

ORDINANCE NO. 2020 – _____

**AN ORDINANCE AMENDING CHAPTER 28 (ZONING REGULATIONS) OF THE
SOLANO COUNTY CODE TO REVISE AND UPDATE LAND USE REGULATIONS
FOR DWELLINGS, INCLUDING ACCESSORY DWELLING UNITS
AND JUNIOR ACCESSORY DWELLING UNITS**

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

SECTION I

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

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 an accessory dwelling unit or a secondary dwelling.

Dwelling ~~or dwelling unit~~. A ~~room or suite of rooms that contain~~single residential unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, that are used, intended, or ~~and designed for, or to be used, rented, leased, or otherwise~~ occupied for living purposes exclusively by, one family. ~~A dwelling shall have no more than one kitchen, unless a second kitchen has been approved as provided in this Chapter. Each dwelling shall have a separate and independent entrance from either the exterior or an interior common area.~~

Accessory dwelling unit. A dwelling attached to, or detached from, an existing or proposed single-family dwelling or multifamily dwelling and located on the same lot or parcel within a residential zoning district. Also includes a new dwelling unit created by repurposing existing space within the gross floor area of an existing single-family or multifamily dwelling into an independent living unit. An accessory dwelling unit is accessory to a single-family dwelling or multifamily dwelling.

Dwelling group. A group of two or more detached or semidetached ~~one-family~~single-family, ~~two-family~~, or ~~multiple-family~~multifamily dwellings occupying a parcel ~~of land in or~~ one ownership, and having any yard or court in common. Does not include a single-family dwelling or multifamily dwelling with a detached accessory dwelling unit or a primary dwelling with a detached secondary dwelling.

Dwelling unit. An individual dwelling, other than an accessory dwelling unit or a junior accessory dwelling unit, within a multifamily dwelling or within a mixed occupancy building.

Efficiency dwelling unit. A dwelling containing only one habitable room.

Junior accessory dwelling unit. An accessory dwelling unit that is no more than 500 square feet in size, measured as gross floor area, and contained entirely within an existing or proposed single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the single-family dwelling.

Dwelling, ~~manufactured~~ Manufactured dwelling. A structure certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and designed for, or occupied exclusively by, one family as a dwelling. A manufactured dwelling shall be installed on a foundation system as a fixture or improvement to the real property, in accordance with the Health and Safety Code and implementing regulations, unless installed as a temporary dwelling or in a mobilehome park.

Dwelling, ~~multiple-family~~ Multifamily dwelling. A building, or portion thereof, containing two or more dwelling units used or designed ~~as a residence~~ for ~~three~~ residential use by two or more families living independently of each other ~~and doing their own cooking in such building~~, including apartment houses and flats.

~~**Dwelling, one family or single-family**~~**Single-family dwelling.** A detached building, ~~other than a detached accessory dwelling unit,~~ which meets the building regulations of the County and is designed for, or occupied exclusively by, one family as a dwelling. Includes a manufactured dwelling but does not include a tent or a recreational vehicle.

~~**Dwelling, primary**~~**Primary dwelling.** If a lot is improved, or proposed to be improved, with two single-family dwellings, exclusive of employee housing, the first dwelling constructed shall be the primary dwelling unless a later constructed dwelling is larger in gross floor area than an existing dwelling, in which case the larger dwelling shall be the primary dwelling. Dwelling units within a ~~duplex or multiple-family~~multifamily dwelling ~~structure~~ are not classified as primary or secondary dwellings.

~~**Dwelling, secondary**~~**Secondary dwelling.** An independent dwelling unit that provides complete living facilities for one family and is situated on the same parcel as an existing or proposed primary dwelling. A secondary dwelling may be a detached building, attached to the primary dwelling, or located within the living area of an existing primary dwelling. For purposes of calculating dwelling unit density under zoning or the general plan, a secondary dwelling shall not be counted as an independent dwelling unit in addition to the primary dwelling. Dwelling units within a ~~duplex or multiple-family~~multifamily dwelling structure are not classified as primary or secondary dwellings.

~~**Dwelling, temporary**~~**Temporary dwelling.** A recreational vehicle or a manufactured dwelling installed as chattel property, and used as a dwelling for a limited, fixed term, ~~for a purpose specified by the applicable Zoning District.~~

Duplex. A ~~detached building under one roof~~multifamily dwelling containing two dwelling units of approximately equal gross floor area designed for, or occupied exclusively by, two families living independently of each other, and separated by a common wall or floor. An accessory dwelling unit may also be attached to, or located within, a duplex building as provided in this chapter.

