the rear yard between the nearest side parcel line and the required setback.

17.110.270 "Z" Definitions

Zero Emission Vehicle (ZEV). Any type of vehicle that has no tailpipe emissions. Vehicles run on electric motors and are powered by electricity delivered from batteries or hydrogen fuel cells. In contrast to conventional internal combustion engine vehicles, zero emission vehicles prevent air pollution, lower greenhouse gas emissions, and help integrate renewable energy into the transportation sector

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

Zero Parcel Line. The location of a structure on a parcel in such a manner that one or more sides of the structure touches or is immediately adjacent to a parcel line.

Zoning Clearance. The procedure used by the Town to verify that a proposed structure or land use complies with the allowed list of activities allowed in the applicable Zone, and the development standards applicable to the type of use and is consistent with the General Plan.

Zoning District. Any of the residential, commercial, public, or overlay districts established by Article 2 of this Zoning Code (Zones, Allowable Uses, and Development Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Zoning Code. The Windsor Zoning Code, Title 17 of the Windsor Municipal Code, referred to herein as "this Zoning Code."

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