
Article 1
Zoning Ordinance Applicability

CHAPTER 27.01 - PURPOSE AND APPLICABILITY OF ZONING ORDINANCE

27.01.010 - Purpose of Zoning Ordinance

The Town of Windsor Zoning Ordinance carries out the policies of the Windsor General Plan by classifying and regulating the uses of land and structures within the Town, consistent with the General Plan. This Zoning Ordinance is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Town. More specifically, the purposes of this Zoning Ordinance are to:

- A. Provide standards and guidelines for the orderly growth and development of the Town that will assist in protecting the rural characteristics and community identity of Windsor;
- B. Conserve and protect the Town's natural beauty and setting, including the rolling hills and oak trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;
- D. Minimize automobile congestion by promoting pedestrian oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and
- E. Ensure compatibility between residential and commercial development and land uses.

27.01.020 - Authority

This Zoning Ordinance is enacted based on the authority vested in the Town of Windsor by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

27.01.030 - Responsibility for Administration

This Zoning Ordinance shall be administered by: the Windsor Town Council, hereafter referred to as the "Council"; the Planning Commission, referred to as the "Commission"; the Town Planning Director, referred to as the "Director"; and the Town Planning Department, hereafter referred to as the "Department."

27.01.040 - Applicability of the Zoning Ordinance

This Zoning Ordinance applies to all land uses, subdivisions, and development within the Town of Windsor, as provided by this Section.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 27.06.020 (General Requirements for Development and New Land Uses), and Chapter 27.50 (Nonconforming Uses, Structures, and Parcels).
- B. Subdivisions.** Any subdivision of land proposed within the Town after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements of Article 2 (Zoning Districts and Allowable Land Uses), the subdivision requirements of the Town of Windsor Subdivision Ordinance, and all other applicable requirements of this Zoning Ordinance.
- C. Continuation of an existing land use.** An existing land use is lawful and not in violation of the this Zoning Ordinance only when operated and maintained in compliance with all applicable provisions of this Zoning Ordinance, including Chapter 27.50 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Ordinance or any applicable amendment.
- D. Effect of Zoning Ordinance changes on projects in progress.**

 - 1. A land use permit application that has been accepted by the Department as complete prior to the effective date of this Zoning Ordinance or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete.
 - 2. A project that is under construction on the effective date of this Zoning Ordinance or any amendment, need not be changed to satisfy any new or different requirements of this Zoning Ordinance, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
- E. Minimum requirements.** The provisions of this Zoning Ordinance shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Ordinance provides for discretion on the part of a Town official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Ordinance, as may be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Zoning Ordinance.

F. Conflicting requirements:

- 1. Zoning Ordinance and Town Code provisions.** If conflicts occur between requirements of this Zoning Ordinance, or between this Zoning Ordinance, the Town of Windsor Code, or other regulations of the Town, the most restrictive shall apply.
- 2. Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
- 3. Private agreements.** This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The Town shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

- G. Other requirements may apply.** Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the Town, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.

27.01.050 - Interpretations

- A. Authority.** The Director has the authority to interpret any provision of this Zoning Ordinance. Whenever the Director determines that the meaning or applicability of any Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.
- B. Language.** When used in this Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."
- C. Time limits.** Whenever a number of days is specified in this Zoning Ordinance, or in any permit, condition of approval, or notice provided in compliance with this Zoning Ordinance, the number of days shall be construed as calendar days. A time limit shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. Zoning Map boundaries.** See Section 27.04.020 (Zoning Map and Zoning Districts).

- E. Allowable uses of land.** See Section 27.06.030 (Allowable Land Uses and Permit Requirements).

- F. State law requirements.** Where this Zoning Ordinance references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.