

ORDINANCE NO. 2014-287

**AN ORDINANCE OF THE TOWN COUNCIL OF
THE TOWN OF WINDSOR AMENDING THE TOWN'S
ZONING ORDINANCE CHAPTER 27.08 – RESIDENTIAL ZONING
DISTRICTS, SECTION 27.08.030 – RESIDENTIAL DISTRICT LAND
USES AND PERMIT REQUIREMENTS, TABLE 2-2 ALLOWED USES
AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS,
CHAPTER 27.10-COMMERCIAL ZONING DISTRICTS, SECTION 27.10-030
TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS FOR
COMMERCIAL ZONING DISTRICTS, CHAPTER 27.12 – INDUSTRIAL
ZONING DISTRICTS, SECTION 27.12.030, TABLE 2-6 ALLOWED USES
AND PERMIT REQUIREMENTS FOR INDUSTRIAL ZONING DISTRICTS,
ADDING SECTION 27.080.070 – SINGLE ROOM OCCUPANCY HOUSING (SRO)
STANDARDS, CHAPTER 27.21 – EMERGENCY SHELTERS, AND ADDING
CHAPTER 27.25 – REASONABLE ACCOMMODATION,
AND AMENDING CHAPTER 27.60 – DEFINITIONS/GLOSSARY**

WHEREAS, the Federal Fair Housing Act and the California Fair Employment and Housing Act require that provisions and procedures are adopted that allow individuals with disabilities to request reasonable accommodations for equal access through the application of zoning laws and other land use regulations, policies, and procedures; and

WHEREAS, California Government Code Section 65583 requires that development standards and land use permitting requirements be adopted concerning emergency shelters; and

WHEREAS, amendments are required to various sections of the Town of Windsor (Town) Zoning Ordinance to implement State housing requirements for individuals with disabilities, supportive housing, transitional housing, emergency shelters, and single-room occupancy housing; and

WHEREAS, by implementing the proposed Zoning Ordinance amendments the Town will be eligible for a streamlined review of the Town's General Plan Housing Update by the California Department of Housing and Community Development (HCD); and

WHEREAS, the proposed amendments to the Town's Zoning Ordinance are necessary for HCD certification of the Town's Housing Element; and

WHEREAS, Exhibits 1 through 6 attached hereto are incorporated herein by this reference; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed Zoning Ordinance amendments on July 22, 2014, at which time, all interested persons had an opportunity to be heard; and

WHEREAS, the Planning Commission forwarded its recommendation to the Town Council in Resolution No. 620-14; and

WHEREAS, on August 6, 2014 the Town Council conducted a duly noticed public hearing on the proposed Zoning Ordinance amendments, 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:

1. The proposed amendments are consistent with the General Plan. *The General Plan Housing Element includes policies and implements programs to achieve housing goals, resources and special needs of the population.*
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town. *The amendments provide opportunities related to reasonable accommodations for persons with disabilities, emergency shelters, transitional housing, and supportive housing needs of the community.*
3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance. *The purpose of the amendments is ensure that provisions within the Ordinance are consistent with the Town's General Plan, as wells as State and local adopted codes, policies, and standards.*

SECTION 3. Section 27.08.030 – Town of Windsor Zoning Ordinance Table 2-2, Allowed Uses and Permit Requirements for Residential Zoning Districts, is hereby amended to remove “Supportive housing facility – 6 or fewer clients” and “Supportive housing facility – 7 or more clients”, as shown in Exhibit “1”.

SECTION 4. Section 27.08.070 – Single Room Occupancy Housing (SRO) Standards is hereby added to read in full as shown in Exhibit “4”.

SECTION 5. Section 27.08.030 – Town of Windsor Zoning Ordinance Table 2-2, Allowed Uses and Permit Requirements for Residential Zoning Districts, is hereby amended to add Single Room Occupancy Housing (SRO) in “SR” Surrounding Residential and “VR” Village Residential as a Use Permit Requirement and in the “MDR” Medium Density Residential, “CR” Compact Residential” and “HDR” High Density Residential by right as shown in Exhibit “1”.

