

ORDINANCE NO. 2008-237
ORDINANCE OF THE TOWN OF WINDSOR
AMENDING SECTION 27.34.130 OF THE ZONING CODE
(NEIGHBORHOOD MARKETS) PERTAINING TO SALE OF ALCOHOLIC
BEVERAGES
(FILE NO. ZC 08-09)

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

SECTION 1. Recitals

- A. A comprehensive revision to the Town of Windsor Zoning Ordinance was adopted in July 2000.
- B. The current modifications were initiated by the Planning Commission to consider consistent treatment of retail businesses within the Town's commercially zoned districts.
- C. The Planning Commission conducted a noticed public hearing on the proposed Zoning Ordinance modifications on April 8, 2008 and forwarded their recommendation to the Town Council in Resolution No. 541-08.
- D. The Town Council conducted a noticed public hearing on the proposed Zoning Ordinance modifications on May 21, 2008.
- E. The Town Council previously adopted a Negative Declaration for the Zoning Ordinance revision on June 21, 2000, finding that the Windsor General Plan EIR adequately reviewed potential environmental issues, and because the Zoning Ordinance is consistent with the General Plan, no additional significant impacts would occur as a result of the adoption of Zoning Ordinance and map. The proposed minor changes to the Zoning Ordinance serve to clarify allowable uses currently provided for in various zoning districts. There is no evidence that the additions to the Zoning Ordinance would result in any impacts that were not addressed in the General Plan EIR.

SECTION 2. Findings

- A. Current code provisions permit off-sale of alcoholic beverages (all types) as a permitted use in all commercial districts. However, neighborhood markets are currently restricted to sale of beer and wine only.
- B. Removing the restriction on neighborhood markets to sale of beer and wine only (and thereby permitting sale of alcoholic beverages of all types) would result in more equitable treatment of commercial retail establishments within the Town.
- C. The proposed zoning amendment is consistent with the goals, policies and objectives of the Town of Windsor General Plan – 2015.
- D. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.

- E. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

SECTION 3. Amendment

- A. Section 27.34.130 Neighborhood Markets, Subsection “A” would be revised to read as follows:

“A. **Limitations on Use.** Neighborhood Markets shall be subject to the following limitations:

1. Hours of Operation: 7 a.m. to 9 p.m. daily.

2. Products Sold: ~~Products sold shall not include alcoholic beverages other than beer and wine.”~~

SECTION 4. Severability

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

SECTION 5. Effective Date.

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

SECTION 6. Posting

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

PASSED, APPROVED, AND ADOPTED this 4th day of June 2008 by the following vote:

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



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK