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Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-20-02 (Accessory Dwelling Unit 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, in Residential zoning districts within the unincorporated county. (Attachment A: Accessory Dwelling Unit Ordinance).

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Published Notice Required? Yes X No ___
Public Hearing Required? Yes X No ___

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Planning Commission consider and make a recommendation to the Board of Supervisors to adopt the proposed Ordinance, Zoning Text Amendment No. ZT-20-02 (Accessory Dwelling Unit 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, in Residential zoning districts within the unincorporated county (Attachment A: Accessory Dwelling Unit Ordinance).

SUMMARY:

Within the last two years, the legislature has amended regulations relating to accessory dwelling units (ADUs) with the passage of Assembly Bill 881 (AB 881) and Assembly Bill 3182 (AB 3182). AB 881 became effective January 1, 2020, and AB 3182 will become effective January 1, 2021.

The legislation requires that local agency ordinances, regulating ADUs, be consistent with the new legislative requirements.

The proposed ordinance amendments address the most recent new requirements for ADUs.

FINANCIAL IMPACT:

The costs for preparation of these ordinance amendments are included in the Department of Resource Management’s approved Budget for FY2020/2021.

DISCUSSION:

Background

An accessory dwelling unit (ADU) also known as a “granny flat”, “in-law unit”, or in the case of Solano County, a “secondary dwelling unit”, is a permanent second unit with a full kitchen and bathroom on the same lot as the primary dwelling.

As a result of the legislation mentioned above, any local ordinance not in compliance with the new state standards was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decades. However, the County’s regulations were not in full compliance with the new state requirements and, consequently, beginning on January 1, 2020, the County has operated under the state rules for accessory dwelling units in certain circumstances where the local ordinance is not consistent.

Discussion

Under the State ADU Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2020, so long as the County's new rules address all of the requirements embodied in the State legislation.

Over the last 2 to 3 years, the legislature has been actively revising rules that local agencies must follow when approving second units in residential zoning districts. Staff anticipates this trend to continue. As the Planning Commission is likely aware, California is facing a housing shortage statewide. ADUs serve as an important form of housing that can be utilized to serve low/moderate income people and families. As a result, the state continues to look for methods to streamline local permitting processes, reduce governmental constraints, and reduce permitting costs for ADUs.

In response to the legislation updates, the primary substantive change incorporated into the draft ordinance addresses the ability for both an ADU and a Junior ADU to be located on the same parcel under certain circumstances.

These draft ordinance revisions also modify the permitting process for ADUs. To date, ADU's require approval of an Administrative Permit prior to receiving a building permit. The Administrative Permit process is intended to ensure that all code standards are met prior to the commencement of the building permit process. However, staff believes these processes are somewhat redundant. As such, to further streamline the permitting process, staff is recommending that zoning allow ADUs "by right", without the need to obtain the Administrative Permit. An ADU's compliance with local standards will still be reviewed and confirmed through the building permit process.

Because staff expects additional legislative revisions in the coming years, the proposed ordinance also re-names "secondary units" to "accessory dwelling unit" for the residentially zoned districts. Second units in the agriculturally zoned districts will remain as "secondary dwellings". Since the legislative changes tend to focus on housing in residential areas, using different nomenclature for residential zones and agricultural zones should make future revisions simpler.

The primary definition and regulation related changes are summarized below, with the balance of the ordinance revisions (Sections V – XXIX) to ensure proper cross referencing.

Zone Text Amendments Summary (See Attachment A)

The amendments to Chapter 28 fall into three broad categories:

- 1) Revisions and additions to definitions in Article I, Section 28.01(Definitions);
- 2) Revisions and additions to the Dwellings regulations in Article III, notably regulations and permitting for ADUs and Secondary units;
- 3) Revisions to the temporary dwellings regulations in Article III; and
- 4) Minor textual changes to the compatibility waiver process.

Each of these categories is summarized below:

1. Revisions and Additions to Definitions in Article I, Section 28.01

The proposed additions/revisions to definitions in Section 28.01 include the following:

- a. Additional definitions: Accessory dwelling unit, dwelling unit, efficiency dwelling unit, floating home
- b. Revised definitions: Dwelling, dwelling group, manufactured dwelling, primary dwelling, secondary dwelling, temporary dwelling, duplex, gross floor area, kitchen

2. Revisions and additions to the Dwellings regulations in Article III, Section 28.72.10

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10 Dwellings:

- a. Revisions of development and architectural standards in 28.72.10(A)(1) and 28.72.10(A)(2);
- b. Addition of development standards relating to ADUs and Junior ADUs in 28.72.10(B)(2); and
- c. Revisions to Secondary Dwelling Subsection, 28.72.10(B)(3).

3. Revisions and additions to the temporary dwellings regulations in Article III, Section 28.72.20(B)(2) and (3)

- a. Revisions relating to temporary dwellings from 28.72.20(B)(2) and temporary emergency dwellings 28.72.20(B)(3).

2. Revisions and additions to the neighborhood compatibility waiver process in Article V, Section 28.108

General Plan and Zoning Consistency

The 2008 Solano County General Plan (Plan) designates several areas of the County for various types of agricultural and residential land uses. The Plan further defines which zoning districts are consistent with those land use designations. The zoning districts provide for both primary and secondary dwelling units and contain various development standards for each. This ordinance makes very minor changes to those existing regulations and is considered exempt from CEQA under the “general rule”.

Environmental Analysis:

Staff is recommending that the Planning Commission consider and recommend that this proposed ordinance revision is exempt from the requirements of CEQA under the “general rule” exemption since this ordinance is a set of technical adjustments and corrections which do not alter prior regulations for intensity or location of development or any other physical alterations to the environment.

PUBLIC HEARING NOTICE:

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the local newspapers.

ALTERNATIVES:

1. Not to adopt any amendments to Chapter 28 at this time. This alternative is not recommended because the proposed amendments implement state mandated regulations.
2. To consider further or different revisions to what has been prepared as may be directed by the Board.

OTHER AGENCY INVOLVEMENT:

The proposed zoning amendments will also be submitted to the Airport Land Use Commission (ALUC) as required under state law prior to the Board of Supervisors consideration of the ordinance.

Attachment A: Draft Ordinance - Redlined

Attachment B: Draft Ordinance - Final

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, deleted, 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 contains~~ 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 or dwelling unit of not less than 320 square feet gross floor area that is intended for and occupied by not more than two people and includes the following: a living room of not less than 220 square feet; a separate closet; kitchen facilities consisting of a kitchen sink, cooking appliance, and refrigerator; and a separate bathroom containing a water closet, lavatory, and bathtub and/or shower.

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 manufactured dwelling installed as chattel property and 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) Efficiency Unit. If the gross floor area of an attached or detached accessory dwelling unit or a junior accessory dwelling unit 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.

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

- ~~(1)~~ 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:

| | Allowed uses | Permit Requirements | | | Land Use Regulations |
|----------------|-------------------------|---------------------|------|-------|----------------------|
| | | RR-2.5 | RR-5 | RR-10 | |
| Replace this → | Secondary dwelling | AP | AP | AP | 28.72.10(A) & (B)(6) |
| With this → | 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 | <p>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.</p> <p>Exception to the above: oneOne enclosed space plus one unenclosed space per dwelling unit in a duplex in the R-D districtmultifamily or mixed occupancy building.</p> |

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

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, deleted, 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. A 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 designed to be used, rented, leased, or otherwise occupied for living purposes. **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 single-family or multifamily dwellings occupying a parcel 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 or dwelling unit of not less than 320 square feet gross floor area that is intended for and occupied by not more than two people and includes the following: a living room of not less than 220 square feet; a separate closet; kitchen facilities consisting of a kitchen sink, cooking appliance, and refrigerator; and a separate bathroom containing a water closet, lavatory, and bathtub and/or shower.

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.

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.

Multifamily dwelling. A building, or portion thereof, containing two or more dwelling units used or designed for residential use by two or more families living independently of each other, including apartment houses and flats.

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.

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 multifamily dwelling are not classified as primary or secondary dwellings.

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 multifamily dwelling structure are not classified as primary or secondary dwellings.

Temporary dwelling. A manufactured dwelling installed as chattel property and for a limited, fixed term, for a purpose specified by the applicable Zoning District.

Duplex. A 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.

Gross floor area. For residential structures, gross floor area shall be calculated as the total area of all floors of the dwelling or dwelling unit, as measured to the exterior finished surface of outside walls or to the centerline of common walls separating 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 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. 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

- a.** All dwellings and buildings containing one or more dwelling units shall conform 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.
- 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.
- 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.
- 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

- a. Exterior siding shall be a material commonly found in conventionally built residential structures. Metal siding with a shiny or metallic appearance 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) Efficiency Unit. If the gross floor area of an attached or detached accessory dwelling unit or a junior accessory dwelling unit 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.

- 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.

3. **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.** 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.

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 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 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. If attached to or located within the primary dwelling or another building, a separate exterior entrance shall be provided.
- 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.
- g. **Parking.** Parking for a secondary dwelling shall comply with Section 28.94 (one off-street parking space required, either covered or uncovered).
- 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.
- 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.

- 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.
- 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).

4. Duplex or Multi-Family Dwellings (Reserved)

- 5. 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.

6. 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.

7. Nonconforming Secondary Dwelling or Guest House

- a. Nonconforming Secondary Dwelling.** 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.
- 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.** When authorized within the zoning district, a temporary dwelling may be permitted 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.

3. **Temporary Emergency Dwelling.** 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 subsections 28.72.10(A)(2) and 28.72.10(B)(1) may be granted by the 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:

| | Allowed uses | Permit Requirements | | | Land Use Regulations |
|----------------|-------------------------|---------------------|------|-------|----------------------|
| | | RR-2.5 | RR-5 | RR-10 | |
| Replace this → | Secondary dwelling | AP | AP | AP | 28.72.10(A) & (B)(6) |
| With this → | 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, 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 an accessory dwelling unit as defined in Section 28.01.

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, 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 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 single-family dwelling or a minimum of 2,000 sq. ft. of land area is provided for each dwelling unit of a duplex.

A duplex or up to two 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 single-family dwelling or a minimum of 3,000 sq. ft. of land area is provided for each dwelling unit of a duplex. An allowed second single-family dwelling shall be deemed to be a second main building and not 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 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 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.

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 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.

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 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.

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 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.

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 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.

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 28.01. 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 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-TC districts. |
| | One enclosed space plus one unenclosed space per dwelling unit in a 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