

ORDINANCE NO. 2012-276

ORDINANCE OF THE TOWN OF WINDSOR AMENDING THE TOWN'S GROWTH CONTROL ORDINANCE BY REPEALING WINDSOR MUNICIPAL CODE SECTION 16-4-125 AND ADDING NEW SECTION 16-4-125, EXEMPTIONS AND WAIVERS

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

SECTION 1. Recitals.

1. A comprehensive revision to the Town of Windsor Growth Control Ordinance was adopted in October 2000.
2. A modification is proposed to the Ordinance to amend the section on Priority Development Area Waivers.
3. A modification is proposed to the Ordinance to amend and clarify the establishment of priority development areas as an incentive to focus growth.
4. A modification is proposed to remove references to the Downtown Plan Area due to the adoption of the Windsor Station Area/Downtown Specific Plan in January 2012, which superseded the Downtown Plan.
5. The Town Council conducted a noticed public hearing on the proposed Ordinance modification on November 7, 2012.
6. The Town Council determines that the text amendment is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15305, "Minor Alterations to Land Use Limitations," because the amendment does not change density or allowed land uses, but merely adjusts the method by which waivers or exemptions to the requirement of Annual Residential Growth Allocations are considered.

SECTION 2. Findings.

1. The proposed amendment is consistent with the General Plan. *The amendment is consistent with the General Plan policies for establishing priority development of areas within the Town, consideration of proximity to existing urban development, and consideration of the availability of public services and utilities.*
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town of Windsor. *The amendment will not be detrimental because it supports the Growth Control Ordinance, which regulates development in a manner that increases transit access, enhances the public realm with community opportunities, increased walking access, and a broader array of uses and amenities.*

3. The proposed amendment is internally consistent with other applicable provisions of the Growth Control Ordinance. *The amendment is consistent with the provisions of the Growth Control Ordinance in that it allows the City Council by resolution to set priorities for residential development within the framework of the Growth Control ordinance, and provides development opportunities that encourage the use of alternative modes of transportation and provides opportunities within reasonable walking distance.*

SECTION 3. Repeal of Section 16-4-125.

Section 16-4-125 of Title XVI, Chapter 4 of the Windsor Municipal Code, the Town's Growth Control Ordinance, is hereby repealed in its entirety, effective 30 days after the effective date of this ordinance, in accordance with Section 6 of this Ordinance and applicable law.

SECTION 4. New Section 16-4-125 Adopted.

New Section 16-4-125 is hereby added to Title XVI, Chapter 4 of the Windsor Municipal Code, the Town's Growth Control Ordinance, to read in full as follows:

16-4-125 – Exemptions and Waivers.

The following types of residential units are exempted or waived from certain provisions of this chapter as follows:

- a. Exemptions. The following types of units shall not be required to obtain reserved growth control allocations.
 1. Special Needs Housing
 - (a) Second dwelling units.
 - (b) Very Low/Low/Moderate Income Units. The Town Council may, by resolution, establish a maximum number of moderate income units to be waived in any one year.
 2. Previously Approved Projects. Residential units in subdivision projects with tentative map approval and/or recorded Parcel or Final Map, or with reserved allocations, prior to the effective date of this chapter. This exemption shall be valid for as long as the tentative map is valid.
 3. Single Unit. A single residential unit on a legal lot of record. Provided that no discretionary approval is required, and the unit is not included within an approved subdivision (tentative/final map), and there are no other residential units on the lot. This exemption includes a single caretaker/residential unit for a non-residential project.
- b. Waivers. The Town Council may waive certain provisions of this chapter for residential units in Priority Development Areas, and in small new residential developments.
 1. Priority Development Areas. The Town Council may, by resolution, establish

priority development areas as an incentive to focus growth in those areas and where developers may request a waiver of certain provisions of this Chapter.

2. Projects of Four New Residential Units or Less. The Town Council may, by resolution, establish a pre-determined quantity of allocations for small projects of four new residential units or less as an incentive for infill residential development.
3. Waiver Application and Process. The Town Council shall, by resolution, establish a Waiver process, including a Waiver Application, criteria for qualifying for a Waiver, and Town Council action on the Waiver Application.

SECTION 5. 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 6. Effective Date.


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

SECTION 7. 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 5th day of December 2012, by vote as follows:

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



ROBIN GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK