

**ORDINANCE NO. 2012-274**

**AN ORDINANCE OF THE TOWN OF WINDSOR  
AMENDING THE TOWN'S ZONING ORDINANCE  
CHAPTER 27.20 – GENERAL DEVELOPMENT AND USE STANDARDS,  
SECTION 27.20.030F.4. CONSTRUCTION HOURS ALLOWED AND REPEAL  
SECTION 27.20.030F.4 TABLE 3-2 ALLOWABLE HOURS OF CONSTRUCTION**

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

**WHEREAS**, the current modifications are initiated to provide consistency between the Municipal Code of Windsor and the Zoning Ordinance; and

**WHEREAS**, the Planning Commission conducted a noticed public hearing on the proposed Zoning Ordinance amendment on January 10, 2012 and forwarded their recommendation to the Town Council in Resolution No. 599-12; and

**WHEREAS**, the Town Council conducted a noticed public hearing on the proposed Zoning Ordinance amendments on February 15, 2012; 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 provide consistency between the Municipal Code of Windsor and the Zoning Ordinance. There is no evidence that the amendments 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 February 15, 2012 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. The General Plan includes policies that establish noise and land use compatibility regulations including restrictions on construction activity that allows construction to be conducted in an efficient manner while protecting the noise environment of surrounding land uses.
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town. The intent of the amendment is to minimize noise impacts and disturbances to adjoining uses, while allowing construction to continue in an efficient manner.
3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance. The purpose of the amendment is ensure that provisions within the Ordinance are consistent with all code provisions related to noise impacts and minimizing disturbances related to construction activity.

**SECTION 3.** Section 27.20.030.040F.4. "Construction hours allowed" of the Town of Windsor's Zoning Ordinance is hereby amended to read as follows:

4. **Construction hours allowed.** In order to allow construction schedules to take advantage of the weather, normal day light hours, to allow construction to proceed in an efficient manner, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the Town has adopted, in the Municipal Code of the Town of Windsor, Title VII Building and Housing Section 7-1-190 which establishes construction working hours related to the days and hours in which construction activity can occur. In addition, the Municipal Code has established procedures for seeking relief from the restrictions. Construction hours and days and any relief sought shall comply with the Municipal Code of the Town of Windsor.

**SECTION 4.** Section 27.20-0030F.4 "Construction hours allowed" of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.20-.030F.4 Table 3-2; and

## **SECTION 5. California Environmental Quality Act ("CEQA").**

The Town Council finds that this Ordinance is not 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 15061(b)(3) 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 6. Statutory Severability.**

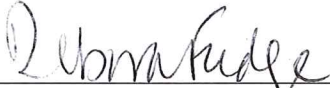
If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council 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 7. Effective Date and Publication.**

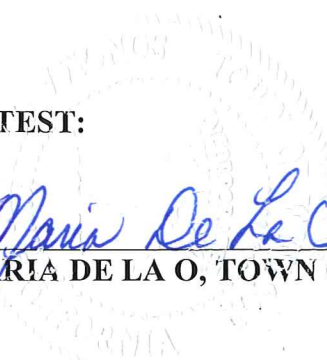

This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulations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

**PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day of March 2012, by the following vote:**

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

  
\_\_\_\_\_  
**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
  
\_\_\_\_\_  
**MARIA DE LA O, TOWN CLERK**