

# ORDINANCE 1

## ORDINANCE NO. 2018-

### AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO DEFINE THE SHORT-TERM RENTAL OF A DWELLING AS A “VACATION HOUSE RENTAL” AND TO AUTHORIZE SUCH LAND USE, SUBJECT TO EITHER AN ADMINISTRATIVE PERMIT OR A MINOR USE PERMIT, WITHIN THE A-20 EXCLUSIVE AGRICULTURAL, SUISUN VALLEY AGRICULTURAL, AND RURAL RESIDENTIAL ZONING DISTRICTS

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

#### SECTION I: DEFINITIONS

The following definitions related to transient lodging facilities are amended or added, in alphabetical order, to section 28.01 of the Solano County Code:

**Guest house.** Detached living quarters of a permanent type of construction, without a kitchen-and accessory to the primary dwelling on the same building site. A guest house may not to be rented, let, or leased separate from the primary dwelling, whether compensation be direct or indirect.

**Vacation house rental.** A dwelling with no more than five guestrooms or sleeping rooms that is offered, used, let, or hired out for compensation for periods of 30 consecutive days or less. Does not include an occasional home exchange ~~or similar transient occupancy of a dwelling unit not involving the payment of monetary compensation to the property owner or resident~~ of a dwelling used as the property owner's primary residence. Includes any dwelling used pursuant to a time share plan or other similar form of co-ownership if any time share period or other entitlement to occupancy of the dwelling is limited to 30 days or less per year.

**Vacation house rental-Hosted.** A vacation house rental on a parcel with a primary and secondary dwelling where the property owner resides on the property in the non-rental dwelling.

**Vacation house rental-Unhosted.** A vacation house rental where the owner does not reside on the property.

#### SECTION II: ZONING DISTRICTS

Tables 28.21A, 28.23A, 28.31A, and 28.51A of the Solano County Code is amended, as shown on Exhibits \_\_\_\_ (to be prepared later), to authorize a Vacation House Rental-Hosted as a Tourist Use in the A-20, A-SV, ATC, ~~ATC-NG~~, ATC-NC, RR 2.5, RR 5 and RR-10 zoning districts, subject to an administrative permit, and to authorize a Vacation House Rental-

Unhosted as a Tourist Use in the A-20, A-SV, ATC, ~~ATC-NC~~, RR 2.5, RR 5, and RR-10 zoning districts subject to a minor use permit.

### **SECTION III: REGULATIONS ADDED**

Section 28.75 of the Solano County Code is amended to add a new subsection 28.75.30, as follows:

#### **28.75.30      Vacation House Rentals**

##### **A.      General Requirements**

Vacation house rentals shall comply with the following general standards:

1. A dwelling used as a vacation house rental shall meet all of the development standards for dwellings specified in subsection 28.72.10(A)(1) and in Tables 28.21B, 28.23B, and 28.31B as applicable to the zoning district. If the dwelling includes a guest house, the guest house shall also meet those development standards.
2. Space used for overnight accommodations as part of a vacation house rental must be located entirely within a dwelling or a dwelling in combination with an approved guest house. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents may not be used as a vacation house rental.
3. Overnight occupancy is limited to 2 persons per bedroom plus 2 additional persons, not to exceed a total of 10 persons.
4. Three off-street parking spaces shall be provided for all guests. On-street parking is prohibited for any property on which a vacation house is located.
5. A vacation house rental may not be advertised, offered, or used as a special events facility. ~~Radios, televisions, or sound amplification equipment may not be used outdoors between 8:00 p.m. and 10:00 a.m. The owner is responsible for the nuisance behaviors of guests that includes events such as weddings, parties and similar events. No outdoor amplified sound is allowed.~~
6. A dwelling or guest house may not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provision of this code.
7. Transient occupancy tax registration and payment are required, pursuant to Chapter 11 of this code. A business license is required, pursuant to Chapter 14 of this code.
8. The property shall be covered by commercial property insurance.

9. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and /or listings for the vacation house rental shall include the following:
  - a. Maximum occupancy, not including children under 3;
  - b. Maximum number of vehicles;
  - c. Notification that quiet hours must be observed between 10 ~~8~~ p.m. and 8 ~~10~~ a.m.;
  - d. Notification that no outdoor amplified sound is allowed; and
  - e. The Transient Occupancy Tax Certificate number for that property.
10. Vacation house rentals shall meet all building and fire codes at all times and shall be inspected by the Fire Department before any short term rental can occur.

## **B. Specific Requirements**

Vacation house rentals listed below shall comply with the general requirements in section 28.75.30(A) above and the following specific standards.

### **1. Vacation House Rental-Hosted**

- a. A hosted vacation house rental requires the property owner to reside on the property during the vacation house rental period.
- b. Only one dwelling may be used as a vacation house rental and the property owner must reside in the other dwelling.

### **2. Vacation House Rental-Unhosted**

- a. While a vacation house is rented, a manager shall be available twenty-four hours per day, seven days a week for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation house rental or their guests. Items in need of repair may take longer to correct.
- b. A ~~display~~sign with the name of the property owner or manager and a current contact phone number shall be located near the front door of the dwelling unit.

## **SECTION IV:**

All ordinance and parts of ordinances in conflict herewith are repealed.

## **SECTION V**

The Board of Supervisors has made the following findings and declarations in regard to the zoning amendments:

1. These zoning amendments are in conformity with the Solano County General Plan.
2. The zoning amendment will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County or be detrimental to adjacent property or improvements in the neighborhood.
3. This ordinance is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) of the CEQA Guidelines. This ordinance will not permit the development of new dwelling units at locations not already allowed, and the ordinance imposes standards on vacation house rentals sufficient to ensure that the use of existing and new dwelling units as vacation house rentals will not have a greater adverse effect on the environment than the use of such structures as residences. Because the use of some dwelling units as vacation house rentals will require discretionary approval of a minor use permit, consideration of any potential site-specific impacts related to a particular location is properly deferred.
4. The use of a dwelling unit as a vacation house rental, as defined in this ordinance, is a commercial land use rather than as a residential land use and is not currently authorized by Chapter 28 of the Solano County Code. Therefore, this ordinance is amendatory to rather than declarative of existing law. Any use of a dwelling unit as a vacation house rental prior to the effective date of this ordinance or prior to the approval of a use permit pursuant to the regulations set forth in Section III of this ordinance shall not be considered a legal nonconforming land use.

## **SECTION VI**

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

## **SECTION VII**

If any provision of this ordinance or the application thereof 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 this ordinance are hereby declared to be severable.

## SECTION VIII

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its adoption.

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PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on \_\_\_\_\_, 2018, by the following vote:

AYES: Supervisors \_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

EXCUSED: Supervisors \_\_\_\_\_

\_\_\_\_\_  
John M. Vasquez, Chair  
Solano County Board of Supervisors

ATTEST:  
Birgitta E. Corsello, Clerk  
Solano County Board of Supervisors

By: \_\_\_\_\_  
Jeanette Neiger, Chief Deputy Clerk