Floating home. A floating structure that is designed and built to be used, or is modified to be used, as a stationary waterborne dwelling, and which has no mode of power of its own.

Floor area, gross~~Gross floor area~~. For residential structures, gross floor area shall be calculated as the total area of all floors of ~~a building~~the dwelling or dwelling unit, as measured to the exterior finished surface of outside walls or to the centerline of common walls separating ~~buildings~~dwelling units, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached residential accessory structure, or similar area. For commercial or industrial structures, gross floor area shall be calculated as the total area of all floors of ~~a the~~ building, including any loft or mezzanine, measured to the exterior finished surface of outside walls or to the centerline of common walls, including covered and enclosed space, but not including any exterior storage areas incidental to the principal use of the construction, including any garage, parking structure, unenclosed walkway, or utility or disposal area.

Kitchen. ~~Any room or portion of room that contains facilities for the preparation, cooking and/or serving of food, and includes~~A room, space, or area with equipment for the preparation and cooking of food, including a sink, a refrigerator, and either a stove, range, grill, or oven.

Vacation house rental, hosted. A vacation house rental on a parcel with either a primary and secondary dwelling or a single-family dwelling and an accessory dwelling unit, where the property owner resides on the property in the nonrental dwelling.

SECTION II

Section 28.72.10 is amended as follows:

28.72.10 DWELLINGS

A. General Requirements

All dwellings shall conform to the following minimum development and architectural standards.

1. Minimum Development Standards ~~for Dwelling Units~~

- a. All dwellings and buildings containing one or more dwelling units shall conform ~~to the following minimum development standards:~~to the setback and height limits applicable in the zoning district in which the building is located unless a different setback or height limit is established in this section for the specific type of dwelling.

~~(1) Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance are not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.~~

~~(2) Roof eave or gable overhang shall be not less than 12 inches measured horizontally from the vertical side of the dwelling.~~

~~(3) Roofing material shall be limited to materials commonly found on conventionally built residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to 12 inches horizontal.~~

- ~~(4)~~b. The finished first floor of the dwelling shall be a maximum of 30 inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling, except for an upstairs dwelling unit of a duplex or multifamily dwelling, or an accessory dwelling unit, a junior accessory dwelling unit, or a secondary dwelling that is located above a primary dwelling or a residential accessory building.

- c. A dwelling shall have no more than one kitchen unless a second kitchen has been approved as provided in this chapter.

d. Each dwelling shall have a separate and independent entrance from either the exterior or an interior common area.

(5)e. Except in the R-TC-MF district, a duplex and a single-family dwelling may not be located on the same lot unless both buildings are part of an approved dwelling group.

b.f. Should the Zoning Administrator determine that a dwelling or a building containing a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

2. Minimum Architectural Standards ~~*(See Section 28.91)~~

a. Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance ~~are~~is not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.

b. Roof eave or gable overhang shall be not less than 12 inches measured horizontally from the vertical side of the dwelling. ~~This standard does not apply to a detached accessory dwelling unit or to a multifamily dwelling with four or more dwelling units.~~

c. Roofing material shall be limited to materials commonly found on conventionally built residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to 12 inches horizontal.

d. A waiver of any of these architectural standards may be granted pursuant to section 28.108.

B. Specific Requirements. The specific residential uses listed below shall comply with the following specific standards:

1. Primary Dwelling

- a. Minimum Dwelling Size.** Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of 1,000 square feet.
- b. Two-Car Garage Required.** A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.

2. Accessory Dwelling Unit or Junior Accessory Dwelling Unit. An accessory dwelling unit or a junior accessory dwelling unit is allowed by right on a lot within a Rural Residential or Residential–Traditional Community zoning district, provided it complies with the following specific development standards:

a. Parking.

- (1) One on-site parking space shall be provided for each accessory dwelling unit, as specified in Section 28.94, which may be in the front or side setback area or through tandem parking.**
- (2) When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those covered or enclosed parking spaces do not need to be replaced but two on-site parking spaces must be available for use by the primary dwelling in addition to the one on-site parking space required for the accessory dwelling unit.**
- (3) Exception: An on-site parking space is not required for an accessory dwelling unit in any of the following instances:**

i. The accessory dwelling unit is located within one-half mile walking distance of public transit.

ii. The accessory dwelling unit is part of the proposed or existing primary residence or a residential accessory structure.

(4) No additional parking is required for a junior accessory dwelling unit.

b. Height. The maximum allowable height of an accessory dwelling unit shall be as provided in Table 28-31B or 28-32C, as applicable to the zoning district in which the property is located.

c. Setbacks.

(1) Front. The minimum required front yard or setback of an accessory dwelling unit shall be as provided in Table 28-31B or 28-32C, as applicable to the zoning district in which the property is located.

(2) Side and Rear. The minimum required side and rear yard or setback of an accessory dwelling unit shall be four feet from the side and rear lot lines

(3) Exception. No additional setback shall be required when existing living area of a dwelling or an existing residential accessory structure such as a garage is converted to an accessory dwelling unit, or when an accessory dwelling unit is constructed in the same location and to the same dimensions as an existing dwelling or residential accessory structure.

d. Landscape. The front yard landscaping for a detached accessory dwelling unit shall be consistent with the front yard landscaping for the primary dwelling.

e. Architectural Review. An attached or a detached accessory dwelling unit shall be subject to architectural review, pursuant to sections 28.91 and 28.102, to the same extent as the primary dwelling.

f. Maximum and Minimum Size.

(1) The gross floor area of an accessory dwelling unit attached to an existing or proposed primary dwelling shall not exceed 50 percent of the total floor area of the primary dwelling, but in no case shall exceed 1,200 square feet.

(2) The gross floor area of a detached accessory dwelling unit in an R-TC zoning district shall not exceed 850 square feet unless the accessory dwelling unit has more than one bedroom, in which case the total floor area shall not exceed 1,000 square feet.

(3) The gross floor area of a detached accessory dwelling unit in an R-R zoning district shall not exceed 1,500 square feet.

(4) The gross floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

(5) Minimum Size and Efficiency Dwelling Unit. The gross floor area of an accessory dwelling unit or a junior accessory dwelling unit shall not be less than 380 square feet unless it is an efficiency dwelling unit that provides all of the following: (i) a living room of not less than 220 square feet of floor area plus an additional 100 square feet of floor area for each occupant of such unit in excess of two, (ii) a separate

closet, (iii) a kitchen area in the living room consisting of a kitchen sink, cooking appliance, and refrigerator, each having a clear working space of at least 30 inches in front, as well as light and ventilation conforming to the California Building Code, and (iv) a separate bathroom containing a water closet, lavatory, and bathtub or shower.

g. Impacts to Historical Properties. A secondary dwelling unit or junior accessory dwelling unit shall not be allowed on a property listed on the California Register of Historic Places unless the Zoning Administrator makes a written determination that the unit would not have a significant adverse impact on the historic resource.

h. Compliance with Density Requirements. The presence of an accessory dwelling unit or junior accessory dwelling unit, in and of itself, shall not cause the lot to exceed the allowable density for that lot. An accessory dwelling unit or junior accessory dwelling unit, occupied by a family as its place of residence, is a residential use that is consistent with the Solano County General Plan in all areas designated Residential on Figure LU-1 of the General Plan and zoned as part of a residential zoning district pursuant to this chapter.

i. Rental or Sale of Accessory Dwelling Unit. An accessory dwelling unit or junior accessory dwelling unit may be rented separate from the primary dwelling but may not be sold or otherwise conveyed separate from the primary dwelling.

j. Primary Dwelling Required. An accessory dwelling unit shall not be established on a lot unless both of the following are met:

(1) The lot is within a R-R or R-TC zoning district.

(2) The lot has an existing primary dwelling or is proposed to be developed with a primary dwelling in conjunction with the accessory dwelling unit. A certificate of occupancy shall not be issued from an accessory dwelling unit prior to issuance of a certificate of occupancy for the primary dwelling.

k. Attached, Detached, or Within Primary Dwelling.

(1) An accessory dwelling unit may be (1) a detached structure, (2) attached to either the primary dwelling or a residential accessory building on the same lot, including a garage, or (3) located within the living area of the primary dwelling. If attached to the primary dwelling or a residential accessory building, or located within the living area of the primary dwelling, the accessory dwelling unit shall have an exterior access that is separate and independent from the entrance for the primary dwelling or accessory building to which it is attached or located within.

