

ORDINANCE NO. 2008-241

**AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING
THE TOWN'S ZONING ORDINANCE CHAPTER 27.06,
SECTION 27.06.040 B.6 –SMALL, PORTABLE RESIDENTIAL ACCESSORY
STRUCTURES, CHAPTER 27.34, SECTION 27.334.170 – RESIDENTIAL
ACCESSORY USES AND STRUCTURES, AND CHAPTER 27.60,
SECTION 27.60.020 DEFINITIONS/GLOSSARY**

WHEREAS, a comprehensive revision to the Town of Windsor Zoning Ordinance was adopted in July 2000; and

WHEREAS, the current modifications were initiated to clarify areas of the code for day-to-day operations and to provide more consistent criteria for reviewing and approving accessory structures; and

WHEREAS, the Planning Commission conducted a noticed public hearing on the proposed Zoning Ordinance modifications on May 13, 2008 and forwarded their recommendation to the Town Council in Resolution No. 548-08; and

WHEREAS, the Town Council conducted a noticed public hearing on the proposed Zoning Ordinance modifications on July 2, 2008; and

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

WHEREAS, at a duly noticed public hearing and public meeting, in accordance with California Government Code Section 65856, on July 2, 2008 the Town Council, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Council considered all the facts relating to the proposed amendments to the Town of Windsor Zoning Code.

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

SECTION 1. The above recitations are true and correct.

SECTION 2. Findings.

The Town Council finds that:

1. The proposed amendments are consistent with the General Plan.
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.
3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance.

SECTION 3. Section 27.06.040(B)(6), "Exemptions from Land Use Permit Requirements," of the Town of Windsor's Zoning Ordinance is hereby repealed in its entirety and a new Section 27.06.040(B)(6) is hereby added to read as follows:

6. Small, portable residential accessory structures. A single portable structure per lot or unit, including pre-manufactured storage sheds, small play structures/houses and other small structures in residential zoning districts that are exempt from Building Permit requirements in compliance with the Town Code and the Uniform Building Code. Structures under this section are subject to the setback requirements in Section 27.34.170.

SECTION 4. Section 27.34.170, "Residential Accessory Uses and Structures," of the Town of Windsor's Zoning Ordinance is hereby repealed in its entirety and a new Section 27.34.170 is hereby added to read as follows:

27.34.170 - Residential Accessory Uses and Structures

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

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

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

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

1. Setbacks. Accessory structures shall not be located within a required front yard setback, shall maintain side and rear yard setbacks of at least five feet, (corner lot side yard setbacks shall comply with the minimum setback for the zoning district) and shall maintain a six-foot separation or minimum separation allowed by the Building Code, whichever is greater from other accessory structures and the main dwelling unit.

2. Height limitations. The height of an accessory structure shall not exceed 15 feet. In no case shall the accessory structure height exceed the height of the primary structure..

3. Coverage and size limitations. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district. Aggregate coverage of all accessory structures shall not exceed a total of 840 square feet. The total square footage may be a single structure of 840 square feet or multiple structures totaling 840 square feet. When multiple accessory structures are placed on a parcel the minimum separation allowed by the Building Code shall be maintained. Structures shall be required to meet minimum rear and side yard setbacks in Section D.1.above.

A single portable structure per lot or unit, including pre-manufactured storage sheds, and other small similar structures, which do not require a Building Permit are subject to regulations under Section 27.06.040 and shall comply with the minimum side and rear yard setback requirements in Section D.1.above. The maximum site coverage for all structures on a parcel shall comply with the requirements of the applicable zoning district.

4. Attached Open-sided patio covers. Detached free standing patio covers are subject to all requirements in this section. Patio covers that are attached to the main dwelling, and open on at least three sides, are permitted subject to the limitations of Subsections D.1-D.3 above. Attached enclosed patio covers are subject to the same regulations as the primary structure.

5. Detached Garages. Single story detached garages shall not exceed 840 square feet. Detached garages are subject to the minimum rear and side yard setbacks in D.1., height limitations in Section D.2, and architectural compatibility in D.6. Detached garages with a second unit above are subject to the regulations in Section 27.34.180.

6. Architectural Compatibility. Structures that require a building permit shall have the similar architecture as the primary structure (colors, siding, roof materials and pitch, windows, doors, etc.).

7. Minor Use Permit. Requests to exceed or deviate from the minimum height and/or square footage requirements in the above sections are subject to the Minor Use Permit process, prior to building permit.

8. Deed Restrictions. At the discretion of the Planning Director, a deed restriction may be required for accessory structures. The deed shall be filed and recorded with the County Recorder, prior to issuance of a building permit. The deed restriction shall identify the use of the structure at the time of issuance of the building permit.

SECTION 5. Section 27.60.020(A), "Accessory Structure," of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.60.020(A), "Accessory Structure" and to add a new definition of "Accessory Structure" to read as follows:

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

SECTION 6. Section 27.60.020(A), "Accessory Use," of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.60.020(A), "Accessory Use" and to add a new definition of "Accessory Use" to read as follows:

Accessory Use. A use customarily incidental to, related, and clearly subordinate to a principal use established on the same parcel, which does not alter the principal use nor serve property other than the parcel where the principal use is located.

SECTION 7. California Environmental Quality Act ("CEQA").

The Town Council finds that this Ordinance is no subject to the California Environmental Quality Act ("CEQA") because the Ordinance is not a "project" within the meaning of Section 15378 of the state CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) for it has no potential for resulting in physical change in the environment, directly or ultimately, the Ordinance is categorically exempt from CEQA under Section 15308 as a regulatory action taken by the City pursuant to its police power authorized in Article XI, Section 7 of the California Constitution to assure the health, safety, and welfare of the City, and the Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, either directly or indirectly.

SECTION 8. Statutory Severability.

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

SECTION 9. Effective Date and Publication.

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

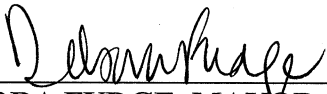
PASSED, APPROVED, AND ADOPTED this 6th day of August 2008, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, PARKER, SALMON AND
MAYOR FUDGE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK