

TOWN OF WINDSOR AGENDA REPORT

Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date: July 15, 2026

To: Mayor and Town Council
From: Kim Jordan
Planner III
Subject: Amendments to the Town of Windsor Zoning Code, Title 17 of the Municipal Code

Recommendation to Council:

Introduce and hold first reading, by title only, an ordinance adopting Amendments to the Town of Windsor Zoning Code, Title 17 of the Municipal Code, to Implement Housing Element Programs and to Comply with State Housing Law.

Strategic Plan Element:

The recommended action supports the goal of Livability. Goal Statement: Preserve community character by maximizing the use of existing amenities and creating future opportunities that enhance quality of life for all.

Background:

On August 16, 2023, the Town of Windsor adopted its General Plan 2023-2031 Housing Element ("Housing Element"), which was certified by the California Department of Housing and Community Development (HCD) on August 31, 2023. The Housing Element includes programs to be implemented by the Town that require amendments to the Zoning Code. There have been changes to State law regulating housing, including accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), that also require amendments to the Zoning Code to create consistency with State law. In November 2024, the Town adopted an updated Zoning Code.

The proposed Zoning Code amendments are needed in order to:

1. Implement Housing Element Programs H-2: Use of Sites from Previous Cycles, H-7: Promote Accessory Dwelling Units, H-26: Transitional and Supportive Housing, and H-27: Residential Care Facilities.
2. Allow detached ADUs to be sold separately from the primary single-unit dwelling.
3. Make technical corrections and clarifications to the Zoning Code.

On June 23, 2026, the Planning Commission held a public hearing to review the proposed amendments, receive public comment, and consider making a recommendation to the Town Council (**Attachment 2**, Planning Commission Staff Report). At the meeting, the Planning Commission received a presentation from staff, received public testimony, and deliberated on the item. At the meeting, staff made two feedback requests of the Planning Commission: 1) to provide a definition of "Community Healthcare Facility"; and 2) to determine whether detached ADUs should be allowed to be sold separately from the primary residence as a condominium.

At the conclusion of the meeting, the Planning Commission adopted Resolution No. 789-26 (**Attachment 3**) recommending that the Town Council adopt amendments to the Town of Windsor

Zoning Code to implement Housing Element Programs and to comply with State Housing law. The resolution includes a definition of "Community Healthcare Facility" (Exhibit G) and recommends that detached ADUs be allowed to be sold separately from the primary residence as a condominium (Exhibit C, Section 17.82.090: Accessory Dwelling Unit Condominium).

Discussion:

The Zoning Code amendments are summarized below by type. For a more detailed discussion, refer to the Planning Commission staff report (**Attachment 2**).

1. The amendments needed to implement the Housing Element are summarized below.

Program H-2: Use of Sites from Previous Cycles. Pursuant to Government Code Section 65583.2(c), any non-vacant sites identified in the prior fifth Cycle or vacant sites identified in two or more consecutive planning periods, shall be provided by-right development when at least 20 percent of the units in the proposed development are affordable to lower-income households. This requirement applies to Site 7 in Table 6.5 and sites 14-18, and 21-25 in Table 6.6 (**Attachment 4**).

Amendment: In order to implement this program, the Zoning Code would be amended to add Section 17.10.030(G) and Section 17.12.030(H) which state: *Residential projects located on sites identified in the fourth and fifth cycle Housing Elements that meet the lower-income Regional Housing Needs Allocation (RHNA) in 2023-2031 Housing Element Table 6.5 (Vacant Sites to Meet the RHNA) and residential projects on underutilized sites identified in the fifth cycle that meet the lower-income RHNA in 2023-2031 Housing Element Table 6.6 (Underutilized Site to Meet the RHNA) that provide appropriate densities and include at least twenty-percent (20%) affordable housing shall be permitted by right pursuant to Government Code Section 65583.2(i)* (Exhibits A and B, respectively). This amendment primarily applies to parcels along the north side of Shiloh Road between Hembree Lane and Old Redwood Highway that are zoned Boulevard Mixed-Use (BMU), Compact Residential (CR), Medium Density Residential (MDR), and Village Residential (VR) or a combination thereof. In the MDR and CR zoning district, five or more multi-unit dwellings are a permitted use (no use permit required) and in the VR zoning district a Minor Use Permit is required (MUP). In the BMU zoning district, "multi-unit dwellings in a mixed-use project" are allowed as a permitted use (no use permit required). Therefore, the Zoning Code currently allows by-right residential development of some of the parcels that are the subject of this amendment. In order to use this by-right provision, the project would be required to meet the affordability and density requirements.

Program H-7: Promote Accessory Dwelling Units. The Town will encourage the construction of ADUs through the following actions, which are aimed at providing an increased supply of affordable units throughout the Town, thereby increasing access to high resource, established neighborhoods to help reduce displacement risk for low-income households: Review and revise the Town's Zoning Code to ensure compliance with State Law.

Amendment: Zoning Code Chapter 17.82: Accessory Dwelling Units and Chapter 17.84: Junior Accessory Dwelling Units would be amended to comply with State law (Exhibits C and D, respectively).

Program H-26: Transitional and Supportive Housing. Amend the Zoning Ordinance to ensure that transitional and supportive housing types are defined and permitted as residential uses and are only subject to restrictions that apply to other residential dwellings of the same type in the same zone, per Government Code Section 65583(a)(5). Allow for the approval of 100 percent affordable developments, consistent with Government Code Section 65583(c)(3).

Amendment: The Residential Land Use Table would be amended to add Supportive Housing and Transitional Housing to the use tables and to add the permit requirements (Exhibit A). The Commercial Land Use Table would be amended to add Supportive Housing to the use tables and to add the permit requirements (Exhibit B). The definitions of "Supportive Housing" and "Transitional Housing" would be amended to default to State law (Exhibit E).

Program H-27: Residential Care Facilities: Amend provisions in the Zoning Ordinance to permit residential care facilities for seven or more persons only subject to the restrictions that apply to residential uses in the same zone. The Town will encourage developers to site residential care facilities near high-resource areas, to improve access to services for this population, and in a range of neighborhoods in the town, to reduce displacement risk for these residents from their current community by increasing the supply of suitable housing options in the town. Additionally, add the definition of "family" in the Zoning Ordinance to not limit family by size or relation such that it does not impede the ability of persons with disabilities to locate housing.

Amendment: The Residential Land Use Table would be amended to add "Residential Care Facility-Large" and "Residential Care Facility-Small" as uses and to identify the permit requirements. To comply with State law, the permit requirements for these uses must be the same as the permit requirements for other residential uses (Exhibit A). The definitions would also be amended to add a definition of "Family" (Exhibit E).

2. Section 17.82.090: Accessory Dwelling Unit Condominium. Government Code Section 66342 (Separate sale of primary and accessory dwelling units as condominiums) allows an ADU to be sold separately from the primary dwelling as a condominium. This is an opt-in provision, meaning that the Town must adopt an ordinance allowing an ADU to be sold separately from the primary dwelling. The Town does not currently allow an ADU to be sold separately from the primary dwelling, except as required by Government Code Section 66341 (Sale requirements), which allows the separate sale of ADUs to qualified buyers when they are built or developed by a qualified non-profit corporation. To date, the provisions of Government Code Section 66341 have not been used.

As part of previous amendments to the Town's ADU ordinance, the Town has received correspondence from non-profit housing developers, housing advocates, and property owners supporting the separate sale of ADUs (**Attachment 5**). Previously, the direction provided by the Town Council has been to wait and see what ordinances are adopted by other agencies and to learn best practices. Earlier this year, the City of Sebastopol adopted the first ADU condominium ordinance in Sonoma County allowing the separate sale of ADUs as condominiums. The City of Santa Rosa is also considering allowing the separate sale of ADUs as condominiums as a way to increase housing supply and affordability. Based on these actions, Town staff prepared a draft ordinance for consideration by the Planning Commission, using Sebastopol's ordinance as a guide. The Planning Commission considered the draft ordinance at its June 23, 2026, meeting and voted to recommend that the Town Council adopt an ordinance to allow detached ADUs to be sold separately as condominiums (Exhibit C, Section 17.82.090).

The sale of an ADU as a condominium provides a mechanism to address maintenance, common space, access, parking and similar issues since ADU condominiums are required to be created in conformance with the Davis-Stirling Common Interest Development Act. As such the draft ordinance requires a home or property owner's association or similar entity to be formed, which would address these issues. The draft ordinance also requires the notification and approval of any lienholder and notification of utility providers, as required by Government Code Section 66342.

In order to qualify to be sold separately, the draft ordinance requires compliance with the following:

- The parcel on which the ADU is located must be a legal parcel that was created more than five years prior to the date of the application for the conversion of the ADU to condominium.
- The parcel includes an existing primary single-unit dwelling and an existing detached ADU.
- The ADU to be converted to a condominium is required to be physically detached from the primary dwelling, including not sharing a wall or roof with the primary dwelling.
- Only one ADU may be converted to a condominium.

Additionally, the ADU must comply with the following:

- Include separate utility connections, to the public main, for water and sewer for the single-unit dwelling and the ADU condominium.
- Pay the utility connection fees.
- If no direct access to a public or private street exists to the ADU condominium, an access easement shall be provided.

Lastly, the ordinance does not allow parcels that result from the conversion to condominium to be further subdivided by this provision. The ordinance includes a sunset date of December 31, 2029, to allow time to determine property owner interest in the separate sale of ADUs, whether it will increase the supply of ownership housing, and understand more about the review and processing of applications.

3. Technical Corrections and Clarifications. Below is a summary of the amendments proposed to provide better clarity and/or to make technical corrections.

- Section 17.80.060: Housing with Childcare and Community Healthcare Facilities. When the Zoning Code was updated, it was amended to allow a developer to receive a density bonus or an incentive when the project included a Community Healthcare Facility. However, Community Healthcare Facility was not defined, and the Zoning Code does not include a definition of “Community Healthcare Facility.” The Planning Commission recommended that Section 17.80.060 be amended to include the following definition of a Community Healthcare Facility: *For the purposes of this Section, a Community Healthcare Facility shall be defined as: A facility primarily providing outpatient medical, mental health, minor surgical, and other similar personal health services, that meets the definition of a Federally Qualified Healthcare Center or another nonprofit provider as approved by the Review Authority.*
- Section 17.98.040: Pricing Requirements (Exhibit H). These amendments are proposed to default to HCD’s affordability requirements and to reflect that for some projects the affordability levels required may differ from the affordability level required by HCD due to the funding source or other requirements for the affordable housing project.
- Section 17.98.070: Deed Restrictions (Exhibit H). This amendment renames the title of the section to better reflect what is included in the section and the types of agreements required.
- Chapter 17.60 Temporary Use Permit, Section 17.60.030(H) Temporary Construction Trailer (Exhibit I). This amendment adds “Temporary Construction Trailer” as a listed temporary use. This is one of the more common temporary uses. However, it is not included in the list of temporary uses. Instead, it is allowed as a temporary use under Section 17.60.050 (Similar Temporary Activities). To provide clarity that a temporary construction trailer is allowed with a temporary use permit, this use has been added to the listed temporary uses. To be consistent with the length of time that a construction project may take (and the corresponding time a construction trailer is needed on the project site), the expiration date of the permit may be extended beyond 12

months by the Community Development Director.

- Section 17.22.030 Tree Preservation and Protection (Exhibit J). This amendment adds the numerical rating of 1-5 that corresponds to the value rating of poor to excellent for tree health and structure and adds the percentage of mitigation required in order to provide greater clarity and ease of use.
- Section 17.30.080 Driveways and Site Access (Exhibit K). This amendment completes the end of a sentence that was accidentally omitted as part of the Zoning Code Update.
- Table 17.30-04 General Nonresidential Minimum Parking Stall and Lot Dimensions (Exhibit L). This amendment corrects a typographical error.
- Section 17.52.070 Notice of Application and 17.52.080 Neighborhood Meeting (Exhibit M). These amendments delete the unnecessary reference “[Source: Town staff draft language],” which was not intended to be carried forward into the codified Zoning Code.

Public Comment

In response to the public notice, one correspondence was received regarding the separate conveyance of detached ADUs (**Attachment 6**).

Fiscal Impact:

There is no fiscal impact associated with this action. The amendments were prepared by Town staff. No consultants were used to prepare the amendments.

Environmental Review:

The proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to: 1) Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), which exempts accessory dwelling unit and junior accessory dwelling unit ordinances; 2) Public Resources Code Section 21080.085, which exempts zoning amendments that implement programs included in a certified Housing Element; and 3) CEQA Guidelines Section 15061(b)(3) (Common Sense Rule), which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The amendments, in and of themselves, would not result in a physical change to the environment since they do not result in the approval of any specific project.

Attachment(s):

1. TC Ordinance

Exhibit A. Section 17.10.030 Residential Zone Land Use Regulations

Exhibit B. Section 17.12.030 Commercial and Mixed-Use Zones Land Use and Allowable Uses

Exhibit C. Chapter 17.82 Accessory Dwelling Units

Exhibit D. Chapter 17.84 Junior Accessory Dwelling Units.pdf

Exhibit E. Chapter 17.110 Definitions

Exhibit F. Section 17.52.020 Authority for Land Use and Zoning Decisions

Exhibit G. Section 17.80.060 Housing with Childcare and Community Healthcare Facilities

Exhibit K. Section 17.30.090 Driveways and Site Access

Exhibit H. Section 17.98.040 Pricing Requirements and Section 17.98.070 Deed Restriction

Exhibit I. Chapter 17.60 Temporary Use Permit

Exhibit J. Section 17.22.030 Tree Preservation and Protection

Exhibit L. Table 17.30-04 General Non-Residential Minimum Parking Stall Dimensions

Exhibit M. Sections 17.52.070 Notice of Application and 17.52.080 Neighborhood Meeting
2. Planning Commission Staff Report without Attachments
3. Res. 789-26 Amendments to Zoning Code Title 17
4. Housing Element Table 6.5 and Table 6.6
5. Previous Correspondence in Support of Separate Sale of ADUs
6. Public Correspondence
13.1 PowerPoint (Distributed 2026.07.14)
Revised Exhibit L

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