(2) A junior accessory dwelling unit shall be contained entirely within an existing or proposed single-family dwelling. A junior accessory dwelling unit shall have an entrance from the exterior that is separate and independent from the main entrance to the single-family dwelling.

l. Passageway. A passageway is not required in conjunction with the construction of an accessory dwelling unit. For purposes of this paragraph, "passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

- m. Compliance with Building Codes. An accessory dwelling unit or junior accessory dwelling unit shall comply with all building code requirements that apply to a detached dwelling unit, as appropriate.
- n. Approval of Septic Systems by Health Officer. When an accessory dwelling unit or junior accessory dwelling unit utilizes a private sewage disposal system, the unit shall not be occupied unless the system has been approved by, and is operating in compliance with the requirements of, the Division of Environmental Health Services.
- o. Fire Sprinklers. An accessory dwelling unit or junior accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence.
- p. Accessory Dwelling Unit and Junior Accessory Dwelling Unit on Same Lot. An accessory dwelling unit and a junior accessory dwelling unit are not allowed on the same lot unless all of the following requirements are met:

 - (1) The accessory dwelling unit is detached from the primary dwelling and complies with all applicable development standards.
 - (2) The accessory dwelling unit does not exceed 800 square feet gross floor area.
 - (3) The junior accessory dwelling unit is entirely within the existing space of an existing single-family dwelling, or entirely within the proposed space of a proposed single-family dwelling, provided that an existing single-family dwelling may be expanded by not more than 150 square feet for the sole purpose of accommodating ingress and egress for the junior accessory dwelling unit.

- (4) When a lot is developed with both an accessory dwelling unit and a junior accessory dwelling unit, neither unit may be rented for a term of 30 days or less.

q. Additional Requirements for Junior Accessory Dwelling Units.

- (1) Either the primary dwelling or the junior accessory dwelling unit shall be occupied by the property owner, unless the owner is a governmental agency, land trust, or housing organization.
- (2) Prior to construction of the junior accessory dwelling unit, the property owner shall record a deed restriction, which shall run with the land, that includes both of the following:
- i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - ii. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with the development standards in this section.
- (3) A junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:
- i. A cooking facility with appliances; and
 - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (4) A junior accessory dwelling unit shall not be rented for a term of 30 days or less.

23. Secondary Dwelling. A secondary dwelling, as permitted in the applicable zoning district, must meet the development standards for a dwelling, as delineated within the applicable zoning district, as well as the following specific development standards:

- a. **Minimum and Maximum Size.** ~~Notwithstanding section 28.72.10(A)(1)(a)(1), a secondary dwelling shall comply with the following minimum development standards and maximum gross floor area limits. The gross floor area of a secondary dwelling shall not exceed 1,800 square feet.~~ If the gross floor area of the secondary dwelling is less than 380 square feet, the unit shall be occupied by no more than 2 people and shall provide all of the following features: (i) a living room of not less than 220 square feet of floor area, (ii) a separate closet, (iii) a kitchen sink, cooking appliance, and refrigerator, each having a clear working space of at least 30 inches in front, as well as light and ventilation conforming to the California Building Code, and (iv) a separate bathroom containing a water closet, lavatory, and bathtub or shower.

Maximum Gross Floor Area for a Secondary Dwelling	
(R-TC) Districts	-850 Square Feet
(R-R) Districts	-1,500 Square Feet
(A)(A-SM)(A-SV) Districts	-1,800 Square Feet

Notwithstanding these limits, the gross floor area of an attached secondary dwelling shall not exceed fifty percent (50%) of the gross floor area of the primary dwelling. If the secondary dwelling is established within an existing primary dwelling, the gross floor area of the secondary dwelling shall not exceed thirty-three percent (33%) of the existing gross floor area of the primary dwelling.

- b. **Minimum Lot Size.** ~~Within any R District, the minimum lot size for a detached secondary dwelling shall be 7,500 square feet.~~ Within any A district, a secondary dwelling shall not be constructed or established on any parcel that is smaller than the minimum parcel size required for the district unless one of the following is applicable: (a) the parcel was created in compliance with law prior to January 1, 1984; (b) the parcel is first merged with contiguous property that is under the same ownership, as of the date of the building permit application, to the maximum extent possible consistent with state law; or (c) the dwelling will replace a properly permitted existing secondary dwelling.
- c. **Secondary Dwelling and Temporary Dwellings.** Only one secondary dwelling is allowed on a lot. A temporary dwelling shall not be located on the same lot as a secondary dwelling except as permitted by ~~sections 28.72.20(B)(2) and (3)~~ subsection 28.72.20(B)(3).
- d. **Secondary Dwellings and Other Housing Units.** A secondary dwelling shall not be allowed on a lot that has a companion living unit, duplex, multiple-family dwelling, rooming or boarding house or other similar accessory housing unit.
- e. **Attached / detached secondary dwelling units.** A secondary dwelling may be a detached structure or may be attached to or located within the primary dwelling or another building on the same lot ~~or located within the living area of the existing primary dwelling.~~ If attached to or located within the primary dwelling or another building ~~or within the living area of the existing primary dwelling,~~ a separate exterior entrance shall be provided, ~~independent from the entrance for the building to which it is attached or within.~~ ~~If attached to another building other than the primary dwelling, such as a garage, the resident of the secondary dwelling shall have exclusive occupancy of the building to which the secondary dwelling is attached.~~

- f. **Height and setback requirements.** The height and setback requirements for a secondary dwelling are as provided in the development standards table for the applicable zoning district, ~~except that no additional setback shall be required for a lawfully constructed existing garage that is converted to a secondary dwelling unit or a portion of a secondary dwelling, and a setback of no more than five feet from a side or rear lot line shall be required for a secondary dwelling unit that is constructed above a lawfully constructed existing garage.~~
- g. **Parking.** Parking for a secondary dwelling shall comply with Section 28.94 (one offstreet parking space required, either covered or uncovered, ~~or through tandem parking~~) ~~unless the Director determines that no additional parking is required for the secondary dwelling. In any R-TC district in which a secondary dwelling is allowed, parking within a side setback area is allowed unless the Director makes a determination that parking in such area of the lot is not feasible based upon specific site or regional topographical or fire and life safety conditions. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a secondary dwelling unit, or converted to a secondary dwelling unit, a replacement garage shall be constructed for the primary dwelling concurrent with the construction of the secondary dwelling, and a certificate of occupancy shall not be issued for the secondary dwelling until the replacement garage is completed.~~
- ~~h. Landscaping adjacent to a secondary dwelling shall be consistent with landscaping for the primary dwelling.~~
- ~~i. Architectural review of an attached or detached secondary dwelling shall be conducted in accordance with Sections 28.91 and 28.102.~~
- ~~j. Historic Resources. A secondary dwelling shall not be allowed on a~~

~~property listed on the California Register of Historic Places unless the Director makes a written determination that the secondary dwelling would not have a significant adverse impact on the historic resource.~~

k.h. Sale or Rental of a Secondary Dwelling. A secondary dwelling may not be sold separate from the primary dwelling. A secondary dwelling may be offered for rent and rented only for residential purposes (occupancy longer than 30 days) unless otherwise allowed by this chapter.

l.i. Transient Occupancy and other Commercial Activity. A secondary dwelling may not be offered for rent or rented for transient purposes (occupancy of 30 days or less) unless such use of the dwelling is otherwise allowed by this chapter. A secondary dwelling shall not be used as a place of commercial or business activity, other than a Type I Home Occupation conducted entirely within the dwelling and without any employees other than residents of the dwelling, or a business required to be regulated as a residential use of property pursuant state law.

m.j. Utilities and Utility Connections. As part of an application to construction of a new secondary dwelling or to convert an existing structure to a secondary dwelling, the property owner shall demonstrate that adequate potable water supply and wastewater treatment capacity is available to serve both the primary and secondary dwelling. ~~A secondary dwelling unit shall not be considered a new dwelling for purposes of calculating utility connection fees or capacity charges, including water or sewer service. Nothing in this section shall be interpreted as requiring a property owner to install new or separate utility connections between a secondary dwelling and the utility's service mains or lines, nor shall any provision of this section be interpreted as preventing a utility from requiring or installing new~~

~~or separate utility connections.~~

n.k. Manufactured home. A manufactured home, as defined in California Health and Safety Code Section 18007, may be used as a secondary dwelling if it has been installed on a foundation system as a fixture or improvement to the real property and provided that the manufactured home meets all of the regulations of this section 28.72.10(B)(6)(a).

34. Duplex or Multi-Family Dwellings (Reserved)

45. Dwelling Group. Dwelling groups located on the same parcel in the R-TC-MF District must meet the applicable development standards delineated in Table 28-32C and the specific building setback and siting requirements as follows:

- a. Where the front of a building abuts the rear of another building (i.e., a front-to-back series) in a dwelling group on the lot, the minimum building separation shall be 20 feet, and the yard providing access shall be no less than eight feet.
- b. Where both the front and rear of a building abut a side yard (i.e., a single row side-to-side series) in a dwelling group on the lot, the side yard providing access shall have a width of not less than 12 feet.
- c. Where the rear of a building abuts a side yard and the front faces a court (i.e., a double row side-to-side series) in a dwelling group on the lot, the court shall have a width of not less than 20 feet.
- d. Buildings within a dwelling group on the lot shall be separated by a minimum distance of 10 feet.
- e. No building in any group shall be located on the lot such that the rear thereof abuts on any street right-of-way.

- f. Distances required between buildings and as yards and courts for dwelling groups on the lot shall be increased by two feet for each story that the height of any building or dwelling group on the lot exceeds two stories.

56. Floating Home

- a. Floating homes must be located within and part of a marina and shall contain no more than one dwelling unit. No living or storage space may be located below the water line.
- b. Must be connected to approved electrical, water and sewage disposal systems, including a permanent continuous hookup to a shoreside sewage system.
- c. The float area shall not exceed a maximum of 1,200 square feet.
- d. The flotation system shall be designed according to accepted marine engineering principles by a licensed engineer.
- e. The height of the floating home shall not exceed 21 feet at highest point measured from water level.
- f. A 10-foot minimum distance shall be maintained between floats or walls. A 10-foot minimum distance shall be maintained between walls of floating homes on opposite sides of a moorage walkway. A five-foot minimum distance shall be maintained between a floating home and any lot line.

67. Nonconforming Secondary Dwelling or Guest House

a. Nonconforming Secondary Dwelling

- ~~(4)~~ A secondary living unit legally existing on the lot prior to October 27, 2006, in an R-R District, June 13, 2008, in an A or R-TC District, and February 1, 2011, in the A-SV-20, ATC, or ATC-NC District which does not comply with the size or setback requirements of this section shall be

considered legal nonconforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such use may continue; provided, that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.

~~(2) — **Exception.** A maximum of one single family dwelling may be built on a parcel that existed and was designated “Agricultural” by the general plan as of January 1, 1984; provided, that the owner demonstrates compliance with all other applicable County requirements.~~

- b. **Nonconforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006, in an R-R District, June 13, 2008, in an A or R-TC District, and February 1, 2011, in the A-SV-20, ATC, or ATC-NC District shall be considered legal nonconforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”). Such a guest house or building may be converted to a secondary dwelling an accessory dwelling unit provided all of the following are met: (1) no other secondary dwelling or accessory dwelling unit is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities, shall be installed in compliance with County building and zoning standards as applicable; (3) except in an R-R or R-TC district, either the primary residence or the secondary dwelling is owner occupied; and (4) if the structure does not meet the size or setback requirements of this section for a secondary dwelling, it shall be considered legal nonconforming and subject to the provisions of Section 28-114 (“Nonconforming Uses”).

SECTION III

Subdivisions (B)(2) and (3) of section 28.72.20 are amended as follows:

2. **Temporary Dwellings.** ~~Temporary dwellings~~When authorized within the zoning district, a temporary dwelling may be permitted ~~in any A-L, MP, R-E, P and M-G Districts~~ for a temporary, fixed term corresponding to the circumstances of the particular case, and provided an administrative permit or a use permit is first secured by the owner of the lot in each case;~~;~~
~~except that a temporary dwelling may be utilized on any such site to provide emergency replacement housing in the event of loss due to fire, flood or other disaster for up to 18 months, with written approval from the Zoning Administrator and without the granting of a use permit.~~
3. **Temporary Emergency Dwelling.** ~~Temporary~~
Notwithstanding the permit requirements otherwise applicable, a temporary dwelling may be utilized to provide emergency replacement housing on any lot where a dwelling is destroyed due to fire, flood or other disaster for a period of up to 18 months with written approval from the Zoning Administrator and without the granting of an administrative permit or use permit.

SECTION IV

Subdivision (A) of section 28.108 is amended as follows:

- A. **Neighborhood Compatibility Waiver.** Waiver of any of the residential minimum development and architectural standards in ~~subsection 28.72.10(A)(1)~~subsections 28.72.10(A)(2) and ~~and/or the development standards in Section 28.72.10(B)(1)~~ may be granted by the ~~Director of Resource Management~~Zoning Administrator if the proposed dwelling is compatible with the surrounding neighborhood in accord with the

architectural standards set forth in Section 28.91. The waiver request shall be submitted on an application form prepared by the Director or Resource Management and is subject to the noticing requirements as set forth in subsection 28.04(F).

SECTION V

The row in Table 28.21A pertaining to secondary dwellings as a type of residential land use in the Exclusive Agricultural (A) districts is amended as follows:

	Allowed uses	Permit Requirements				Land Use Regulations
		A-40	A-80	A-20	A-160	
Replace this →	Secondary dwelling	AP	AP	AP	AP	28.72.10(A) & (B)(6)
With this →	Secondary dwelling	A	A	A	A	28.72.10(A) & (B)(3)

SECTION VI

The row in Table 28.22A pertaining to secondary dwellings as a type of residential land use in the Suisun Marsh Agricultural (A-SM) districts is amended as follows:

	Allowed uses	Permit Requirements		Land Use Regulations
		A-SM-80 and A-SM-160		
Replace this →	Secondary dwelling	AP		28.72.10(A) & (B)(6)
With this →	Secondary dwelling	AP		28.72.10(A) & (B)(3)

SECTION VII

The row in Table 28.23A pertaining to secondary dwellings as a type of residential land use in the Suisun Valley Agricultural (A-SV) districts is amended as follows:

	Allowed uses	Permit Requirements			Land Use Regulations
		A-SV-20	ATC	ATC-NC	
Replace this →	Secondary dwelling	AP	---	---	28.23.50.20
With this →	Secondary dwelling	A	---	---	28.23.50.20

SECTION VIII

In Table 28.23B, pertaining to general development standards in the Suisun Valley Agricultural (A-SV) districts, the heading is amended as follows:

Replace this →	MAIN BUILDING, PRIMARY or SECONDARY DWELLING
With this →	MAIN BUILDING or PRIMARY DWELLING

SECTION IX

The row in Table 28.31A pertaining to secondary dwellings as a type of residential land use in the Rural Residential (RR) districts is amended as follows:

Replace this → With this →	Allowed uses	Permit Requirements			Land Use Regulations
		RR-2.5	RR-5	RR-10	
	Secondary dwelling	AP	AP	AP	28.72.10(A) & (B)(6)
	Accessory dwelling unit	A	A	A	28.72.10(A) & (B)(2)

SECTION X

Subsection (A) of section 28.31.030, relating to general development standards for the Rural Residential districts, is amended as follows:

A. General site and building standards.

Subdivision, new land uses, main buildings inclusive of primary dwellings, ~~secondary dwellings~~ accessory dwelling units, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table 28-23B.

SECTION XI

Table 28.31B, pertaining to development standards for main buildings and secondary dwellings in the Rural Residential (RR) districts, is amended as follows:

The table heading is amended as follows:

Replace this →	Development Standards for Main Building ⁽¹⁾ and Secondary Dwelling
With this →	Development Standards for Main Building ⁽¹⁾ and Accessory Dwelling Unit

The rows relating to dwelling size are amended as follows:

Dwelling size	<i>Minimum or maximum gross floor area for new dwelling</i>
Primary dwelling	1,000 square feet minimum
Accessory dwelling unit	See subsection 28.72.10(B)(2)

The row referencing “Rural Residential Districts 28.23” is deleted.

SECTION XII

Footnote 1 to Table 28.31C, pertaining to development standards for accessory buildings in the Rural Residential (RR) districts, is amended as follows:

- (1) Does not include ~~a secondary dwelling~~ an accessory dwelling unit as defined in Section ~~28-0428.01~~.

SECTION XIII

The row in Table 28.32A pertaining to secondary dwellings as a type of residential land use in certain Residential-Traditional Community (R-TC) districts is amended as follows:

	Allowed uses	Permit Requirements					Land Use Regulations
		R-TC 1AC	R-TC 20	R-TC 15	R-TC 10	R-TC 6	
Replace this →	Secondary dwelling	AP	AP	AP	AP	AP	28.72.10(A) & (B)(6)
With this →	Accessory dwelling unit	A	A	A	A	A	28.72.10(A) & (B)(2)

SECTION XIV

The row in Table 28.32B pertaining to secondary dwellings as a type of residential land use in certain Residential-Traditional Community (R-TC) districts is amended as follows:

	Allowed uses	Permit Requirements						Land Use Regulations
		R-TC 5	R-TC 4	R-TC D-4	R-TC D-6	R-TC MF	R-TC MU	
Replace this →	Secondary dwelling	AP	AP	---	---	---	---	28.72.10(A) & (B)(6)
With this →	Accessory dwelling unit	A	A	A	A	A	A	28.72.10(A) & (B)(2)

SECTION XV

Subsection (A) of section 28.32.30, relating to development standards for the Residential-Traditional Community (R-TC) districts, is amended as follows:

A. General site and building standards.

Subdivision, new land uses, main buildings inclusive of primary dwellings, ~~secondary dwellings~~ accessory dwelling units, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Tables 28-32C.

