

**ORDINANCE NO. 2021-349**

**AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING THE TEXT OF THE TOWN OF WINDSOR ZONING ORDINANCE TO INCREASE THE MAXIMUM BUILDING HEIGHT ALLOWED IN THE NEIGHBORHOOD CENTER COMMERCIAL (NC) ZONING DISTRICT FROM 35 TO 45 FEET**

**WHEREAS**, on April 4, 2018, the Town Council adopted a comprehensive update to the Town's General Plan (2040 General Plan) in conformance with the requirements of California Government Code section 65300 (Resolution No. 3448-18), in which the process included extensive community engagement, workshops, and public meetings; and

**WHEREAS**, the General Plan land use designation Neighborhood Center Mixed Use (NCMU) is implemented by the Zoning district Neighborhood Center Commercial (NC), both of which have a maximum residential density of 16 dwelling units per acre; and

**WHEREAS**, three-story structures are typically required to achieve a density of 16 units per acre; and

**WHEREAS**, it is difficult to design three-story mixed-use development within a height limit of 35 feet, when commercial space requirements and design features must be included, such as minimum ceiling heights of 12 feet for ground floor commercial space, gables and parapets walls; and

**WHEREAS**, the Town's other mixed-use zoning district (Community Commercial) has the same upper limit for residential density (16 du/ac), but has a maximum building height of 45 feet; and

**WHEREAS**, General Plan policies and the Town's Design Review process ensure the compatibility of mixed-use development projects with surrounding neighborhoods; and

**WHEREAS**, the Town strives to meet its Regional Housing Needs Allocation (RHNA) and the General Plan's goals for new housing; and

**WHEREAS**, the proposed Zoning Ordinance Text Amendment to increase the maximum building height in the Neighborhood Center Commercial zoning district from 35 feet to 45 feet is exempt from environmental review under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), the Common Sense exemption that CEQA applies only to projects that have the potential to cause a significant effect on the environment; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on April 13, 2021, at which it reviewed the proposed Zoning Ordinance Text Amendment for the Neighborhood Center Commercial zoning district; considered all public comments; and forwarded a resolution to the Town Council to approve the proposed Zoning Ordinance Text Amendment; and

**WHEREAS**, on May 5, 2021, the Town Council conducted a duly noticed public hearing on the proposed amendment at which time all interested persons had an opportunity to be heard.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.**

The above recitals are true and correct and adopted as findings.

**SECTION 2. Findings.**

The Town Council finds that:

- A. A duly noticed public hearing, in accordance with California Government Code Section 65856, regarding the proposed amendments to the Zoning Ordinance was held by the Town Council on May 5, 2021.
- B. The proposed amendment is consistent with the 2040 General Plan, allowing development to occur within the existing density range allowed by the Neighborhood Center Mixed Use General Plan land use designation. The proposed amendment is consistent with and implements Land Use Element Goal LU-2 (Residential Development) and Housing Element Goal H-1 (New Housing Development), including policies 1.2 and 1.4, which encourage a range of housing types for all economic segments of the community, and strive to ensure new housing is provided to meet the needs of the local workforce.
- C. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town in that increasing the maximum building height in the NC zoning district from 35 feet to 45 feet will allow development of multifamily residential dwelling units within the density range intended by the General Plan land use designation Neighborhood Commercial Mixed Use and within the NC zoning district. All multifamily housing projects are required to comply with local building codes and require a building permit; and require setbacks adequate for fire and life safety. Building to the higher end of the allowed density range will provide increased housing options in Windsor. Compatibility of high density mixed development in the NC zoning district and adjacent to lower density residential zoning districts is addressed in General Plan policies LU-1.7 (Compatible Design); LU-1.8 (Transitions in Scale); LU-1.9 (Coordinated Neighborhood Design); Policy LU-4.2 (Compatibility with Adjoining Uses); and Policy LU-4.3 (Integration Between Residential and Non-Residential Uses).
- D. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.
- E. The Town Council finds that this Ordinance is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the Common Sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The current density range for the NC zoning district will not be changed with the text amendment to allow additional height. The same number of units will be permitted, and the additional height should allow for better project design. There is no potential for the text amendment to cause significant environmental effects that were not already addressed in the General Plan Environmental Impact Report (EIR),

because 1) the density range will remain the same; 2) General Plan policies will ensure the compatibility of mixed use projects with surrounding neighborhoods; and 3) the Site Plan and Design Review process for entitlements and/or the future objective design standards for residential projects will address aesthetic issues with future development.

**SECTION 3. Amendment.**

Article 2 - Table 2.5 of the Town of Windsor Zoning Ordinance entitled “Commercial District General Development Standards” is hereby amended as follows (additions **bold and underlined**, deletions in ~~striketrough~~):

**27.10.040 - Commercial District General Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-5, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development and Performance Standards).

**TABLE 2-5  
COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS**

	Requirement by Zoning District		
	NC	CC	TC
<b>Minimum lot area (1)</b>	6,000 sq. ft.	2,000 sq. ft.	
<b>Setbacks</b>	<i>Minimum and maximum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.</i>		
Front – Minimum (2)	0 ft.	0-10 ft.*	None required.
Sides – Minimum	10 ft. adjacent to a residential zone; none otherwise.	5 ft. adjacent to a residential zone; none otherwise.	10 ft. adjacent to a residential zone; none otherwise.
Street side – Minimum	0 ft.	10 ft.	0 ft.
Rear – Minimum	10 ft. adjacent to a residential zone; none otherwise.	5 ft. adjacent to a residential zone; none otherwise.	10 ft. adjacent to a residential zone; none otherwise.
<b>Site coverage</b>	60%		No maximum.
<b>Height limit (3)</b>	35 <del>45</del> ft. maximum (4)	45 ft. maximum (4)	20 ft. minimum, 57 ft. maximum
<b>Landscaping</b>	As required by Chapter 27.28 (Landscaping)		
<b>Lighting</b>	As required by Section 27.20.030B		
<b>Parking</b>	As required by Chapter 27.30 (Parking and Loading)		
<b>Signs</b>	As required by Chapter 27.32 (Signs)		
<b>Maximum Block Perimeter (5)</b>	N/A		1600' or 2000' for blocks with structured parking

