ORDINANCE NO. 2026-409

AN ORDINANCE OF THE TOWN OF WINDSOR ADOPTING AMENDMENTS TO THE TOWN OF WINDSOR ZONING CODE, TITLE 17 OF THE MUNICIPAL CODE, TO IMPLEMENT HOUSING ELEMENT PROGRAMS AND TO COMPLY WITH STATE HOUSING LAW (FILE NO. POL26-02)

WHEREAS, on August 16, 2023, the Town of Windsor adopted its General Plan 2023-2031 Housing Element; and

WHEREAS, on August 31, 2023, the California Department of Housing and Community Development (HCD) found the Town's Housing Element in compliance with State law and certified the Housing Element; and

WHEREAS, the General Plan Housing Element includes programs to be implemented, including programs that require amendments to the Town's Zoning Code to provide consistency with State law; and

WHEREAS, there have been changes in State laws regulating housing and accessory dwelling units and amendments to the Town's Zoning Code are required to provide consistency with State law; and

WHEREAS, on June 23, 2026, the Planning Commission held a duly noticed public hearing to consider making a recommendation to the Town Council on amendments to the Zoning Code to: (1) implement General Plan Housing Element programs; (2) comply with State housing laws, including requirements for accessory dwelling units and junior accessory dwelling units; and (3) make technical corrections and clarifications. At the public hearing, the Planning Commission received a presentation from staff, accepted public comment, and deliberated on the item, and adopted Resolution No. 789-26 recommending that the Town Council adopt the proposed amendments with the changes recommended by the Planning Commission included in Exhibit G; and

WHEREAS, on July 15,2026, the Town Council conducted a duly noticed public hearing to consider the draft amendments to the Zoning Code included in Exhibits A through M, including Planning Commission recommended changes in Exhibit G; and

WHEREAS, the proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Sections 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), 21080.66, and 21080.085 and California Environmental Quality Act (CEQA) Section 15061(b)(3) (Common Sense Exemption); and

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

SECTION 1. RECITALS.

The above recitals are true and correct and adopted as findings.

SECTION 2. FINDINGS.

1. A duly noticed public hearing regarding the proposed amendments were held by the Town Council on July 15, 2026.

2. The proposed amendment is consistent with the General Plan and any Specific Plan or Master Plan. The proposed amendments implement and are consistent with the Town's General Plan Housing Element and implement State law, including requirements for accessory dwelling units and junior accessory dwelling units, and to make technical corrections and clarifications. Since the Town is required to implement Housing Element programs, the amendments are consistent with the General Plan. There is no Specific Plan or Master Plan that applies to the proposed amendments.

3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town in that the changes are required in order to comply with State law and to implement programs included in the Town's certified General Plan Housing Element, comply with State law, and make technical corrections and clarifications to the Zoning Code.

4. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code. The proposed amendments implement General Plan Housing Element programs, are required to comply with State housing law, and make technical corrections to the Zoning Code and are consistent with other applicable provisions of the Zoning Code.

SECTION 3. AMENDMENTS.
The Town of Windsor Municipal Code, Title 17 (Zoning Code) is hereby amended to include the changes in Exhibits A through M attached hereto.

SECTION 4. SEVERABILITY.
If any section, subsection, sentence, clause, or phrase or word in this Ordinance is for any reason held to be un. constitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful, or otherwise invalid.

SECTION 5. EFFECTIVE DATE AND PUBLICATION.
This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the Town of Windsor.

PASSED, APPROVED AND ADOPTED this 5th day of August 2026, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, WALL VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachments:

- **Exhibit A-** Section 17.10.030 Residential Land Use Regulations
- **Exhibit B-** Section 17.12.030 Commercial and Mixed-Use Zones Land Use Regulations and Allowable Uses
- **Exhibit C-** Chapter 17.82 Accessory Dwelling Units
- **Exhibit D-** Chapter 17.84 Junior Accessory Dwelling Units
- **Exhibit E-** Chapter 17.110: Definitions
- **Exhibit F-** Section 17.52.020 Authority for Land Use and Zoning Decisions
- **Exhibit G-** Section 17.80.060 Housing with Childcare and Community Healthcare Facilities
- **Exhibit H-** Sections 17.98.040 Pricing Requirements and 17.98.070 Deed Restrictions
- **Exhibit I-** Chapter 17.60 Temporary Use Permit
- **Exhibit J-** Section 17.22.030(J)(1)(a)(i-iii) Tree Preservation and Protection (Tree Ratings for Mitigation Calculations)
- **Exhibit K-** Section 17.30.090 Driveways and Site Access
- **Exhibit L-** Table 17.30-4 General Non-Residential Minimum Parking Stall Dimensions
- **Exhibit M-** Sections 17.52.070 Notice of Application and 17.52.080 Neighborhood Meeting

17.10.030 Residential Zones Land Use Regulations and Allowable Uses.

A. Table 17.06-01 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. [Source: 17.08.030, modified]

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). [Source: 17.06.030A]

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. [Source: 17.08.030, modified]

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). [Source: Table 2-2: Notes (2), modified]

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). [Source: Table 2-2: Notes (3), modified]

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. [Source: 17.08.030.A, Table 2-3 Notes (17)]

G. Residential projects located on sites identified in the fourth and fifth cycle Housing Elements that meet the lower-income Regional Housing Needs Allocation (RHNA) in 2023-2031 Housing Element Table 6.5 (Vacant Sites to Meet the RHNA) and residential projects on underutilized sites identified in the fifth cycle that meet the lower-income RHNA in 2023-2031 Housing Element Table 6.6 (Underutilized Site to Meet the RHNA) that provide appropriate densities and include at least twenty-percent (20%) affordable housing shall be permitted by right pursuant to Government Code Section 65583.2(i).

Table 17.10-01
Land Use Regulations—Residential Zones

Key:	P = Allowed by Right; MUP = Minor Use Permit; CUP = Conditional Use Permit; (—) = Not Allowed						
Land Use (see Article ~~7~~ 8 for land use definitions)	**Permit Requirement by Zone**						**Specific Use Regulations**
	RR	**ER**	**SR**	**VR**	**MDR**	**CR**	
Agriculture, Resource and Open Space Uses							
Accessory Structure, Agricultural	P	P	—	—	—	—	17.40.230 (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	17.40.040 (Animal Keeping)
Beekeeping	P	P	P	P	—	—	17.40.070 (Beekeeping)
Human Services Uses							
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Child Day Care Facility	CUP	CUP	CUP	CUP	CUP	CUP	17.40.080 (Child Day Care Facility)
Child Day Care Home	P	P	P	P	P	P	
Community Care Facility, Large	~~MUP~~ —	~~MUP~~ —	MUP	MUP	~~MUP~~ P	~~MUP~~ P	
Community Care Facility, Small	P	P	P	P	P	P	
Residential Care Facility, Large	—	—	**MUP**	**MUP**	**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)
Short-Term Rental, Non-Hosted	—	—	—	—	—	—	17.40.260 (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	17.40.230 (Residential Accessory Structures and Uses)

Agricultural Worker Housing **(12 units or 36 beds)**	P	P	—	—	—	—	17.~~84~~**104**.030 (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	17.40.120 (Guest House and Pool House)
Home Occupation	P	P	P	P	P	P	17.40.130 (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 (Marijuana—Indoor 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)
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	
Residential Care Facility, Small	**P**	**P**	**P**	**P**	**P**	**P**	**Health and Safety Code 1267.8, 1566.3**
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	17.40.260 (Short-Term Rental)
Single Room Occupancy Housing	—	—	CUP	CUP	P	P	17.40.270 (Single Room Occupancy)
Single-Unit Dwelling	P	P	P	P	P	—	17.40.120 (Mobile Home on Single-Unit Parcel)
Supportive Housing	**Consistent with Government Code Section65583(a)(5)**						**17.56 (Site Plan and Design Review) and Table 17.56.01 (Review**

							Authority for Site Plan and Design Review)
Transitional Housing	**Consistent with Government Code Section65583(a)(5)**						**17.56 (Site Plan and Design Review) and Table 17.56.01 (Review Authority for Site Plan and Design Review)**
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	17.40.060 (Bed and Breakfast Inn)
Retail Sales, Neighborhood Market	—	—	MUP	MUP	MUP	MUP	17.40.180 (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	

17.12.030 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. [Source: 17.10.030, modified]

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 17.04030.A (Uses Not Listed are Not Allowed), except as otherwise established in Subsection 17.04.030.B (Director's Determination). [Source: 17.06.030A]

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. [Source: 17.10.030, modified]

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). [Source: Table 2-4: Notes (2), modified]

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). [Source: Table 24: Notes (3), modified]

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. [Source: 17.10.030.A, Table 2-5 Notes (6)]

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. [Source: NEW]

H. Residential projects located on sites identified in the fourth and fifth cycle Housing Elements that meet the lower-income Regional Housing Needs Allocation (RHNA) in 2023-2031 Housing Element Table 6.5 (Vacant Sites to Meet the RHNA) and residential projects on underutilized sites identified in the fifth cycle that meet the lower-income RHNA in 2023-2031 Housing Element Table 6.6 (Underutilized Site to Meet the RHNA) that provide appropriate densities and include at least twenty-percent (20%) affordable housing shall be permitted by right pursuant to Government Code Section 65583.2(i).

