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### **ARTICLE I. IN GENERAL**

#### **Sec. 28-10. Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**Accessory use.** A use naturally and normally incidental to and subordinate to the principal use of the land, and which does not change the character of the principal use.

**Agriculture education.** The provision of information, knowledge and skills pertaining to agriculture conducted concurrently with the production of agricultural crops and is accessory to the primary agricultural use of the property. Examples include demonstration gardens and interactive seminars that model best practices in farm and ranch management and resource conservation.

**Agricultural processing facility with special events.** A facility that handles agricultural products in which the nature of the product is changed or altered, that as an accessory use, conducts social gatherings for hire at the facility.

**Agriculture.** The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage, husbandry, farming, horticulture and forestry; the science and art of the production of plants and animals useful to humans.

**Alley.** A passage or way open to public travel, affording a secondary means of vehicular access to abutting lots, and not intended for general traffic circulation.

**Animal hospital.** A building wherein the care and treatment of sick or injured dogs, cats, rabbits, birds and similar small animals is given, but not including the boarding of animals that are not sick or injured.

**Animal, small.** Chicken, turkey, rabbit, duck, mink, hamster, chinchilla, pot belly pig or other animals of similar nature.

**Animal units.** The sum total of the units assigned to various animals pursuant to the table below:

<b><u>Type of Animal</u></b>	<b><u>Units per Animal</u></b>
Mature cattle, horses or animals of similar size	1.00
Yearling cattle, horses or animals of similar size	.75
Calves, colts or animals of similar size	.40
Hogs more than 90 days old	1.00
Two or more litters of hogs	.50 per hog
One litter of hogs	None
Mature sheep, goats or animals of similar size	.20
Lambs, kids or animals of similar size	

**Aquaculture.** The propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water, not including aquariums or ponds for pets or landscaping purposes.

**Automobile parking lot.** Premises on which operable and duly licensed automobiles are parked by their individual owners for a period not to exceed seventy-two hours.

**Block.** That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided acreage, watercourse or body of water.

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

**Building height.** Average height above the finished grade of the highest part of the building.

**Building, main.** A building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling other than an accessory dwelling shall be deemed to be a main building on the building site on which the same is situated.

**Building site.** The ground area of building or buildings, exclusive of the street, together with all open space required by this Chapter and having its principal frontage on a street.

**Camp grounds.** Land or premises which is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for temporary occupancy by tents or similar quarters.

**Cattery.** Any enclosure, premises, building, structure, lot, area or one ownership where twelve (12) or more cats are kept, harbored or maintained.

**Clinic, medical and dental.** A building wherein a staff of doctors with necessary assistants and equipment conduct the examination and treatment of outpatients.

**Club.** All clubs, except those the chief activity of which is a service customarily carried on as a business.

**Commercial coach.** A vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes.

**Community care facility.** Any facility, place or building, including any family home, group home, social rehabilitation facility or similar facility but excepting any such facility owned and operated by the County, which is maintained and operated to provide residential care, day care, or homefinding agency services for children, adults, or children and adults, including, but not limited to, the physically impaired or handicapped, mentally impaired, incompetent persons, and abused or neglected children. A community care facility may provide incidental medical services.

“Residential care” means nonmedical care provided on a 24-hour basis to persons in need of personal services, guidance, counseling, supervision, recovery services, supportive services, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

“Day care” mean nonmedical care provided on a less than 24-hour basis to persons in need of personal services, supervision, counseling, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

“Homefinding agency” means any individual or organization engaged in finding homes or other places for placement of persons of any age for temporary or permanent care or adoption.

A residential care facility, including an intermediate care facility/developmentally disabled, a congregate living health facility, a transitional housing facility, or an emergency shelter facility but excluding a facility for wards of the juvenile court, which serves six or fewer persons, exclusive of the licensee, members of the licensee’s family, and persons employed as facility staff, shall be considered a residential use or property rather than a community care facility

and the residents and operators of the facility shall be considered a family for purposes of this Chapter. A small family day care home or a large family day care home, as defined in state law, or a day care facility which serves six or fewer persons, exclusive of the licensee, members of the licensee's family, and persons employed as facility staff, shall be considered a residential use of property rather than a community care facility.

**Companion living unit.** A temporary mobilehome subordinate to and detached from the principal residence on the same ownership providing independent living quarters including sleeping, eating, cooking, and sanitation facilities for one or more adult persons who are sixty years of age or over, handicapped or convalescent. Either the principal residence or companion living unit shall be owner-occupied.

**Confined animal facility.** Any dairy, stockyard, feedlot, or animal livestock operation, conducted on contiguous property under common ownership or control, where the animals are corralled, penned, tethered, or otherwise caused to remain in confinement in a restricted area for any purpose, and in which the surface of such restricted area is or will become bare of any feed growth in the normal growing season. Normal grazing activities are excluded from this definition. Supplemental feeding areas, corrals, livestock working facilities, and other areas where grazing livestock may be temporarily confined incidental to grazing activities are also excluded. A Confined Animal Facility shall be classified as either Small, Medium, or Large, depending on the maximum number of animals at the facility at any time. Operations too small to meet the minimum threshold of a Small Confined Animal Facility shall not fall within this definition.

<b>Animal Sector</b>	<b>Small CAF</b>	<b>Medium CAF</b>	<b>Large CAF</b>
Cattle or cow/calf	20 to 299	300-999	1,000 or more
Mature dairy cow	14 to 199	200-699	700 or more
Veal calves	20 to 299	300-999	1,000 or more
Horses	10 to 149	150-499	500 or more
Sheep or lambs	198 to 2,999	3,000-9,999	10,000 or more

**Corporation yard.** Buildings and premises for storage of construction materials and machinery used by the operator of the corporation yard in the conduct the operator's business.

**County boundary.** The boundary of the county or the boundary of any unincorporated municipality within the county.

**Courts.** An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

**Duplex.** A detached building under one roof designed for, or occupied exclusively by, two families living independently of each other, and separated by a common wall or floor.

**Dwelling or dwelling unit.** A room or suite of rooms that contains living facilities, including provisions for sleeping, eating, cooking and sanitation and designed for, or occupied exclusively by, one family. Each dwelling shall have a separate and independent entrance from either the exterior or an interior common area.

**Dwelling groups.** A group of two or more detached or semidetached one-family, two-family, or multiple-family dwellings occupying a parcel of land in one ownership, and having any yard or court in common.

**Dwelling, accessory or secondary.** One additional dwelling unit on the same ownership as the principal dwelling, providing independent living quarters, including sleeping, eating, cooking and sanitation facilities. Either the principal dwelling or the accessory or secondary dwelling shall be owner-occupied. If either dwelling is leased, such lease shall not cause the subdivision of the property. An accessory or secondary dwelling shall contain not more than either hundred fifty square feet gross floor area unless otherwise specified by the applicable Zoning District. An accessory dwelling shall not be considered an accessory building or an accessory use, as those terms are defined and used in this Chapter.

**Dwelling, manufactured.** A structure certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and designed for, or occupied exclusively by, one family. A manufactured dwelling shall be installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations, unless installed as a temporary dwelling or in a mobilehome park.

**Dwelling, multiple-family.** A building, or portion thereof, used or designed as a residence for three 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.** A detached building which meets the building regulations of the County and is designed for, or occupied exclusively by, one family. Includes manufactured dwelling but does not include a tent.

**Dwelling, principal.** If a lot is improved, or proposed to be improved, with two or more detached dwellings, the first dwelling constructed shall be the principal 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 principal dwelling.

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

**Dwelling, two-family.** A duplex

**Erosion.** Detachment and movement of soil or rock fragments by water, wind, ice and gravity.

**Family.** One or more persons related or unrelated, living together as a single, nonprofit housekeeping unit as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants or domestic help.

**Farm labor quarters.** Rooming houses and boardinghouses and mess halls for any number of farm help customarily employed on land owned by the owner of the building site occupied by such houses or halls.

**Floor area, gross.** For residential structures, gross floor area shall be calculated as the total area of all floors of a building as measured to the exterior finished surface of outside walls or to the centerline of common walls separating buildings, not including any carport, walkway, garage, overhand, patio, enclosed patio, detached 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 building 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, garage, parking structure, unenclosed walkway, or utility or disposal area.

**Fowl and Poultry Ranch.** Any animal livestock operation for fowl or poultry, conducted on contiguous property under common ownership or control, and that meet the following thresholds:

Turkeys	50 or more
Chickens, ducks, or fowl of similar size	100 or more

**Garage, private.** An accessory building for the storage of private motor vehicles; an accessory use incidental to the main building.

**Guest house.** Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let or leased, whether compensation be direct or indirect.

**HCD agricultural employee housing.** Employee housing consisting of no more than 12 beds in a group quarters, or 12 unites or spaces designed for use by a single family or household, for which the owner of such housing has qualified or intends to qualify for a permit to operate pursuant to the state Employee Housing Act.

**Hog Ranch.** Any animal livestock operation for swine, conducted on contiguous property under common ownership or control, and that meet the following thresholds:

Swine (weighing over 55 lbs)	20 or more
Swine (weighing less than 55 lbs)	40 or more

**Home occupation.** A small home business involving the limited provision or sale of goods or services which is accessory to, and conducted by the resident family entirely within, a dwelling unit.

**Horse show.** Includes a public stable and, in addition, includes the conduct of riding exhibitions and other similar events and activities where more than twelve horses participate at one time.

**Injection well.** A Class II well which injects fluids which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with wastewater from gas plants which are an integral part of production operations, unless these waters are classified as a hazardous waste at the time of injection.

**Junkyard.** The use of more than two hundred square feet of area of any parcel, lot, or contiguous lots, for the storage of junk or salvable material, including junk metals or other scrap materials; and for the storage, dismantling or "wrecking" of automobiles or other vehicles or machinery.

**Kenel.** Any enclosure, premises, building, structure, lot, area or one ownership where six (6) or more dogs are kept, harbored or maintained.

**Labor camps.** Any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance-of-way, car, trailer coach, or other housing accommodations maintained in connection with any work or place where work is being performed and the premises upon which they are situated, or the area set aside and provided for camping of five or more employees by a labor contractor. Labor camp shall also mean a labor supply camp.

**Labor supply camp.** Any place, area, or piece of land where a person engages in the business of providing sleeping places or camping grounds for five or more employees or prospective employees of another.

**Lot or parcel.** An area of land under one ownership and having fixed boundaries depicted on a final map or parcel map or described by an instrument of conveyance defining land held in fee title as a discrete unit. Excludes condominium unites consisting of airspace, and mere easements.

**Lot area.** The total area of a lot or parcel, exclusive of adjacent right-of-way unless otherwise specified for the applicable Zoning District.

**Lot, key.** The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.



**Mobilehome.** A manufactured dwelling.

**Mobilehome park.** Any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

**Office, business.** An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of client payments, and the keeping of records and accounts pertaining to the particular business.

**Office, professional.** An office from which a doctor, lawyer, engineer, or architect, etc., may offer services.

**One ownership.** Ownership of property or possession thereof, under a contract to purchase or under lease, the term of which is not less than ten years, by a person, individually, jointly, in common, or in any other manner, whereby such property is under single or unified control.

**Owner.** The person exercising one ownership as herein defined.

**Parking space.** A usable and accessible space for parking of a standard-sized motor vehicle off the street.

**Planning commission.** The County Planning Commission.

**Pool house.** Includes bathhouse. An accessory building adjacent to a pool or spa for dressing by bathers, which may include a bathroom and incidental storage area. A pool house shall not include indoor cooking or sleeping facilities. HVAC equipment or greater than a 110 volt electrical connection except for a dedicated service for pool equipment.

**Principal street.** A public thoroughfare that is currently developed or will be improved as part of a proposed project with a minimum roadway improvement of 40 feet or more of paved width.

**Public nuisance.** Public nuisance shall mean a public nuisance as defined under California Civil Code Section 3479 and 3480, as now in effect, or as may be amended from time to time.

**Public service facility.** Any use of land by a governmental or public utility agency which has the power of eminent domain, or any land use of a public or quasi-public nature which is found by the Planning Commission to be necessary for the public health, safety, convenience or welfare.

**Recreational vehicle.** A vehicle which is a motor home, travel trailer, truck camper, or camping trailer with or without motive power, designed for human habitation, for recreation, travel accommodation purposes, or emergency occupancy, and which is not defined herein as a mobilehome or commercial coach.

**Recreational vehicle park.** Any area or tract of land within an area zoned for recreational use where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles, and which is occupied for temporary periods of time.

**Remnant parcel.** Area under one or more ownerships of four acres or less in aggregate area which has been isolated by public right-of-way, or publicly acquired land, or both.

**Riparian habitat.** The waterside environment where various plant and animal populations are endemic, existing as a result of the existence of the watercourse, or where such populations can be established due to the existence of the watercourse.

**Road.** See street.

**Roadside stand.** An area of an agricultural property set aside for the sale of processed and unprocessed crops that are grown on and off the property. Crops that have been grown or produced off the property may only be sold in conjunction with the sale of crops grown on the property. A roadside stand includes pumpkin patches and other similar promotional uses.

**Rooming or boardinghouse.** A dwelling, other than a hotel, where lodging or meals, or both, for four or more persons are provided for compensation.

**Rural resident enterprise.** A small home business, exclusive of agriculture, on the same parcel as the resident family in a rural area which does not change the residential or agricultural character of the property or surrounding area.

**Secondary living unit.** An accessory or secondary dwelling.

**Sedimentation.** The process by which mineral or organic matter is removed from its site of origin, transported and deposited by water, wind or gravity.

**Servants' quarters.** Living accommodations for servants or domestic help, not including cooking facilities.

**Sign.** Anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved or otherwise, fastened, affixed, or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever.

The two sides of a double-faced sign shall be counted as only one sign. Wedge-shaped or V-shaped signs where messages are not carried back-to-back shall be counted as two signs even though they may be attached.

This definition shall not include official notices issued by a court or public body or officer, or directional warning or information sign or structures required by or authorized by law or by federal, state, county, or city authority.

**Sign area.** The area of a sign or other advertising device shall be measured to the outside of the sign frame, or where there is no sign frame, to a simple boundary perimeter around the outer limits of the sign elements, including any voids within such perimeter. The two sides of a double-faced sign shall be counted as one sign. Wedge-shaped or V-shaped signs where messages are not carried back-to-back shall be counted as two signs, even though they may be attached.

**Sign, general advertising.** A sign which directs attention to a business, profession, organization, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot or parcel on which such sign is located.

**Sign, on-site.** A sign which directs attention to a business, profession, organization, commodity, service, or entertainment conducted, sold, or offered upon the lot or parcel on which the sign is placed.

**Stable, private.** A structure for the shelter, care or feeding of horses, used primarily by the resident family and not used for commercial purposes.

**Stable, public.** Any premises on which horses are boarded, trained, or rented for commercial purposes, or upon which a horse-riding school or club is conducted; provided, that not more than twelve horses participate in a training exercise or riding exhibition at one time.

**Street.** A street, road, highway, thoroughfare, drive, lane, or way affording the principal means of access to abutting property and dedicated to or maintained by city, county, or state government; or a private street, road, highway, thoroughfare, drive, lane, or way affording the principal means of access to abutting property.

**Structural alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Structure.** Anything constructed or erected, except fences, the use of which requires location on the ground at least 30 inches in height, or attachment to something having location on the ground at least 30 inches in height, but not including any recreational vehicle or tent.

**Temporary commercial coach site.** Premises which are used for temporary occupancy and upon which one or more occupied commercial coaches are located for temporary pre-determined periods.

**Temporary mobilehome site.** Premises which are used for temporary occupancy and upon which one or more inhabited mobile-homes or manufactured dwellings are located for temporary predetermined periods.

**Use.** The purpose for which land or premises or a building thereon is designed, arranged, or intended; or for which it is or may be occupied or maintained.

**Watercourse.** Any natural or manmade channel for transporting water, including the stream bed and the banks, whether continuously flowing or intermittent.

**Wind turbine generator, commercial.** A wind-driven machine that converts wind energy into production of electrical power for the primary purpose of resale or off-site use.

**Wind turbine generator, noncommercial.** A wind-driven machine that converts wind energy into production of electrical power for the primary purpose of on-site use and not for resale.

**Wrecking yard.** See junkyard.

**Yard.** An open space, other than a court, on the same building site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping, but not including any portion of any street or alley or road right-of-way.

**Yard, front.** A yard extending across the front of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

**Yard, rear.** A yard extending across the back of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

**Yard, side.** A yard between the side line of the lot and the building to a width required by the district in which the lot is situated, and extending from the front yard to the rear yard.

(Ord. No. 440, §31; Ord. No. 473, §11; Ord. No. 504, §7; Ord. No. 536, §§1, 3; Ord. No. 902, §2; Ord. No. 910, §1; Ord. No. 972, §1; Ord. No. 995, §1; Ord. No. 1033, §1; Ord. No. 1053, §1; Ord. No. 1090, §2; Ord. No. 1100, §1; Ord. No. 1126, §1; Ord. No. 1144, §2; Ord. No. 1151, §1; Ord. No. 1210, §2; Ord. No. 1254, §1; Ord. No. 1306, §2; Ord. 1440, §1; Ord. No. 1497, §1; No. 1514, §1; No. 1543, §1; No. 1553, §2; Ord. No. 1653, §2; Ord. No. 1679, §3)

### **Sec. 28-11. Purpose of zoning plan**

A zoning plan is adopted to provide a precise plan for residential, commercial, industrial, agricultural, public, and other land uses in the county in order to:

- (a) Protect the established character and social and economic values of agricultural, residential, commercial, industrial, recreational, and other areas within the county which have developed in a healthy and orderly manner.
- (b) Encourage beneficial development of those areas which have grown with conflicting or uneconomic patterns of use; and
- (c) Assist in providing a definite and publicly approved plan of development to guide, control and stimulate the future growth of the county in accordance with the need of the county and in proper relation to other land use areas in the region.

(Ord. No. 440, §1.)

**Sec. 28-12. Interpretation of chapter**

In their interpretation and application, provisions of this chapter shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements.

(Ord. . 440, §1.)

**Sec. 28-13. Districts designated and established**

(a) The several districts established by this chapter and into which the county is divided are designated as follows:

T	Districts--Temporarily unclassified districts
A	Districts--Exclusive agricultural districts
A-L	Districts--Limited agricultural districts
R-R	Districts--Rural residential districts
R-E	Districts--Estate residential districts
R-D	Districts--Duplex residential districts
R-S	Districts--One-family residential districts
R-M	Districts--Multiple-family residential districts
P	Districts--Park districts
C-H	Districts--Highway commercial districts
C-N	Districts--Neighborhood business districts
C-G	Districts--General commercial districts
C-S	Districts--Commercial service districts
C-O	Districts--Business and professional office districts
M-L	Districts--Limited manufacturing districts
M-G	Districts--General manufacturing districts
I-WD	Districts--Water dependent industrial districts
W	Districts--Watershed and conservation districts
MP	Districts--Marsh preservation districts
PP	Districts—Policy plan overlay districts

(b) The aforesaid districts are established insofar as the designations, locations and boundaries thereof are set forth and indicated in this section, and in other sections of this chapter which describe certain of such districts. Section 28-15 consists of a series of maps, each entitled "Solano County Zoning Map," identified by a number and a letter. Such maps and all notations, references, data, and other information shown thereon are hereby adopted and made part of this chapter.

(Ord. No. 440, §2, Ord. No. 989, §1; Ord. No. 1187, §1.)

**Sec. 28-14. Public notice--Requirements<sup>1</sup>**

When a public hearing is required by this chapter, public notice shall be given as provided by this action. Failure to receive notice shall not invalidate the permit or decision.

(a) Content of notice. Notice of a public hearing shall include: the date, time and place of the hearing; the name of the hearing body; a general explanation of the matter to be considered; a general description, in text or by diagram, of the location of the real property that is the subject of the hearing and may include consideration of any negative declaration or environmental impact report prepared for the project pursuant to the California Environmental Quality Act.

(b) Method of notice distribution. Notice of a public hearing required by this chapter, as required by Government Code sections 65090 and 65091, shall be given as follows:

(1) Notice shall be published at least once in a newspaper of general circulation in the County, or posted on site in public view and at least two other public locations in the vicinity of the project at least 15 days before the hearing; and

(2) Notice shall be mailed or delivered at least 15 days before the hearing to:

(A) The owner(s) of the property being considered, the owner's agent, and the applicant.

(B) Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide such facilities and services may be significantly affected.

(C) All owners of real property as shown on the latest equalized assessment roll within 500 feet of the property that is the subject of the hearing.

(D) All persons and organizations requesting notice of the public hearing.

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<sup>1</sup>The previous section 28-14, entitled "Index maps" and created by Ord. No. 440, was repealed by Ord. No. 989.

(3) If the number of property owners to whom notice would be mailed as provided by subsections (b)(2)(a) and (b)(2)(c) above is more than 1000, the director of environmental management may choose to place a display advertisement of at least one-eighth page in a newspaper of general circulation in the county at least 15 days before the hearing, as provided by Government Code section 65091(a)(3).

(c) Additional notice. In addition to the notice required by this section, any other notice or form of distribution may be provided as may be determined necessary or desirable. Planning commission or zoning administrator agendas shall be provided to all persons and organizations who, within the calendar year, have requested said agendas, in writing, and paid such fee as may be set by the board of supervisors to cover the cost of such mailing.

(d) Scheduling of hearing. After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and planning division review or staff report, the matter shall be scheduled for public hearing on the Zoning Administrator, Planning Commission, or board of supervisors agenda (as applicable) reserved for such matters. At the discretion of the hearing body, a public hearing may be continued from its scheduled date to a future date as provided by subsection (e) following.

(e) Notice of county action when hearing continued. If a decision on a permit or amendment is continued by the county to a time which is neither previously stated in the public notice of the hearing, nor announced at the hearing at a time certain, the county shall provide notice of the further hearings (or action on the permit) in the same manner and within the same time limits as provided in subsections (a), (b) and (c) above. (Ord. No. 1189, §1; Ord. No. 1439, §1.)

(f) Notice for Waivers. To grant a waiver of any requirement authorized pursuant to the provisions of this Code, notification of intent to grant a waiver shall be sent to owners, as shown on the latest equalized assessment roll, of real property contiguous to that property for which a request for waiver has been received, 10 days in advance of a decision on said request.

(Ord. No. 1543, §2.)

**Sec. 28-15. Zoning maps**

The zoning maps shall consist of a series of maps which show the zoning plan being part of this chapter under the provisions of section 28-13, and are designated as follows:

1-N	7-N	13-N	19-N
1-S	7-S	13-S	19-S
2-N	8-N	14-N	20-N
2-S	8-S	14-S	20-S
3-N	9-N	15-N	21-N
3-S	9-S	15-S	21-S
4-N	----	16-N	22-N

4-S	10-S	16-S	22-S
---	11-N	17-N	23-N
5-S	11-S	17-S	23-S
6-N	12-N	18-N	
6-S	12-S	18-S	

(Ord. No. 440, §4; Ord. No. 459, §1; Ord. No. 720, §1; Ord. No. 989, §3 Ord. No. 1507 §1; Ord. No. 1582, §1; Ord.No.1583, §1; Ord. No. 1584, §1; Ord.No.1595; Ord.No.1596; Ord.No.1597; Ord.No.1601; Ord. No. 1631, §1. Ord. No. 1656, §1)

**Sec. 28-16. Uncertainty of boundaries**

Where uncertainty exists as to the boundaries of any of the districts described in this chapter or as shown on the zoning maps, the planning commission, upon written application or upon its own motion, shall determine the location of such boundaries.

(Ord. No. 440, §2, Ord. No. 989, §4.)

**Sec. 28-17. Compliance with chapter**

Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged; nor shall any land, building or premises to be used, designated or intended to be used for any purpose or in any manner other than is included among the uses listed in this chapter as permitted in the district in which such building, land or premises is located.

(b) No building shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this chapter for the districts in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt; nor shall any open space be encroached upon or reduced in any manner except in conformity to the yard, building site area, and building location regulations designated in this chapter for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

(Ord. No. 440, §2.)

**ARTICLE II. DISTRICTS**

**Sec. 28-20. Temporarily unclassified (T) districts**

(a) All the unincorporated territory of the county not indicated to be used for precise districts of agriculture, residential, park, commercial and manufacturing, as are designated on



the zoning maps, shall be temporarily designated as T districts. These areas have not yet been studied sufficiently to justify precise zoning; therefore, precise zoning is deferred until such time as complete studies may be made and zoning maps are completed and adopted as a part of this chapter.

(b) Uses allowed:

(1) All uses as permitted in A districts, section 28-21; except that, those uses indicated in section 28-21(c) may be established only after a use permit shall have first been secured.

(2) One-family dwelling or manufactured dwelling.

(3) Buildings and uses clearly accessory or incidental to any allowed use.

(c) Conditional uses, provided the conditions for a use permit and requirements, as set forth in Section 28-53, are fulfilled: All uses not indicated under subdivision (b).

(d) Minimum building setback distance: Not less than fifty feet from the centerline of the street, or less than twenty feet from the street right-of-way line, whichever is greater.

(e) Maximum building height: Thirty-five feet; provided, that additional height may be permitted for nondwelling structures, including windmills, silos, and private water tanks; and provided further, that no such structure shall exceed the heights allowed in Section 28-59, if located in an airport flight obstruction area.

(f) Minimum side yard required: Twenty feet.

(g) Minimum rear yard required: Twenty-five feet.

(Ord. 440, §5; Ord. No. 452, §2; Ord. No. 473, §2; Ord. No. 989, §5; Ord. No. 1126, §2; Ord. No. 1226, §1; Ord. No. 1492, §1.)

**Sec. 28.21.010. Purpose of section**

This section lists the uses of land that may be allowed within the agricultural zoning districts established by Section 28.13 (Districts Designated and Established). It also determines the type of land use approval required for each use, and provides general standards for site development.

(Ord. No. 1604)

**Sec. 28.21.020. Purpose of agricultural districts**

(a) Agriculture is the major industry in the County generating the majority of the tax revenue in the unincorporated county. Also, agriculture is the largest single zone district classification on the County zoning map. Therefore, the Board of Supervisors has

determined that the promotion and preservation of agriculture is of vital interest to the county. The standards stated in this section preserve agriculture a number of ways, including allowing agriculture-related support uses, excluding incompatible uses, and protecting the viability of the family farm. These regulations support the family farm by allowing an accessory dwelling for family members that acts as a form of affordable housing and, for farms with larger acreage, permits a reasonable number of farm labor housing on or near the farming activity.

(b) The purposes of the individual agricultural zoning districts and the manner in which they are applied are as follows:

(1) Agricultural (A) district. Agricultural property has been categorized into two basic types: intensive and extensive. Intensive agriculture designates property with high quality soils that is brought into intensive production through irrigation. These properties are generally retained in parcel sizes of 40 to 80 acres and are identified as prime farmland by the State Department of Land Conservation based on soil type. Extensive agriculture designates property with lower quality soils for dry land farming and range land. These properties are generally retained in parcel sizes of 20 and 160 acres.

The General Plan further identifies agricultural property as essential and non-essential. Essential agricultural areas are intended by the General Plan to be protected and maintained in long-term commercial agricultural use, with the only allowable non-agricultural uses being essential to, and supportive of the primary agricultural uses. These properties generally include the intensive (40 to 80 acres) category and larger parcels (160+ acres) in the extensive category. Non-essential agricultural areas are those identified for future urban expansion and rural use, as areas for unique industries in the unincorporated area, and as productive open space lands. Typically, these properties comprise 20 or less acres and are located adjacent to urban land uses.

(2) The designation of areas in the A zoning district will include establishing separate A districts with specific minimum lot area requirements. These requirements shall be indicated on the Zoning Map by a suffix to the A Zoning Map symbol that denotes the minimum lot area for new parcels.

(Ord. No. 1604)

**Sec. 28.21.030. Agricultural district land uses and permit requirements**

(a) Permanent uses. Table 28-21A identifies the land uses allowed by this Zoning Ordinance in each agricultural district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-21A, special requirements may apply to certain uses. Architectural Approval may also be required for certain uses in compliance with Section 28.58 (Architectural Approval). A Building Permit shall also be required prior to any construction.

**Note:** Where the last column in the table (“Specific Use Regulations”) includes a section number, e.g. 28.53, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

(1) Accessory dwelling unit. A second dwelling that is accessory to the principal agricultural single family dwelling is permitted if constructed to the following specific development standards as well as the development standards delineated in Table 28-21B.

(A) The accessory dwelling unit may be attached to or detached from the principal dwelling. In the case of an attached unit, it shall not exceed 1,000 square feet.

(B) For detached units on parcels of less than 20 acres, the maximum size shall not exceed 1,000 square feet.

(C) For detached units on parcels of 20 acres or more, the maximum size shall not exceed 1,800 square feet.

(Ord. No. 1604)

(b) Agricultural employee housing. A temporary manufactured dwelling unit for an employee on parcels of twenty (20) acres or more is permitted for a maximum five (5) year period upon approval of a conditional use permit and subject to the following conditions as well as the development standards delineated in Table 28.21B.

(1) One or more occupants of the dwelling are employed by the owner or the lessee of the parcel;

(2) Non-employee occupants of the dwelling are members of the employee’s family;

(3) The employee occupant(s) of the dwelling has rent deducted from his or her wages; and

(4) The employee occupant is required to live in the dwelling as a condition of his or her employment.

(Ord. No. 1607)

**Sec. 28.21.040. Agricultural districts general development standards**

(a) General site and building standards. Subdivision, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 28-21B, in addition to the applicable development standards (e.g., parking, etc.) in Section 28-55 (“Parking Requirements”).

(b) Minimum site area and density for residential use. Within the A zoning districts, the construction of single-family dwellings is allowed only on parcels that comply with the following requirements.

(1) A maximum of one single-family dwelling is allowed per 80 acres; except that the Board of Supervisors may allow one dwelling unit per 40 acres where it determines that the parcel is capable of highly productive agricultural use such as orchards and vineyards.

(2) 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.

(Ord. No.

(Ord. No. 1604)

Agricultural Districts

<b>TABLE 28-21A</b>		A Allowed Use (2)			
Allowed Uses and Use Permit Requirements for Agricultural Districts		UP Use Permit required (3)			
		--- Use not allowed			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY DISTRICT</b>				Specific Use Regulations (4)
	<b>A-20</b>	<b>A-40</b>	<b>A-80</b>	<b>A-160</b>	

**AGRICULTURAL LAND USES**

Agricultural accessory structures	A	A	A	A	
Agricultural processing facility – On-site products	A	A	A	A	
Agricultural processing facility – Off-site products	UP	UP	UP	---	28.53(i)(1)
Agricultural processing facility with special events	UP	UP	UP	UP	28.10
Animal facilities and operations					
Veterinary facilities	UP	UP	UP	UP	28.53(i)(5)
Kennels	UP	UP	UP	UP	28.53(i)(4)
Fowl and poultry ranches	UP	UP	UP	UP	
Grazing	A	A	A	A	
Hog ranches	UP	UP	UP	UP	
Confined animal facilities, including dairies	UP	UP	UP	UP	28-53(i)(3.5)
Aquaculture	UP	UP	UP	UP	
Crop production, including orchards and vineyards	A	A	A	A	
Stable, private	A	A	A	A	
Wind turbine generators, non-commercial (over 100 ft.)	UP	UP	UP	UP	28.50(b)(4)

**RESIDENTIAL USES**

Single family dwelling	A	A	A	A	28.58
Accessory dwelling unit	A	A	A	A	28.21.030A
Accessory buildings and uses (5)	A	A	A	A	
Agricultural employee housing	UP	UP	UP	UP	28.21.030B
HCD Agriculture employee housing	A	A	A	A	28.10
Home occupations	A	A	A	A	28.50(b)(7)
Rural resident enterprise	UP	UP	UP	UP	28.50(b)(6)
Storage, manufactured home	A	A	A	A	28.50(b)(8)
Temporary single family dwelling	UP(6)	UP(6)	UP(6)	UP(6)	
Guest house	---	---	---	---	

**RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES**

Boating and swimming facilities on existing waterways	UP	UP	UP	UP	
---	----	----	----	----	--

Stable, public and horse show	UP	UP	UP	UP	28.50(b)(1)
Hunting and fishing clubs	UP	UP	UP	UP	
Agricultural education	UP	UP	UP	UP	28.10
Limited public events	UP	---	---	---	28.53(i)(17)

**Agricultural Districts 28.21**

<b>TABLE 28-21A</b>		A Allowed Use (2) UP Use Permit required (3) --- Use not allowed				
Allowed Uses and Use Permit Requirements for Agricultural Districts		<b>PERMIT REQUIRED BY DISTRICT</b>				Specific Use Regulations (4)
<b>LAND USE (1)</b>		<b>A-20</b>	<b>A-40</b>	<b>A-80</b>	<b>A-160</b>	

**RETAIL TRADE USES**

Farm supplies and farm equipment sales	UP	UP	UP	UP	
Roadside stands, 80 feet or more from street centerline	A	A	A	A	28.53(i)(37)
Roadside stands, less than 80 feet from street centerline	UP	UP	UP	UP	28.53(i)(37)

**SERVICE USES**

Agricultural trucking services and facilities	UP	UP	UP	UP	
Airfields and heliports, Agricultural	UP	UP	UP	UP	28.53(i)(2)
Custom farm services, e.g. hay baling	UP	UP	UP	UP	
Farm equipment fabrication and repair	UP	UP	UP	UP	

**COMMUNICATIONS AND INFRASTRUCTURE USES**

Injection wells	UP	UP	UP	UP	Chapter 13.6
Oil and gas wells	(7)	(7)	(7)	(7)	28.50(b)(5)
Pipelines, transmission and distribution lines in R.O.W.	A	A	A	A	28.50(a)(6)
Public service facility	UP	UP	UP	UP	
Refuse dumping, disposal, processing, composting (8)	UP	UP	UP	UP	28.53(i)(16)
Surface mining operation	UP	UP	UP	UP	Chapter 29
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	UP	28.50(a)(7)
Wind turbine generators, commercial	UP	UP	UP	UP	28.50(b)(4)
Wireless communication facilities	(9)	(9)	(9)	(9)	28.50.01

**Notes:**

- (1) See Section 28.10 for land use definitions.
- (2) See Building site special provisions; Section 28.50(d). Architectural Review may also be required; see 28.58.
- (3) See Section 28.53 for Use Permit processing requirements.
- (4) Section refers to the section of Chapter 28, Zoning Ordinance. Chapter refers to the referenced chapter of the Solano County Code.

- (5) Does not include a guest house.
- (6) Allowed only when the main dwelling is under construction.
- (7) Allowed subject to the issuance of an Oil and Gas Well Drilling permit (Section 28.50(b)(5)).
- (8) During or subsequent to final closure of any waste disposal site, the Planning Commission may approve any beneficial reuse of the waste disposal site that (i) is compatible with the approved closure and/or post-closure plans for the site; (ii) would not be detrimental to existing or anticipated agricultural land use in the vicinity, and (iii) would not subject occupants of the site, neighbors, or the environment, to risks associated with the wastes which have been disposed of at the site.
- (9) Permit requirement determined by Section 28.50.01 (Wireless Communication Facilities)

(Ord. No. 1679, §4)

**Sec. 28-22. Limited agricultural (A-L) districts**

(a) The board of supervisors finds that agriculture is an essential natural resource which is a major contributor to the economic well-being of Solano County. In addition, certain agricultural lands serve an important function in buffering contiguous environmentally sensitive lands from the effects of urbanization. In order to prevent further encroachment upon such agricultural lands by incompatible uses of property and for the general welfare of the county as a whole, there is created a zone classification within which limited agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith.

The provisions of this section shall be strictly interpreted to provide maximum protection to such agricultural areas. It is the intention of this section to deter developers from considering lands within the A-L zone as a potential urban development property, and it is further understood that there is no reasonable probability of the removal or modification of this zoning restriction within the near future.

The purpose and intent of the A-L district is to preserve lands best suited for permanent agricultural use while limiting certain intensive agricultural practices which may conflict with adjoining sensitive lands. Types of uses encouraged within A-L districts are extensive agricultural operations consisting primarily of grain and hay crop production, irrigated and nonirrigated pasture, and grazing operations harmonious with adjoining marshes, wetlands, grasslands, or other sensitive lands.

A primary intent of the A-L district is to assure the retention of upland and lowland grasslands adjacent to the Suisun Marsh in uses compatible with its protection. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, may be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28-52 of this Code.

(b) Uses allowed:

(1) Agricultural uses, with emphasis on grain and hay crop production, pasture and grazing, except that those uses indicated in subdivision (c) of this section may be established only after a use permit shall have first been secured.

- (2) Processing of products produced on the premises.
- (3) Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or manufactured dwelling, a secondary living unit, barns, private stable, sheds and other farm buildings.
- (c) Conditional uses, provided the conditions for a use permit and requirements as set forth in Section 28-53 are fulfilled:
- (1) Fowl and poultry ranch, kennel or cattery.
- (2) Solid waste disposal site in conformity with section 29409 of the Public Resources Code.
- (3) Public stable, horse show, lodge, club or resort for swimming, boating, fishing, hunting or shooting, and similar types of uses as may be determined by the planning commission.
- (4) Public service facility.
- (5) Companion living unit.
- (6) Rural resident enterprise.
- (7) Additional one-family dwellings or manufactured dwellings for persons employed on the premises when such residential use is clearly accessory or incidental to the agricultural use of the property.
- (8) Extraction and removal of minerals or natural materials from quarries and borrow areas existing as of January 1, 1982.
- (9) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.
- (d) Minimum parcel area required:
- | <u>Zone</u> | <u>Minimum Parcel Area</u> |
|-------------|----------------------------|
| A-L - 80    | 80 acres                   |
| A-L - 160   | 160 acres                  |
- (e) Minimum front yard required: Thirty feet; except that buildings shall not be less than fifty feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning maps.
- (f) Minimum side yard required Twenty feet.



- (g) Minimum rear yard required: Twenty-five feet.
- (h) Special yards and distances between buildings required: Accessory buildings shall not be less than sixty feet from the front property line, nor less than twenty feet from any side or rear property line, nor less than ten feet from any dwelling unit on the property.
- (i) Maximum building height: Thirty-five feet; provided, that additional height may be permitted for non-dwelling structures, including windmills, silos, and private water tanks; and provided further, that no such structure shall exceed the heights allowed in Section 28-59 of this Code if located in airport flight obstruction area.

(Ord. No. 1092, §1; Ord. No. 1100, §1; Ord. No. 1121, §9; Ord. No. 1126, §4; Ord. No. 1164, §2; Ord. No. 1191, §§ 3, 4; Ord. No. 1210, §4; Ord. No. 1492, §3; Ord. No. 1492, §3; Ord. No. 1497, §1; No. 1514, §3; Ord. No. 1663, §3.)

**Sec. 28-23.010 Purpose of rural residential districts**

Rural Residential zoning is applied to areas appropriate for rural, low density, single-family homes, where agriculture is not the sole land use and commercial agricultural production capability is low, where self-sufficiency and privacy are desirable and only minimal essential public services and facilities are available. Homesites are to be self-sufficient, with individual wells and individual septic systems. Water may be supplied by a public water system, operated by a public agency, in areas where water from individual wells may be of marginal quantity or quality. Rural Residential zoning shall not be applied to intensive (prime) or extensive (prime) or extensive (non-prime) agricultural lands, or to areas with a high risk of wild fires, landslides, or flooding. Rural Residential zoning is consistent with the implements of the Rural Residential land use designation of the General Plan. The three Rural Residential zoning districts are differentiated primarily by density classifications that correspond to potential agricultural productivity and the types of public services required for each district, as follows:

District	Minimum Parcel Size	Land Features	Services Required
R-R 21/2	2.5 acres	Non-productive; non-abutting to productive agricultural land	Public water supply and individual private sewage systems
R-R 5	5 acres	Non-productive; non-abutting to productive agricultural land	Private water wells and individual private sewage systems
R-R 10	10 acres	Low capability for agricultural production; abuts productive agriculture land or areas well suited for agriculture or grazing	Private water wells and individual private sewage systems

**Sec. 28-23.020 Rural residential district land uses and permit requirements**

Land uses. Table 28-23A identifies the land uses allowed by this Zoning Ordinance in each rural residential district and the land use permit required to establish each use. In addition to the land use permit required by Table 28-23A, other special requirements including Architectural Approval Pursuant to Section 28.58 may apply to certain uses. A Building Permit shall also be required prior to any construction.

**Note:** Where the last column in the table (“Specific Use Regulations”) includes a section number, e.g. 28.53, the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

Special uses. Conditions relating to specific uses allowed when incidental to the principal single family dwelling on the same lot:

(a) Accessory dwelling – An accessory dwelling permitted in Table 28-23A must meet the development standards delineated in Table 28-23B and the specific development standards for the district as follows:

(1) The maximum size of the accessory dwelling shall not exceed 1,500 square feet of gross floor area.

(2) Only one accessory dwelling is allowed on a lot, except when any of the following temporary uses may be additionally permitted:

(A) Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-50(d)(6);

(B) Use of temporary dwelling while the main dwelling is under construction, with a use permit.

(3) An accessory dwelling shall not be allowed on a lot that has a companion living unit or other similar accessory housing unit.

(4) An accessory dwelling may be a detached structure or may be attached to another building on the same lot. If attached to another building, a separate ground-floor exterior entrance shall be provided, independent from the entrance for the building to which it is attached.

(5) Accessory dwelling or guest house, existing:

(A) A secondary living unit legally existing on the lot prior to October 27, 2006, which does not meet the size or setback requirements of this Section shall be considered legal non-

conforming and subject to the provisions of Section 28-60 (“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) A guest house legally existing on the lot prior to October 27, 2006, shall be considered legal non-conforming and subject to the provisions of Section 28-60 (“Nonconforming Uses”). Such a guest house may be converted to an accessory dwelling provided all of the following are met: (1) no other accessory dwelling 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) either the principal residence or the accessory dwelling is owner-occupied; and (4) if the structure does not meet the size or setback requirements of this Section for accessory dwelling, it shall be considered legal non-conforming and subject to the provisions of Section 28-60 (“Nonconforming Uses”).

(C) A companion living unit legally existing on the lot prior to October 27, 2006, pursuant to an approved conditional use permit, may be converted to an accessory dwelling provided all of the following are met: (1) no other accessory dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the principal residence or the accessory dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-60 (“Nonconforming Uses”). If an existing companion living unit is converted to an accessory dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to an accessory dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.

(D) If both a secondary living unit and a companion living unit legally exist on the lot prior to October 27, 2006, the secondary living unit shall be considered the accessory dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.

(b) Small animal husbandry – Small animal husbandry incidental to a dwelling, as permitted in Table 28-23A, must meet the following specific development standards:

(1) “Small animal husbandry” shall mean the care and raising of small animals as defined in Section 28-10.

(2) The total number of small animals kept on one parcel shall not exceed twenty (20) per acres.

(3) Small animals shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the Department of Resource Management.

(4) Small animals that create noise audible on adjacent properties that is deemed by the County to be excessive or not in harmony with the rural environment shall be confined within enclosures adequate to reduce noise levels such that the noise does not create a public nuisance to surrounding properties.

(5) No more than one (1) rooster per acre may be kept.

(6) Small animals that are confined shall be kept within enclosures located at least sixty (60) feet from the front property line, and at least twenty (20) feet from side and rear property lines.

(c) Hog raising – the raising of hogs incidental to a dwelling as permitted in Table 28-23A, must meet the following specific development standards:

(1) The parcel upon which the hogs are kept shall contain a minimum of two net acres.

(2) The total number of hogs kept on such parcel shall not exceed three, one of which may be a brood sow.

(3) In the event that the brood sow farrows, the litter resulting there from shall be allowed to remain on the premises until the litter is weaned, but in no even for a period longer than ninety days.

(4) The hogs shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the County department of public health.

(5) The hogs shall be kept within a secure enclosure which is located within the rear half of the parcel and maintained at least two hundred (200) feet from all property lines and at least one hundred (100) feet distance from any water well.

(d) Roadside stand – a roadside stand incidental to a dwelling as permitted in Table 28-23A, must meet the following specific development standards:

(1) Shall be operated by the property owner or occupant.

(2) Shall not be greater than 500 square feet in size.

(3) Shall be located 80 feet or more from the street centerline.

(4) Shall have ingress and egress designed so as to avoid traffic congestion and hazards/

(5) Shall provide adequate controls or measures to prevent dust, odor or light.

(6) Shall provide adequate off-street parking.

(7) Shall obtain health department approval, if required, or prior to operation.

**Sec. 28-23.030 Rural residential districts general development standards**

(a) General site and building standards. Subdivision, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 28-23B, in addition to the applicable development standards (e.g., parking, etc.) in Section 28-55 (“Parking Requirements”).

(b) Accessory buildings. Guidelines for use permit approval of accessory buildings are provided in Table 28-23C.

TABLE 28-23a	A Allowed Use (2) UP Use Permit required (3) --- Use not allowed	
Allowed Uses and Use Permit Requirements for Rural Residential Districts	PERMIT REQUIRED FOR ALL R-R DISTRICTS	Specific Use Regulations (4)
LAND USE (1)		

**RESIDENTIAL USES**

Single family dwelling	A	28-58
Accessory dwelling	A	28.23.020A, 28-58
Rooming and boarding of not more than 3 persons Per dwelling unit	A	
Home occupation	A	28-50(b)(7)
Rural resident enterprise	UP	28-50(b)(6)
Pool house	A	28-10
Accessory buildings and uses (5)	A	28-50(b)(3)
Accessory building greater than 2,500 square feet in Size	UP(6)	28-50(b)(3), 28-58
Accessory buildings, aggregate: 1) greater than 2,500 square feet in size combined on a lot 4 acres or less; or 2) greater than 5,000 square feet in size combined on a lot greater than 4 acres	UP(6)	28-50(b)(3), 28-58
Stable, private	A	28-50(b)(1)
Storage, mobile home (manufactured home)	(7)	28-50(b)(8)
Temporary single-family dwelling	UP(8)	
Temporary occupancy of existing dwelling while Replacement dwelling is under construction	A	28-50(d)(6)
Tract office, for a period to be specified in the use permit	UP	
Guest house	---	

TABLE 28-23a	A Allowed Use (2) UP Use Permit required (3)	
Allowed Uses and Use Permit Requirements for Rural		

Residential Districts	--- Use not allowed	
LAND USE (1)	PERMIT REQUIRED FOR ALL R-R DISTRICTS	Specific Use Regulations (4)

**AGRICULTURAL USES**

Animal facilities and operations incidental to a Residence		
Animal husbandry, small animals only	A	28.23.020(B)
Grazing or keeping of animals, not exceeding two animal units per net acre of ownership, excepting an animal feed yard, which shall not be allowed	A	
Hog raising	A	28.23.020(C)
Kennel or cattery	UP	28-53(i)(4)
Crop or plant production, including orchards and Vineyards	A	
Wind turbine generators, non-commercial (<=100 ft.)	A	28-50(b)(4)
Wind turbine generators, non-commercial (over 100 ft.)	UP	28-50(b)(4)

**RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES**

Stable, public and horse show	UP	28-10, 28-50(b)(1), 28-53(i)(4), 28-53(i)(18)
Nursery school	UP	
Church	UP	28-53(i)(12)
Nursing home	UP	
Community care facility	UP	28-53(i)(14)

**RETAIL TRADE USES**

Bulk storage and sales of hay crops other than those produced on the premises	UP	
Roadside stand for sales of products grown or Produced on the premises	A	28.23.020(D), 28-58(i)(36)

**SERVICE USES**

Cemetery, crematory, mausoleum and columbarium	UP	28-53(i)(11)
Public service facility	UP	28-53(i)(12), 28-53(i)(28)
Hospital and sanitarium	UP	28-53(i)(19)

TABLE 28-23a	A Allowed Use (2) UP Use Permit required (3) --- Use not allowed	
Allowed Uses and Use Permit Requirements for Rural Residential Districts	PERMIT REQUIRED FOR ALL R-R DISTRICTS	Specific Use Regulations (4)
LAND USE (1)	PERMIT REQUIRED FOR ALL R-R DISTRICTS	Specific Use Regulations (4)

**COMMUNICATIONS AND INFRASTRUCTURE USES**

Oil and gas wells	UP(9)	28-53(i)(25)
Pipelines, transmission and distribution lines in R.O.W.	A	28-50(a)(6)
Utility facilities or infrastructure, outside of R.O.W.	UP	28-(50)(a)(7)
Wireless communication facilities	(10)	28-50.01
Signs	(11)	28-66

**Notes:**

- (1) See Section 28.10 for land use definitions.
- (2) See Section 28-50(d), Building site special provisions. Architectural Approval may also be required.
- (3) See Section 28-53 for Use Permit processing requirements.
- (4) Section refers to the section of Chapter 28, Zoning Regulations.
- (5) Does not include a guest house.
- (6) Use permit approval is required by the Zoning Administrator only, unless otherwise referred to the Planning Commission by the Zoning Administrator. Aggregate square footage shall include all accessory buildings and any accessory dwelling, except as follows:
  - (a) Any structure used for the keeping of animals or crop production (i.e. unenclosed buildings with an open side and no flooring, such as stables and corrals) shall not require a use permit and shall not be counted as part of the aggregate total for accessory buildings.
  - (b) Any structure 120 square feet in size or less and is exempt from the permit requirements of County Building Code shall not be counted as part of the aggregate total for accessory buildings.
- (7) Allowed subject to the issuance of a Mobilehome Storage permit (Section 28-50(b)(18)).
- (8) Allowed only when the main dwelling is under construction, and the temporary dwelling is installed on a temporary foundation.
- (9) Allowed subject to the issuance of an Oil and Gas Well Drilling permit (Section 28-50(b)(5)).
- (10) Permit requirement determined by Section 28-50.01 (Wireless Communication Facilities). See also section 28-59 (Airport Flight Obstruction Areas).
- (11) See Section 28-66 for Sign requirements.

**Rural Residential District 28.23**

TABLE 28-23B Developmental Feature	Requirement by Zoning District			
	R-R 2-1/2	R-R5	R-R10	
Minimum Lot Area (1)	<i>Minimum area required for new lots</i>			
	2-1/2 acres	5 acres	10 acres	
Minimum Lot Frontage	<i>Minimum frontage required for new lots</i>			
	Lot (typical)	40 feet	40 feet	40 feet
	Flag lot or cul-de-sac (2)	30 feet	30 feet	30 feet
Requirements for all R-R Zoning District				

Dwelling Size	<i>Minimum or maximum gross floor area for new dwellings</i>		
	Principal dwelling		
	Accessory dwelling		
	1,000 square feet minimum		
	See Section 28.23.020(A)		
Setbacks (3)	<i>Minimum setbacks required. See Section 28-50(e) for setback measurement, allowed projections into setbacks, and exceptions.</i>		
	Main Building or Dwelling and Accessory Dwelling	Accessory Building other than a Dwelling	
	Front	30 feet, and 50 feet from the street centerline, unless otherwise indicated by building lines on the Zoning Map.	60 feet or on the rear 50% of the lot
	Sides (each)	10 feet	10 feet
	Rear	25 feet	10 feet
	Between structures (4)	N/A	10 feet from any dwelling or other main building on the same lot Stables: 20 feet from main building

**Notes:**

- (1) The following may be used to determine acceptable lot area:
  - (a) The actual number of lots allowed is determined through the applicable subdivision process, based on specific site characteristics and potential environmental impacts, and there is no guarantee that the maximum possible number may be achieved.
  - (b) The area bounded by the centerline of the right-of-way on which the lot fronts, and the lot sidelines extended to such right-of-way centerline may be included in the computation of the minimum lot area requirement.
  - (c) Reduced lot area may be allowed for specific uses with a use permit, see Section 28-50(d)(7).
- (2) For flag lot requirements, see Subdivision Ordinance Section 26-72.2. The required minimum lot frontage for a flag lot shall be measured along the access strip frontage, and no flag lot shall have an access strip less than 30 feet or more than 40 feet in width at any point.
- (3) Other setbacks may be required for specific uses listed in Table 28-23A, as referenced.
- (4) Other separation between structures may be required by County Building Code.

(Ord No. 440, §7; Ord. No. 473, §4; Ord. No. 504, §3; Ord. No. 523, §2; Ord. No. 532, §2; Ord. No. 536, §§ 1, 3; Ord. No. 902, §1; Ord. No. 910, §3; Ord. No. 914, §§ 3, 4; Ord. No. 952, §1; Ord. No. 969, §1; Ord. No. 989, §7; Ord. No. 1033, §3, Ord. No. 1100, §1; Ord. No. 1126, §5; Ord. No. 1210, §5; Ord. No. 1226, §2; Ord. No. 1254, §2; Ord. 1440, §§ 2, 3; Ord. No. 1492, §4; Ord. No.1497, §1 No. 1514, §4.; Ord. No. 1679, §2)



**Sec. 28-24. Residential estate (R-E) districts**

(a) The regulations for this district are designed to stabilize and protect the residential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of many families. The R-E district is to be used only for suburban single-family homes and the community services appurtenant thereto.

(b) Uses allowed:

(1) One-family dwelling or manufactured dwelling.

(2) Growing of crops or plants.

(3) Small animal husbandry incidental to a dwelling; provided that:

(A) The total number of small animals kept on one ownership shall not exceed twenty (20) per acre.

(B) Small animals shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the Department of Environmental Management.

(C) Small animals that create noise audible on adjacent properties that is deemed by the County to be excessive or not in harmony with the rural environment shall be confined within enclosures adequate to reduce noise levels such that the noise does not create a public nuisance to surrounding properties.

(D) No more than one rooster per acre may be kept.

(E) Small animals that are confined shall be kept within enclosures located at least sixty (60) feet from the front property line, at least twenty (20) feet from any dwellings on adjacent property, and at least twenty (20) feet from side and rear property lines.

(4) A private stable, grazing, or keeping of animals incidental to a dwelling on parcels of one acre or greater in size; provided the number of animal units shall not exceed two animal units per acre of the ownership. Hogs and animal feed yards are not permitted.

(5) Buildings and uses clearly accessory or incidental to any permitted use, including servant's quarters and a guest house or a secondary living unit provided any attached or detached secondary living unit is connected to a public sewer.

(c) Conditional uses provided the conditions for a use permit as set forth in section 28-53 are fulfilled:

(1) Public service facility.

(2) Nursery school, church, nursing home, or rest home or community care facility.

- (3) Automobile parking lot, when adjacent to any C or M districts.
- (4) Tract office, for a period to be specified in the use permit.
- (5) Signs not over three hundred square feet advertising the sale of a subdivision.
- (6) Wireless communication facility as defined I Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.
- (d) Maximum building height: Thirty-five feet.
- (e) Minimum areas, yards and other conditions: Minimum building site areas in the district shall include any of the following. Upon the designation of an area to a particular building site area, such designation shall be used as a suffix to the R-E designation.

<b>ZONE</b>	<b>Minimum Bldg.</b>	<b>Average Min.</b>	<b>Minimum Yards</b>		
	<b>Site Area</b>	<b>Site Width</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>(sq.ft.)</b>	<b>(feet)</b>	<b>(feet)</b>	<b>Side</b>	<b>Rear</b>	
R-E-1/4	10,000	80	20*	10 feet	25
R-E-1/3	15,000	100	30*	10 feet	25
R-E-1/2	20,000	100	30*	10 feet	25
R-E-1	1 acre	120	30*	10 feet	25

\*Except that buildings shall be not less than fifty (50) feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning maps.

- (f) Special yards and distance between buildings: Accessory buildings used as stables shall be not less than twenty feet from any side or rear property line and not less than sixty feet from the front property line, nor less than twenty feet from any dwelling unit on the property.

(Ord. No. 440, §8; Ord. No. 473, §5; Ord. No. 972, §2; Ord. No. 989, §8; Ord. No. 995, §2; Ord. No. 1033, §4; Ord. No. 1126 §6; Ord. No. 1210, §6; Ord. No. 1226, §3; Ord. No. 1471, §2; Ord No. 1492, §5; Ord. No. 1497, §1; Ord. No. 1543, §4.)

**Sec. 28-25. One-family residence (R-S) districts**

(a) The regulations for this district are designed to stabilize and protect the residential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of many families. The R-S district is intended to be used only for urban single-family homes and the community services appurtenant thereto. The minimum five thousand square foot designation shall be used only in areas where this lot size is in use prior to the enactment of this chapter. New districts hereinafter created shall provide building sites of not less than six thousand square feet.

(b) Uses allowed:

- (1) One-family dwelling or manufactured dwelling.
- (2) Rooming and boarding of not more than three persons.
- (3) Buildings and uses clearly accessory or incidental to any permitted use, including, on a minimum building site of seventy-five hundred square feet, a guest house or a secondary living unit; provided, any attached or detached secondary living unit is connected to a public sewer.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

- (1) Automobile parking lot, when adjacent to any C or M districts.
- (2) Tract office for a period to be specified in the use permit.
- (3) Public service facility.
- (4) Nursery school, church, nursing home, or rest home or community care facility.
- (5) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Minimum areas, yards and other conditions: Minimum building site area required shall include any of the following. Upon the designation of an area to a particular minimum site area, such designation shall be used as a suffix to the R-S designation.

<b>Zone</b>	<b>Minimum Bldg. Site Area</b>	<b>Average Site Width</b>		<b>Minimum Yards Total</b>		
	<b>(Sq. ft.)</b>	<b>(Feet) Interior</b>	<b>(Feet) Corner</b>	<b>Side YDS</b>	<b>(Feet)</b>	
				<b>Front</b>	<b>Side</b>	<b>Back</b>
R-S 5	5,000	50	60	0*	5	10
R-S 6	6,000	60	70	20*	5	15
R-S 7.5	7,500	75	75	25*	5	15

\*Unless otherwise indicated by building lines on the zoning maps.

(e) Minimum rear yard required: Twenty percent of the lot depth to a maximum requirement of twenty-five feet; provided, that no rear yard shall be less than fifteen feet, except for the "RS-5" District properties where a zero (0) rear yard is permitted.

(f) Maximum building height: Thirty-five feet.

(Ord. No. 440, §9; Ord. No. 972, §3; Ord. No. 989, §10; Ord No. 995, §3; Ord. No. 1045, §1;

Ord No. 1126, §7; Ord. No. 1210, §7; Ord. No. 1226, §4; Ord. No. 1492, §6; Ord. No. 1497, §1; Ord. No. 1543, §5.)

**Sec. 28-26. Duplex residence (R-D) districts**

(a) The R-D district is designated for certain medium-density residential areas, where a compatible mingling of single-unit and dual-unit dwellings is likely to occur. The regulations for this district are designed to stabilize and protect the essential residential characteristics of the district, to promote and encourage a suitable environment for family life.

(b) Uses allowed:

(1) One-family dwelling or manufactured dwelling.

(2) Duplex or second dwelling; provided, that a minimum of three thousand square feet of land area is required for each dwelling unit, existing and proposed.

(3) Rooming and boarding of not over three persons for each dwelling unit.

(4) Buildings and uses clearly accessory or incidental to any permitted use.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Off-street parking lot when adjacent to any C or M district.

(2) Tract office for a period to be specified in the use permit.

(3) Public service facility.

(4) Nursery school, church, nursing home, rest home or community care facility.

(5) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Maximum building height: Main building, thirty-five feet; accessory buildings, fifteen feet.

(e) Minimum building site area required: Five thousand square feet for one-family dwellings; six thousand square feet for two families on one building site.

(f) Average building site width required: Sixty feet on corner lot; fifty feet on interior lot.

(g) Minimum front yard required: Twenty feet unless otherwise indicated by building lines shown on the zoning maps.

- (h) Minimum side yard required: Five feet.
- (i) Minimum rear yard required: Twenty percent of the lot depth to a maximum requirement of twenty-five feet; provided, that no rear yard shall be less than fifteen feet.
- (j) Distances between buildings: Where two separate single-family dwellings are located on one lot, there shall be a minimum distance of ten feet between such buildings placed side by side, and twenty feet between such buildings placed in any other manner.

(Ord. No. 440; §10, Ord. No. 972, §4; Ord. No. 989, §10; Ord. No. 1044, §1; Ord. No. 1054, §2, Ord. No. 1126, §8; Ord. No. 1226, §5; Ord. No. 1492, §7.)

**Sec. 28-27. Multiple residence (R-M) districts**

(a) The R-M district is designated in certain areas primarily for high-density residential uses of a multiple-dwelling nature and the community services appurtenant thereto. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life.

(b) Uses allowed:

- (1) One-family dwelling or manufactured dwelling.
- (2) Duplexes.
- (3) Multiple dwellings and dwelling groups, rooming and boarding houses.
- (4) Buildings and uses clearly accessory or incidental to any permitted use.

(c) Conditional use provided the conditions for a use permit and requirements set forth in section 28-53, are fulfilled:

- (1) Lodges, fraternal organizations and clubs, except those operated as a business for profit.
- (2) Automobile parking lots when appurtenant to any permitted use in the district, or when adjacent to any C or M district.
- (3) Tract office for a period to be specified in the use permit.
- (4) Nursery school, church, nursing home, rest home or community service facility.
- (5) Public service facility.
- (6) Mobile home park.

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Maximum building height: Fifty feet.

(e) Minimum land area per dwelling unit: Minimum land areas per dwelling unit required in this district shall include any of the following. Upon the designation of an area to a particular minimum land area per dwelling unit, such designation shall be used as a suffix to the R-M designation.

ZONE	MIN. LAND AREA		MIN.BLDG. SITE AREA (Sq.ft.)	MINIMUM YARDS (feet)	
	Dwelling Units (Sq. ft.)	Per Guest Room		Front	Side
R-M 4	1,250	250	5,000	20**	5
R-M 2	2,500	500	5,000	20**	5
R-M 1	4,000*	800*	5,000	30**	10

\*With a ten percent reduction allowed for each story in excess of one to a minimum of fifty percent.

\*\*Unless otherwise indicated by building line shown on the zoning maps.

(f) Minimum rear yard required: Fifteen feet.

(g) Minimum average building site width: Sixty feet.

(h) Special yards required for dwelling groups.

(1) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear; i.e., in a front-to-back series, no such building shall be closer than twenty feet to any other such building, and the said yard providing access shall not be less than eight feet.

(2) In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side yard; i.e., in a single row side-to-side series, this side yard providing access shall have a width of not less than twelve feet.

(3) In case the buildings of a group are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court; i.e., in a double row side-to-side series, the court shall have a width of not less than twenty feet.

(4) In no case shall any separate buildings of the group be closer to any other building of the group than a distance of ten feet.

(5) No building in any group shall be so located on the lot that the rear thereof abuts on any street line.

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

(Ord. No. 440; §11; Ord. No. 972, §§ 5, 6; Ord. No. 989, §11; Ord. No. 995, §4; Ord. No. 1126, §9; Ord. No. 1226, §6; Ord. No. 1492, §8.)

**Sec. 28-28. Park (P) districts**

(a) The P district is designated to preserve land well suited for recreational purposes and to provide for recreation, amusement, play or relaxation.

(b) Uses allowed:

(1) Outdoor recreational uses that do not require enclosed structures, including park, picnic area, playground, athletic field, golf course, golf driving range, polo field, exhibition grounds, bowling and croquet greens, outdoor court games, and similar places of outdoor recreation as determined by the planning commission.

(2) Agriculture, not including animal feed yard, fertilizer plant.

(3) One-family dwelling or manufactured dwelling on parcels of twenty acres or more.

(4) Roadside stand for sale of agricultural products grown or produced on the premises when located not less than eighty feet from the centerline of the street.

(5) Processing of products produced on the premises.

(6) Accessory uses and buildings clearly appurtenant to any permitted use.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Outdoor recreational uses that require enclosed structures or substantial improvements, including skateboard park, swimming pool, sports arena, miniature golf course; course for model airplane, boats, cars or trains; amusement rides, country club, public stables, resort, racetrack, stadium, lodge, club or resort for swimming, boating, fishing, hunting or shooting; and similar types of uses as determined by the planning commission.

(2) Public service facility.

(3) Roadside stand for sale of agricultural products grown or produced on the premises when located within eighty feet of the centerline of the street.

(4) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Minimum building setback: Fifty feet from the centerline of the street, or not less than twenty feet from the street right-of-way, whichever is greater, unless otherwise indicated by building lines on the zoning maps.

(e) Maximum building height: Thirty-five feet; provided, that additional height may be permitted if a use permit is first secured.

(Ord. No. 440, §12; Ord. No. 536, §§ 1, 3; Ord. No. 910, §4; Ord. No. 972, §7; Ord. No. 989, §12, Ord. No. 1033, §5; Ord. No. 1044, §§ 10, 11; Ord. No. 1100, §1; Ord. No. 1126, §10; Ord. No. 1226, §7; Ord. No. 1492, §9; Ord. No. 1509 §3 Ord. No. 1548; Ord.

**Sec. 28-29. Highway commercial (C-H) districts**

(a) C-H districts are intended for commercial uses to serve the highway traveler. The bulk of highway frontage throughout the county is not appropriate for commercial uses but is reserved for exclusive agricultural uses, and is so zoned. C-H districts are to be established in areas of four acres or larger, and shall be located only where need is clearly indicated.

(b) Uses allowed:

(1) Automobile service station.

(2) Hotel, motel.

(3) Restaurant and refreshment stand.

(4) Repealed (Ord No. 1517).

(5) Agriculture, not including animal feed yard, fertilizer plant.

(6) Buildings and uses clearly accessory or incidental to any permitted use, including retail sales in conjunction with permitted use.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Automobile repair garage.

(2) Bowling alleys, billiard parlor, dance hall, skating rink, athletic club, gymnasium, swimming pool, theater, shooting gallery; facilities for coin-operated amusement devices;



auditorium, exhibition hall, sports arena, miniature golf course, amusement rides, indoor court games, drive-in theater; course for model airplanes, boats, cars or trains, and similar types of uses as determined by the planning commission.

- (3) Public service facility.
- (4) Church.
- (5) Roadside stands, food establishments open to the outside air and retail dairies pursuant to Title 17, California Administrative Code section 13650 et seq.
- (6) Nursery and landscaping materials and supplies.
- (7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.
- (d) Repealed.
- (e) Loading requirements: Adequate, private, off-street space for the loading and unloading of all materials.
- (f) Maximum building height: Thirty-five feet; provided that additional height may be allowed upon the obtaining of a use permit.
- (g) Minimum front yard: Twenty feet unless otherwise indicated by building lines on the zoning maps.
- (h) Minimum side yards: None; except that where C-H districts abut upon any R or A district, side yards of not less than ten feet shall be required.

(Ord. No. 440, §13; Ord. No. 536, §§1, 3; Ord. No. 910, §5; Ord. No. 972, §9; Ord. No. 985, §3; Ord. No. 989, §13; Ord. No.997, §2; Ord. No. 1100, §1; Ord. No. 1126, §11; Ord. No. 1492, §10; Ord. 1509 §4; Ord. 1517, §§ 1, 2.)

**Sec. 28-30. Neighborhood commercial (C-N) districts**

- (a) The C-N district is designed to provide an area for a limited number of small retail and service establishments to provide for businesses serving the daily needs of nearby residential neighborhoods or rural community. The intent of this district is to promote convenience shopping goods and services for nearby residents and not for patrons outside the community to be served. Uses established shall be found compatible and developed with standards that prevent significant adverse impacts on land uses adjoining the C-N districts.
- (b) Uses allowed subject to general provisions and exceptions set forth in section 28-50:
  - (1) Retail stores and services, businesses and professional offices providing convenience

goods and services to serve a residential neighborhood or rural community, conducted entirely within a building or buildings on a single ownership where such building(s) or uses does not exceed one thousand five hundred square feet of floor area, unless referred to the planning commission by the director of environmental management for determination of consistency with the intent of C-N district. In reviewing any proposed use or building, the following standards shall be applied:

(A) That the establishment, maintenance or operation of a use or building is in conformity to the general plan for the county with regard to traffic circulation, neighborhood commercial policies, and other aspects of the general plan.

(B) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

(C) That applicant exhibits reasonable evidence that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

(2) Automobile parking lot consistent with provisions as set forth in Section 28-55.

(3) Uses clearly accessory or incidental to any permitted use.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Retail stores and services, businesses and professional offices providing convenience goods and services to serve a residential neighborhood or rural community conducted entirely within a building or buildings on a single ownership where such building(s) or use exceeds one thousand five hundred square feet of floor area.

(2) Automobile service station and repair garage.

(3) Lodges, fraternal organizations and clubs.

(4) Public service facility.

(5) Nursery school, church.

(6) Similar uses as may be determined by the planning commission to be consistent with the purpose and intent of the district.

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the

procedures and conditions described in Section 28-50.01.

(d) Repealed.

(e) Maximum building height: Thirty-five feet; provided, that additional height may be permitted if a use permit is first secured.

(f) Minimum side yard required: None; except that where the side of a lot abuts upon the side of a lot in an R or A district, in which case the abutting side yard shall be not less than five feet; and except that, where the side yard of a corner lot abuts on a street where the frontage of the block is partially in an R or A district, in which case the side yard adjacent to the street shall be ten feet.

(g) Minimum front yard required: None, except that where the frontage of a block is partially in an R or A district, in which case the front yard shall be the same as required in such R or A districts; and except that buildings shall not encroach upon the building lines established on the zoning maps.

(h) Loading requirements: Adequate private off-street space for the loading and unloading of all material.

(i) Fencing requirements: A minimum, six-foot high separating masonry wall or solid board shall be erected and maintained where any use abuts any R district.

(Ord. No. 985, §4; Ord. No. 989, §14; Ord. No. 1308, §1; Ord. No. 1492, §11; Ord. 1509, §5.)

**Sec. 28-31. General commercial (C-G) districts**

(a) The C-G district is designated for the general business areas of a community.

(b) Uses allowed:

(1) Shop, store and service for retail sales when conducted within a building.

(2) Business and professional offices.

(3) Medical and dental clinic.

(4) Hotel, motel.

(5) Lodge, fraternal organization, club, union hall and other uses of similar nature as may be determined by the planning commission.

(6) Automobile service station.

(7) Business school, art, modeling, music and dancing studio, and other uses of similar

nature as may be determined by the planning commission.

(8) Automobile parking lot.

(9) Incidental storage and accessory uses, including processing and repair operations and services; provided, that such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in section 28-53 are fulfilled:

(1) Automobile repair when conducted within a building.

(2) Automobile, mobile home, recreational vehicle and boat storage garage.

(3) Bakery, dairy creamery, laundry and dry cleaning establishment.

(4) Automobile, mobile home, recreational vehicle or boat sales lot.

(5) Newspaper and commercial printing shop, blueprinting shop.

(6) Bowling alleys, billiard parlor, dance hall, skating rink, athletic club, gymnasium, swimming pool, theater, shooting gallery, facilities for coin-operated amusement devices, auditorium, exhibition hall, sports arena, miniature golf course, course for model airplanes, boats, cars or trains, amusement rides, court games, drive-in theater and similar uses as may be determined by the planning commission.

(7) Mortuary, funeral home.

(8) Public service facility, nursery school, church.

(9) Massage establishments, slenderizing establishments, and similar personal services as may be determined by the planning commission.

(10) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Repealed.

(e) Loading requirements: Adequate private off-street space for the loading and unloading of all materials.

(f) Maximum building height: Fifty feet.

(g) Minimum side yard required: None; except that where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall be not less than five feet; and except that where the side yard of a corner lot abuts on a street where the frontage of the block is partially in an R district, in which case the side yard shall be ten feet adjacent to the street.

(h) Minimum front yard required: None; except that where the frontage in a block is partially in an R district, in which case the front yard shall be the same as required in such R district, and except that buildings shall not encroach upon the building lines established on the zoning maps.

(Ord. No. 440, §15, Ord. No. 536, §1; Ord. No. 900; Ord. No. 910, §§ 7, 12; Ord. No. 972, §§ 10, 11; Ord. No. 985, §§ 5, 6; Ord. No. 989, §15; Ord. No. 1044, §§ 13, 14; Ord. No. 1492, §12; Ord. 1509, §6.)

**Sec. 28-32. Commercial service (C-S) districts**

(a) The C-S district is designed to provide an area for commercial services of an extensive or heavy nature in support of industrial, construction, or other business activities.

(b) Uses allowed:

(1) General service uses, including auto repair garage, blacksmith shop, cabinet shop, coppersmith shop, electrical repair shop, machine shop, plating works, plumbing shop, sheet metal shop, upholstery shop, welding shop, wood mill, and other uses of a similar nature as may be determined by the planning commission.

(2) Wholesale uses warehouse.

(3) Corporation yard when enclosed by a minimum eight-foot fence, wall, or vegetative screening.

(4) Bakery, dairy creamery, laundry and dry cleaning establishment.

(5) Newspaper and commercial printing shop, blueprinting shop.

(6) Medical laboratory.

(7) Nursery for landscaping or agricultural plants.

(8) Automobile, mobile home, recreational vehicle or boat storage garage.

(9) Automobile, mobile home, recreational vehicle or boat sales lot.

(10) Automobile parking lot.

(11) Automobile service station.

(12) Incidental accessory uses, including processing and repair operations and services; provided, that such uses shall be clearly incidental to the sale or storage of products on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Lumber yard, equipment rental lot, outdoor storage, and sales of construction and landscaping supplies and materials, and similar uses as may be determined by the planning commission, but not to include salvage or wrecking yards.

(2) Automobile, mobile home, recreational vehicle or boat storage lots, when enclosed and screened by a minimum eight-foot fence, wall or vegetation, except as may be waived by the zoning administrator or planning commission.

(3) Animal hospital.

(4) Auditorium, exhibition hall, sports arena, drive-in theater, and similar types of uses as may be determined by the planning commission.

(5) Public service facility.

(6) All uses allowed pursuant to subdivision (b) located within the areas designated Commercial Service-Light Industrial by the Solano County General Plan.

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Repealed.

(e) Loading requirement: Adequate private off-street space for the loading and unloading of all materials.

(f) Maximum building height: Fifty feet; provided, that the additional height may be allowed upon the obtaining of a use permit.

(g) Minimum side yard required: None; except that where the side of a lot abuts upon the side of a lot in an R or A district, in which case the abutting side yard shall be not less than ten feet; and except that where the side yard of a corner lot abuts on a street where the frontage of the block is partially in an R or A district, in which case, the side yard shall be ten feet.

(h) Minimum front yard required: None, except that where frontage in a block is partially in an R or A district, in which case the front yard shall be the same as required in such R or A districts; and except that buildings shall not encroach upon the building lines established on the zoning maps.

(Ord. No. 440, §16; Ord. No. 536, §1; Ord. No. 900, §2; Ord. No. 910, §§ 8, 13; Ord. No. 972, §§12, 13; Ord. No. 985, §7; Ord. No. 989, §16; Ord. No. 1060, §1; Ord. No. 1492, §13; No. 1509, §7.)

**Sec. 28-33. Business and professional office (C-O) districts**

(a) The C-O district is designated primarily to provide an area for business and professional offices.

(b) Uses allowed:

(1) Medical and dental clinic.

(2) Business and professional offices.

(3) Bank.

(4) Hospital.

(5) Prescription pharmacy.

(6) Automobile parking lot.

(7) Uses clearly accessory or incidental to any permitted use.

(8) Merchandise showroom.

(9) Research and development, and component assembly of pre-manufactured items where uses are conducted entirely within a building and do not produce any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; in such amount as to adversely affect the surrounding area or adjoining premises and shall not exceed 50% of the net usable floor area per tenant (1)

(10) Indoor general storage incidental to any permitted uses located on the premises and shall not exceed 50% of the net usable floor area per tenant. (1)

**Notes**

(1) Total square footage devoted to uses allowed under (9) and (10) shall not exceed 80% of the net usable floor area per tenant space and shall not generate more than one

commercial delivery per day per tenant.  
(Ord. No. 1653)

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Medical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sale or distribution.

(2) Mortuary, funeral home.

(3) Restaurant.

(4) Florist shop when conducted within a building.

(5) Public service facility.

(6) Nursery school, church.

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Minimum yard: Front, fifteen feet; side, ten feet; rear, ten feet; except when adjacent to a residential zone, then the minimum yard shall be fifteen feet.

(e) Maximum building height: Thirty-five feet; provided, that additional height may be permitted if the required yards are increased by one foot for each one foot of building height over the height limit.

(f) Landscaping: The required yard setbacks shall be landscaped in accordance with a landscape and irrigation plan approved by the Department of Environmental Management. At least one twenty-four inch (24") box street tree is required for each 30 feet of street frontage or fraction thereof. Parking area landscaping shall be located throughout the parking area and at a minimum shall include one twenty-four inch box tree for every seven parking stalls.

(g) Walls and Fences: A six foot high decorative masonry wall shall be constructed and maintained on all side and rear property lines abutting R Districts, excepting the Rural Residential (R-R) District. For property lines abutting R-R Districts, a screen consisting of walls, fences, landscaping, berms or any combination to form a six foot high opaque screen shall be provided.

(h) Lighting: Parking areas shall have lighting capable of providing adequate illumination for security and safety. Any illumination shall be directed away from adjacent properties and public rights-of-way. Low level lighting shall be used where possible.



(Ord. No. 440, §17; Ord. No. 910, §9; Ord. No. 989, §17; Ord. No. 1492, § 14; Ord. 1509, §8; Ord. No.1583, §4; Ord. No. 1653, §1)

**Sec. 28-34. Limited manufacturing (M-L) districts**

(a) The M-L district is designed to provide an environment conducive to the development and protection of modern, large scale administrative facilities, research institutions, warehousing and specialized or light manufacturing organizations, all of a non-nuisance type in accordance with the concept of an industrial park.

(b) Uses allowed:

(1) Administrative, executive and financial offices.

(2) Research and development laboratory.

(3) Manufacturing, assembly, printing or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, wood, glass, metals or stones, but not including such operations as saw and planing mills, steel or iron works, or rolling mills, or any manufacturing uses involving primary production of commodities from raw materials.

(4) Manufacturing of electrical and electronic instruments and devices.

(5) Manufacturing of bakery goods, candy, cosmetics, pharmaceuticals and the like, but not including production of fish or meat products, sauerkraut, vinegar or the like, or the rendering of fats and oils.

(6) Warehousing, distributorship.

(7) Any light manufacturing or related industrial use determined by the planning commission upon presentation of substantial evidence to be of the same general character as the above permitted uses.

(8) Agriculture, not including fertilizer plant. (Ord. No. 1663, §4)

(9) One-family dwelling or manufactured dwelling on parcels of twenty acres or more.

(10) Buildings and uses clearly accessory or incidental to any permitted use.

(11) Automobile parking lot.

(12) Outdoor storage incidental to an allowed use on any portion of the lot, excepting any portion of the required front yard or any required parking area. Such outdoor storage shall not occupy a greater area than the buildings on the lot, and shall be screened by fencing or buildings from view or surrounding properties. Fencing shall be not less than six feet in

height.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Public service facility.

(2) Airport, heliport.

(3) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Repealed.

(e) Minimum lot area required: One acre; except that for parking lots and as may otherwise be as specified for any use for which a use permit is required by this section.

(f) Maximum building height: Fifty feet; provided that additional height may be permitted if the required yards are increased by one foot for each one foot of building height over the height limit.

(g) Deleted by Ordinance No. 747, §2

(h) Front yard required: Thirty feet, unless otherwise indicated by building lines on the zoning maps.

(i) Side yard required: Ten feet; except that twenty-five feet shall be required adjacent to any R-E, R-S, R-D, or R-M district; and except that the minimum of twenty-five feet shall be increased one foot for each foot over thirty-five feet of building height.

(j) Rear yard required: Ten feet; except that twenty-five feet shall be required when adjacent to any R-E, R-S, R-D or R-M district; and except that the minimum of twenty-five feet shall be increased one foot for each foot over thirty-five feet of building height.

(k) Loading and unloading spaces shall be provided as required by the zoning administrator and planning commission. Loading space shall not be located in the required front yard.

(l) Other required conditions:

(1) All uses shall be conducted wholly within a completely enclosed building except for agriculture, allowed outdoor storage, parking and loading facilities, and as otherwise specified in any use permit.

(2) Manufacturing processes shall use only gas or electricity as a source of power.

(Ord. No. 440, §18; Ord. No. 731, §1; Ord. No. 747, §§ 1 to 5; Ord. No. 910, §10; Ord. No. 989, §18; Ord. No. 110, §1; Ord. No. 1126, §12; Ord. No. 1226, §8; Ord. No. 1492, §15; Ord. 1509, §9.)

**Sec. 28-35. General manufacturing (M-G) districts**

(a) The purpose of the M-G district is to permit the normal operations of almost all industries, subject only to those regulations needed to control congestion and to protect the surrounding area or adjoining premises. The two size designations are designed to provide a differentiation between an intensive and an extensive type of development.

(b) Uses allowed:

(1) Manufacturing, processing, disassembling and assembling, and storage of products and materials, railroad, airport, and other transportation uses; provided, that such uses are not or will not be offensive by reason of the creation or emission of dust, gas, smoke, fumes, or other air pollutants, noise, vibrations, odors, liquid or solid refuse or wastes; radioactivity, glare, fire or explosives; and provided further, that prior to the issuance of a zoning-building permit, the planning commission may require evidence that adequate controls, measures or devices will be provided to meet performance standards for this zone, as provided in section 28-56, all to insure and protect the public interest, health, comfort, convenience, safety and general welfare.

(2) Agriculture; except that those uses indicated in subsection (c) of this section may be established only after a use permit shall first have been secured.

(3) One-family dwelling or manufactured dwelling on parcels of twenty acres or more.

(4) Accessory uses appurtenant to any permitted use.

(5) Public utility uses; except dumping, disposal, incineration or reduction of refuse or sewage disposal plants.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

(1) Junk yard, wrecking yard.

(2) Dumping, disposal, incineration or reduction of refuse.

(3) Public service facility, except public utility uses.

(4) Service uses appurtenant to any permitted use.

(5) All uses allowed pursuant to subsection (b) located within the areas designated

Commercial Service-Light Industrial by the Solano County General Plan.

(6) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Minimum lot area required: Except as may otherwise be specified for any use for which a use permit is required by this section and except for farm dwellings on twenty acres or more, minimum lot areas in the district shall include either of the following. Upon the designation of an area to a particular minimum size lot, such designation shall be used as a suffix to the M-G designations.

<u>Zone</u>	<u>Minimum Parcel Area</u>
M-G-1/2	One-half (1/2) acre
M-G-3	Three (3) acres

(e) Maximum building height: Fifty feet; provided that additional height may be allowed provided a use permit is first secured in each case and that no structure shall exceed the height limitations of section 28-59, if located in an airport flight obstruction area.

(f) Front yard: Ten feet; except that buildings shall not be less than fifty feet from the centerline of the public road, or unless otherwise indicated by building lines on the zoning maps.

(g) Side yard: Twenty feet; except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R district.

(h) Rear yard: Twenty feet; except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R district.

(i) Loading spaces shall be provided as required by the zoning administrator and planning commission. Loading and unloading space shall not be located in the required front yard.

(Ord. No. 440, §19; Ord. No. 520, §§2, 3; Ord. No. 910, §§11, 14; Ord. No. 989, §19; Ord. No. 1044, §15; Ord. No. 1100, §1; Ord. No. 1126, §13; Ord. No. 1226, §9; Ord. No. 1492, § 16.; Ord. No. 1517, § 4)

**Sec. 28-36. Water-dependent industrial (I-WD) district**

(a) The board of supervisors finds that certain waterfront lands within Solano County are of statewide and regional significance because they are among the few remaining deep-water sites suitable for water-dependent industries. Furthermore, significant agricultural and marsh lands are nearby resources which the county is committed to preserve. For this reason, the water-dependent industrial district is established to reserve waterfront lands for large-scale, water-dependent industries to assure the efficient use of waterfront industrial sites, and to ensure that impact upon nearby environmentally sensitive lands are minimized.

(1) The provisions of this section shall be strictly interpreted to assure that only those industries which depend on a waterfront site are to locate within this district. It is expressly understood that prior to consideration of any industrial proposal within the district, the planning commission shall determine the industry's need for a waterfront site and assure its conformance with the provisions of the Solano County general plan, this chapter, and where applicable, the Suisun Marsh Preservation Act of 1977. Industries seeking to locate in the area designated Water Related Industrial Reserve on the Suisun Marsh Protection Plan Map are to be governed by the definition of water-related industry contained in the San Francisco Bay Plan. Those industries which are not considered to be water dependent may continue to locate within other industrial districts.

(2) Some of the land in this District is lowland grassland or seasonal marsh which has existing value as wetland habitat or is suitable for restoration to wetland habitat. These areas have subsided and may be filled, using approved dredged sediments, and restored to tidal, managed, or seasonal wetlands, for the purpose of increasing their natural resource value and restoring some of the formerly natural tidal wetland area. Restored wetlands shall remain as wetlands and not be developed for industrial uses.

(b) Uses allowed:

Agriculture as an interim use, and buildings and uses clearly accessory or incidental to such use, except that those uses indicated below, may be established only after the conditions for a use permit, set forth in Section 28-53, are fulfilled.

(1) As an interim use: animal feed yard, poultry operation.

(2) Oil and gas wells.

(3) Dredge disposal site.

(4) As a limited-term use within the area designated for commercial recreation use on the general plan: marinas, including boat harbor, boat launching facilities, boat and boat trailer storage; boat construction, servicing, sales, repair; commercial lodging; restaurants and refreshment stands; water-related recreational shop, store and service for retail sales when conducted entirely within a building.

(5) Restoration of tidal, managed and seasonal wetlands using approved dredged sediments.

(6) Rehandling of dredged materials for on-site and off-site use.

Where a use is granted pursuant to a planned unit development, the further requirement for a use permit is waived.

(c) Conditional uses, provided the conditions for a planned unit development permit and requirements set forth in Section 28-51, are fulfilled.

(1) Waterfront storage facility. Ship cargo storage and handling facility, including storage of raw materials which are contiguous and have a functional relationship to a berthing facility.

(2) Waterfront manufacturing or processing facility. Manufacturing or processing operations which require frontage or navigable waters to receive raw materials or to distribute manufactured or processed materials by ship.

(3) Water-using facilities. Power plants and desalinization plants. Other uses which demonstrate a need for substantial amounts of water may qualify if the industry can demonstrate the following: It cannot make use of lower quality water; it cannot reasonably assume the costs of conveying water to an inland site; a waterfront site would result in substantial energy savings over an alternative site.

(4) Associated manufacturing or processing uses. Manufacturing or processing uses which must be in close proximity to an approved water-dependent manufacturing or processing use, and which meet one of the following conditions:

(A) The transportation of either raw material inputs or finished product outputs to an inland site would constitute a substantial enough increase in product cost to make its production economically unfeasible.

(B) The transport of materials from a berth, to or from an inland site, would reduce major increases in hazardous conditions due either to security problems, road or rail congestion, or the spillage or explosion of hazardous materials.

(5) Berthing facility. Wharves, piers, berths, docks, launching facilities in conjunction with any permitted water-dependent use.

(6) Support facilities. Uses which are required to support the operation of a water-dependent industry. Such uses shall be clearly accessory or incidental to the operation of any water-dependent industrial use. These generally would be maintenance or ancillary types of operations, and incidental offices for management and materials control.

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) Minimum parcel size: Determined by the conditions of the approved planned unit development permit. Parcels less than two hundred acres in area are permitted only if they accommodate uses which are directly auxiliary to approved industrial uses on larger sites.

(e) Maximum building height: None; provided, that no structure shall exceed the height limitations of Section 28-59 if located in an airport flight obstruction area.

(f) Minimum setback requirements: Where parcel abuts an agricultural district, the minimum building setback shall be five hundred feet except where otherwise provided by specific guidelines set forth in the Collinsville-Montezuma Hills Area Plan and Program. Other setbacks shall be established by the planning commission or zoning administrator in conformance with the specific setback requirements set forth in the Collinsville-Montezuma Hills Area Plan and Program.

(g) Application for planned unit development permits shall be prepared in accordance with the provisions of Section 28-51, and shall follow the seven-step development review process for siting waterfront industries as set forth within the Solano County general plan and the following criteria:

(1) Adequate provision is made, through the dedication of property or by other means, to provide for the protection of adjacent agricultural uses, easements for connections to berth facilities, and where feasible, open space, public access, and wetlands preservation.

(2) Adequate safeguards are provided for the safe transport, transfer, storage, and emission of substances potentially hazardous to health, life or property.

(Ord. No. 1095, §1; Ord. No. 1121, §§ 10, 11; Ord. No. 1135, §1; Ord. No. 1136, §1; Ord. No. 1492, §17; Ord. No. 1569, §1)

**Sec. 28-37. Watershed and conservation (W) districts**

(a) The board of supervisors finds that the watershed and conservation district areas of Solano County are very valuable natural resources, and in order to protect these areas from the constant threat of wildfire, subsidence, and landslide leading to the destruction and financial loss to private and public property; and in order to prevent increased threats of these hazards through overdevelopment of these areas; and in order to protect the general welfare of the county as a whole, there is hereby created a zone classification within which the establishment, perpetuation and protection of watershed and conservation district shall be encouraged.

The provisions of this section shall be liberally interpreted insofar as they apply to the protection of watershed and conservation district areas. It is the intention of this section to deter developer from considering lands in a "W" zone as potential urban subdivision property, as residential uses are not compatible with watershed and conservation district areas by the fact that such areas are characterized by slope instability, fire hazards, and the unavailability of water and public services.

Those areas to be designated under this zone are fire hazard areas and are subject to slope instability as determined by the Solano County general plan, and are characterized by the following conditions:

(1) Steep topography (defined as slopes in excess of twenty-five percent grade).

- (2) Excessive vegetation coverage (defined as fifty percent or more of the area or parcel being covered with chaparral or woodland).
- (3) Inadequate roads (defined as roads below the county standards as to width, alignment, grade or improvement).
- (4) Lack of available water (defined as insufficient water to sustain a flow of two hundred gallons a minute for twenty minutes).
- (5) Land susceptible to subsidence or land sliding (defined as characterized by slopes greater than fifteen percent underlain by landslide-prone deposits, or by existing landslide deposits).

A range of agricultural uses are found to be compatible with watershed management. However, these uses are specifically defined and prescribed to prevent an increase in the fire or landslide hazards that now exist, and such uses would not require additional public services. These agricultural uses should not attract increased habitation or encourage activities that are not compatible with watershed management.

(b) Uses allowed:

- (1) Agricultural uses with emphasis on pasture and grazing, except that those uses indicated in subsection (c) of this section may be established only after a use permit shall have first been secured.
- (2) Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or manufactured dwelling, barns, private stables, sheds and other farm buildings.
- (3) One on-site sign with a maximum area of fifteen square feet appurtenant to any permitted use; provided, that no sign shall be permitted to overhang the public right-of-way, nor shall any sign be permitted which moves, blinks, flashes, oscillates, rotates, pulses in sequence, is wind-driven, or is otherwise animated.

(c) Conditional uses, provided that the conditions for a use permit and requirements set forth in Section 28-53 are fulfilled:

- (1) Public stable, lodge, club or resort for swimming, boating, fishing, hunting or shooting.
- (2) Fowl and poultry ranch. (Ord. No. 1663, §6)
- (3) Public service facilities and cemetery.
- (4) Additional one-family dwellings or manufactured dwellings for persons employed on



the premises when such residential use is clearly accessory or incidental to the agricultural use of the property.

(5) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

(d) The minimum building parcel area required shall be one hundred sixty (160) acres.

(e) Minimum front yard required: Thirty feet; except that buildings shall not be less than fifty feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning maps.

(f) Minimum side yard required: Twenty feet.

(g) Minimum rear yard required: Twenty-five feet.

(h) Special yards and distances between buildings required: Accessory buildings shall not be less than sixty feet from the front property line nor less than twenty feet from any side or rear property line, nor less than thirty feet from any dwelling unit on the property.

(i) Maximum building height: Thirty-five feet; provided, that additional height may be permitted for nondwelling structures, including windmills, silos, private water tanks, and provided further, that no such structure shall exceed the heights allowed in section 28-59, if located in an airport flight obstruction area.

(Ord. No. 981, §1; Ord. No. 997, §3; Ord. 1033, §6; Ord. No. 1100, §1; Ord. No. 1126, §14; Ord. No. 1492, §18; Ord. No. 1543, §6.)

**Sec. 28-38. Marsh preservation (MP) district**

(a) The board of supervisors finds that marshes, wetlands, and certain adjacent grasslands within the county represent an area of significant aquatic and wildlife habitat and are an irreplaceable and unique resource to the people of the county, state, and the nation. In order to preserve and enhance the quality and diversity of marsh habitats, there is created a zone classification, the "MP" district, within which marsh-oriented uses shall be encouraged to the exclusion of such other uses of land as may be in conflict with the long-term preservation and protection of marsh areas.

(1) The provisions of this section shall be strictly interpreted to provide maximum protection to marsh areas. It is the intention of this section to deter developers from considering lands within the MP zone as potential urban development property, and it is further understood that there is no reasonable probability of the removal or modification of this zoning restriction within the near future. Furthermore, it is the intention of the MP zone to promote the continuation of existing uses of land and water areas within marsh areas and to encourage the enhancement of the value of such areas as marsh-related habitat. Types of uses encouraged within marsh areas include aquatic and wildlife habitat; game hunting

preserves; marsh-oriented recreational uses such as wildlife observation, sightseeing, nature photography, walking and hiking, bicycling, horseback riding, hunting, boating, fishing, waterskiing, sailing, swimming, and other similar aquatic recreational uses; agricultural activities compatible with the marsh environment and which protect and enhance the habitat value of marsh areas; and educational and scientific research opportunities and resources.

(2) A primary intent of this section is to assure the preservation of tidal marshes, seasonal marshes, managed wetlands and lowland grasslands within the Suisun Marsh and White Slough (Napa Marsh). Any development within the Suisun Marsh as defined by Section 29114 of the Public Resources Code may be subject to obtaining a Marsh Development Permit pursuant to the Preservation Act, and as provided for in Section 28-54 of this code.

(b) Uses allowed:

(1) Management of wetlands and agricultural operations, with emphasis on grain and hay crop production, pasture, grazing, and the growing of plants and natural feed important to wildlife habitat, except that those uses indicated in subsection (c) of this section may be established only after a use permit has first been secured.

(2) Processing of agricultural products produced on the premises.

(3) Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or a manufactured dwelling, barns, private stables, sheds, and other associated buildings.

(c) Conditional uses, provided the conditions for a use permit and requirements set forth in Section 28-53 of this code are fulfilled.

(1) Marsh-oriented recreational use and use incidental to recreation, including park, interpretive center, day-use facility, lodge, club or resort for swimming, boating, sailing, fishing, hunting or shooting, and raising of game, fishing pier and boat ramp, small craft docking and storage incidental to a small craft docking facility; commercial recreation use, including bait shop and refreshment stand, and similar types of uses as may be determined by the planning commission.

(2) Additional one-family dwellings or manufactured dwellings for caretakers or persons employed on the premises when such residential use is clearly accessory or incidental to the allowed use of the property.

(3) Oil and gas wells, and storage of natural gas in abandoned wells.

(4) Public service facility.

(5) Scientific research and educational facility directly related to the marsh environment, and similar uses as may be determined appropriate by the planning commission.

- (6) Dredging of minerals or natural materials.
- (7) Temporary facilities for the transfer of levee maintenance material from shore to barge.
- (8) Restoration of tidal, managed and seasonal wetlands using approved dredged sediments.
- (d) The minimum parcel area required shall be two hundred fifty acres.
- (e) Minimum front, side and rear yard required: Ten feet, unless otherwise indicated by building lines on the zoning maps.
- (f) Distances between buildings required: Accessory buildings shall not be less than ten feet apart, and shall not be less than ten feet from any dwelling unit on the property.
- (g) Maximum building height: Thirty-five feet; provided, that additional height may be permitted for non-dwelling structures, including windmills, silos, and private water tanks; and provided further, that no such structure shall exclude the heights allowed in section 28-59 of this code, if located in an airport flight obstruction area.
- (h) Architectural approval may be required for any use in MP districts, as provided in section 28-58 of this code.

(Ord. No. 1093, §1; Ord. No. 1121, §8; Ord. No. 1126, §15; Ord. No. 1128, §1; Ord. No. 1492, §19; Ord. No.1569, §2' Ord. No. 1597, §2)

**Sec. 28-39. Policy plan overlay (PP) districts**

- (a) Purpose. The policy plan overlay district is intended to encourage comprehensive planning on focused, large-scale or mixed land use developments. Policy plan overlay districts can provide zoning flexibility by establishing development standards and land use allocations which may vary with the type, density or intensity of use of the underlying district regulations for specific parcels or areas that will ensure balanced and integrated growth guided by creativity and innovation in architecture, planning and environmental design. These standards and uses should accommodate the special needs of the physical site and the community while being consistent with the Solano County general plan. Development standards are intended to meet or exceed those of the underlying districts described in the other chapters of the zoning ordinance while promoting the public health, safety and general welfare without unduly inhibiting the advantages of modern planning and building techniques. The policy plan overlay district requires a detailed development plan that combines the functions of zoning, master, and precise plans, design review, and capital improvement plans in one coordinated process.
- (b) Applicability. The policy plan overlay district may be combined with all or part of any

general plan area or zoning district designated for this purpose by the general plan. Each policy plan overlay district shall be shown on the official Solano County zoning map by adding the symbol "-PP" as a designator to a base district along with a clear delineation of the boundaries of the overlay district and an identifying serial number. The serial number shall refer to the department of environmental management's rezoning petition file for the particular policy plan overlay zone application.

(c) Initiation of Zone Change. A petition for a policy plan overlay district may be initiated pursuant to Section 28-64 of this chapter. Application shall be in the form prescribed by the director of environmental management. The application shall consist of a written plan and graphics for policy guidance, and a detailed statement of standards and uses to determine consistency with the Solano County general plan. The application shall, at a minimum, include the items and information described in this section.

(1) Fee or fees as set by the board of supervisors pursuant to Section 11-111 of this code. No part of such fee shall be refundable.

(2) A complete legal description of the subject property.

(3) A narrative description of existing uses of the subject property and adjacent properties.

(4) Enumeration of existing and proposed ordinance standards along with a detailed explanation of the differences between them.

(5) Findings of fact demonstrating the proposed policy plan overlay district in its entirety is consistent with the Solano County general plan and findings set forth in subsection (d) of this section.

(6) A set of standards which will define the purpose, intended uses, development density, dimensional constraints and performance standards for the subject property and, in general, shall take the following form:

(A) Statement of purpose;

(B) Permitted uses;

(C) Accessory uses;

(D) Conditional uses;

(E) Prohibited uses;

(F) Architectural and sign standards;

- (G) Height, building coverage, and yard setbacks;
  - (H) Landscaping;
  - (I) Parking and loading requirements;
  - (J) Additional development standards;
  - (K) Performance standards (e.g., hazardous materials and waste management);
  - (L) Site specific policies to ensure adequate protection of the public health and safety and consistency with the surrounding uses;
  - (M) Exceptions and general provisions.
- (7) A development plan at a scale no smaller than one inch equals a hundred feet shall depict use areas and proposed circulation based on traffic density information provided in subsection (c)(6). The development plan shall include a schematic representation of subdivision, grading, landscaping and proposed systems of drainage, water supply, sewage disposal and utility service.
- (8) Representative design and improvement details shall accompany the development plan and be presented in detail to establish that development and construction will be consistent with the proposed policy plan overlay district. Minimum specific design and improvement details shall include typical building elevations, streetscape, and explanation of all relevant features required pursuant to this subsection.
- (9) A development schedule describing the sequence and timing of subdivision and capital improvements, along with estimated capital costs and proposed funding mechanism.
- (10) Such other information as may be required by the board of supervisors, planning commission, or director of environmental management concerning the proposed development and use of such property, or which the applicant may deem appropriate for a full consideration of the proposal by the board of supervisors, planning commission, and director of environmental management.
- (11) All information required by this section shall be stated in a manner to describe the character and style of the proposed development and use in sufficient detail to constitute definite criteria under which subsequent development can be judged for compliance.
- (d) Adoption of Policy Plan Overlay District. Adoption of a policy plan overlay district shall be by action of the planning commission and board of supervisors, including adoption of an ordinance, pursuant to section 28-54 of this code.

The board of supervisors shall not approve a policy plan overlay district unless it makes the

following findings:

- (1) The proposed development is in conformity with the general plan and any applicable specific plan.
- (2) The proposed development is designed to produce an environment of stable and desirable character consistent with all applicable goals, objectives, policies, proposals, criteria, standards and procedures of the general plan, and any applicable specific plan for the area in which the proposed development is a part.
- (3) The proposed development meets applicable development requirements and where possible, exhibits creativity and innovation in architectural, engineering, planning, and environmental design.
- (4) Adequate mitigation is provided for any use, process, equipment, or materials which are found to be objectionable or to be injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, glare, unsightliness, hazardous materials, traffic congestion, or to involve any hazard of fire or explosion.

Upon approval of the policy plan overlay district by the planning commission and adoption by the board of supervisors of an ordinance amending the underlying zoning district, no further review by the board of supervisors or planning commission shall be required under this chapter except pursuant to section 28-63 of this chapter.

(e) Interim Applicable Zoning. During review of an application for a policy plan overlay district, no uses of the property subject to such application shall be allowed except those which would have been permitted under the zoning that existed at the time of the policy plan overlay district application.

(f) Administration and Modification. The director of environmental management is authorized to issue approvals for building construction, site development plans, and for all minor design, site, sign, and building alterations that are deemed substantially in accord with the approved policy plan overlay district. All requests for minor alterations shall be submitted to the director of environmental management in writing, and shall include an explanation of the circumstances necessitating such alteration and the substantial conformity of the proposed modification with the approved policy plan overlay district.

(g) Conflict and severability. All uses and development in the policy plan overlay district shall also be subject to all other provisions of this code, except that where conflict in regulations occurs, the regulations specified in this chapter shall prevail. All uses and development in the policy plan overlay district shall also be subject to all applicable provisions of state law, including the California Environmental Quality Act. Wherever possible, the requirements of that Act shall be integrated into the approval process for a policy plan overlay district to ensure comprehensive and coordinated review in a timely manner.

If any provision of this chapter is determined to be unlawful, unconstitutional or otherwise void by a court of competent jurisdiction, such determination shall not affect the validity of the remaining sections and provisions.

(Ord. No. 1342, §1.)

### **ARTICLE III. OPERATIONS OF CHAPTER**

#### **Sec. 28-50. General provisions and exceptions**

The regulations specified in this chapter shall be subject to the following general provisions and exceptions:

(a) Use:

(1) No dance hall, nightclub, commercial club, or any establishment where liquor is served, commercial place of amusement or recreation shall be established in any district closer than two hundred feet to any boundary of any residential district unless a use permit is first secured in each case.

(2) Circuses, carnivals, fairs, revivals or similar temporary establishments involving assemblages of people and automobiles shall be permitted in any P, C-H, C-S, M-L and M-G district for a brief duration, provided, a use permit is first secured in each case.

(3) [Repealed].

(4) [Repealed].

(5) Concrete and asphaltic concrete mixing plants and construction storage yards incidental to construction or public works projects may be allowed in any P district for a limited time, provided a use permit is first secured in each case.

(6) Public utility, electric, gas, water, oil and telephone transmission and distribution lines shall be permitted in any district without the necessity of first obtaining a use permit; provided, that maps showing proposed routes of such transmission lines, together with a written statement of approximate structure heights and right-of-way widths, shall be submitted to the Planning Commission, and routes mutually acceptable to the Planning Commission and utility agencies concerned shall be determined in writing prior to acquisition of any rights-of-way. Each transmission line route proposal submitted in accordance herewith shall be accompanied by a fee or fees as may be set by the Board of Supervisors by resolution pursuant to section 11-111 of this Code. No part of such fee shall be refundable.

(7) Non-public utility lines and all accessory uses and structures for transmission or distribution of electricity, gas, water, oil, gasoline, telephone, television or other utility may be

permitted in any district; provided, that in any case necessitating right-of-way acquisition or use of property outside of a right-of-way, a use permit shall be secured in each case prior to such acquisition of use. Accessory uses and structures shall include, but not limited to, compression, drying or regeneration stations.

(8) Vacant land in any district shall not be required to lie fallow.

(9) The Planning Commission shall have power to hear and decide questions involving the enforcement of this Chapter when such questions are based upon the interpretation thereof.

(10) Temporary dwellings 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 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.

(11) A temporary commercial coach site may be permitted in any district, except the A and R-R districts, for a term corresponding to the circumstances of the particular case, and provided a use permit is first obtained in each case except that a temporary commercial coach may be utilized on any construction site as an office or storage area while construction is being actively conducted pursuant to a valid building permit for up to 18 months without the granting of a use permit. The commercial coach may not be used as a residence and shall meet all building setbacks applicable to permanent development on the parcel.

(12) Injection wells may be allowed in the exclusive agricultural district for a limited period and subject to the permit standards set forth in Chapter 13.6 of this Code, provided a use permit is first secured in such case.

(13) Communication facilities may be permitted in any district; provided, that the provisions of Section 28-59 shall prevail when such facilities are within airport flight obstruction areas and a use permit is first secured in each case.

(b) Special regulations.

(1) Regulations for private and public stables, horse show and corrals:

(A) The minimum lot area upon which two or fewer horses may be kept is one acre. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre.

(B) Private stables in any A, A-L, R-R, R-E, P, MP, or W district shall be located no closer than twenty feet from the side and rear lot lines, and no closer than sixty feet from the front lot line, and no less than twenty feet from any dwelling unit on the property. Corrals within



any R-E district shall be located on the rear half of the lot.

(C) Public stables in a A, A-L, R-R, P, MP or W district, or horse shows in an A, R-R, or P district may be permitted provided a use permit is first secured in each case.

Minimum setbacks are as follows:

<u>Use</u>	<u>Min. Distance from any Dwelling unit</u>	<u>Min. Dist. from Side and Rear Property line</u>	<u>Min. Distance From Front Property Line</u>
Pens for no more than one horse, barns and other similar shelters	20 feet	20 feet	60 feet
Corrals, paddocks, riding rings and other similar horse arena areas	20 feet	60 feet	60 feet
Horse shows	20 feet	200 feet	200 feet

All public stables and horse shows shall provide on-site parking, loading, and vehicular turn-around space, together with ingress and egress so designed to avoid traffic hazards and congestion; shall not constitute a nuisance or hazard to nearby properties due to trespass, odor, dust, noise and drainage. Certain facets of the operation which are determined not to be offensive, such as grazing, storage, etc., may be granted exceptions by the authority acting on the use permit application to vary the minimum distance requirements.

(2) Regulations for guest houses:

The following regulations shall apply to all guest houses in R districts, except the R-R districts:

(A) There shall be no more than one guest house on any one lot. No kitchen or cooking facilities shall be permitted in any such guest house.

(B) All guest houses shall be located on the rear half of the lot and shall not be closer than ten feet from the nearest point of the main residence.

(C) The side yard of the guest house shall be the same as that required for the main building.

- (D) The minimum rear yard shall be ten feet.
  - (E) The guest house, together with the other accessory buildings shall not exceed thirty percent of the area of the required rear yard on which it is built.
  - (F) A guest house shall not exceed a height of fifteen feet.
  - (G) A guest house shall not be placed on a lot of less than seven thousand five hundred square feet.
- (3) Regulations for accessory buildings:
- (A) An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.
  - (B) An accessory building shall be located sixty feet from the front property line or on the rear fifty percent of the lot, except that a detached accessory dwelling shall be subject to the same yard requirements as specified in the applicable zoning district for the principal dwelling.
  - (C) The side and rear yard requirements may be waived for an accessory building other than a guest house, accessory dwelling or animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 14(f) of this Chapter.
  - (D) An accessory building shall not be located closer than ten feet from the main building; except in the W district, the distance shall be thirty feet. Stables shall be located at least twenty feet from the main building.
  - (E) An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than ten feet from any property line unless greater setbacks are required by the zoning district.
  - (F) In any R district, accessory buildings other than an accessory dwelling shall be permitted in the required rear yard; except that such buildings, in the aggregate, shall not occupy more than thirty percent of the area.
  - (G) In any R district, accessory buildings other than an accessory dwelling shall not exceed a height of fifteen feet.
  - (H) In any R district, an accessory building may be established prior to construction or installation of a dwelling on the same property.
- (4) Regulations for commercial and noncommercial wind turbine generators.

(A) A wind turbine generator shall be permitted, subject to the provisions of this Chapter, in A, A-L, R-R, P, C-H, C-N, C-G, C-S, C-O, M-L, M-G, I-WD, W or MP districts, provided a use permit is first secured for any wind turbine generator exceeding one hundred feet in height measured from ground level to the hub, or for any commercial wind turbine generator, except that commercial wind turbine generators are prohibited in the R-R district and in the MP district by provision of the Suisun Marsh local protection program.

(B) Wind turbine generators (WTGs) shall be set back a minimum distance of 1.25 times the maximum height reached by any part of the WTG to any property line, and a minimum of ten feet from any other structure on the property. A three hundred-foot setback shall be maintained from any district which does not permit WTGs. Setbacks determined by height may be waived when appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the zoning administrator or planning commission.

(C) Tower-climbing apparatus and blade tips of the WTG shall be no closer than fifteen feet from ground level unless enclosed by a six-foot high fence. The tower shall be posted at eye level, warning of high voltage.

(D) The WTG shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause interference with radio and/or television broadcasting or reception. Alternate mitigation for such interference may be approved for a commercial WTG.

(E) The applicant shall provide the manufacturer's specifications which certify that the WTG is equipped with a braking system, blade pitch control, and/or other mechanism for rotor control, and shall have both manual and automatic over speed controls.

(F) Noise emitted from any WTG shall not exceed fifty dBA CNEL at any property line abutting a residential zone or sixty dBA CNEL at any other property line.

(G) Brand names or advertising associated with a WTG installation shall not be visible from any public access.

(H) Liens, surety bonds or other security may be required as part or condition of any use permit to guarantee removal or dismantling of any abandoned WTG.

(5) Regulations for oil and gas wells.

Oil and gas well drilling shall be allowed in exclusive A, A-L, M-G and I-WD districts upon issuance of an oil and gas well drilling permit by the Zoning Administrator; provided, the Zoning Administrator finds the conditions of this Section have or will be met. A permit shall be issued upon submission of an application and payment of such fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this Code. The Zoning Administrator may require the submission of such information as deemed necessary to make this determination, and may require the posting of security satisfactory to the Zoning

Administrator to guarantee performance of any conditions.

- (A) Security satisfactory to the Director of the Transportation Department has been or will be posted as security for payment of repairs to County roads and highways damaged by well-drilling activities, including transportation of equipment to and from the site.
- (B) Drilling operations will conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
- (C) The drilling operation will be confined to as small an area as practical and will not cause irreversible damage to unique vegetation or fish and wildlife habitats.
- (D) After drilling is complete, all drilling muds, tail wastes, wastewater and other fluids will be removed from the site and disposed of in a manner that does not adversely affect other areas.
- (E) Measures will be taken to prevent any significant pollution of ground water, surface water or watercourses.
- (F) Derricks will be removed when wells are brought into production.
- (G) If wells are abandoned, they shall be sealed in accordance with Division of Oil and Gas regulations, and the drilling or production facilities will be removed.
- (H) Necessary measures will be taken to prevent dust, noise, light, glare, odor, and other objectionable elements from adversely affecting the surrounding area beyond acceptable limits.
- (6) Regulations for rural resident enterprises.

Rural resident enterprises may be allowed in exclusive agricultural (A) districts, limited agricultural (A-L) districts, and rural residential (R-R) districts upon securing a land use permit, provided the conditions of this section and all other provisions of this chapter have been or will be met. It is the intent of this section that such uses be limited to small-scale home business activities which are clearly secondary to residential use of the property, do not conflict with the rural character of surrounding properties, or create impacts associated with commercial and industrial uses. Rural resident enterprises are uses which clearly do not compete with commercially or industrially zoned properties and are not likely to expand.

- (A) Uses shall not exceed a total area of one thousand five hundred square feet of contiguous indoor or outdoor space of which a maximum of five hundred square feet may be devoted to retail sales or services directly involving customers.
- (B) Enterprises shall be operated by the resident family only, and there shall not be more than one nonresident employee on site.

(C) Uses shall not be allowed which generate significant amounts of traffic. A permit on a private road which involves an increase in traffic may be approved by the planning commission only after evidence is shown that the proposed use will not unduly burden adjacent property owners on the private road.

(D) Uses which generate traffic beyond that normally associated with rural areas or which may have impacts associated with increased lighting or noise shall be limited to daytime hours.

(E) Enterprises shall remain secondary to the residential use of the property and shall be located behind the front building line of the residence, and a minimum of twenty feet from side property lines and twenty-five feet from rear property lines.

(F) When enterprises are to be contained within a building or area exceeding the allowable size limitations, that area to be used for the enterprise shall be physically separated from the remaining area and in no case shall an existing garage be converted to a rural resident enterprise unless additional enclosed parking is provided in conformance with the county's parking standards.

(G) Signs shall be limited to one nonilluminated name plate not to exceed twenty square feet mounted on or directly adjacent to the residence or proposed use. No advertising signs shall be permitted.

(H) Areas dedicated to outside storage or use shall be adequately screened or fenced so as not to have a visual impact on neighboring properties.

(I) Adequate parking shall be provided as determined necessary by the zoning administrator or planning commission. Access to the enterprise shall be limited to the existing residential driveway.

(J) Industrial uses, including uses involving heavy machinery, trucking and transportation operations, or uses which involve the use, storage or disposal of hazardous materials, chemicals or other objectionable elements, shall not be permitted.

(7) Regulations for home occupations.

Home occupations may be allowed in any district allowing a residential dwelling, provided a business license is first secured pursuant to Chapter 14 of this code. It is the intent of this section that such uses be clearly incidental and secondary to the residential use of the property to the extent the use is not identifiable from the exterior of the residence. Home occupations are intended to be primarily service oriented and may include, but are not limited to, home business offices, handicrafts, work of artists and authors, or the offering of tutorial services. In approving a business license, the zoning administrator must find that the proposed activity will conform with all requirements set forth in this section.

- (A) The use shall not occupy more than twenty percent of the habitable floor area of the dwelling, nor require structural modifications so as to change the residential character of the dwelling.
  - (B) There shall be no merchandise or services offered for sale except that produced or made on the premises.
  - (C) The use shall not necessitate the conduct of business with customers or clients on the premises except by telephone or by appointment only when limited to not more than one client.
  - (D) The use shall not generate traffic in excess of that normally associated with the residential use, and no more than one vehicle or truck with a maximum three-quarter ton capacity shall be permitted in conjunction with any home occupation.
  - (E) There shall be no sign or other advertising associated with the home occupation allowed on the premises.
  - (F) The use shall not generate noise, odor, dust, glare, vibration or electrical interference to neighboring properties, or constitute a nuisance, or be detrimental to the health, safety, peace, morals, comfort or general welfare of the public.
- (8) Regulations for storage of mobilehomes.

Storage of mobile homes shall be allowed in any A-L, A, MP, R-R, R-E, P and M-G districts upon issuance of a mobilehome storage permit by the Zoning Administrator; provided, the Zoning Administrator finds the conditions of this Section have been or will be met. A permit shall be issued upon submission of an application and payment of such fees as may be set by the Board of Supervisors pursuant to Section 11-111 of this code. The Zoning Administrator may require the submission of such information deemed necessary to make this determination, and may require the posting of security satisfactory to the Zoning Administrator to guarantee performance of any conditions.

- (A) The number of units stored shall be limited to one (1) per ownership.
- (B) The term of a permit shall not exceed one (1) year. In no case shall more than two (2) six month time extensions be granted or a successive permit be issued.
- (C) All utilities must be disconnected and remain disconnected from a stored mobilehome.
- (D) All appurtenances shall be removed including skirting, decking, and awnings.
- (E) A stored mobilehome shall not be occupied or otherwise utilized.

(c) Height.

(1) Chimneys, vents and other architectural mechanical appurtenances may be erected to a greater height than the limit established for the district in which the building is located.

(2) Towers, poles, water tanks and similar structures may be erected to a greater height than the limit established for the district in which they are to be located; provided a use permit is first secured for such structures in the M-G District; except that the provisions of section 28-59 shall prevail in airport flight obstruction areas.

(3) In any R district, no fence shall be erected, moved or altered, and no hedge shall be grown so that the portions behind the building line of the dwelling exceed seven feet in height, and the portions between the building line and any street line exceed three feet in height.

(4) Subject to any other provisions of law, towers, spires, water tanks completely enclosed by solid walls on all sides, down to the ground or to the main part of the building, similar structures and necessary mechanical appurtenances, may be built and used to a greater height than the limit established for the district in which the building is located.

(d) Building site special provisions.

(1) The use of land as permitted for the district in which it is located shall be permitted on a building site of less area or frontage than that required by the regulations for such district; provided, that such is shown as a lot on a subdivision map of record, or is a parcel of land which was under one ownership on January 29, 1959; provided, that in either case the owner of such lot shall not have owned or purchased any adjoining property since January 29, 1959. For the purpose of this section, adjoining property shall be deemed to include any parcels which are physically separated by roads, streets, utility easements and railroad right-of-way.

(2) A building site shall have its principal frontage on a public or private street; however, for a private street serving more than three building sites, the right-of-way width opening from the public street and along the full length of the private street shall be at least fifty feet.

(3) In any A or R-R district the area bounded by the centerline of the public or private road right-of-way on which the parcel fronts, and the parcel sidelines extended to such right-of-way centerline may be included in the computation of the minimum parcel area requirement.

(4) A legally established conforming use may be enlarged, provided the added portions conform to yard, building, location and height requirements, and such additions do not encroach upon any required parking space.

(5) In any district where one-family dwelling are an allowed use, the zoning administrator or planning commission may authorize an owner to replace an existing dwelling on a

developed parcel with a new one-family dwelling and permit occupancy of the existing dwelling for the term of construction of the replacement dwelling, or authorize a temporary deferral to complete a zoning requirement to issue a building permit or certificate of occupancy; provided that:

(A) The replacement dwelling shall comply in all respects with yard, building, location, height and parking space requirements of this chapter.

(B) The owner executes a written agreement with the county guaranteeing the demolition and removal of the existing dwelling or timely completion of a specified zoning requirement. The owner shall, upon execution of the agreement, deliver to the county a certificate of deposit, faithful performance bond with an insurance company authorized to do business in the state, or make a cash deposit with the treasurer of the county in the amount of money provided for in the agreement. The certificate, bond or cash deposit shall be in such amount as will be sufficient to accomplish such demolition and removal of the owner upon completion of the replacement dwelling or by the county or comply with the zoning requirement in case the agreement is breached by the owner. The decision of the zoning administrator or planning commission as to the amount of deposit required shall be final. The owner shall, in the agreement, consent to agents and employees of the county entering upon his land and demolishing and removing existing dwelling if owner fails to remove such dwelling or verify compliance with the zoning requirement as stipulated in the agreement.

(6) The minimum parcel area requirement of the zoning district wherein certain uses may be permitted, subject to the securing of a use permit in each case, may be reduced, provided such use is determined to be any of the following:

(A) Public service facility;

(B) Crematory, mausoleum or columbarium;

(C) Oil and gas wells;

(D) Radio or television transmission facilities;

(E) Airport or heliport;

(F) Any use employing a portion of a contiguous ownership when such ownership meets the minimum area requirement of the district.

(e) Yards.

(1) In any case, where an official plan line has been established as a part of the street and highway master plan of the county, the required yards on the street side shall be measured from such official plan lines, and in no case shall the provisions of this chapter be construed as permitting any structure to extend beyond such official plan line.



- (2) In any case where a building line has been established in accordance with Section 28-57, the required yards on the street shall be not less than the distance from the centerline of the street specified for such building line and in no case shall the provisions of this chapter be construed as permitting any structures to extend beyond such building line.
  - (3) For the purpose of measuring yards, fireplaces, chimneys and cantilevered walls, shall be considered as exterior walls.
  - (4) Cornices, eaves, canopies and similar architectural features may extend into any required yard not exceeding two and one-half feet.
  - (5) Unenclosed porches or stairways, fire escapes or landing places may extend into any require front or rear yard, not exceeding six feet, and into any required side yard, not exceeding three feet.
  - (6) In any R district where fifty percent or more of the building sites on any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be a depth equal to the average of the front yards of the improved building sites, to a maximum of that specified for the district in which such building site is located.
  - (7) In any R-E or R-S district, the required side yards of building sites created before January 29, 1959, having less than the required site width, may be reduced to as much as ten percent of the site width; except that no such building site shall have side yards of less than five feet.
  - (8) In the case of a corner lot adjacent to a key lot, the required side yard on the street side for any building within twenty-five feet of the side line of the key lot shall be equal to the front yard required on the key lot, and if more than twenty-five feet from such side line, the required side yard shall be fifty percent of the front yard required on the key lot.
  - (9) In the case of a double frontage lot, the main building or accessory building shall not be erected so as to encroach upon the front yard required on any of the streets.
  - (10) Notwithstanding any requirements in this section, in cases where the elevation of the front half of the lot, at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of such centerline, a private garage attached or detached may be built to within ten feet of the front line of the lot.
  - (11) In any district in which a dwelling is allowed, a required yard distance may be waived up to a distance equal to that established in such yard by the foundation of an existing legal non-conforming dwelling, subject to notice as set forth in Section 14(f) of this chapter.
- (f) Extension of time for environmental impact evaluation.

(1) Any provision of this chapter which provides for a specific period of time within which a county agency, commission, employee or officer must act on an application for a permit other than entitlement required by this chapter, shall not be applicable if compliance with the California Environmental Quality Act reasonably requires a longer period of time to assess the environmental impact of the project for which the entitlement is sought.

(g) Repealed.

(Ord. No. 440, §20; Ord. No. 473, §6; Ord. No. 515, §1; Ord. No. 532, §3; Ord. No. 558, §1; Ord. No. 563, §1; Ord. No. 572, §1; Ord. No. 643, §2; Ord. No. 656, §1; Ord. No. 716, §1; Ord. No. 799, §1, Ord. No. 813, §1; Ord. No. 825, §1; Ord. No. 909, §1; Ord. No. 972, §§ 15, 16; Ord. No. 1033, §7; Ord. No. 1044, §§ 2, 3, 16, 18; Ord. No. 1092, §2; Ord. No. 1093, §2; Ord. No. 1126, §§ 16, 17, 18; Ord. No. 1187, §§ 2, 3, 4, 5, 6; Ord. No. 1191, §§ 5, 6; Ord. No. 1226, §11; Ord. No. 1254, §§ 4, 5; Ord. No. 1306, §3. Ord. No. 1504, §1; Ord. No. 1505, §1; Ord. No. 1509, §1; Ord. No. 1517, §§ 5, 6; Ord. No. 1543, §7; Ord. No. 1543, §7; Ord. No. 1679, §5 - §14)

**Sec. 28.50.01. Wireless Communication Facilities.**

(a) Purpose. This section is enacted to establish a consistent set of standards regulating the placement and design of wireless communication facilities in unincorporated areas of Solano County. These standards are intended to protect and promote public health, safety, community welfare and the unique visual character of Solano County by encouraging the orderly development of wireless communication infrastructure.

(b) Definitions. For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this sub-section.

**Amateur Radio (HAM) Operator.** A person holding a written authorization to be the control operator of an Amateur Radio Facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multinational license or permit recognized by treaty as valid in the United States.

**Amateur Radio (HAM) Service.** The radio communication services, including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

**Amateur Radio (HAM) Facility.** A wireless communication facility operated by a Federally-licensed Amateur Radio Operator as part of the Amateur Radio Services.

**Antenna.** Any system of towers, poles, panels, rods, wires, drums, reflecting discs for similar devices used for the transmission or reception of electromagnetic waves. The distinction is made between the support structure and the antenna(s) mounted thereon. See

also Satellite Dish or Satellite Antenna.

**Broadcast**. To transmit a signal for direct reception by the general public.

**Cell**. A geographic area covered by a single cellular, ESMR or PCS transmitter.

**Cellular Network**. A system providing mobile telephone services through all the cells in a coverage area. A coverage area consists of multiple adjacent cells operating on slightly different frequencies. Calls are “handed-off” from one cell to the next as a mobile unit moves from cell to cell. This is the fundamental innovation that has allowed for the development of cellular, ESMR and mobile PCS services.

**Cellular Telephone System**. A mobile radio system that connects subscriber hand held devices to each other through the cellular network and with wireless telephones through the public switched network.

**Co-location**. The installation of wireless communication facilities owned and/or operated by two or more entities on a single structure or tower.

**Commercial Wireless Communication Facility**. A wireless communication facility operated by a for-profit business, and includes Commercial Private Wireless Communication Facilities and Commercial Public Wireless Communication Facilities.

**Commercial Private Wireless Communication Facility**. A wireless communication facility operated by a fore-profit business for its own internal purposes and without supplying access to members of the general public. See, by contract, Non-Commercial Wireless Communication Facility and Commercial Public Wireless Communication Facility.

**Commercial Public Wireless Communication Facility**. A wireless communication facility operated by a for-profit business whose business is provision of wireless communication services to subscribers or the general public. See, by contract, Non-Commercial Wireless Communication Facility and Commercial Private Wireless Communication Facility.

**Enhanced Specialized Mobile Radio Service (ESMR)**. A Specialized Mobile Radio Service (SMR) system (see definition below) which utilized digital cellular technology to enable wide-area coverage as well as interconnection with other users and the cellular and public switched (landline) telephone networks.

**Federal Communications Commission (FCC)**. The Federal regulatory agency established and provided for in Title 47, U.S. Code, and charged with regulation of communication by wire and radio (which includes broadcast and non-broadcast communication of any type).

**Gigahertz (GHz)**. A unit of measurement of radio frequency equal to one billion Hertz (cycles per second). One gigahertz is equivalent to 1000 megahertz (MHZ). Microwave frequencies are usually expressed in gigahertz.

**Ground-Mounted Antenna.** An antenna which is attached to a support structure resting on the ground, and has an overall height not greater than fifteen feet above finished grade at the base of the structure. This definition includes antennas which are sometimes referred to as “post mounts” and “ground builds.”

**Grouped Facility.** The installation of several wireless communication facilities owned and/or operated by two or more entities on separate structures or towers within a single parcel and with each facility no more than 100 feet from at least one other facility.

**Kilohertz (kHz).** A unit of measurement of radio frequency equal to one thousand Hertz (cycles per second). One thousand kilohertz is equivalent to one megahertz (MHZ). AM and “shortwave” Broadcast frequencies are usually expressed in kilohertz.

**Megahertz (MHX).** A unit of measurement of radio frequency equal to one million Hertz (cycles per second). One thousand kilohertz is equivalent to one megahertz, and one thousand megahertz is equivalent to one gigahertz. FM and TV Broadcast frequencies and “VHF” and “UHF” communication frequencies are usually expressed in megahertz.

**Non-Commercial Wireless Communication Facility.** A wireless communication facility operated by a government agency, a non-profit organization, or a private citizen for personal use. It includes all Amateur Radio Facilities. See, by contract, Commercial Wireless Communication Facility.

**Operator.** Any person or organization that controls the operation and maintenance of a wireless communication facility.

**Paging.** A wireless communication service that communicates a limited message to a subscriber units which are relatively small and can be carried on the subscriber’s person. Current paging systems are one-way (subscriber receives the message) but future systems can be two-way in nature. Paging systems are not considered “real time” interactive systems.

**Personal Communication Services (PCS).** Digital wireless services that offer high quality voice and data communication.

**Radio.** A generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes “radio” includes the popular terms “television” and “microwave”. The term “wireless” is interchangeable with “radio” and is the popular term in several other English-speaking countries and some translations.

**Radio-frequency Exposure Professional.** A certified professional electrical engineer, health physicist or other technical expert with an understanding of the effects and measurement of exposure of the human body to radio frequency energy. Such professional must have substantial professional experience performing environmental measurements of

radio frequency (RF) exposure and preparing radio frequency exposure evaluation reports for a variety of entities.

**Roof-Mounted.** An antenna that is mounted directly to, or on a support structure mounted to, the roof or otherwise on the top most level or levels of a building exterior.

**Satellite Dish or Satellite Antenna.** An antenna incorporating a reflective surface that is solid, open mesh, or bar configured to form a shallow dish, cone, horn or cornucopia used to transmit and/or receive electromagnetic signals to or from a satellite. This definition includes antennas that are sometimes called “SES”, “TVRO,” and “DBS” antennas.

**Satellite Transmission.** A communication system involving signals sent to (“uplink”) and/or by (“downlink”) an orbiting communication relay satellite.

**Site.** A legal parcel accommodating a wireless communication facility.

**Specialized Mobile Radio (SMR).** A radio system in which licensees provide land mobile communication services in the 800 MHZ and 900 MHZ bands on a commercial basis to entities eligible to be licensed in the Private Radio Services (Part 90 of the FCC Rules), federal government entities and individuals. See also Enhanced Specialized Mobile Radio System (ESMR).

**Stealth Mount.** A way of mounting an antenna that hides the antenna by making it appear to be part of a structure, tree or other natural object.

**Structure-Mounted.** Any antenna which (1) is not attached to a dedicated support structure resting on the ground and (2) is attached to a building, billboard, tank, sign, utility pole, or other structure. This definition includes antennas sometimes referred to as “façade mounts” and “sign mounts.”

**Tower.** A dedicated support structure resting on the ground or attached to another structure, whose principal use is to support wireless communication equipment.

**Tower-Mounted.** Any antenna which is attached to a tower and has an overall height greater than ten feet above finished grade at the base of the structure. This definition includes antennas that are sometimes referred to as “monopoles,” “lattice towers” and “guyed towers.”

**Wireless Communication.** Electronic communication using radio signals sent between two or more points.

**Wireless Communication Facility.** The equipment and associated unmanned structures needed to transmit and/or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures, enclosures and/or cabinets housing associated equipment, cable, service parking, and access. Receive-only radio and

telephone antennas and satellite dishes or antennas are excluded from this definition.

**Wireline Communication.** Electronic Communication using physical connections such as wire cables or fiber optics to transmit signals between two or more points.

(c) **Exemptions.** The following wireless communication facilities shall be exempt from this section, and shall be permitted without review by the Planning Commission or Zoning Administrator, provided that the specified conditions are met:

- (1) Receive-only radio and telephone antenna, including satellite dishes, provided that:
  - (A) The antenna must meet all height, setback, lot coverage and other limitations on structures in its zoning district.
  - (B) The antenna may not be installed between a public street and a structure.
  - (C) All required building permits must be obtained.
  - (D) If installed in the R-S, R-D, R-M or R-E zoning districts and the antenna is mounted on a tower less than 12 feet high; and
  - (E) These requirements do not (1) unreasonably delay or prevent the installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable signal.
- (2) Temporary wireless communication facilities providing public information coverage of a news event, provided that they are set up for a duration of 72 hours or less.
- (3) Cell on Wheels (C.O.W.) and Cell on Light Truck (COLT) facilities replacing a damaged facility and/or meeting the public need in the event of a public emergency or disaster declared by the County or other governmental authority.
- (4) Temporary crank-up towers up to 100 feet erected for a duration of 24 hours or less for the purposes of testing.
- (5) Amateur radio station facilities, provided that all antennas and supporting structures meet the following requirements:
  - (A) Only one amateur radio station facility shall be installed on any single parcel, and all fixed radio equipment, antennas and antenna support structures so installed shall be included as part of the single facility.
  - (B) All fixed radio equipment, antennas and antenna support structures shall comply with setback, lot coverage and other standards, except height, required in its zoning district.

(C) In the R-S, R-D, R-M and R-E zoning districts, the height of the supporting tower shall not be more than 35 feet above natural grade when the station is not in use, and not more than 75 feet above natural grade when the station is in use.

(D) In non-residential district and the Rural Residential (R-R) district, the height of the supporting tower shall not be more than 75 feet above natural grade at any time.

(E) Multiple antennas shall be grouped so as not to exceed 16 square feet in area when feasible.

(F) All required building permits shall be obtained.

(d) General Requirements. All new, altered and re-permitted wireless communication facilities in unincorporated Solano County, with the exception of those exempted in Sub-Section (C), shall meet the following general requirements, regardless of the zoning district in which they occur:

(1) Zoning Districts. Wireless communication facilities may be located in all zoning districts, except the Marsh Preservation (MP) District, upon approval of a Use Permit as described below.

(2) Use Permit Required. All wireless communication facilities, other than those designated as exempt in Sub-Section (C), require a Use Permit. To obtain a use permit, a hearing is required before either the Zoning Administrator or the Planning Commission, as described in Sub-Section (E).

(3) Building Permit Required. All wireless communication facilities shall require a building permit issued by the County of Solano.

(4) Design Consistency with the Surrounding Environment. To the maximum extent feasible, all wireless communication facilities shall blend in with the predominant features of the existing natural and/or build environments in which they are located. To this end, co-location, stealth mounts, structure mounts and ground mounts are particularly encouraged.

(5) Height. All wireless communication facilities shall conform to the following height requirements.

(A) All wireless communication facilities shall be of the minimum functional height, with additional provisions for co-location, as allowed in Sub-Section (C), below.

(B) All wireless communication facilities constructed within  $\frac{3}{4}$  mile of a designated scenic corridor shall conform with the height limit in the zoning district in which they are located. New facilities that are co-located with an existing facility may exceed their zoning district's height limit, provided that the installation of the new facility does not require a height increase of the existing facility.

(C) Outside of  $\frac{3}{4}$  mile of a designated scenic corridor, no wireless communication facility, except an exempt facility, may exceed 65 feet. A bonus of 20 additional feet per facility, up to a maximum height of 105 feet, is permissible for operators co-locating on a single tower.

(D) No roof-mounted wireless communication facility, except an exempt facility, may be more than 15 feet taller than the roof of the building on which it is mounted.

(E) If an operator wishes to apply for an exception to these height limitations, then the facility shall be subject to a Use Permit before the Planning Commission, as described in Sub-Section (E) 2., below.

(6) Screening. All wireless communication facilities shall be screened to the maximum extent possible, pursuant to the following requirements.

(A) Ground- and tower-mounted antennas and all accessory structures shall be located within areas where substantial screening by vegetation, landform and/or buildings can be achieved. Additional vegetation and/or other screening may be required as a condition of approval.

(B) The projection of structure-mounted antennas from the face of the structure to which they are attached shall be minimized.

(C) Roof-mounted antennas shall be set back from the edge of the roof a distance greater than or equal to the height of the antenna. For room-mounted antennas, a screening structure that is architecturally compatible with the building on which it is mounted may also be required as a condition of approval.

(7) Radio-frequency exposure. No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no wireless communication facility or combination of facilities shall produce at any time power densities that exceed the current FCC adopted standards for human exposure to RF fields. Certification that a facility meets this standard is required as described in Sub-Section (H).

(8) Cabling. For structure mounted antennas, all visible cabling between equipment and antennas shall be routed within the building wherever feasible. Cabling on the exterior of a building or monopole shall be located within cable trays painted to match. All cabling shall be performed in accordance with the NEC.

(9) Painting and Lighting. No wireless communication facility shall be installed at a location where special painting or lighting will be required by FAA regulations unless technical evidence acceptable to the Planning Commission is submitted showing that this is the only technically feasible location for this facility. Facilities shall be generally unlit except when authorized personnel are present at night. All facilities shall be painted or constructed



of materials to minimize visual impact.

(10) Noise. All wireless communication facilities shall be designed to minimize noise. If a facility is located in or within 100 feet of a residential district, noise attention measures shall be included to reduce noise levels to a maximum exterior noise level of 50 L<sub>dn</sub> at the facility site's property lines.

(11) Accessory Structures. Enclosures and cabinets housing equipment related to a wireless communication facility shall meet setback and height restrictions for such structures in their zoning districts. Such structures shall appear architecturally compatible with their surroundings and be designed to minimize their visual impact. To meet this requirement, underground vaults may be required.

(12) Road and Parking. Wireless communication facilities shall be served by the minimum roads and parking areas necessary and shall use existing roads and parking areas whenever possible.

(13) Provisions for Future Co-location. All commercial wireless communication facilities shall be encouraged to promote future facility and site sharing. Technical evidence will be provided as to the infeasibility of co-location or grouping prior to the issuance of a new use permit for a facility that would not be considered to be co-located or grouped under this ordinance.

(14) Removal Upon Discontinuation of Use. All equipment associated with a wireless communication facility shall be removed within 90 days of the discontinuation of the use and the site shall be restored to its original pre-construction condition. The operator's agreeing to such removal and allowing the County access across private property to effect such removal shall be a condition of approval of each permit issues. At its discretion, the County may require a financial guarantee acceptable to the County to ensure removal.

(e) Permitting Requirements. All wireless communication facilities not specifically exempted from these regulations are subject to one of the two permit processes described below.

(1) Use Permit before the Zoning Administrator. Certain wireless communication facilities may be conditionally approved by the Zoning Administrator, as described in this subsection.

(A) Qualifying Facilities. The following types of wireless communication facilities qualify for a use permit before the Zoning Administrator:

(i) Receive-only radio and television antennas and satellite dishes or antennas that do not qualify for exemption under Sub-Section (c), including multiple antennas or dishes on a single parcel.

(ii) Amateur radio facilities that do not qualify for exemption under Sub-Section (c). When

required, a Uses Permit before the Zoning Administrator shall be granted to amateur radio operators with no fee.

(iii) Wireless communication facilities installed on publicly-owned property, regardless of zoning district, provided they comply with the general requirements in Sub-Section (d) and hold an executed license or lease agreement.

(iv) Co-located wireless communication facilities, regardless of zoning district, provided they comply with the general requirements in Sub-Section (d).

(v) Wireless communication facilities located on sites that would be considered to be co-located or grouped under this ordinance in a Commercial District (C-H, C-G, C-S, C-O), Industrial Districts (M-L, M-G, I-WD) or Agricultural Districts (A, A-L) provided they comply with the general requirements in Sub-Section (d) and are not located within 500 feet of a residential zone (R-R, R-E, R-S, R-D, R-M).

(B) Required Findings. In order for the Zoning Administrator to approve a proposed wireless communication facility under a Use Permit, the Zoning Administrator shall make the findings required for a Use Permit, as well as the following additional findings:

(i) The facility complies with all applicable sub-sections of this section.

(ii) The facility either 1) does not require an RF Environmental Evaluation Report as described in Sub-Section (h), or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.

(iii) The facility blends in with its existing environment and will not have significant visual impacts.

(2) Use Permit before the Planning Commission. All other wireless communication facilities or any facility requiring an exception to these regulations shall require a Use Permit with a public hearing before the Planning Commission.

(A) Qualifying Facilities. A Use Permit is required for any wireless communication facility that is not exempt under these regulations and that does not qualify for a Use Permit before the Zoning Administrator, including all commercial wireless communication facilities proposed on privately-owned property in Watershed and Residential zoning districts or on sites that would not be considered to be co-located or grouped under this ordinance.

(B) Required Findings. In order for the Planning Commission to approve a proposed wireless communication facility under a Use Permit, the Commission shall make the findings required for a Use Permit, as well as the following additional findings:

(i) No alternative site or design is available that would allow for issuance of a Use Permit

before the Zoning Administrator for the facility. This finding shall be based on the results of an Alternatives Analysis, as described in Sub-Section (f), below.

(ii) The facility either 1) does not require an RF Environmental Evaluation Report as described in Sub-Section (h), or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative Radio-frequency exposure emitted by the facility and any near-by facilities will be consistent with FCC regulations.

(iii) The facility blends in with its existing environment and will not have significant visual impacts.

(f) Alternatives Analysis. For a facility requiring a Use Permit before the Planning Commission an Alternatives Analysis shall be prepared by or on behalf of the Operator, as described below.

(1) Alternatives to be Considered. The Alternatives Analysis shall consider alternative locations and designs for the proposed facility, including those which would not require a Use Permit. At a minimum, alternatives included in the analysis shall include 1) co-location at all existing wireless communication facilities whether in the unincorporated County, a city or an adjacent county, 2) lower, more closely spaced wireless communication facilities; and 3) mounting on any existing non-residential structure within ½ mile of the proposed facility in unincorporated Solano County. The alternatives analyzed shall be approved by the Zoning Administrator. For facilities to be located near an incorporated city, the analysis shall also explain why siting within the city is not possible.

(2) Findings. The Alternatives Analysis shall show whether or not the proposed siting and design would have the least possible environmental and visual effect on the community and whether any alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility.

(3) Review. The Zoning Administrator may, at his/her discretion, employ on behalf of the County an independent technical expert to review this Alternatives Analysis. The Operator shall bear the reasonable costs of this review.

(g) Visual Analysis. For facility requiring review before the Planning Commission and located within ¾ mile of a designated scenic roadway, a visual analysis shall be prepared by or on behalf of the Operator, as described below. This visual analysis shall demonstrate compliance with provisions of the Scenic Roadway Element of the Solano County General Plan.

(1) Contents. The visual analysis shall include the following contents.

(A) A map of the visual units (as defined in the Scenic Roadway Element) from which the proposed facility will be visible.

(B) A map of foreground and distant view components, as defined by the Scenic Roadways Elements.

(C) A narrative discussion of the visual impact of the proposed facility based on the items above.

(2) Findings. The visual assessment shall compare the proposed facility's visual impacts to the criteria contained in the Solano County General Plan Scenic Roadway Element. It shall make conclusions as to whether the facility would comply with the Element and suggest changes to the facility that would make it more compatible with the Element.

(h) Radio-frequency Exposure Review. An RF Environmental Evaluation Report shall be prepared for any proposed wireless communication facility meeting the specifications below. In order for a proposed facility that requires an RF Environmental Evaluation Report to be approved, the report must demonstrate that RF emissions from the facility in combination with existing RF emissions from nearby facilities will meet the current FCC adopted exposure standard.

(1) Facilities Requiring an RF Environmental Evaluation Report. Wireless communication facilities meeting any of the following criteria require an RF Environmental Evaluation Report before they may be permitted under these regulations:

(A) Facilities described in Table 1 Section 1.1307 "Transmitter, Facilities and Operations Subject to Routine Environmental Evaluation" of the FCC Rules and Regulations, 47 C.F.R. § 1.1307, or any superseding regulation.

(B) Facilities proposed to be installed within 50 feet of an existing wireless communication facility.

(C) Facilities with one or more antenna to be installed less than ten feet above any area that is accessible to untrained workers or the public.

(2) Evaluation Report Requirements. The RF Environmental Evaluation Report shall meet the following requirements.

(A) The RF Environmental Evaluation Report is subject to approval of the Zoning Administrator.

(B) The RF Environmental Evaluation Report shall be prepared by a Radio-frequency Exposure Professional.

(C) The RF Environmental Evaluation Report shall explicitly state that "operation of the proposed facility in addition to other ambient RF emission levels will not exceed current FCC-adopted standards with regard to human exposure in controlled and uncontrolled areas as defined by the FCC."

(D) Assumptions utilized for the calculations of RF exposure shall be conservative in nature and at a minimum be in accordance with the most recent FCC guidance on assessment of RF exposures.

(E) The RF Environmental Evaluation Report shall compare RF measurements and/or calculations of RF exposure to the applicable FCC exposure standard. The comparison shall include the power density in micro-watts per square centimeter and as a percentage of the applicable FCC exposure standard.

(F) RF field measurements of power density of the proposed facility and/or surrounding facilities are required to be included in the RF Environmental Evaluation Report when:

(i) Adequate technical information regarding other wireless communication facilities that may substantially contribute to RF exposure at the subject site is unavailable;

(ii) Calculations of RF exposure indicate the possibility of exposures in excess of the FCC exposure standard; or

(iii) So directed by the Zoning Administrator because of concerns about the number of near-by facilities.

(G) All required RF field measurements shall be performed by a Radio-frequency Exposure Professional. Evidence must be submitted showing that the testing instrument(s) used were calibrated within their manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Institute of Standards and Technology. Measurements shall be performed in compliance with FCC guidance regarding the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday week day.

(H) The Zoning Administrator or his/her designee may monitor the performance of testing required for preparation of the RF Environmental Evaluation Report. The cost of such monitoring shall be borne by the Operator.

(I) For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.

(3) Modifications to Facilities. To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, or upon the recommendation of the Zoning Administrator, the operator shall modify the placement of the facilities; install fencing, barriers or other appropriate structures or devices to restrict access to the facilities; install signage, including the radio-frequency hazard warning symbol identified in ANSI C95.2-1982 and multi-lingual warnings if deemed necessary by the Zoning Administrator to notify persons that the facility could cause exposure to RF emissions; and/or

implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.

(4) Changes to FCC Standards. If the FCC RF emission standards are modified, the operator shall ensure that the facility is reevaluated for compliance with the new standards, and a recertification statement prepared by a Radio-frequency Exposure Professional shall be submitted by the Operator to the Zoning Administrator prior to the effective date of the new FCC RF emission standards. For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.

(i) Application: Applications for use permits shall be made in writing on a form prescribed by the Zoning Administrator, and shall be accompanied by plans and data to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee or fees as may be set by the Board of Supervisors. No part of such fee shall be refundable.

(j) Life of Approval

(1) General Term. Permits for wireless communication facilities issued under these regulations shall generally be valid for five years, unless such term is reduced through the permitting process.

(2) Co-located facilities. A permit for a new co-located facility at a facility with an existing permit that has more than five years remaining on it shall have the same term as the existing permit. If a permit is issued for a new co-located facility at a facility with an existing permit that has less than five years remaining on it, then the existing permit shall be extended to the same term as the new permit.

(3) Revocation. If the conditions of a Use Permit granted under this Section are not complied with, the Use Permit may be revoked pursuant to Section 28.53(j) of the Zoning Code.

(4) Renewal. All permits, regardless of the method by which they were originally given, may be extended administratively by the Zoning Administrator or his/her designee upon verification of the permit-holder's continued compliance with the findings and conditions of approval under which the application was originally approved. As a part of the renewal process, the Zoning Administrator or his/her designee may require submission of certification by a Radio-frequency Exposure Professional that the facility is being operated in accordance with all applicable FCC standards for RF emissions. At his/her discretion, the Zoning Administrator or his/her designee may require a public hearing for renewal of a permit for a wireless communication facility under a Use Permit.

(k) Facilities in Existence Prior to Adoption of these Regulations

(1) Facilities Permitted Prior to Adoption of these Regulations. Wireless communication facilities that obtained valid permits from Solano County and were constructed prior to the enactment of this Ordinance are not subject to these regulations. However, permits that require renewal will be renewed under these regulations, and any facilities operating with existing permits which are proposed for modification must acquire new permits under these regulations.

(2) Facilities Operating Without Permits but Existing Prior to Adoption of these Regulations. All non-exempt wireless communication facilities without permits issued by Solano County must acquire them under the provisions of these regulations within 90 days of the adoption of these regulations.

(Ord. No. 1562, §1)

**Sec. 28-51. Planned unit development permit**

(a) Purpose. Where a design proposal for a substantial development involving a use or several coordinated uses of land makes it desirable to apply regulations more flexible than those contained elsewhere in this chapter, a planned unit development permit may be granted. There are two alternate purposes of such permits.

(1) To grant diversification to the applicant in the use of land and location of structures not otherwise permitted under district regulations, and enable innovation in the design of buildings, site treatment, allocation of open space and landscaping, while insuring safety, welfare, and convenience in the use and occupancy of such planned buildings and facilities; or

(2) To retain for the county adequate development controls over projects which, due to size, location, complexity, or environmental impact, are considered to have potentially significant, unique or unfavorable implications to the public health, safety or welfare.

(b) Applicability. The board of supervisors or planning commission may, on its own initiative, require a planned unit development application be submitted on any project or development, or in conjunction with any other required application or similar action, or as determined by subsection (a)(2), or as part of any district regulations of this chapter.

(c) Conditions. The planning commission may grant a planned unit development in any district and grant exceptions to district regulations as to use, building height or bulk, yards and open areas, or other provisions of this chapter when the following conditions are met:

(1) The tract or parcel of land involved must be a minimum of four acres in area and must be either in one ownership or the subject of an application filed jointly by the owners of all the property included. All of the property included shall be an essential part of the integral function of the total development. In cases of remnant parcels as defined in Section 28-10, planned unit development permits may be granted for areas of less than four acres.

(2) The proposed development must be in conformance with the county general plan and designed to produce an environment of stable and desirable character, and must provide overall standards of population density, intensity of use, open space, circulation and off-street parking, all in conformance with the general plan.

(3) The various elements of the development plan, including structures, grounds, open space and land use, must relate to one another in such a way as to form a comprehensive plan of sufficient unity to justify exceptions, if any, to the normal regulations of this chapter.

(4) The development shall be designed so as not to adversely affect adjacent properties.

(d) Application. Application shall be filed with the environmental management department and be accompanied with such information as may be necessary for the county to clearly ascertain the appearance, function, and effect of the development, and shall describe the character, function, and style of the proposed development and use in sufficient detail so that subsequent design review and any other review by the planning commission or board of supervisor shall not be required, except as is otherwise required by this chapter. The following are minimum requirements for any application, except as may be waived by the director of environmental management, with proper cause:

(1) A complete legal description of the subject property.

(2) A narrative description which will define the purpose, intended uses, density of development, dimensional constraints, and performance standards for proposed uses stated in sufficient detail to constitute definitive criteria under which subsequent development can be judged for compliance.

(3) A site plan of the total development drawn to scale and fully dimensioned delineating the uses, locations, and architecture of proposed structures, including signs, the contemplated systems of drainage, water supply, sewage disposal, circulation, parking and loading spaces, landscaping, and areas, if any, to be reserved for parks, playgrounds, public facilities and other spaces.

(4) A topographic map showing existing and finished contours at an appropriate interval and scale.

(5) Elevations and floor plans of such detail so as to determine appearance, function, interrelation and extent of buildings and structures.

(6) A development schedule defining the sequence of improvements and the anticipated timing of the development.

(7) Specific plans for grading, erosion, runoff and sediment control, landscaping, and prevention and mitigating of accidental spills of toxic or hazardous materials, if applicable.



(8) Permit application fee as established by the board of supervisors pursuant to section 11-111 of this code. No part of such fee shall be refundable.

(e) Public notice. Notice of the hearing shall be given pursuant to Section 28-14 of this chapter.

(f) Public hearing. The planning commission shall hold a public hearing on any proposed planned unit development permit application.

(g) Action.

(1) Except as provided in Section 28-58(f) of this chapter, the planning commission shall act upon an application for a planned unit development permit within ninety days of the date of such application, and shall forthwith notify the applicant of action taken. The planning commission may deny or authorize the development as submitted, or may modify, alter, adjust, or amend the plan before authorization. The planning commission shall carefully consider any proposed partial staged or phased construction of the planned unit development, and may approve the same only when the initial construction involves a minimum of four acres, all of which shall be an essential part of the integrated function of such initial construction. The planning commission shall attach such additional conditions as are, in its opinion, necessary to assure completion of the total development and the objectives of this chapter. The development as authorized shall be subject to all conditions as imposed, and shall be excepted from other provisions of the ordinance only to the extent specified in the authorization.

(2) When a planned unit development application has been approved, or required as a condition of any action by the county, the zoning map(s) shall be annotated to reflect such action, and the official zoning map designation for the property shall include the suffix "PUD." If a planned unit development requirement ceases, the "PUD" suffix shall be deleted from the official zoning map designation.

(h) Revocation.

(1) In any case where a granted planned unit development permit has not been exercised within one year after the date of its granting thereof, or otherwise specified on the permit up to a maximum of two years, then without further action by the zoning administrator or planning commission, the permit shall be null and void; except that upon written request by the permittee, prior to expiration, the planning commission may authorize an extension of the permit, not to exceed one year. Only one such extension may be granted. Completion of at least the initial phase, or completion of one building or other progress of the total approved development as deemed adequate by the planning commission, shall constitute exercise of the permit within the meaning of this section.

(2) In any case where the conditions of a planned unit development permit have not been or are not complied with, the zoning administrator shall give the permittee notice of intention

to revoke such permit at least ten days prior to a planning commission review thereon. After conclusion of the review, the planning commission may revoke such permit.

(i) Minor revisions not constituting a substantial alteration of the planned unit development permit, or any element thereof, may be reviewed and approved by the planning commission. Each application for a minor revision shall be accompanied by a fee as may be set by the board of supervisors pursuant to Section 11-111 of this code. No part of said fee or fees shall be refundable.

(Ord. No. 440, §21; Ord. No. 473, §7; Ord. No. 693, §1; Ord. No. 873, §1; Ord. No. 874, §1; Ord. No. 1044, §20; Ord. No. 1078, §6; Ord. No. 1096, §1; Ord. No. 1189, §2.)

### **Sec. 28-52. Marsh development permits**

(a) Purpose. The purpose of a marsh development permit is to allow uses within the secondary management of the Suisun Marsh, subject to specific conditions and county approval. Lands designated as primary or secondary management areas of the Suisun Marsh are those as defined in Sections 29101, 29102 and 29103 of the Public Resources Code.

(b) When required. Marsh development permits shall be required from any person or entity wishing to undertake a development as defined in Section 29114 of the Public Resources Code within the secondary management area of the Suisun Marsh. Any land use development permit or other permit which conforms with the provisions of this section may serve as a marsh development permit, as determined by the county. If a portion of the site or development is within the primary management area, a permit may also be required from the county prior to application for any marsh development permit which may be required by the San Francisco Bay Conservation and Development Commission (BCDC).

(c) Issuance. Marsh development permits may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this chapter. The lawful use of land under county permit, issued prior to the certification of the Suisun Marsh Local Protection Program, shall be eligible for a marsh development permit, provided, said use does not have an adverse impact upon the Suisun Marsh. Granting of a marsh development permit does not exempt the applicant from complying with requirements of building codes adopted pursuant to other provisions of this code, or other ordinances.

(d) Application. Application for a marsh development permit shall be filed with the environmental management department and shall be accompanied by plans and data assuring the fullest practical presentation of facts about the development; a site plan drawn to scale and fully dimensioned showing property lines; the location and extent of existing and proposed work and uses; information clearly distinguishing existing from proposed improvements, existing and proposed public access areas, building elevations, and primary and secondary management area boundaries; the approximate distance to the nearest marsh, managed wetland, or tidal area; and the location and name of the nearest public road and private access. Such application shall be accompanied by a fee or fees as may be set

by the board of supervisors by resolution pursuant to Section 11-111 of this code. No part of such fee shall be refundable.

(e) Public hearing. At least one public hearing on any marsh development permit application shall be held by the zoning administrator or the planning commission.

(f) Public notice. Notice of this hearing shall be given pursuant to Section 28-14 of this chapter.

(g) Action.

(1) The zoning administrator or planning commission may grant marsh development permits upon the finding, in each case, that the requirements set forth in this chapter and in subsection (h) of this section are fulfilled.

(2) The zoning administrator or planning commission may stipulate conditions, and guarantees that such conditions will be complied with when in the public interest and deemed necessary.

(h) General conditions. In granting a marsh development permit, the zoning administrator or planning commission shall find the following conditions to be fulfilled:

(1) That the application process complies with the California Environmental Quality Act of 1970, as amended.

(2) That the establishment, maintenance, or operation of the use is in conformity with the county general plan with regard to traffic circulation, population densities and distributions, and all other pertinent aspects.

(3) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

(4) That the applicant has exhibited proof that such use will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the county, or be detrimental to adjacent property or improvements to the neighborhood.

(5) That the proposed development shall be consistent with the certified Suisun marsh local protection program.

(i) Revocation.

(1) In any case where the conditions of a marsh development permit have not been or are not complied with, the zoning administrator shall give to the permittee notice of intention to revoke such permit, at least ten days prior to a planning commission review thereof. After conclusion of the review, the planning commission may revoke such permit.

(2) In any case where a marsh development permit has not been exercised within one year after the date of granting thereof, then without further action by the zoning administrator or planning commission, the use permit shall be null and void; excepting that upon written request by the permittee, the planning commission may authorize an extension of the permit not to exceed one year. Only one such extension may be granted.

(j) Reapplication. Whenever a marsh development permit application has been denied for a specific use, no new application covering all or a portion of the property involved in the original application shall be accepted by the county for a period of six months from the effective date of the final denial of the original application; provided that upon a showing of a substantial change of circumstances, the planning commission may permit the filing of such new application prior to the expiration of such six-month period.

(k) Appeal. Appeal from the action of the zoning administrator or planning commission may be made according to the provisions of Section 28-63 of this code.

(l) Minor revisions. Minor revisions not constituting substantial alteration in the marsh development permit, or any element thereof, may be reviewed and approved by the zoning administrator or planning commission, whichever shall have issued the permit sought to be revised. Each application for a minor revision shall be accompanied by a fee as may be set by the board of supervisors, pursuant to section 11-111 of this code. No part of said fee or fees shall be refundable.

(Ord. No. 1091, §1; Ord. No. 1121, §10; Ord. No. 1189, §3.)

**Sec. 28-53. Use permits**

(a) Purpose. The purpose of the use permit is to give public notice of certain proposed land uses and to allow review of such land uses and necessary arbitration by the zoning administrator or planning commission.

(b) Issuance; grant not exemption from building codes. Use permits, revocable, conditional or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this chapter. Granting of a use permit does not exempt applicant from complying with requirements of building codes adopted pursuant to other provisions of this code or other ordinances.

(c) Application. Applications for use permits shall be made in writing on a form prescribed by the zoning administrator, and shall be accompanied by floor plans and site plans, and data necessary to show that conditions set forth in subsections (h) and (i) of this section are fulfilled as required by the zoning administrator or planning commission. Such application shall be accompanied by a fee or fees as may be set by the board of supervisors pursuant to section 11-111 of this code. No part of such fee shall be refundable.

An application for an extension of an existing use permit shall be processed as stipulated by

a condition of the permit; however, the application shall be accompanied by a fee or fees as may be set by the board of supervisors pursuant to Section 11-111 of this code. No part of such fee shall be refundable.

(d) Public hearing. At least one public hearing on any use permit application shall be held by the zoning administrator or planning commission, who shall maintain a public record of all hearings. Applications considered by the zoning administrator, unless authorized by the director of environmental management, planning commission or board of supervisors, are generally limited to minor noncontroversial projects and accessory or incidental uses--such as temporary signs, mobile homes, commercial coaches, rural resident enterprises, reissuance of expired permits, time extensions to current permits and projects exempt from the Environmental Quality Act (CEQA). The planning commission hears all other applications.

(e) Public notice. Notice of the hearing shall be given pursuant to section 28-14 of this chapter.

(f) Right to be heard. The public notice of the proposed use shall set forth the right of any person or group to appear and be heard at the public hearing.

(g) Action

(1) The zoning administrator or planning commission may grant use permits upon the finding, in each case, that the requirements set forth in this chapter and in subsections (h) and (l) of this section are fulfilled.

(2) The planning commission may stipulate conditions in addition to the general conditions enumerated in subsections (h) and (l) of this section and guarantees that such conditions will be complied with when in the public interest such additional conditions and guarantees may be deemed to be necessary.

(3) Unless the use permit application is withdrawn, action to approve, conditionally approve, or deny the use permit shall be taken by the zoning administrator or planning commission within sixty days of the application filing date; except that the applicant and planning commission may mutually agree to extend such period.

(h) General conditions. In granting a use permit, the zoning administrator or planning commission shall find the following general conditions to be fulfilled.

(1) That the establishment, maintenance or operation of a use or building applied for are in conformity to the general plan for the county with regard to traffic circulation, population densities, and distribution, and other aspects of the general plan considered by the zoning administrator or planning commission to be pertinent.

(2) That adequate utilities, access roads, drainage and other necessary facilities have

been or are being provided.

(3) That applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, that finding shall be to that effect.

(i) Conditions relating to specific uses. In granting a use permit for the specific uses listed, the Zoning Administrator or Planning Commission shall find that the following conditions shall be met.

(1) Agricultural processing plants, such as cannery, winery, slaughterhouse, or dairy which processes agricultural products not produced on the premises, shall be located to provide convenient trucking access with minimum interferences to normal traffic; shall provide loading spaces as required by the zoning administrator or planning commission; shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance; shall show that proposed source of water will not deprive others of normal supply.

(2) Airports and heliports shall provide a distance of at least two hundred feet from each end of each runway; shall be located no closer than one thousand feet from any dwelling, barn, stable; shall be located so that air or surface traffic shall not constitute a nuisance or danger to neighboring farms, and shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights.

(3) Amusement places or places of commercial recreation shall provide ingress and egress designed so as to avoid traffic congestion; shall provide a minimum six foot solid board fence or masonry wall separating parking areas from abutting residential property; and shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.

(3.5) Confined Animal Facilities shall conform to the following standards:

(3.5.1) Small Confined Animal Facilities shall not locate any developed portions of the facility, including barns, corrals, truck loading areas, feed and manure storage areas, milking parlor, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, closer than 200 feet from any property line.

(3.5.2) Medium Confined Animal Facilities shall conform to the following minimum development standards:

(a) **Minimum Setbacks.** To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, truck loading areas, feed and manure storage areas, milking parlor, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:

(1) One (1) mile from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.

This requirement shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, as described in Subsection 3.5.5.

(2) Two hundred (200) feet from any property line.

(3) Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.

(b) **Water Protection.** The following minimum water protection standards are applicable:

(1) **Ground Water Monitoring Standards.** As part of the use permit application materials, the applicant shall submit a proposed ground water monitoring plan. The Division of Environmental Health shall review the proposed plan and recommend appropriate revisions, if any. The plan shall provide for the testing and reporting of ground water quality on the project site both prior to, and at least once every six months during, the operation of the facility. In granting a use permit, the ground water monitoring plan shall be approved as a component of the approved land use operation and the permit shall be conditioned to require that the permittee comply with the provision of the approved plan.

(2) **Wastewater Pond Design Standards.** All wastewater storage ponds and treatment lagoons shall be designed and constructed to meet the following standards:

(a) A liner of compacted clay that is a minimum of 1 foot thick, with a maximum permeability of  $1 \times 10^{-6}$  cm/sec.

(b) Minimum of 5 feet separation between bottom of liner and groundwater.

(c) Must be designed and operated with a minimum of 2 feet of freeboard and must be capable of accommodating a 100 year precipitation event occurring over a 24 hour period.

(d) Retention ponds and settling basins shall be designed to minimize odor, to the greatest extent feasible, by using the best available proven technology at the time of application. This includes, but is not limited to, pond covers, methane digesters, aerobic and anaerobic systems or operational or management practices.

(e) Performance based, engineered alternatives that meet or exceed the above requirements may be considered and approved.

These standards are minimums. Stricter standards may be required if recommended pursuant to environmental review or by other regulatory agencies.

(3.5.3) Large Confined Animal Facilities shall conform to the following minimum development standards:

(a) Minimum Setbacks. To minimize potential impacts of odor, dust and noise, the developed portions of the facility, including barns, corrals, truck loading areas, feed and manure storage areas, milking parlors, lagoons, structures not used as dwelling units, labor quarters, or administration, and any ancillary facilities other than grazing and cropland, shall be located no closer than:

(1) Three (3) miles from any city's sphere of influence line, as established by the Solano Local Agency Formation Commission, or, where no sphere of influence line has been established, from any city limit line. This requirement may be reduced in distance or waived if the area within the sphere of influence line or city limit line is being used, or will be used, for municipal wastewater treatment facilities. This minimum distance may be increased based on site specific factors and potential impacts identified through the environmental review process.

This requirement shall only apply at the time of the facility's initial approval, and a change in the sphere of influence shall not alone render an operating facility non-conforming, as described in Subsection 3.5.5.

2. One (1) mile from the nearest large confined animal facility.

3. 2,500 feet from any natural public drinking surface water supply intake and 200 feet from a primary tributary to a domestic surface\_water supply (measured from any liquid or solid waste storage area or land application area only), including but not limited to the Barker Slough intake.

4. One (1) mile from any Residential zoning district, as established in Section 28-15 of this Chapter.

5. Two hundred (200) feet from any property line.

6. One quarter (¼) mile (1,320 feet) downwind and one half (½) mile (2,640 feet) upwind of any existing occupied dwelling unit not owned or occupied by the facility's owner or



personnel. This requirement may be waived if the owner of the dwelling has provided comment, in writing, that he or she has no objection to the location of developed portions of the facility within such setback area.

7. Two (2) miles from the boundary of the National Veterans Cemetery.
8. Manure used as fertilizer and process water used to irrigate cropland may be used on the project site within these minimum setback areas.
  - b. All structures shall be constructed with materials suitable to prevent excessive glare so as not to create a nuisance to neighbors or a danger to aircraft.
  - c. All exterior night lighting shall be directional lighting that directs the light downward and inward toward the project site so as not to create a nuisance to neighbors.
  - d. Applications must meet all requirements set forth in Chapter 27 of the Solano County Code regulating Large Confined Animal Facilities.
  - e. Notice of a hearing on a use permit application for a Large Confined Animal Facility, or any revision to such permit, shall be provided to any affected local governmental agencies and to all owners of real property, as shown on the latest equalized assessment roll, within one (1) mile of the property that is the subject of the hearing.

(3.5.4) Manure and Silage Storage. Storage or stockpiling of manure and silage shall occur in a manner which minimizes odor and vector nuisances to the greatest extent practicable, based on current industry practices.

(3.5.5) Loading Areas and Access. Adequate truck loading areas shall be provided within the developed portion of the facility. Ingress and egress shall be designed to avoid creation of traffic hazards and congestion, odor, dust, noise or drainage impacts.

(3.5.6) Grandfathered Non-conforming Uses. Any confined animal facility, including any sales and feed lot, stockyard, or dairy, legally established prior to May 3, 2005, which does not meet the standards set forth above [excepting Subsections 3.5.2(a)(1) and 3.5.3(a)(1)], shall be considered legal non-conforming, and shall not be allowed to physically expand its use or increase the number of animals allowed unless the standards set forth in paragraphs 3.5.1 through 3.5.4 of this subsection are met.

(Ord. No. 1663, §7)

(4) Kennels, catteries and horse shows shall be located no closer than two hundred feet to any property line; shall provide adequate truck loading area as required by the Zoning Administrator or Planning Commission, together with ingress and egress designed to avoid traffic hazard and congestion; and shall show that odor, dust, noise or drainage will not constitute a nuisance or a hazard. (Ord. No. 1663, §8)

- (5) Animal hospitals shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.
- (6) Automobile, mobile home, recreational vehicle or boat sales lots shall show that adequate controls or measures will be taken to prevent offensive light, noise or vibrations.
- (7) Automobile parking lots adjacent to a C or M district shall be paved; shall have a minimum six-foot high, solid board fence, or a minimum six-foot high masonry wall separating the parking lot from the abutting residential uses; and shall provide lighting only constructed in such manner so as to in no way disturb the living environment in the abutting residential district.
- (8) Automobile repair garages shall be entirely enclosed within a building and shall show that adequate controls or measures will be taken to prevent offensive noise and vibrations.
- (9) Automobile, mobile home, recreational vehicle, or boat storage garages shall provide ingress and egress so designed as to avoid traffic congestion.
- (10) Bakery, creamery, laundry, cleaning and dyeing establishments shall provide off-street loading spaces as required by the zoning administrator or planning commission; shall be entirely enclosed within a building; and shall show that adequate controls or measures will be taken to prevent offensive noise, vibration, odor, and glaring lights.
- (11) Cemeteries, crematories, mausoleums, columbariums and mortuaries shall provide entrance on a major street or road with ingress and egress so designed as to avoid traffic congestion; shall maintain a minimum twenty-foot landscaped strip on all property lines abutting residential property and residential streets.
- (12) Churches, museums, libraries, community centers, and welfare institutions shall include the following minimum development standards:
  - (A) Located on a principal street on a minimum one acre site.
  - (B) In R Districts, except the R-R District, located on a site at least one-thousand five hundred (1,500) feet from any other site containing a church, museum, library, community center, or welfare institution.
  - (C) A six foot high decorative masonry wall shall be constructed and maintained on all side and rear property lines abutting R Districts, excepting the Rural Residential (R-R) District. For property lines abutting R-R Districts, a screen consisting of walls, fences, landscaping, berms or any combination to form a six foot high opaque screen shall be provided.
  - (D) No building shall be located closer than twenty-five feet to any property line

constituting the parcel boundary.

(E) The required front yard setback as determined by the zone district shall be landscaped in accordance with a landscape and irrigation plan approved by the Department of Environmental Management. At least two twenty-four inch (24") box street trees are required for each 50 feet of street frontage or fraction thereof.

(F) Landscaping shall be provided equivalent to at least fifteen percent of the total parking area hardscape. The parking area hardscape includes parking stalls, sidewalks, and all driveways outside of the front yard setback. Such landscaping shall be located throughout the parking area and at a minimum shall include one twenty-four inch box tree for every five parking stalls.

(G) Parking areas shall have lighting capable of providing adequate illumination for security and safety. Any illumination shall be directed away from adjacent properties and public rights-of-way.

(H) Parking areas, including driveways and loading areas, used for primary circulation and for frequent idling of vehicle engines shall be designed and located to minimize the impact of noise on adjacent properties.

(I) Churches, museums, libraries, community centers, and welfare institutions adjacent to agricultural activities shall provide sufficient buffer so as not to burden or interfere with normal agricultural operations.

(J) The development standards set forth in subdivision (a) through (I), inclusive, shall not apply to the review and consideration of any conditional use permit application that was filed prior to November 4, 1997. The minimum development standards for such applications are that the use shall be located on a principal street on a minimum one-half acre parcel; and in all districts, shall maintain a minimum ten-foot wide landscape strip on all property lines abutting R districts.

(13) Club, lodge, and fraternal organizations shall maintain a minimum ten-foot landscape strip on all property lines abutting residential property; shall show that adequate controls or measures will be taken to prevent offensive noise or light; and shall provide ingress and egress so designed as to avoid traffic congestion..

(14) Community care facilities shall not be located on any ownership within four hundred feet of any other ownership containing a community care facility, or for which a use permit for a community care facility has been issued. The number of persons under care living in such facilities shall not exceed three percent of the total unincorporated population within the census tract where the facility is located. If not already obtained, state authorization, certification or licensing by the appropriate agency is required within six months of issuance of a use permit. If not obtained within six months, the use permit becomes null and void.

(15) Concrete and asphaltic concrete mixing plants and construction storage yards incidental to construction or public works projects shall show that adequate controls or measures will be taken to prevent offensive noise, odor, dust, fumes, smoke or vibration; shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

(16) Dumping, disposal, incineration, or reduction of refuse shall show that adequate controls or measures will be taken to prevent offensive smoke, odors, fumes; and shall be located so that truck traffic noise and vibration shall not be offensive to neighboring dwellings.

(17) Limited Public events in the A-20 zoning district shall be limited to once per year, shall not be open to the public for more than 10 weeks, shall not cause significant adverse impacts to adjacent agricultural operations, shall not operate on land which has been utilized for crop production within the past five years (operation on grazing land is acceptable), shall be limited to outdoor events (no fully enclosed structures or tents open to the public), shall not utilize electric sound amplification systems, and shall require only a minimal site alteration or permanent physical improvements. Upon termination, expiration, revocation of the use permit, the site shall be fully restored to its original condition.

(18) Gun and archery shooting ranges, public stables, horse shows, lodge, club or resort for swimming, boating, fishing, hunting or shooting, shall show that adequate controls or measures will be taken to prevent any hazard or nuisance to surrounding residents or farm animals, and to prevent trespassing to surrounding property.

(19) Hospitals and sanitariums in an A or R-R district shall provide parking as required by the zoning administrator or planning commission and shall maintain a minimum forty-foot landscaped strip on all property lines abutting residential property.

(20) Junk or wrecking yards shall be entirely enclosed by a fence of eight feet minimum height, constructed of uniform material, maintained plumb and level in structurally sound condition, which shall adequately screen the enclosed area from view. Hilly areas in which adequate screening cannot be achieved shall be avoided in the selection of sites for junk or wrecking yards.

(21) Labor camps in an A district shall be located on a public road and where sanitary facilities are available.

(22) Medical and dental laboratories shall maintain a minimum ten-foot landscaped strip on all property lines abutting residential property and residential streets.

(23) Model airplane, boat, car or train courses shall show that adequate controls or measures will be taken to minimize offensive noise or prevent trespassing on surrounding property.

(24) Newspaper or commercial printing shops and blueprinting shops shall be entirely enclosed within a building; shall provide off-street loading space in proportion to the number of truck loads per day as required by the zoning administrator or planning commission; and shall show that adequate controls or measures will be taken to prevent offensive noises or vibration.

(25) Oil and gas wells shall show that adequate controls or measures will be taken to prevent offensive noise, odor, vibration or fumes. Derricks shall be removed when wells are brought into production or when drilling is abandoned.

(26) Outdoor sales and rental lots shall show that adequate measures and controls shall be taken to prevent offensive noise, odors and dust, and shall have a minimum six-foot high, solid board fence or masonry wall separating the lot from abutting residential uses.

(27) Outdoor theaters or drive-in theaters shall be located only on a principal street; shall provide ingress and egress so designed as to avoid traffic congestion; shall be located sufficiently distant from any dwelling, barn or stable, and so screened from such buildings that any noise shall not disturb residents or farm animals; and any lighted signs and other lights shall be maintained in such a way as not to disturb neighboring residents or farm animals.

(28) Public service facilities shall maintain a minimum ten-foot landscaped strip on all property lines abutting residential property.

(29) Removal of natural material shall show that adequate controls or measures will be taken to prevent offensive noise, dust, vibrations or standing water; shall not create finished grades of a greater slope than two to one; and shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

(30) Schools, nursery schools, playgrounds, golf courses, parks, bowling and croquet greens, court games, resorts, picnic grounds and campgrounds shall show that adequate controls or measures will be taken to prevent offensive noise, light or trespassing on surrounding property.

(31) Stadiums, racetracks, athletic fields, polo fields, exhibition grounds, and similar places of outdoor recreation shall have ingress and egress only on a principal street so designed as to avoid distraction of motorists traveling on adjacent thoroughfares; and shall show that adequate controls or measures will be taken to prevent offensive noise or light.

(32) Sports arenas, auditoriums and exhibition halls shall have ingress and egress only on a principal street; shall ingress and egress so designed to avoid traffic congestion, and shall show that adequate controls or measures will be taken to minimize offensive noise, odors or light.

(33) Mobile home parks shall provide a minimum of four acres in single or contiguous

ownership occupied exclusively by the mobile home parks; each mobile home space within mobile home parks shall be bounded by parking on the ground and shall have not less than twelve feet of frontage along a street; mobile homes within mobile home parks shall be placed a minimum distance of twenty feet from any public street right-of-way; and private streets within mobile home parks shall intersect generally at right angles with pavement rounding at minimum ten-foot radii; except that, intersections of private streets with public streets shall have radii of thirty feet.

(34) Warehouses shall show that any stored material will not constitute a hazard to surrounding property and shall provide adequate off-street loading and unloading space.

(35) Automobile, mobile home, recreational vehicle or boat storage lots shall provide ingress and egress designed to avoid traffic congestions; shall be enclosed and screened by a solid fence or wall of a minimum height of eight feet or vegetation except as may be waived by the zoning administrator or planning commission; and shall provide traffic surfaces that are maintained in a dust-free manner.

(36) Roadside stands, food establishments open to the outside air, and retail dairies shall have ingress and egress designed so as to avoid traffic congestion and hazards; shall provide adequate controls or measures to prevent dust, odor or light; shall provide adequate off-street parking; shall obtain health department approval prior to issuance of the use permit, and shall be determined to be in harmony with the committed character of the subject locality.

(37) Uses established in the areas designated Commercial Service-Light Industrial by the Solano County General Plan shall be consistent with existing development and considered interim uses which terminate upon annexation to a municipality.

(j) Revocation.

(1) In any case where the conditions of a use permit have not been or are not complied with, the zoning administrator shall give to the permittee notice of intention to revoke such permit at least ten days prior to a planning commission review thereof. After conclusion of the review, the planning commission may revoke such permit.

(2) In any case where a use permit has not been exercised within one year after the date of granting thereof, then without further action by the zoning administrator or planning commission, the use permit shall be null and void except that, upon written request by the permittee, the planning commission may authorize an extension of the permit, not to exceed one year. Only one such extension may be granted.

(k) Reapplication. Whenever a use permit application has been denied for a specific use, no new application covering all or a portion of the property involved in the original application, shall be accepted by the planning commission for a period of six months from the effective date of the final denial of the original application; provided that, upon a showing of a

substantial change of circumstances, the planning commission may permit the filing of such new application prior to the expiration of such six-month period.

(l) **Appeal.** Appeal from the action of the zoning administrator or planning commission may be made according to the provisions of Section 28-63.

(m) **Minor revisions.** Minor revisions not constituting substantial alteration in the use permit or any element thereof, may be reviewed and approved by the zoning administrator or planning commission, whichever shall have issued the permit sought to be revised. Each application for a minor revision shall be accompanied by a fee as may be set by the board of supervisors, pursuant to Section 11-111 of this code. No part of said fee or fees shall be refundable.

(n) **Time extensions.** The zoning administrator may grant a request to extend the time period of a use permit issued by the zoning administrator or planning commission without a public hearing upon finding the following guidelines are fulfilled:

- (1) The time extension is for a use permit which is considered minor in nature.
- (2) Additional land use impacts will not result from approval of a time extension.
- (3) The application was not controversial at the time of approval.
- (4) There is no history of complaints on the permitted use.
- (5) Any extension will not exceed a period of time greater than the initial period granted unless specific provisions were conditioned at the time of permit approval.
- (6) The permit has been determined duly exercised and in full compliance.

(Ord. No. 440, §23; Ord. No. 452, §3; Ord. No. 473, §§ 9, 10; Ord. No. 504, §4; Ord. No. 536, §1; Ord. No. 799, §1; Ord. No. 874, §2; Ord. No. 972, §§ 17, 18, 19, 20; Ord. No. 985, §8; Ord. No. 995, §6; Ord. No. 1038, §1; Ord. No. 1033, §8; Ord. No. 1044, §5; Ord. No. 1078, §7; Ord. No. 1100, §1; Ord. No. 1189, §4; Ord. No. 1254, §3; Ord. No. 1302, §1; Ord. No. 1517, §7; Ord. No. 1543, §8; Ord. No. 1552, §1; Ord. No. 1553, §3; Ord. No. 1616, §1)

#### **Sec. 28-54. Variances**

(a) **Authority of planning commission.** The planning commission shall have the power to grant variances from terms of this chapter; except that, in no case shall a variance be granted to allow a use of land or buildings not permitted in the district in which the subject property is located.

(b) **Conditions.** Variances from the terms of this chapter may be granted only when the following conditions are found:

(1) Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

(2) Variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which subject property is situated.

(c) Application. Applications for variances shall be filed with the zoning administrator upon such forms and accompanied by such plans and data as may be prescribed by the zoning administrator so as to assure the fullest practical presentation of facts for the permanent record. Each application for any variance shall be accompanied by a fee or fees as may be set by the board of supervisors by resolution pursuant to Section 11-111 of this code. No part of such fee shall be refundable.

(d) Public hearing.

(1) Public hearing shall be held on variance permit applications.

(2) Public hearing on any variance permit application shall be not later than thirty days from the date of application.

(e) Public notice. Notice of the hearing shall be given pursuant to Section 28-14 of this chapter.

(f) Action. The planning commission may grant a variance permit, provided the conditions set forth in subsection (b) of this section are satisfied. The applicant shall be forthwith notified of the action taken.

(g) Revocation. In any case where a granted variance permit has not been exercised within one year after the date of granting thereof, then without further action by the zoning administrator or planning commission, the variance granted shall be null and void.

(h) Reapplication. Whenever a variance permit application has been denied for a specific use, no new application covering all or a portion of the property involved in the original application shall be accepted by the planning commission for a period of six months from the effective date of the final denial of the original application; provided, that upon a showing of a substantial change of circumstances, the planning commission may permit the filing of such new application prior to the expiration of such six-month period.

(i) Appeal. Appeal from the action of the planning commission may be made according to the provisions of Section 28-63.

(j) Minor revisions. Minor revisions not constituting substantial alteration in the variance



permit or any element thereof may be reviewed and approved by the planning commission. Each application for a minor revision shall be accompanied by a fee as may be set by the board of supervisors pursuant to Section 11-111 of this code. No part of said fee or fees shall be refundable. (Ord. No. 440, §24; Ord. No. §5; Ord. No. 874, §3; Ord. No. 1044, §17; Ord. No. 1078, §8; Ord. No. 1187, §9; Ord. No. 1189, §5.)

**Sec. 28-55. Parking requirements**

(a) Minimum number of off-street parking spaces required in any district shall be as follows:

<u>Land Use</u>	<u>Number of Off-Street Parking Spaces Required</u>
1. Residential uses	Two spaces per each principal dwelling unit and one space for each accessory dwelling, companion unit or secondary living unit. Spaces should be located behind the front yard setback line in the R-E, R-S and R-D districts. Spaces shall also comply with the development and architectural standards in Section 28-58 (Architectural Approval) of this Chapter
(2) Boarding Houses and rooming houses	One space per each guest.
(3) Motel	One and one-tenth space per unit.
(4) Mobile home park	One and one-half spaces per mobile home space, plus one visitor space per four mobile home spaces.
(5) Hospital	One space per five hundred square feet of gross area.
(6) Medical and dental clinics	One space per one hundred fifty square feet of gross floor area.
(7) Public assembly – church, theater, lodge, hall, auditorium, stadium, arena, gymnasium, mortuary, and similar uses	One space per four seats or one space per each four persons at capacity.
(8) Industrial uses	One space per two employees.

<p>(9) Retail and office buildings</p>	<p>One space per two hundred square feet of gross floor area.</p>
<p>(10) Commercial service buildings, workshops, warehouses, general storage, research and development and component assembly uses, etc.</p>	<p>One space per eight hundred square feet of gross floor area.</p>
<p>(11) Any of the above uses found by The Zoning Administrator or Planning Commission to have unique parking Needs or any use not enumerated above</p>	<p>As specified by the Zoning Administrator or Planning Commission.</p>

(Ord. No. 1679, §15)

(b) Location of parking area:

- (1) The parking area shall be on-site, unless, due to unusual circumstances, proposed off-site parking is found by the zoning administrator or planning commission to be reasonably acceptable.
- (2) No on-street parking shall satisfy any of the parking requirements of Section 28-55(a).

(c) Standard parking arrangements and dimensions:

- (1) Parking arrangements shall be in accord with one or a combination of illustrations shown below in Figures 1 through 6. Any variation to parking arrangements illustrated below shall be approved by the Zoning Administrator.

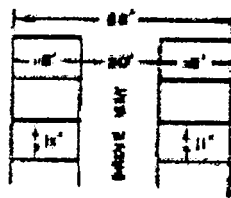


FIG. 1  
90° PARKING

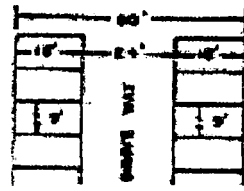


FIG. 2  
90° PARKING

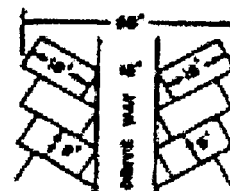


FIG. 3  
90° PARKING

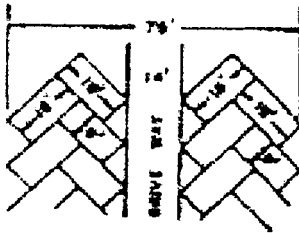


FIG. 4  
45° PARKING

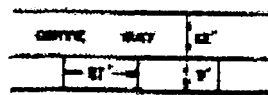


FIG. 5  
PARALLEL PARKING

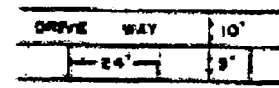


FIG. 6  
PARALLEL PARKING

(2) All parking area designs shall limit direct access to and from adjacent public thoroughfares to a minimum of common driveways serving groups of parking spaces.

(3) All required parking spaces for residential uses shall be a minimum nine (9) feet in width by eighteen (18) feet in length unless otherwise provided in subsection (c)(1).

(4) Where a two-car enclosed garage for dwellings is required by Section 28-58 (Architectural Approval) of this Chapter, the minimum interior parking area within the garage shall be eighteen (18) feet wide by eighteen (18) feet deep.

(d) Curb openings:

(1) The width, placement and construction of curb openings shall conform to the requirements of the director of the transportation department.

(e) Grading and drainage:

(1) The grading and drainage of all parking areas shall conform to the requirements of the director of the transportation department.

(f) Surfacing and marking:

(1) The parking area shall be maintained in good condition at all times and shall be surfaced in a manner approved by the zoning administrator or planning commission to be consistent with the type and level of use so as to provide safe and convenient use in accord with the following guidelines:

(A) Parking areas used the year around shall be surfaced with asphaltic concrete or its equivalent, except that low intensive uses may be surfaced with gravel or its equivalent.

(B) Parking areas used periodically shall be surfaced with gravel or its equivalent, except where special circumstances as determined by the zoning administrator or planning commission warrant otherwise.

(2) Markings for parking spaces, entrances, exits and circulation directions shall be consistent with the type and level of use as determined by the zoning administrator or planning commission, and shall remain discernible at all times.

(g) Driveway widths:

(1) The minimum width of a driveway for two-way traffic shall be eighteen feet.

(2) The minimum width of any driveway shall be ten feet.