**Notes:** \* Revised 04/5/05, ORD. 2005-190

- (1) Minimum area for parcels proposed in new subdivisions. The review authority may allow smaller parcels in condominium-type subdivisions provided that the common ownership parcel complies with this minimum area requirement.
- (2) Refer to Table 3.1.3.b of the Town's Design Guidelines. (Revised 02/06/13, ORD 2013-277)
- (3) Maximum allowed height of structures. Exceptions may be allowed by Chapter 27.20 (General Property Development and Use Standards).
- (4) Two story structures are encouraged in these districts.
- (5) Block perimeter – the linear feet along the public street right-of-way. (Revised 08/3/05, ORD. 2005-192).
- (6) Properties within the boundaries of the adopted Windsor Station Area/Downtown Specific Plan are subject to additional design and development standards. Refer to the Windsor Station Area/Downtown Specific Plan for specific information. ((Revised 02/06/13, ORD 2013-277)

**TABLE 2-5  
COMMERCIAL DISTRICT GENERAL DEVELOPMENT STANDARDS**

	Requirement by Zoning District			
	SC	GC	BC (4)**	RC**
<b>Minimum lot area (1)</b>	10,000 sq. ft.		5,000 sq. ft.	
<b>Setbacks</b>	<i>Minimum and maximum setbacks required. See Chapter 27.20 for setback measurement, allowed projections into setbacks, and exceptions to setbacks.</i>			
Front – Minimum (2)	0-10 ft. (5)*		None required	
Front - Maximum	N/A		5 ft. – with up to 20% of façade setback 10 feet	
Sides (each)	15 ft. adjacent to a residential zone; none required otherwise.		None required.	
Street side			0 ft.	
Rear	10 ft.		0 ft.	
<b>Site coverage</b>	50% maximum		100% maximum	
<b>Height limit (3)</b>	45 ft. maximum (4)		2 story (5), 4 story maximum (6)	
<b>Landscaping</b>	As required by Chapter 27.28 (Landscaping) (8)			
<b>Lighting</b>	As required by Section 27.20.030B			
<b>Parking</b>	As required by Chapter 27.30 (Parking and Loading)		In rear of lot only.	
<b>Signs</b>	As required by Chapter 27.32 (Signs)			
<b>Maximum Block Perimeter (9)</b>	N/A		1600' or 2000' for blocks with structured parking	

**Notes:** \* Revised 04-05/05, ORD. 2005-190      \*\* Revised 08/3/05, ORD. 2005-192

- (1) Minimum area for parcels proposed in new subdivisions. The review authority may allow smaller parcels in condominium-type subdivisions provided that the common ownership parcel complies with this minimum area requirement.
- (2) Refer to Table 3.1.3.b of the Town's Design Guidelines. (Revised 02/06/13, Ord 2013-277)
- (3) Maximum allowed height of structures. Exceptions may be allowed by Chapter 27.20 (General Property Development and Use Standards).
- (4)\*\*Additional design criteria for Boulevard Mixed Use:
  - a) Maximum square footage per non-residential use: 8,000 square feet. An exception for a 20,000 sq. ft. tenant is allowed for major tenants provided that they furnish an operable and unlocked door during business hours to a street front liner store entry along Boulevards. This entry must connect directly to a larger part of the store that is hidden behind the "liner" stores. A continuous façade of liner stores are to be located on Shiloh Road and at least one other main cross street, to screen the interior use on at least two sides.
  - b) Minimum space between door openings on ground level: 35-50 feet.
  - c) Glazing for commercial first floor façade must be a minimum of 12 feet in height.
- (5)\*\*The first floor façade must be a minimum of 12 feet in height.
- (6)\*\*Building height shall be limited to a maximum of two stories for all structures located within 150 feet of the Old Redwood Highway/Shiloh Road intersection in the CB Zoning District; buildings shall be a maximum height of 2-3 stories from 150 to 300 feet from the Old Redwood Highway/Shiloh Road intersection in the CB Zoning District.
- (7)\*\*In addition, buildings and site improvements shall be designed pursuant to any applicable area plan principles and guidelines.

- (8)\*\*Structural soil per the Town of Windsor’s Engineering Design Standards and tree grates are required for tree grates planted along major thoroughfares.
- (9)\*\*Block perimeter – the linear feet along the public street right-of-way.
- (10)\*\*Entrances to retail along major thoroughfares to be at sidewalk level.

**SECTION 4. Severability.**

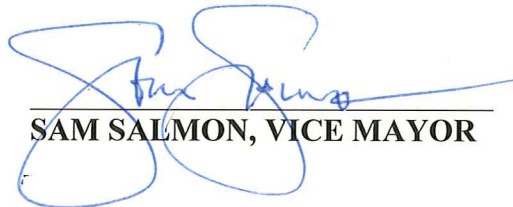
If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council 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 5. 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 circulation published and circulated in the Town of Windsor.

**PASSED, APPROVED, AND ADOPTED this 19th day of May 2021, by the following vote:**

<b>AYES:</b>	<b>COUNCILMEMBERS FUDGE, LEMUS AND VICE MAYOR SALMON</b>
<b>NOES:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>MAYOR FOPPOLI</b>

  
 \_\_\_\_\_  
**SAM SALMON, VICE MAYOR**

**ATTEST:**

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