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	—	17.40.080 (Child Day Care Facility)
Community Care Facility, Large	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Emergency Shelter	—	P	—	—	—	—	—	—	—	17.40.110 (Emergency Shelter)
Funeral and Burial Services, Mortuary and Funeral Home	—	P	—	—	—	P	P	P	P	17.12.040.D (Mortuary and Funeral Home Uses)
Hospital	—	CUP	—	—	—	—	—	—	CUP	
Industrial, Manufacturing and Processing Uses										
Commercial Kitchen, Shared	—	—	—	—	—	P	—	—	—	
Contractor Storage Yard	—	—	—	—	—	MUP	—	—	—	General Plan Policies LU-12.1 and LU-12.2
Outdoor Storage	—	—	—	—	—	CUP	—	—	—	17.40.200 (Outdoor Storage)
Recycling Facility										
Recycling Facility, Large Collection	—	—	—	—	—	CUP	—	—	—	17.40.220 (Recycling Facilities)
Recycling Facility, Light Processing	—	—	—	—	—	CUP	—	—	—	17.40.220 (Recycling Facilities)
Recycling Facility, Reverse Vending Machine	P	P	—	—	—	P	—	—		17.40.220 (Recycling Facilities)
Recycling Facility, Small Collection	—	—	—	—	—	MUP	—	—	—	17.40.220 (Recycling Facilities)
Storage Facility, Personal	—	—	—	—	—	CUP	—	—	—	17.40.280 (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	
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.D (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	—	17.40.130 (Home Occupation)
Live-Work Unit	P	P	P	P	—	P	CUP	P	P	17.40.140 (Live-Work Unit)
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	17.42.020 (Marijuana - Indoor 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	—	—	—	—	17.40.260 (Short-Term Rental
Single Room Occupancy Housing	—	P	P	—	—	—	—	—	—	17.40.270 (Single Room Occupancy)
Supportive Housing	**P**	**P**	**P**	**P**	**—**	**—**	**—**	**P**	**—**	**Consistent with Govt. Code 65583(c)(3) and 65583(a)5**
Retail, Service, and Office Uses										
Accessory Structure, Nonresidential	P	P	P	P	P	P	P	P	P	
Adult Entertainment Business	—	—	—	—	—	CUP	—	—	—	17.40.020 (Adult Entertainment Business) and 17.40.150 (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	17.40.050 (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	—	17.40.060 (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	—	—	17.40.100 (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	17.40.190 (Outdoor Sales and Activities)
Personal Service, General	P	P	P	—	—	P	P	P	P	
Personal Service, Restricted	—	—	—	—	—	MUP	MUP	—	—	17.40.210 (Personal Service, Restricted)
Restaurant	P	P	P	P	P	P	P	P	P	
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	17.40.090 (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	17.40.180 (Neighborhood Market)
Retail Sales, Nursery and Garden Supply	—	P	—	—	—	P	P	—	—	
Retail Sales, Restricted	—	MUP	—	—	—	MUP	—	—	—	17.40.250 (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	
Retail Sales, Sporting Goods with Accessory Firearm Sales	—	CUP	—	—	—	CUP	CUP	—	CUP	17.40.240 (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	~~MU~~ **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	

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. [Source: 2020-243]

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**, promote the development of accessory dwelling units,** and to minimize governmental constraints on residential development. [Source: 2020-243]

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). [Source: 2020-243]

17.82.040 General Requirements.

A. Accessory to Primary Residential Use. Accessory dwelling units shall be accessory to an existing or proposed primary dwelling. [Source: 2020-243]

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. [Source: 2020-243]

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. [Source: 2020-243]

D. Separate Conveyance. Accessory dwelling units shall not be sold or otherwise conveyed separately from the primary dwelling, except as ~~otherwise~~ provided in **this Chapter** ~~Government Code Sections 66340—66342 (as amended over time) 65852.26~~. [Source: 2020-243, modified]

E. Rental Terms. Accessory dwelling units shall not be rented for a term of less than thirty (30) consecutive days. [Source: 2020-243]

F. Owner Occupancy. The property owner is not required to occupy the accessory dwelling unit or primary dwelling located on the parcel. [Source: 2020-243]

G. Permit Requirements. An application for an accessory dwelling unit that complies with all applicable requirements of this ~~section~~ **Chapter** shall be ~~approved~~ **subject to** ministerial~~ly~~ **review** through the **Town's** Building Permit process **and subject to the timelines and requirements of Government Code Section 66317**. ~~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 sixty (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 sixty-day time. [Source: 2020-243]~~

H. Planned Development Districts. Accessory dwelling units located in Planned Development zones shall comply with the requirements of this section. [Source: 2020-243]

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: [Source: 2020-243]

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.~~;~~ [Source: 2020-243]

2. An existing or proposed detached accessory structure, including "tiny homes.~~"~~; or [Source: 2020-243]

3. Above a garage that is attached to or detached from the primary dwelling. [Source: 2020243]

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 one hundred fifty (150) square feet, shall provide exterior access, and shall provide side and rear setbacks adequate for fire and safety. [Source: 2020-243, modified]

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 eight hundred (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 twenty-five (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 (2) stories. The interior side, street side, and rear setbacks shall be a minimum of four (4) 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. [Source: 2020-243, modified]

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. [Source: 2020-243]

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 (4) feet from the interior side, street side, and rear property lines is required for an accessory dwelling unit constructed above an existing garage. [Source: 2020-243]

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, when less than the setbacks required by ~~[~~the Building Code~~]~~. [Source: 2020-243]

5. New Detached Unit. A new detached accessory dwelling unit shall comply with the front setback of the underlying zoning district, **and be located a minimum of four (4) feet from the interior**

side, street side, and rear property lines unless it precludes development of an accessory dwelling unit that is at least eight hundred (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 (4) feet from the interior side, street side, and rear property lines.~~ [Source: 2020-243, modified]

6. Distance Between Structures. A detached accessory dwelling shall maintain a minimum of five (5) 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. [Source: 2020-243]

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 eight hundred fifty (850) square feet **of interior livable space** ~~in floor area~~. [Source: 2020-243]

2. An accessory dwelling unit with two (2) or more bedrooms shall not exceed one thousand two hundred (1,200) square feet **of interior livable space** in ~~floor area~~. [Source: 2020-243]

3. An accessory dwelling attached to an existing primary dwelling shall not exceed fifty (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. [Source: 2020-243]

4. A detached, new construction accessory dwelling unit may be combined with one (1) 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 eight hundred (800) square feet **of interior livable space**, regardless of the number of bedrooms. [Source: 2020-243]

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 (7) feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage. [Source: 2020-243]~~

E. Height Limit. **Accessory dwelling units shall comply with the height limits set forth below.**

1. A detached accessory dwelling is limited to a maximum height of sixteen (16) feet, except as set forth below:

a. ~~If a detached accessory dwelling is~~ **When** located within a half mile **walking distance** of a major transit stop or high-quality transit corridor, as defined in **Public Resources Code Section 21155,** ~~Article 8 (Definitions), the unit is limited to~~ a maximum height of eighteen (18) feet, and **an additional height of** ~~be~~ up to two (2) feet ~~taller~~, for a maximum of twenty (20) feet, if necessary to ~~match~~ **align with** the roof pitch of the primary dwelling unit. ~~[Source: NEW]~~

b. ~~If a detached accessory dwelling is~~ **When** located on a parcel with a**n existing or proposed** multistory, multi-unit dwelling structure~~, the unit is limited to~~ a maximum height of eighteen (18) feet.

c. ~~An accessory dwelling~~ **When** located above a detached garage ~~is limited to~~ a maximum height of twenty-five (25) feet. [Source: 2020-243]

2. An accessory dwelling attached to the primary dwelling is limited to **25 feet in height or** the height allowed in the underlying zoning district**, whichever is lower**.

F. Site Coverage. An accessory dwelling unit shall comply with the site coverage requirements of the applicable zoning district, **unless it precludes the development of an accessory dwelling unit of at least 800 square feet of interior living space** ~~except that in the case where the allowable site coverage~~

~~would preclude an accessory dwelling unit, one (1) attached or detached accessory dwelling unit with a maximum size of eight hundred (800) square feet, regardless of the number of bedrooms, shall be allowed and shall comply with the requirements of this section~~. [Source: 2020-243]

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 **exterior** materials, colors, roof materials and pitch, **and** 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 (1) 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 (5) feet, six (6) inches above the finished floor) or shall have permanently obscured glazing or, with agreement of the adjoining property owner, two (2) feet of lattice that is fifty (50) percent open shall be added to a solid six-foot fence located on the shared property line. [Source: 2020-243, modified]~~

I. Parking. One (1) 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: [Source: 2020-243]

1. No off-street parking shall be required if any of the following circumstances exist:

   a. The accessory dwelling is located within one-half (½) mile **walking distance** of public transit as defined in Article 8 (Definitions). [Source: 2020-243]

   b. The accessory dwelling unit is located **within an architecturally and historically significant historic district** ~~on a property with a Historic Overlay zone~~. [Source: 2020-243]

   c. The accessory dwelling unit is part of the **proposed or** existing primary residence or an ~~existing~~ accessory structure. [Source: 2020-243]

   d. When on-street parking permits are required, but not offered, to the occupant of the accessory dwelling unit. [Source: 2020-243]

   e. Where there is a car share vehicle located within one (1) block of the accessory dwelling unit. [Source: 2020-243]

   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 **Zone**~~Overlay zone~~, or proof of local parking permit requirements. [Source: 2020-243]

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 (2) or more automobiles are parked on a driveway or in any other location on a parcel, lined up behind one another. [Source: 2020-243]

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. [Source: 2020-243]

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 **as** defined **by Government Code Section 66313(j)** ~~as a pathway that is unobstructed clear to the sky and extends from a street to one (1) entrance of an accessory dwelling unit~~. [Source: 2020-243]

K. Fire Sprinklers. Fire sprinklers shall be required if required for the primary residence. [Source: 2020-243]

L. **Demolition Permit. A demolition permit for a detached garage that will be replaced with an accessory dwelling unit shall be reviewed and issued with the building permit for the accessory dwelling unit.**

M. ADUs 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~~ Unpermitted Units.

This chapter shall not validate any existing ~~illegal~~ **unpermitted** accessory dwelling unit. The standards and requirements for the conversion of an ~~illegal~~ **unpermitted** accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit **except as provided for by Government Code Section 66311.7**. [Source: 2020-243]

17.82.070 Termination of Use

An accessory dwelling unit created under this chapter shall be maintained with the provisions of this Chapter and shall not be destroyed or otherwise converted to any other use, including reverting to a portion of the primary residence, except with the approval of the Director. In considering such requests, the Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the Town's housing supply. As a condition of termination, the Director shall require the owner to pay the applicable impact fees and to make modifications to the property to: 1) comply with current building and fire code requirements; and 2) comply with current development standards in effect at the time of the request to terminate the use of the accessory dwelling unit.

17.84.080 Appeals

Consistent with Government Code Section 66317, the appeal process for Department decisions on the completeness or denial of a building permit application for an accessory dwelling unit shall be as established in Zoning Code Section 17.52.020 (Authority for Land Use Decisions).

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~~**66339.5**, 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 chapter to override lawful use restrictions as set forth in Conditions, Covenants, and Restrictions. [Source: 2020-343]

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. [Source: 2020-343]

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). [Source: 2020-343]

17.84.030 Density.

As provided by Government Code Sections 6633**3**~~7~~ ~~and 66338~~ **through 66339.5**, junior accessory dwelling units are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan. [Source: 2020-343]

17.84.040 General Requirements.

A junior accessory dwelling unit: [Source: 2020-343]

A. Shall only be allowed on parcels zoned for single-unit dwellings and that include an existing or proposed single-unit dwelling. [Source: 2020-343]

B. Is limited to one (1) per parcel. [Source: 2020-343]

C. Is not subject to the density requirements of the General Plan but shall otherwise be consistent with the General Plan text and diagrams. [Source: 2020-343]

~~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.~~

D. Is not required to be rented, but when rented shall be rented for a term of more than 30 days.

17.84.050 Location.

A junior accessory dwelling unit shall be allowed in the following locations: [Source: 2020-343]

A. Within a Single-Unit Dwelling. Within the walls of an existing single-unit dwelling, including an attached garage, or proposed single-unit dwelling. [Source: 2020-343]

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 eight hundred (800) square feet, regardless of the number of bedrooms. [Source: 2020-343]

17.84.060 Application Processing Procedures.

An application **for a permit** for a junior accessory dwelling unit **shall be subject to ministerial review through the Town's** ~~that complies with all applicable requirements of this section shall be approved ministerially through the~~ Building Permit process **and subject to the timelines and requirements of Government Code Section 66335**.

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 sixty (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 the **timeline stipulated by** sixty (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 sixty-day period. [Source: 2020-343]~~

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 five hundred (500) square feet in area **interior livable space**. [Source: 2020-343]

B. ~~Location. A junior accessory dwelling unit shall be contained entirely within the walls of an existing or proposed single-unit dwelling [Source: 2020-343]~~

C. ~~Number Per Parcel. A maximum of one (1) junior accessory dwelling unit shall be permitted on any parcel. [Source: 2020-343]~~

D. Kitchen. The junior accessory dwelling unit shall contain an efficiency kitchen, which shall include **the following**: **sink, food preparation counter, refrigerator, cooking facility, and storage cabinets of reasonable size in relation to the size of the junior accessory dwelling unit. The efficiency kitchen shall be removed when the junior accessory dwelling unit use ceases.**

~~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. [Source: 2020-343]~~

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. [Source: 2020-343] If the bathroom facility is shared, an interior entry into the main living area of the single-unit dwelling shall be provided**, and may include a second interior doorway for noise attenuation**.

G. **Occupancy. If the junior accessory dwelling unit shares sanitation facilities with the single-unit dwelling, owner occupancy is required. The owner may reside in the newly created junior accessory dwelling unit or the remaining portion of the primary dwelling.**

H. 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. [Source: 2020-343]

I. Parking. Off-street parking shall not be required for a junior accessory dwelling unit. [Source: 2020343]

J. **Utilities. For the purposes of providing water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.**

K. **Fire Sprinklers. Fire sprinklers are not required for the junior accessory dwelling if they are not required for the primary dwelling.**

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 **shall run with the land and be binding on any successor in ownership of the property and shall include both of the following:** ~~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~~: [Source: 2020-343]

A. **A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-unit dwelling, including a statement that the deed restriction may be enforced against future purchasers** ~~The junior accessory dwelling unit shall not be sold separately from the single-unit residence~~; [Source: 2020-343]

B. **A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this Chapter.** ~~The junior accessory dwelling unit shall comply with all the standards included in this section;~~ and [Source: 2020-343]

~~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. [Source: 2020-343]~~

17.84.0800 Unpermitted Units.

This chapter shall not validate any existing unpermitted junior accessory dwelling unit. The standards and requirements for the conversion of an unpermitted junior accessory unit to a legal conforming unit shall be the same as for a new accessory dwelling unit except as provided for by Government Code Section 66311.7.

17.84.090 Termination of Use

A junior accessory dwelling unit created under this chapter shall be maintained with the provisions of this Chapter and shall not be destroyed or otherwise converted to any other use, including reverting to a portion of the primary residence, except with the approval of the Director. In considering such requests, the Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the Town's housing supply. As a condition of termination, the Director shall require the owner to pay the applicable impact fees and to make modifications to the property to: 1) comply with current building code requirements; and 2) comply with current development standards in effect at the time of the request to terminate the use of the junior accessory dwelling unit.

17.84.100 Appeals

Consistent with Government Code Section 66317, the appeal process for Department decisions on the completeness of a building permit application for a junior accessory dwelling unit and for the denial of a building permit application for a junior accessory dwelling unit building permit shall be as established in Zoning Code Section 17.52.020 (Authority for Land Use Decisions).

Chapter 17.110. - Definitions

17.110.020 "A" Definitions.

Accessory Dwelling Unit.

1. *Accessory Dwelling Unit (ADU).* An attached or detached **residential** dwelling unit that provides complete independent living facilities **for one or more persons and is located** on the same parcel as a**n existing or proposed** legal single-unit or multi-unit dwelling**, that includes**~~ing~~ permanent provisions for living, sleeping, eating, cooking and sanitation. See Chapter 17.82 (Accessory Dwelling Unit). [Source: Existing definition, modified]

2. *Junior Accessory Dwelling Unit (JADU).* A dwelling unit not exceeding five hundred (500) square feet **of interior living space** in size and contained entirely within an existing legally established single-unit **dwelling** ~~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). [Source: Existing definition, modified]

Accessory Structure.

1. **Accessory Structure. For the purposes of accessory dwelling units, an accessory structure shall be as defined in Government Code Section 66313(b).**

2. 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. [Source: Existing definition, modified]

3. Accessory Structure, Nonresidential. A structure that is physically detached from, secondary and incidental to, and commonly associated with a nonresidential use or structure. Nonresidential accessory structures shall not change or alter the character of the nonresidential use or structure. Illustrative examples of nonresidential accessory structures include storage sheds and open-air structures. [Source: NEW]

4. 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 17.40.030 (Residential Accessory Structures and Uses). For accessory dwelling unit, see "Accessory Dwelling Unit (ADU)." [Source: NEW]

17.11.070 – “F” Definitions

Family. One or more persons, whether or not related by blood, marriage or adoption, jointly occupying a dwelling unit in a living arrangement characterized by the sharing of common living areas, including areas and facilities for food preparation.

17.11.130 – “L” Definitions

Livable Space. As defined by Government Code Section 66313(e).

Living Area. As defined by Government Code Section 66313(f).

17.110.170 - "P" Definitions

Park and Ride Facility. A designated public area where vehicles may be left to ride public transit or carpool with other commuters. [Source: NEW]

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." [Source: Existing definition, modified]**

Parks and Playgrounds. See "Public or Quasi-Public Use."

Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleumbased 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. [Source: Existing definition]

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. [Source: Existing definition modified]

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. [Source: Existing definition]

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. [Source: Existing definition]

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: [Source: Existing definition, modified]

- 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 17.40.210 (Personal Service, Restricted). Illustrative examples include: [Source: Existing definition, modified]

- 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. [Source: NEW]

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." [Source: Existing definition]

Plant Nurseries and Garden Supply Store. See "Retail Sales, Nursery and Garden Supply." [Source: NEW]

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." [Source NEW]

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. [Source: 17.34.090.A, modified]

Preservation. The acquisition, identification, protection, rehabilitation, restoration, or study of historic landmarks. [Source: Existing definition]

Primary Caregiver. A "primary caregiver" as defined in Health and Safety Code Section 11362.7, as amended. [Source: Existing definition]

Private Residence. A house, an apartment unit, a mobile home, or other similar dwelling unit. [Source: Existing definition]

Primary Structure. A structure that accommodates the primary use of the site. [Source: Existing definition]

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. [Source: Existing definition modified]

~~*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." [Source: Existing definition, modified]~~

17.110.200 “S” Definitions.

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.~~ **As defined by Government Code Section 65650.** Supportive housing units are subject to the privileges and restrictions set forth in Government Code Section 65651.

17.110.210 "T" Definitions.

Transitional Housing. As defined by California Health and Safey Code Section 50801(i). ~~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.

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. [Source: Existing definition]

17.110.240 "W" Definitions.

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 **wine** ~~spirits~~ are allowed accessory uses to a **winery** ~~distillery~~, including tasting and accessory retail sales of **wine** ~~spirits~~ produced on site. [Source: NEW]

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. [Source: 17.40.020, modified]

Table 17.52-01
Review Authority

Type of Decision	Role of Review Authority[1]		
	Director	Commission	Council
Administrative and Amendments			
ADU and JADU Appeal	**Decision[2][4][5]**	-	-
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
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.

(5) The decision of the Administrative Hearing Officer is final and and may not be appealed to the Planning Commission or Town Council.

17.80.060 Housing with Childcare and Community Healthcare Facilities.

A. Housing Developments Childcare Facilities **or Community Healthcare 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. [Source: 17.22.035.A, modified]

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 (1) or more of the following: [Source: NEW]

   a. An additional ten (10) percent density bonus in addition to what the project would normally qualify as established in State law and this Zoning Code. [Source: NEW]

   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 [Source: 17.22.035.A.1, modified]

   c. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility or community healthcare facility. [Source: 17.22.035.A.2, modified]

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~~ **or** community healthcare facilities. [Source: 17.22.035.C, modified]

B. Commercial Developments Childcare and Community Healthcare Facilities. An applicant for a commercial development project, containing at least fifty thousand (50,000) square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least two thousand (2,000) square feet of interior floor area and three thousand (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). [Source: NEW]

C. **For the purposes of this Section, a Community Healthcare Facility shall be defined as: A facility primarily providing outpatient medical, mental health, minor surgical, and other similar personal health services, that meets the definition of a Federally Qualified Healthcare Center or another nonprofit provider as approved by the Review Authority.**

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: [Source: 17.23.040, modified]

A. For Renters. For renters, **the affordable income categories shall be the most recent established by the California Department of Housing and Community Development (HCD) and shall include the housing costs identified by HCD** ~~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)~~. [Source: 17.23.040, modified]

~~**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, **the affordable income categories shall be the most recent established by the California Department of Housing and Community Development (HCD) and shall include the housing costs identified by HCD** ~~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)~~. [Source: 17.23.040, modified]

~~**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.~~

C. Exceptions. To accommodate alternative affordability terms required by State or federal funding or compliance with regulations applicable to the development of affordable housing, alternative affordable income

categories may be approved by the Director for a specific project, based on the specific funding sources for the project, and other criteria acceptable to the Director or Town Manager.

17.98.070 Affordable Housing Regulatory Agreement and 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 forty-five (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 forty-five (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 forty-five (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. [Source: 17.23.070.A]

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. [Source: 17.23.070.A.1]

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. [Source: 17.23.070.A.2]

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. [Source: 17.42.040.A, modified]

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. [Source: 17.42.040.B, modified]

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. [Source: 17.42.040.C, modified]

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. [Source: 17.42.040.C.2]

B. Emergency Facilities. Emergency public health and safety needs/activities. [Source: 17.42.040.C.3]

C. Public Property. Activities conducted on public property that are approved by the Council. [Source: 17.42.040.C.4]

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 twelve (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. [Source: 17.42.040.D, modified]

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. [Source: 17.42.040.D.2]

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 (7) consecutive days, or six (6) two-day weekends, within a twelve-month period when conducted on nonresidential properties. [Source: 17.42.040.D.3]

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 twelve (12) months. Any unmanned aerial vehicle (i.e., drone) filming shall be subject to the requirements of the FAA and emergency response agencies. [Source: 17.42.040.D.4]

D. Outdoor Displays and Sales. The temporary outdoor display and sales of merchandise, in compliance with Section 17.34.140 (Outdoor Display and Sales) when conducted on nonresidential properties. [Source: 17.42.040.D.5]

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 thirty (30) days. [Source: 17.42.040.D.6]

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 twenty-four (24) months from the date of approval of the Building Permit for the project. The Director may approve a maximum of one (1) twelve-month extension. For phased projects, these requirements apply to each phase. [Source: 17.42.040.D.7, modified]

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 twelve (12) months, or upon expiration of the Building Permit, whichever first occurs. The following criteria pertain to a temporary residence under this section. [Source: 17.42.040.D.8, modified]

1. The temporary residence shall not be larger than four hundred (400) square feet. [Source: 17.42.040.D.8.a]
2. Shall not be located within a front setback. [Source: 17.42.040.D.8.b]
3. Shall be located a minimum of five (5) feet from a rear or side property line and not beyond the front facade of the primary residence. [Source: 17.42.040.D.8.c]
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. [Source: 17.42.040.D.8.d]
5. Any proposed deviation from this subsection may be considered through the Minor Use Permit process. [Source: 17.42.040.D.8.e]

H. Temporary Construction Trailer. A temporary construction trailer associated with a development project may be approved for a maximum of twelve (12) months from the date of the approval of the temporary use permit. When construction of the development project is ongoing and the building permit for the project remains in effect, the Director may extend the expiration date of the temporary use permit to coincide with the expiration of the building permit for the development project.