SECTION XVI

Table 28.32C, pertaining to development standards for main buildings and secondary dwellings in the Residential-Traditional Community (R-TC) districts, is amended as follows:

The table heading is amended as follows:

Replace this →	Development Standards for Main Building ⁽¹⁾ and Secondary Dwelling
With this →	Development Standards for Main Building ⁽¹⁾ and Accessory Dwelling Unit

The rows relating to dwelling size are amended as follows and apply to all R-TC districts:

Dwelling size	<i>Minimum or maximum gross floor area for new dwelling</i>
Primary dwelling	1,000 square feet minimum
Accessory dwelling unit	See subsection 28.72.10(B)(2)

SECTION XVII

Footnote 3 to Table 28.32C, pertaining to development standards for main buildings and accessory dwelling units in the Residential-Traditional Community (R-TC) districts, is amended as follows:

- (3) A duplex or up to two ~~single-family~~single-family dwellings in any arrangement is allowed on a lot in the R-TC-D-4 District when a minimum of 2,000 sq. ft. of land area is provided for each ~~one-family~~single-family dwelling or a minimum of 2,000 sq. ft. of land area is provided for each ~~duplex-unit~~dwelling unit of a duplex.

A duplex or up to two ~~single-family~~single-family dwellings in any arrangement is allowed on a lot in the R-TC-D-6 District when a minimum of 3,000 sq. ft. of land area is provided for each ~~one-family~~single-family dwelling or a minimum of 3,000 sq. ft. of land area is provided for each ~~duplex-unit~~dwelling unit of a duplex. An allowed second ~~single-family~~single-family dwelling shall be deemed to be a second main building and not ~~a secondary dwelling~~an accessory dwelling unit or accessory building.

SECTION XVIII

Footnote 1 to Table 28.32D, pertaining to development standards for accessory buildings in the Residential-Traditional Community (R-TC) districts, is amended as follows:

- (1) Does not include ~~a secondary dwelling~~an accessory dwelling unit as defined in Section 28.01.

SECTION XIX

Section 28.41.30, relating to development standards for the Commercial (C) districts, is amended as follows:

28.41.30 Commercial District Development Standards

Subdivision, new land uses, main buildings including primary ~~and secondary~~ dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table ~~28-41B~~28.41B.

SECTION XX

Table 28-41B is renumbered as Table 28.41B.

SECTION XXI

Section 28.42.30, relating to development standards for the Manufacturing and Industrial (M-G, M-L, & I-WD) districts, is amended as follows:

28.42.30 Commercial District Development Standards

Subdivision, new land uses, main buildings including primary ~~and secondary~~ dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table ~~28-42B~~28.42B.

SECTION XXII

Subsection (C) of section 28.51, relating to development standards for the Watershed (W) district, is amended as follows:

C. General Development Standards.

Subdivision, new land uses, main buildings including primary ~~and secondary~~ dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table ~~28-51B~~28.51B.

SECTION XXIII

Table 28-51B is renumbered as Table 28.51B.

SECTION XXIV

Section 28.52.30, relating to development standards for the Marsh Preservation (MP) district, is amended as follows:

28.52.30 Marsh Preservation District Development Standards

Subdivision, new land uses, main buildings including primary ~~and secondary~~ dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table ~~28-52B~~28.52B.

SECTION XXV

Table 28-52B is renumbered as Table 28.52B.

SECTION XXVI

Subsection (C) of section 28.61, relating to development standards for the Park (P) district, is amended as follows:

C. General Development Standards.

Subdivision, new land uses, main buildings including primary ~~and secondary~~ dwellings, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table ~~28-61B~~28.61B.

SECTION XXVII

Table 28-61B is renumbered as Table 28.61B.

SECTION XXVIII

Subdivision (B)(1)(g) of section 28.72.30 is amended as follows:

- g. Not a Secondary Dwelling.** An accessory building does not include a secondary dwelling or an accessory dwelling unit as defined in Section ~~28-04~~28.01. When an accessory dwelling unit is located within an accessory building, the provisions of this subsection shall not apply to the accessory dwelling unit portion of the building.

SECTION XXIX

In subdivision (A) of section 28.94, the provision for required off-street parking for residential uses is amended as follows:

Land Use	Number of Off-Street Parking Spaces Required
1. Residential uses	Two spaces per each primary dwelling unit and one space for each secondary dwelling, companion unit or secondary living unit or accessory dwelling unit. A parking space is not required for a junior accessory dwelling unit or for an accessory dwelling unit as provided in 28.72.10(B)(2)(a)(3). Spaces should be located behind the front yard setback line in the R-E, R-S and R-DR-TC districts. Spaces shall also comply with the development and architectural standards in Section 28-102 (Architectural Approval) of this Chapter. Exception to the above: one One enclosed space plus one unenclosed space per dwelling unit in a duplex in the R-D district multifamily or mixed occupancy building.

SECTION XXX

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

SECTION XXXI

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 XXXII

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 at its regular meeting on _____ by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

EXCUSED: Supervisors _____

Erin Hannigan, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Alicia Draves, Chief Deputy Clerk