

ORDINANCE NO. 2018 – _____

AN ORDINANCE TO AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE SOLANO COUNTY CODE TO CLARIFY AND RESTATE EXISTING LAND USE REGULATIONS FOR DWELLINGS AND AGRICULTURAL AND RESIDENTIAL ACCESSORY BUILDINGS

Additions and revisions in the tables are shown in a red typeface and deletions are shown as a ~~strikeout shaded gray~~.

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I

The following definitions are added, deleted or revised, in alphabetical order, to Section 28.01 of Chapter 28 of the Solano County Code:

Accessory building. A subordinate building located on the same lot, the use of which is customarily incidental to that of the main building, or to the principal use of the land.

Accessory building, agricultural. A building or structure that is utilized in conjunction with the agricultural use of the property for commercial crop production or grazing, including the storage of agricultural products and supplies and equipment used in agricultural operations. Buildings used for other purposes, such as stables, dairies and agricultural processing facilities, residential accessory buildings, and secondary dwellings are not accessory agricultural structures agricultural accessory buildings..

Accessory building, residential. A detached building accessory to a single-family dwelling. Examples include a detached garage, a storage shed, or a dwelling space accessory building. In any R district, an accessory building on a lot that has a dwelling is classified as a residential accessory building even if the accessory building is used in conjunction with the use of the property for commercial crop production or grazing. A residential accessory building does not include a secondary dwelling.

Accessory building, dwelling space. A detached residential accessory building that contains habitable space and is used, or capable of use, as additional living area for an existing dwelling but does not include cooking facilities and is not used or intended as independent living facilities. Examples include an art or music studio, an exercise or recreation room, an office for a licensed home occupation, or a pool house.

Building. ~~Includes structure.~~ Any structure used or intended for supporting or sheltering any use or occupancy.

Building, main Main Building. A building in which is conducted the principal use of the building site on which it is situated. In any residential district, the primary dwelling shall be deemed to be a main building on the building site.

SECTION II

The following footnote is deleted from any Table in Chapter 28:

~~The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 04(f) of this Chapter.~~

SECTION III

Section 28.71.10(B)(1) is changed as follows:

1. Agricultural Accessory Structures Buildings

New accessory buildings ~~and other structures~~, including alterations to existing accessory buildings ~~and other structures~~, shall be designed, constructed, and/or established in compliance with the development standards in the applicable zoning district and the following standards:

- a. **Attached accessory structure setbacks.** An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.
- b. **Detached accessory structure setbacks.** An accessory building detached from the main building shall be located sixty feet from the front property line or on the rear fifty percent of the lot, unless otherwise specified in the applicable zoning district.
- c. **Side and rear yard setback waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 14 (f) of this Chapter.
- d. **Setback between buildings.** An accessory building shall not be located closer than ten feet from the main building; except in the W district, the distance shall be thirty feet. Stables shall be located at least twenty feet from the main building.
- e. **Animal shelter setbacks.** An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than ten feet from any property line unless greater setbacks are required by the zoning district.

~~f. **Not a secondary dwelling.** An accessory building does not include a secondary dwelling as defined in Section 28-10.~~

f. Sequence of construction. A residential accessory building, including a dwelling space accessory building, ~~Accessory structures~~ shall not be constructed on a lot until **construction of the primary dwelling has commenced.** ~~a principal use has been established on the lot, and an accessory structure shall not be used unless the principal use has been established.~~

SECTION IV

Section 28.72 is repealed in its entirety and replaced with a new Section 28.72 as shown in Exhibit A, attached hereto and incorporated by reference.

SECTION V

Section 28.97(K) is deleted in its entirety and replaced with a new Section 28.97(K) as follows:

K. In any R District, the side or rear yard requirements may be reduced for an accessory building, other than an animal shelter, provided that such building shall not be located closer to any property line than 5 feet, or to the same distance as a permitted primary dwelling on the same parcel, whichever is less.

SECTION VI

This ordinance will be effective thirty (30) days after its adoption.

SECTION VII

If any provision of this ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

SECTION VIII

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

Passed and adopted by the Solano County Board of Supervisors on May 12, 2015 by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

John Vasquez, Chair
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Board of Supervisors

By: _____
Jeanette Bellinder, Chief Deputy Clerk