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 twelve (12) months from the date of approval, as an accessory use or as the first phase of a development project. [Source: 17.42.040.D.9]

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: [Source: 17.42.040.D.10]

1. During construction or remodeling of a permanent commercial or manufacturing structure for a maximum of twelve (12) months, or upon expiration of the Building Permit, whichever first occurs; or [Source: 17.42.040.D.10.a]
2. Upon demonstration by the applicant that the temporary work site is a short-term necessity for a maximum of twelve (12) months, while a permanent work site is being obtained. [Source: NEW]

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. [Source: 17.42.040.D.11, modified]

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: [Source: 17.42.040.F]

A. Floor area, height, landscaping, off-street parking, setbacks, signs, and other structure and property development features; [Source: 17.42.040.F.1]

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 [Source: 17.42.040.F.2]

C. Limitation on the duration of approved "temporary structures," to a maximum of twelve (12) months, with a maximum of one (1) twelve-month extension, so that they shall not become permanent or long-term structures. [Source: 17.42.040.F.3, modified]

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. [Source: 17.42.040.G, modified]

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. [Source: 17.42.040.H, modified]

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. [Source: 17.42.040.H.1, modified]

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 thirty (30) days following the expiration of the Temporary Use Permit. [Source: 17.42.040.H.2, modified}

17.22.030 Tree Preservation and Protection.

1. New Commercial and/or Residential (two (2) 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: [Source: 17.36.061.A]

        i. All protected trees, determined by the project arborist to be in good **(Rating 4)** or excellent health **(Rating 5)**, and/or with moderate **(Rating 3)** to good structure **(Rating 4)**, shall be replaced on a one-to-one trunk diameter basis (i.e., a twenty-four-inch protected tree in good or excellent condition must be replaced with new trees totaling twenty-four (24) inches in trunk diameters). **Protected trees consistent with these ratings require 100-percent mitigation.** [Source: 17.36.061.A, modified]

        ii. All protected trees, determined by the project arborist to have fair **(Rating 3)** or marginal **(Rating 2)** health, and/or with marginal structure **(Rating 2)**, shall be replaced on a two-to-one trunk diameter basis (i.e., a twenty-four-inch protected tree in fair-to-marginal condition must be replaced with new trees totaling twelve (12) inches in trunk diameter). [Source: 17.36.061.A, modified] **Protected trees consistent with these ratings require 50-percent mitigation.**

        iii. All protected trees, determined by the project arborist to have poor **(Rating 1)** health or poor structure, are not required to be replaced. [Source: 17.36.061.A] **Protected trees consistent with this rating require no mitigation.**

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: [Source: 17.30.090]

A. Number of Driveways. A maximum of two (2) driveways shall be allowed for each multi-unit dwelling and nonresidential parcel of two (2) 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 (1) driveway, while circular driveways may be permitted on parcels with seventy (70) feet or more of street frontage. When a property has access to more than one (1) street, access shall generally be limited to the lowest volume street to minimize the impact of new access. [Source: 17.30.090.A, modified]

B. Distance from Street Corners. Driveways shall be located as follows: [Source: 17.30.090.B, modified]

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

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

    b. Seventy-five (75) feet from the beginning of the curb return on a crosstown street.

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

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

    b. Seventy-five (75) feet from the beginning of the curb return on a crosstown street.

3. Exception to Standards. Design exceptions may be approved **by the Town Engineer based on site geometry, site location, sight distance, or similar physical or locational constraints or to improve operational safety**.

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

Standard ~~Residential~~ Multi-Family and Nonresidential 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.

17.52.070 Notice of Application.

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 three hundred (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; ~~[Source: Town staff draft language]~~
    b. The project requires a public hearing; and ~~[Source: Town staff draft language]~~
    c. The project is located in or adjacent to a residential or mixed-use development or zoning district. ~~[Source: Town staff draft language]~~
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. ~~[Source: Town staff draft language, modified]~~
    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. ~~[Source: Town staff draft language]~~
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. ~~[Source: Town staff draft language, modified]~~

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. [Source: Town staff draft language]

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 Subparagraph 3 (Director's Right to Require), above. ~~[Source: Town staff draft language]~~
    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. ~~[Source: Town staff draft language]~~
    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. ~~[Source: Town staff draft language]~~
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. [Source: Town staff draft language]

2. On-Site Posting. The applicant shall install a sign on the subject property in a place conspicuous to the public, at least ten (10) days before the scheduled neighborhood meeting, as indicated in Chapter 17.78 (Public Notices and Hearings). ~~[Source: Town staff draft language]~~

3. Official Posting. The Town shall post notices in at least one (1) public place within the Town boundary as specified by the Director. ~~[Source: Town staff draft language]~~

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. ~~[Source: Town staff draft language]~~

5. Electronic Notice. Notice shall be emailed to the Department's electronic distribution list for Town public notices. ~~[Source: Town staff draft language]~~

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. ~~[Source: Town staff draft language]~~

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. [Source: Town staff draft language, modified]

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: ~~[Source: Town staff draft language]~~

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. ~~[Source: Town staff draft language]~~

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. ~~[Source: Town staff draft language]~~