SECTION 5. Section 27.10.030 – Town of Windsor Zoning Ordinance Table 2-4, Allowed Uses and Permit Requirements for Commercial Zoning Districts, is hereby amended to allow emergency shelters in the “CC” Community Commercial District by right as shown in Exhibit “2”.

SECTION 6. Section 27.12.030 – Town of Windsor Zoning Ordinance Table 2-6, Allowed Uses and Permit Requirements for Industrial Zoning Districts, is hereby amended to allow emergency shelters in the “LI” Light Industrial with a Use Permit as shown in Exhibit “3”.

SECTION 7. Chapter 27.21 – Emergency Shelters, is hereby added to read in full as shown in Exhibit “5”.

SECTION 8. Chapter 27.25 – Reasonable Accommodations, is hereby added to read in full as shown in Exhibit “6”.

SECTION 9. Section 27.60.020 – Definitions of Specialized Terms and Phrases is hereby amended to add the following definitions:

Emergency Shelter shall mean any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of homeless. The facility provides minimal supportive services and is limited to occupancy of six months or less by a homeless person.

Single Room Occupancy Housing (SRO) shall mean a structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels or rooming houses.

Transitional Housing shall mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, and in no case more than two (2) years. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

SECTION 10. Section 27.60.020 – Definitions of Specialized Terms and Phrases hereby amends the definition for Supportive Housing to read as follows:

Supportive Housing shall mean housing with no limit on length of stay, that is occupied by the target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his/her health status, and maximizing his/her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

SECTION 11. 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 12. 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 17th day of September 2014, by the following vote:

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


BRUCE OKREPKIE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK

Exhibit "1"	Table 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts
Exhibit "2"	Table 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts
Exhibit "3"	Table 2-6 Allowed Uses and Permit Requirements for Industrial Zoning Districts
Exhibit "4"	Section 27.080.070 Single Room Occupancy Housing (SRO) Standards
Exhibit "5"	Chapter 27.21 – Emergency Shelters
Exhibit "6"	Chapter 27.25 – Reasonable Accommodations

TABLE 2-2 Allowed Uses and Permit Requirements for Residential Zoning Districts				P Permitted Use (2) (3) MUP Minor Use Permit Required (3) UP Use Permit Required (3) — Use not allowed			
LAND USE (1)	PERMIT REQUIREMENT BY ZONE						Specific Use Regulations
	ER	SR	VR	MDR	CR**	HDR	

AGRICULTURE, RESOURCE & OPEN SPACE USES

Animal keeping	P	P(4)	P(4)	P(4)	P(4)	P(4)	27.34.040
Crop production and horticulture	P	—	—	—	—	—	
Roadside stands	MUP	—	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Parks and Playgrounds	P	P	P	P	P	P	
Religious places of worship	UP	UP	UP	UP	UP	UP	
Schools – Private, K-12	UP	UP	UP	UP	UP	UP	

RESIDENTIAL USES

Guest house	P	P	MUP	MUP	MUP	MUP	27.34.090
Home occupations	P	P	P	P	P	P	27.34.100
Kennels, hobby	MUP	MUP	MUP	MUP	MUP	MUP	
Mobile home parks	—	UP	UP	UP	—	UP	27.34.120
Multi-family dwellings	—	UP	UP	P	P	P	27.08.060
Organizational houses (convents, fraternities, etc.)	UP	UP	UP	UP	UP	UP	
Residential accessory uses and structures	P	P	P	P	P	P	27.34.170
Residential care homes – 6 or fewer clients	P	P	P	P	P	P	
Residential care homes – 7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	
Supportive housing facility – 6 or fewer clients*	P	P	P	P	—	P	
Supportive housing facility – 7 or more clients*	MUP	MUP	MUP	MUP	—	MUP	
Second dwelling units*	P	P	P	—	—	—	27.34.180
Single family dwellings	P	P	P	P	—	—	
Single Room Occupancy Housing (SRO)	--	UP	UP	P	P	P	27.08.070
Zero lot line projects	—	—	UP	UP	UP	UP	

Notes:

- (1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.
- (2) Zoning Clearance required, see Section 27.42.020.
- (3) Site Plan and Design Review may also be required. See Section 27.42.030.
- (4) Animal keeping shall be limited to domestic animals in compliance with Section 27.34.040.

* Revised 03/1/03, ORD. 2003-167

** Zone CR added 8/3/05 Ord. 2005-192

TABLE 2-4 Allowed Uses and Permit Requirements for Commercial Zoning Districts (Rev. 02/06/13, Ord. 2013-277)							P Permitted Use (2) (3) MUP Minor Use Permit Req. (3) UP Use Permit Req. (3) — Use not allowed			
LAND USE (1)				PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	NC	CC	TC	TC AUFO	TC EO (11)	SC	GC	BC	RC	

INDUSTRY, MANUFACTURING & PROCESSING USES

Contractors storage yards	—	—	—	—	—	MUP	—	—	—	
Electrical & electronic equipment, instruments	—	—	—	—	—	UP	—	—	—	
Food and beverage manufacturing	—	—	—	—	—	UP	—	—	—	
Handcraft industries	P	P	P	P (10)	—	—	—	P	P	
Laundries and dry cleaning	—	P	—	—	—	—	—	—	—	
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	—	—	—	
Recycling facilities – Large collection facility	—	—	—	—	—	UP	—	—	—	27.34.160
Recycling facilities – Reverse vending machines	—	—	P	—	—	P	—	—	—	27.34.160
Recycling facilities – Small collection facility	—	—	—	—	—	UP	—	—	—	27.34.160
Warehousing, wholesaling and distribution	—	—	—	—	—	UP	—	—	—	
Wineries	—	—	—	—	—	UP	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Adult business establishments	—	—	—	—	—	UP	—	—	—	27.34.030
Clubs, lodges and private meeting halls	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Community centers	MUP	MUP	MUP	—	—	—	—	MUP	MUP	
Health/fitness facilities	P	P	P	UP	UP	P	P	P	P	
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP	UP	UP	
Libraries and museums	P	P	P	MUP	—	P	P	P	P	
Outdoor commercial recreation	—	—	—	—	—	UP	UP	—	—	
Parks and playgrounds	P	—	P	—	—	—	—	P	P	
Recreational vehicle parks	—	—	—	—	—	UP	UP	—	—	
Religious places of worship and related facilities	UP	UP	UP	—	—	UP	UP	UP	UP	
Schools - specialized education and training	—	MUP	MUP (5)	—	—	MUP	—	—	—	
Studios (art, dance, music, photography, etc.)	P	P	P	—	MUP	P	P	P	P	
Theaters and auditoriums	—	—	UP	UP (8)	UP	—	—	—	UP	

RESIDENTIAL USES

Agricultural worker housing	—	P	—	—	—	—	—	—	—	
Caretaker housing	—	P	—	—	—	P	P	—	—	
Emergency shelters	—	UP-P	—	—	—	—	—	—	—	27.21.030
Live-work facilities	P	P	P (9)	P (9)	—	P	UP	P	P	
Multi-family dwellings, in a mixed use project	UP(4)	P(4)	P(4)	P	—	UP(4)	UP (4)	P(4)	P(4)	27.08.060 27.34.110
Residential care homes	MUP (4)	MUP (4)	MUP (4)	—	—	—	—	MUP (4)	MUP (4)	

TABLE 2-6 Allowed Uses and Permit Requirements for Industrial Zoning Districts			P MUP UP —	Permitted Use (2) (3) Minor Use Permit Required (3) Use Permit Required (3) Use not allowed
LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	BPI	LI	HI	

RECREATION, EDUCATION, AND ASSEMBLY USES

<i>Emergency Shelter</i>		<i>UP</i>		<i>27.21.030</i>
Health/fitness facilities	P	UP	UP	
Outdoor commercial recreation	UP	UP	UP	
Religious places of worship	—	UP	—	

RESIDENTIAL USES

Agricultural worker housing *	—	P	P	
Caretaker housing	MUP	MUP	MUP	
Multi-family dwelling, in a mixed use project	—	UP (4)**	—	
Live/work facilities	MUP	MUP	—	

RETAIL AND SERVICE USES

Auto and vehicle sales/rentals	—	MUP	—	
Automated teller machines (ATMs)	P	P	P	27.34.050
Banks and financial institutions	P	P	—	
Building materials stores	P	P	—	
Business support services	P	P	P	
Child and adult day care centers	MUP	MUP	—	27.34.070
Construction equipment sales	—	P	P	
Hotels and motels	UP	—	—	
Mobile home, recreational vehicle, and boat sales	—	MUP	—	
Offices – Accessory	P	P	P	
Offices – Business and professional	P	P	P	
Public utility or safety facilities	P	P	P	
Restaurants	P	MUP	MUP	
Restaurants, accessory cafeteria	P	P	P	
Storage – Outdoor	P	P	P	27.34.150
Storage – Personal storage facilities (mini-storage)	—	P	P	
Vehicle services – Maintenance/minor repair	—	P	P	
Vehicle services – Major repair/body work	—	P	P	
Vehicle services – Service stations	UP	P	P	
Veterinary clinics, animal hospitals, kennels	P	P	—	

Notes:

(1) See Section 27.06.030.A regarding uses not listed. See Article 6 for definitions of the listed land uses.

(2) Zoning Clearance required, see Section 27.42.020.

(3) Site Plan and Design Review may also be required. See Section 27.42.030.

(4) Residential uses may be permitted only on second or higher floors, above nonresidential uses. Accessible units that meet ADA requirements may be located on the ground floor.*

* Revised 03/03/04, ORD. 2004-178

** Revised 11/03/04, ORD. 2004-184

27.08.070 – Single Room Occupancy Housing (SRO) Standards

The purpose of this section is to provide development standards for properties that operate Single Room Occupancy Housing (SRO).

- A. **Size:** Minimum unit size is 150 square feet and a maximum of 400 square feet and occupancy is limited to two people.
- B. **Laundry facilities:**
 - a. One washer and one dryer for every 20 units or fraction thereof.
 - b. At least one washer and one dryer per floor.
- C. **Bathroom Facilities** – An SRO unit is not required to, but may, contain a partial or full bathroom facility. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the Town of Windsor Municipal Code for congregate residences with at least one full bathroom per floor.
- D. **Kitchen Facilities** – An SRO unit is not required to, but may, contain a partial or full kitchen facility. If a kitchen is not provided, at least one common full kitchen must be provided per floor.
- E. **Closets** – Each unit must have a separate closet.
- F. **On-Site Management** – Provide a management plan that contains the policies and operations for the site, rental procedures, residency and guest rules, security and staff needs. Facilities with 6 or more units require a 24-hour resident manager.
- G. **Parking** – 0.5 parking spaces for each SRO unit, one space for an on-site manager (where required), and one parking space for each additional employee. Parking reductions may be considered at the discretion of the Community Development Director and/or Planning Commission, if a parking analysis is prepared.

Exhibit “4”

CHAPTER 27.21 – EMERGENCY SHELTERS

27.21.010 – Purpose of Chapter

The purpose of this chapter is to establish standards for emergency shelters in order to comply with requirements of State law under California Government Code Section 65583.

27.21.020 - Location of Emergency Shelters

Emergency shelters are permitted in conjunction with religious facilities, subject to the location restrictions identified in this Section. Emergency shelters are permitted by right in the “CC” Community Commercial district and are also permitted within the “LI” Light Industrial district with approval of a Use Permit. Emergency shelters shall not be located within three hundred feet of any other existing emergency shelter facility.

27.21.030 – Standards

In addition to the development standards in the underlying zoning district, the following standards apply to emergency shelters and each emergency shelter shall comply with the standards set forth in this section. In the event of a conflict between these standards and the underlying zoning district regulations, the standards in this section shall apply. Nothing in this section modifies the requirements for approval of a religious facility as otherwise provided in the Zoning Ordinance.

A. Facility compliance with applicable State and local standards and requirements.

1. Federal, State, and local licensing, as required, for any program incidental to the emergency shelter.

B. Physical Characteristics.

1. Compliance with applicable State and local housing and building code requirements.
2. Facility shall have on-site security during all hours when the shelter is open.
3. Facility shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Light shall reflect away from residential areas and public streets.
4. Facility shall provide secure areas for personal property.
5. If the emergency shelter is proposed in conjunction with a religious facility, the area utilized for emergency shelter facilities may not exceed 50 percent of the total floor area used for the religious facility.

- C. **Limited Number of Bed per Facility.** Emergency shelters accessory to a religious facility shall not exceed 20 beds. Other emergency shelters located in located in the commercial or industrial zoning district shall not exceed 40 beds.
- D. **Limited Terms of Stay.** The maximum term of staying at an emergency shelter is 6 months in a consecutive 12-month period.
- E. **Parking.** Parking shall be provided on-site at a rate of 2 spaces per facility staff plus 1 space per 6 occupants allowed at the maximum capacity.
- F. **Emergency Shelter Management.** A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and good services, evidence of the required permits and licensing for all services and programs associated with the emergency shelter. The plan shall be submitted to and approved by the Community Development Director prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the Community Development Director with updated information for review and approval.

CHAPTER 27.25 – REASONABLE ACCOMMODATION

27.25.010 – Purpose of Chapter

The purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (“Acts”) in the application of zoning laws and land use regulations, policies, and procedures.

27.25.020 - Applicability

- A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of the Zoning Ordinance or Town requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purpose of this chapter a “person with disability” is any person who has a physical or mental impairment that limits or substantially limits one or more major life activity, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
- B. A request for reasonable accommodation may include a modification or exception to the rules, regulations, and/or practices for the siting, development, use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- D. A reasonable accommodation may be granted in compliance with this chapter without the need for approval of a variance.

27.25.030 – Procedure

- A. A request for reasonable accommodation shall be submitted in writing to the Community Development Director and shall contain the following information:
 - 1. The applicant’s name, address, and telephone number.
 - 2. Address of the property for which the request is being made.
 - 3. The current use of the property.
 - 4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim.

5. The zoning code provision, regulations, or policy from which reasonable accommodation is being requested.
 6. The reason why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (i.e. Use Permit, Design Review, etc.), the applicant shall file the information required by A. of this section for concurrent review with the application for discretionary approval.
- C. A request for reasonable accommodation shall be reviewed by the Community Development Director or his/her designee. If no approval is sought other than the request for reasonable accommodation, the Director or his/her designee, shall make a written determination within 45 days of the application/written request being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission or designated hearing body. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission/designated hearing body, in compliance with the applicable review procedure for the discretionary review.

27.25.040– Approval Findings

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following:

- A. Will the housing in the request be used by a person with a disability under the Acts?
- B. Is the request for reasonable accommodation necessary to make specific housing available to a person with a disability under the Acts?
- C. Will the request for reasonable accommodation impose undue financial, administrative, or enforcement burdens on the Town?
- D. Will the request for reasonable accommodation require a fundamental alteration in the nature of a Town program or law, including but not limited to land use and zoning?
- E. What, if any, are the potential impacts on surrounding uses?
- F. What are the physical attributes of the property and structures?

- G. Are there any other reasonable accommodations that may provide an equivalent level of benefit?

27.25.050 – Conditions of Approval

In granting a request for reasonable accommodation, the Community Development Director, his/her designee, or if applicable the Planning Commission or designated hearing body may impose any conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation complies with the findings in Section 27.25.040 above. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

27.25.060 – Appeals

The decision of the Community Development Director, his/her designee or if applicable the Planning Commission or designated hearing body shall be considered final unless an appeal is filed in compliance with Chapter 27.52 (Appeals).