(h) Fencing:

(1) A minimum six-foot high, solid wall or fence shall be constructed pursuant to a design approved by the zoning administrator to separate parking and other commercial, industrial and nonresidential uses abutting residential districts or residences. Upon good cause shown by the applicant, the zoning administrator may waive the requirement for fencing.

(i) Lighting:

(1) The zoning administrator may require lighting. All lighting shall be designed to minimize conflicts with surrounding properties, and shall be approved by the zoning administrator.

(j) Accessible parking for the disabled:

(1) Parking spaces for the disabled shall be provided in accordance with the Building Codes applicable at the time of issuance of permits by the County and are to be included as part of the total number of parking spaces required by this Chapter.

(2) Number of spaces required:

<u>Total Number of Required Parking Spaces</u>	<u>Handicapped Parking Spaces Required</u>
0 - 40	1
41 - 80	2
81 - 120	3
121 - 160	4

161 - 300	5
301 - 400	6
401 - 500	7
Over 500	1 for each 200

additional spaces

provided

(3) Size of spaces.

(A) Individual spaces fourteen feet wide, lined to provide a nine-foot parking space and five-foot loading area.

(B) Two spaces, twenty-three feet wide, lined to provider two nine-foot parking spaces and one shared five-foot loading area.

(C) Minimum depth of parking space: eighteen feet.

(4) Signing and identification of spaces.

(A) Each handicapped parking space to have permanent (70 sq. in.) reflective ionized porcelain enameled steel sign.

(B) Freestanding signs located at interior end of parking space mounted minimum of five feet above finish grade.

(C) Wall-mounted signs located at interior end of parking space mounted minimum of three feet above finish grade.

(D) Sign text to state the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be cited by the Solano County Sheriff's Department, and subject to fine."

(E) Surface identification of paved spaces with International Symbol of Accessibility in light blue paint and three square feet in size.

(5) Ramps.

(A) Ramps shall be provided from handicapped parking spaces to the building entrance.

(B) Ramp surface shall be slip resistant.

(C) Slope shall not exceed 1 vertical to 12 horizontal

- (D) Ramp width shall be a minimum of four feet.
- (E) Ramp side slopes shall not exceed 1 vertical to 8 horizontal.
- (6) Applicability.
- (A) These provisions do not apply to existing structures unless occupancy under the Uniform Building Code changes.

(Ord. No. 1653, §3; Ord. No. 1679, §17)

**Sec. 28-56. Performance standards**

(a) Applicability. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substances, condition or element referred to herein as dangerous or objectionable elements in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises; provided, that any use permitted by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements.

(b) Performance standards procedure.

(1) Should the planning commission believe that a proposed use in any district is likely to create or emit dangerous or objectionable elements, it may invoke the performance standards procedure contained herein.

(2) Whenever the performance standards procedure has been invoked for a proposed use, zoning-building permits therefore may be issued only as authorized by the planning commission.

(3) Whenever the performance standards procedure has been invoked, the applicant shall submit, in addition to the application for a building permit, a plan in duplicate and supplemental statement of the proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission of dangerous and objectionable elements as set forth in this section.

(4) If the planning commission determines the proposed use may cause the emission of dangerous or objectionable elements, the planning commission may refer the applicant to one or more expert consultants qualified to advise as to whether a proposed use would adversely affect surrounding areas or adjoining premises by the creation or emission of dangerous or objectionable elements for investigation and report. Such report shall set forth definite findings as to the actual performance of the proposed use, and in a positive and

concise manner, recommend such additional installations or safeguards, or devise such standards to be applied as would obviate the creation or emission of dangerous or objectionable elements. Such consultant or consultants shall address his report to the planning commission and a copy to the applicant at the same time.

(5) Within thirty days after the planning commission has received the aforesaid application, or the aforesaid report if a report be required, the planning commission shall decide whether the proposed use will conform to the requirements of this section, and on such basis shall authorize or refuse to authorize issuance of a zoning-building permit or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. Any zoning-building permit so authorized and issued shall be conditioned upon the applicant's completed buildings and installations conforming in operation to the performance standards as stipulated in the zoning-building permit.

(c) Enforcement. Whenever the performance standards procedure has been invoked and a conditioned zoning-building permit, as authorized by the planning commission, has been issued, the zoning administrator shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the planning commission of the occurrence or existence of a probable violation thereof. The planning commission shall investigate the alleged violation, and for such investigation may employ qualified experts and hold public hearings. If the planning commission finds that a violation has occurred or exists, a copy of such findings shall be forwarded to the board of supervisors. The services of any qualified experts employed by the planning commission to advise in establishing a violation shall be financed by the violator, if such violation is established; otherwise by the county.

(d) Appeals. Appeal from the action of the planning commission may be made according to the provisions of Section 28-63.

(Ord. No. 440, §26; Ord. No. 1044, §6; Ord. No. 1187, §10.)

**Sec. 28-57. Building lines**

(a) Establishment of building lines. For the purpose of assuring the proper right-of-way width of certain streets or highways designated by the master plan to be of major importance, building lines measured from the centerline of such streets or highways may be established on the zoning maps of this chapter or by official plan lines adopted by ordinance as precise sections of the master plan of streets and highways of the county; in either case, such building lines, when established, shall supersede the front yard requirements of this chapter.

(b) Effect of establishment of building lines. In no case shall any building be hereafter erected, nor shall any use of land be conducted, except the use of land for agriculture, so that such use will be closer to the right-of-way line or any building line which is established for such street or road by this chapter or any provision of this code or any ordinance of the county. (Ord. No. 440, §27; Ord. No. 989, §20.)

**Sec. 28-58. Architectural approval**

The purpose of architectural approval is to promote the orderly and harmonious development of the county, the stability of land values and investments, and the general welfare; and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto of unsightly, undesirable, or obnoxious appearance. A building permit shall not be issued until architectural approval has been obtained.

(a) Minimum development standards for dwelling units.

(1) Except as otherwise provided by Section 28-58, all dwellings shall conform to the following minimum development standards:

(A) Each dwelling shall have a minimum gross floor area of one thousand square feet.

(B) 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.

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

(D) 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 twelve inches horizontal.

(E) The finished first floor of the dwelling shall be a maximum of thirty inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling.

(F) A two-car enclosed garage shall accompany each dwelling, and the siding and roofing materials shall match the dwelling.

(2) Should the Zoning Administrator determine that a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

(3) Waiver of any of these minimum development standards may be granted if the proposed dwelling is compatible with the surrounding neighborhood in accord with the architectural standards set forth in subsection (c), subject to notice as set forth in Section 14(f) of this Chapter..



(b) Applicability.

(1) The provisions of this section shall apply to all zoning districts.

(2) Should the zoning administrator or planning commission determine that a proposed use or structure does not meet the architectural standards set forth in this section, zoning approval of the permit or entitlement authorizing such use or structure shall not be granted.

(c) Architectural Standards.

(1) The Zoning Administrator or Planning Commission shall have the function, duty, and power to approve or disapprove, or approve subject to compliance, the external design of all proposed new uses, dwellings, buildings or structures with such modifications or conditions as may be deemed necessary to carry out the purpose of these regulations, and this Chapter.

(2) In carrying out the purposes of this Section, the Zoning Administrator or Planning Commission shall keep in mind the following standards:

(A) It is not a purpose of this section that control of architectural character should be so rigidly enforced that individual initiative is stifled in the design of any particular building or substantial additional expense incurred; rather, it is the intent of this section that any control exercised be the minimum necessary to achieve the overall objectives of this section.

(B) Good architectural character is based upon the suitability of a building for its purposes, upon the appropriate use of sound materials, and upon the principles of harmony and proportion in the elements of the building.

(C) Good architectural character is not in itself more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.

(D) Where buildings are grouped in close proximity, harmony between individual buildings in any group is of equal importance to the architectural character of any individual building. Similarity of materials, of colors, of landscaping, or character of construction, will help to minimize disharmony between buildings in proximity.

(E) The aesthetic quality of building design, as evidenced by the use and relationship of materials, color and texture, application of the principles of scale, proportion and harmony, and suitability of structure to its site, shall be comparable to that exhibited in the surrounding area.

(F) New dwellings shall maintain design continuity, conform to or be aesthetically compatible in areas where a particular design style or theme has been established.

(3) In carrying out the purposes of this section, the Zoning Administrator or Planning Commission shall pay particular attention to on-site signs and general advertising structures, and shall have authority to limit and control the location, number, size, design, lighting, and use of colors and such on-site signs and general advertising structures in order to promote the orderly and harmonious development of the commercial and industrial districts of the county.

(4) When determining the compatibility of locating a dwelling amidst or adjacent to

existing residential structures, additional consideration shall be given to the minimum development standards for dwellings found in (a) of this section, existing architecture, and use of exterior materials used on structures in the immediate neighborhood.

(Ord. No. 440, §28; Ord. No. 1044, §§ 7, 8; Ord. No. 1093, §3; Ord. No. 1126, §19; Ord. No. 1492, §20; Ord. 1509, §2; Ord. No. 1543, § 9.)

**Sec. 28-59. Airport flight obstruction areas**

(a) Purpose. The purpose of the airport flight obstruction areas is to prevent the creation of flight obstruction and thereby protect the lives and property of users of airports and of occupants of land in the vicinity of airports, and to prevent destruction or impairment of the utility of airports and the investment therein.

(b) Airport reference point. Each airport shall submit to the zoning administrator or planning commission an airport reference point for approval which, when approved, shall be recorded together with its elevation above sea level on the appropriate zoning map. Elevation shall be based on the U.S. Coast and Geographic Survey Datum.

(c) Airport classification. Each airport shall be classified as either personal, secondary, feeder, trunk line, express, continental, intercontinental, intercontinental express, in accordance with Civil Aeronautics Administration of the United States Department of Commerce standards and section 21666 of the Public Utilities Code of the state, or military.

(d) Airport flight obstruction areas. For each classification of airport, the following airport flight obstruction areas are hereby established, the designation of which and restrictions of height therein shall be combined with the designations of the use districts in which such airport flight areas occur:

(1) Transitional area (V area). An area adjacent to the approach areas (W, W-1, and W-2) which extends outward from the approach areas.

(2) Inner approach area (W area). An area a distance of two hundred feet from each end of each runway extending for a distance of ten thousand feet and centered on the extended centerline of the runway, being (a) feet wide at the near end of the runway, and flaring to (b) feet wide at ten thousand two hundred feet from the end of the runway.

(3) Military inner approach area (W-1) -- Military airport only. An area a distance of two thousand seven hundred fifty feet from each end of each runway, extending for a distance of eight thousand two hundred fifty feet, and centered on the extended centerline of the runway being (a) feet wide at the near end to the runway, and flaring to (b) feet wide at eleven thousand feet from the end of the runway.

(4) Outer approach area (W-2 area) -- Military airport only. An area a distance of eleven thousand feet from the end of each runway extending for a distance of fifteen thousand feet and centered on the extended centerline of the runway at a constant four

thousand feet of width.

(5) Airport safety area (X area). An area extending from the established airport reference point a distance of (c) feet radius from the airport reference point.

(6) Inner flight area (Y area). An area a distance of (c) feet radius from the established airport reference point and extending to a distance of (d) feet radius from the airport reference point.

(7) Outer flight area (Z area). An area a distance of (d) feet radius from the established airport reference point and extending to a distance of (e) feet radius from the airport reference point.

(8) Outer horizontal surface (Z-1 area) -- Military airport only. An area a distance of twenty thousand feet radius from the established airport reference point and extending to a distance of fifty thousand feet from the airport reference point.

(9) Outer conical (Z-2 area) -- Military airport only. An area a distance of fifty thousand feet radius from the established airport reference point and extending to a distance of one hundred thousand feet radius from the airport reference point.

(10) Variance in distance. Distance designated by letter varies according to type of airport classifications as given in the following table:

<u>Airport Classification</u>	<b>Distance (feet)</b>				
	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>
Personal	200	2200	1850	5000	8000
Secondary	250	2250	2000	5000	8000
Feeder	300	2300	2600	6000	11000
Trunk Line	400	2400	3100	7000	12000
Express	500	2500	3300	8500	13500
Continental	500	2500	3700	10000	15000
Intercontinental	500	2500	4200	11500	18500
Intercontinental Express	500	2500	4900	13000	20000
Military Airport	2350	4000	4900	13000	20000

(11) In addition to the foregoing flight obstruction areas, the county recognizes as a flight obstruction the precision instrument approach zone and transitional zones to the Napa Airport in Napa County. The precision instrument approach zone is established at the south end of the precision instrument runway, 36L for precision instrument landings and takeoffs. The approach zone shall have a width of one thousand feet at a distance of two hundred feet beyond the end of the proposed extension of runway 36L, widening, thereafter, uniformly to the width of sixteen thousand feet at a distance of fifty thousand two hundred feet beyond the end of the proposed extension of the runway, its centerline being the continuation of the centerline of the runway. The transitional zones extend outward and upward at ninety degree angles to the runway centerline and the runway

centerline extended at a slope of seven feet horizontally for each foot vertically from sides of the approach surface. Transitional zones extend a distance of five thousand feet measured horizontally from the edge of the approach zones and at ninety degree angles to the extended runway centerline.

(12) In addition to the foregoing flight obstruction areas, the County of Solano recognizes as a flight obstruction, the visual approach zone and transitional zones to the University Airport in Yolo County. The visual approach zone is established at the south end of the visual runway 34 for visual landings and takeoffs. The approach zone shall have a width of two hundred fifty feet at a distance of two hundred feet beyond the end of the proposed extension of runway 34, widening, thereafter, uniformly to the width of one thousand two hundred fifty feet beyond a distance of fifty thousand feet beyond the end of the proposed extension of the runway, its centerline being the continuation of the centerline of the runway. The transitional zones extend outward and upward at ninety-degree angles to the runway centerline, and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from sides of the approach surface. Transitional zones extend a distance of five thousand feet, measured horizontally from the edge of the approach zones and at ninety degree angles to the extended runway centerline.

(e) Uses permitted. All uses permitted in the district in which the V, W, W-1, W-2, X, Y, Z, Z-1 or Z-2 area is located, subject, however, to the height limitations of this section.

(f) Height regulations. No structure or natural growth shall be permitted at greater heights above the elevation of the recorded airport reference point in the flight obstruction areas than the heights indicated in the following table; provided, that such heights shall not supersede other height limitations of this chapter of a more restrictive nature:

(1) V areas: The allowed elevations of approach areas at the edges of the approach areas and increasing at a ratio of seven-to-one outward and upward, measured at right angles to the axis of the runway except at the extreme end of the approach areas (W and W-2) where the elevation limiting ratio is extended around through ninety degrees until measured parallel to the runway axis. The increase is allowed until restrictive elevations of adjacent X, Y, Z, or Z-1 areas are met.

(2) W areas: Thirty-five feet at two hundred feet from end of runway, increasing in a direct proportion, fifty-to-one to two hundred thirty-five feet at ten thousand two hundred feet from end of runway.

(3) W-1 areas -- Military airport only: Thirty-five feet at two thousand seven hundred fifty feet from end of runway, increasing in a direct proportion, fifty-to-one, to two hundred feet at eleven thousand feet from end of runway.

(4) W-2 areas -- Military airport only: Two hundred feet.

(5) X areas: Fifty Feet.

(6) Y areas: One hundred fifty feet.

(7) Z areas: One hundred fifty feet at (d) feet from the airport reference point, increasing in a direct proportion of one foot in height for each twenty feet horizontally, away from the airport reference point.

(8) Z-1 areas -- Military airport only: Five hundred feet.

(9) Z-2 areas -- Military airport only: Five hundred feet at fifty thousand feet, increasing in a direct proportion of one foot in height for each one hundred feet horizontally away from the airport reference point to a distance of one hundred thousand feet from the airport reference point.

(10) In addition to the foregoing height regulations, the county recognizes the height limitations to the precision instrument approach zone to the Napa Airport in Napa County as one foot in height for each fifty feet in horizontal distance, beginning at a point two hundred feet from and at the centerline elevation of the end of the proposed extension of runway 36L, and extending to a distance of ten thousand two hundred feet from the end of the proposed extension of the runway; thence, one foot in height for each forty feet in horizontal distance to a point fifty thousand two hundred feet from the end of the proposed extension of the runway. The transition zones slope upward and outward seven feet horizontally for each foot vertically, beginning at the sides of and at the same elevation of the approach zones, and extended to a horizontal distance of five thousand feet measured at ninety degree angles to the extended runway centerline.

(11) In addition to the foregoing height regulations, the County of Solano recognizes the height limitations to the visual approach zone to the University Airport in Yolo County as one foot in height for each twenty feet in horizontal distance, beginning at a point two hundred feet from and at the centerline elevation of the end of the proposed extension of runway 34, and extending to a distance of five thousand feet from the end of the proposed extension of the runway. The transitional zones slope upward and outward seven feet horizontally for each foot vertically, beginning at the sides of and at the same elevation as the approach zones, and extended to a horizontal distance of five thousand feet measured at ninety degree angles to the extended runway centerline.

(Ord. No. 440, §29; Ord. No. 855, §§ 1, 2; Ord. No. 984, §§ 1, 2; Ord. No. 1044, §3.)

**Sec. 28-60. Nonconforming uses**

(a) The lawful use of land or buildings existing on January 29, 1959, although such use does not conform to the regulations specified by this chapter for the district in which such land is located, may be continued; provided, that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of this chapter; and provided further, that if such use ceases as hereinafter provided, the subsequent use of such land shall be in conformity to the regulations specified by this chapter for the district in which such land is located.

(b) Any use for which a use permit is required and may be granted by the terms of this chapter shall be considered a nonconforming use unless and until a use permit is obtained in accordance with Section 28-53.

(c) If at any time a building in existence on January 29, 1959, which does not conform to the regulations, including parking regulations for the district in which it is located, is damaged or destroyed by fire, explosion, act of God, or act of the public enemy, to the extent of more than sixty percent of the actual value thereof according to the assessment by the county assessor for the fiscal year during which such destruction occurs, the land and building shall be subject to all the regulations specified by this chapter for the district in which such land and building are located.

(d) If the actual operation of a nonconforming use of a building ceases for a continuous period of six months, unless the legal owner can establish valid proof to the contrary, such cessation of the nonconforming use shall be considered abandonment. Without further action by the planning commission, the building and the land on which the building is located shall be subject to all the regulations specified by this chapter for the district in which such land and building are located.

(e) Ordinary maintenance and repairs may be made to any nonconforming building; provided that, no structural alterations are made except those required by law or ordinance; and provided further, such work does not exceed twenty-five percent of the actual value in any one-year period.

(f) Nothing contained in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to January 29, 1959. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavating a basement; or the demolition or removal of any existing structure begun preparatory to rebuilding; provided, that in all cases, actual construction work shall be diligently carried on until the completion of the building or structure involved.

(g) The foregoing provisions shall also apply to nonconforming uses in districts hereafter extended and in new districts hereafter created.

(h) Any sign which moves, blinks, flashes, oscillates, rotates, pulses in sequence, or is wind-driven or otherwise animated which is lawfully in use on August 28, 1975, although such use does not conform to the regulations specified by this chapter or of the district in which such land is located, may continue to be used for a period of three years from August 28, 1975, at which time such nonconforming signs shall be fastened, secured, or corrected so that they no longer move, blink, flash, oscillate, rotate, pulse in sequence, are wind-driven, or are otherwise animated; provided, that no such sign shall be enlarged or relocated; and provided further, that if such sign ceases to be used, as provided in subsection (c) above, the subsequent use of such sign shall be in conformity with the

regulations specified by this chapter for the district in which such sign is located.

(i) Any ownership located within the "R-R" rural residential district on which more than one (1) rooster per acre is kept which is lawfully permitted on July 22, 1992, although such use does not conform to the regulations specified by this chapter for the "R-R" rural residential district in which such ownership is located, may continue for a period of ninety (90) days from July 22, 1992, or until October 20, 1992, at which time the nonconforming number of roosters shall be corrected, as provided in subsection (a) above the subsequent use of roosters shall be in conformity with the regulations specified by this chapter for the "R-R" district in which such use is located. (Ord. No. 440; §30; Ord. No. 910, §15; Ord. No. 1440, §4.)

(j) Any ownership located within the "R-E" Rural Residential District on which any rooster is kept which is lawfully permitted on June 10, 1993, although such use does not conform to the regulations specified by this chapter for the "R-E" Residential Estate District in which such ownership is located, may continue for a period of ninety (90) days from June 10, 1993 or until September 8, 1993, at which time the nonconforming number of roosters shall be corrected, as provided in subsection (a) above. **Failure to take corrective action or comply with this section shall constitute an animal nuisance as defined in section 4-11 of this code.**

(k) Notwithstanding the provisions of Section 10 of this Chapter, where companion living unit and secondary living unit are defined, certain unpermitted, non-conforming dwelling units may be brought into compliance with the Solano County Code and the California Building Code. The provisions set forth in this subsection shall only be applicable through December 31, 1996, after which all provisions of this Code shall apply. In determining whether a non-permitted improved residential structure may achieve permitted status as either a companion living unit or a companion living unit or a secondary living unit, the following criteria shall apply:

(1) The unit shall have existed as a substantially improved dwelling prior to December 8, 1994; and

(2) In the case of companion living unit, as defined, the improved livable space may be no larger than 850 square feet, either as it existed or as it shall be altered, so as to not exceed the maximum square footage allowable under the Solano County Code immediately prior to the adoption of Ordinance No. 1497. The 850 square foot maximum livable space shall not be retroactively applied to secondary living units, as defined, seeking permitted status under this section; and

(3) All necessary building permits shall be applied for and obtained, and as-built construction approved by the building official as conforming with the applicable zoning and building codes; and

(4) The property owner shall certify that the companion living unit shall be solely used for the purposes of providing independent living quarters for one or more adult persons



who are sixty years of age or over, handicapped or convalescent. Either the principal residence or companion living unit shall be owner occupied.

(l) The definition of **Principal Street** contained in Section 28-10 of this Chapter shall not affect the validity of any conditional use permit approved prior to November 4, 1997, nor affect the authority of the county to extend the term of, or otherwise modify, such conditional use permits. In addition, that definition shall not apply to the review and consideration of any conditional use permit application that was filed prior to November 4, 1997. As to such previously approved permits or previously submitted permit applications, such uses shall be subject to the location requirements specified in Section 28-53 of this Chapter, but the determination of whether a street is "principal" shall be based on existing and anticipated traffic patterns within the vicinity of the project.

(m) The development standards set forth in Section 28-53(i)(12), subdivisions (a) through

(i), inclusive, shall not affect the validity of any conditional use permit approved prior to November 4, 1997, nor affect the authority of the County to extend the term of, or otherwise modify, such conditional use permits.

(Ord. No. 1515, §1; Ord. No. 1553, §4; Ord. No. 1616, §1)

**Sec. 28-61. Zoning Administrator**

The environmental management director or his or her designee shall serve as the zoning administrator, who shall administer the zoning plan in accordance with the provisions of this chapter and the instructions of the planning commission. (Ord. No.1598, §39)

**Sec. 28-62. Rules of procedure**

The planning commission may establish rules of procedure governing all hearings required by this chapter and the laws of the state. Upon the adoption of rules of procedure by the planning commission, the same shall be filed in the office of the zoning administrator and copies of such rules of procedure shall be given to each person requesting the same. (Ord. No. 473, §12.)

**Sec. 28-63. Appeals**

(a) The planning commission shall have power to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official or architectural review committee in the administration or enforcement of this chapter.

(b) Any person, firm, corporation, unincorporated association, public officer, or agency aggrieved or affected by any determination of this chapter may, within ten days, file an appeal in writing with the planning commission secretary. In the written appeal, the reasons of the appeal shall be outlined and said appeal shall be accompanied by such fee or fees as may be set by the board of supervisors pursuant to Section 11-111 of this Code. No part of said fee or fees shall be refundable, except that the zoning administrator may waive the fee for a nonprofit social service organization, including a

church. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the planning commission secretary shall set the date for a public hearing, to be held within thirty-five days thereafter. Notice of the hearing shall be given pursuant to Section 28-14 of this chapter, except that if the project has been previously posted, it need not be re-posted.

(c) The zoning administrator shall transmit to the commission copies of all papers constituting the record of action appealed, including a written statement setting forth the reason for his decision.

(d) Upon hearing the appeal, the commission shall find that the decision appealed from shall be affirmed, reversed, or modified. Notice of the commission's decision shall be mailed forthwith to the original applicant who has filed with the commission a written request therefore.

(e) Any person, firm, corporation, unincorporated association, public officer or agency aggrieved or affected by any determination of the planning commission may, within ten days, file an appeal in writing with the board of supervisors. A copy of such appeal shall be submitted by the appellant to the planning commission. In the written appeal, the reasons of the appeal shall be outlined and said appeal shall be accompanied by such fee or fees as may be set by the board of supervisors pursuant to Section 11-111 of this Code. No part of said fee or fees shall be refundable, except that the zoning administrator may waive the fee of a nonprofit social service organization, including a church. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the board of supervisors shall set the date for a public hearing, to be held within thirty-five days thereafter. Notice of the hearing shall be given pursuant to Section 28-14 of this chapter, except that if the project has been previously posted, it need not be re-posted.

(f) Notwithstanding any other provision of this chapter, the board of supervisors, upon its own motion or motion of any individual member thereof made within ten days from the making of any final order, requirement, decision or determination by the zoning administrator or the planning commission, may review, reaffirm, reverse or modify, wholly or in part, such final order, requirement, decision or determination. No fees shall be assessed. Notice of such review shall be delivered or mailed to the zoning administrator, the planning commission, and the original applicant. The notice shall include a provision for a public hearing, to be held within thirty-five days from the date of the motion. Notice of the hearing shall be given pursuant to Section 28-14 of this chapter, except that if the project has been previously posted, it need not be re-posted.

(Ord. No. 440, §33; Ord. No. 473, §13; Ord. No. 660, §§ 1 to 3; Ord. No. 1078, §9; Ord. No. 1126, §20; Ord. No. 1150, §§ 3, 4, 5; Ord. No. 1189, §6.)

**Sec. 28-64. Amendment of chapter**

This chapter may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure of this section.

(a) Initiation. An amendment may be initiated by:

(1) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission, shall be accompanied by a fee or fees as may be set by the board of supervisors by resolution pursuant to section 11-111 of this Code. No part of such fee shall be refundable.

(2) Resolution of intention by the board of supervisors.

(3) Resolution of intention by the planning commission.

(b) Public hearings.

(1) The planning commission shall hold a public hearing on any proposed amendment that changes any property from one zone to another or imposes, modified or removes any regulation which affects the permitted uses of real property, including land, buildings, signs and other structures.

(2) Notice of the hearing shall be given pursuant to Section 28-14 of this chapter.

(3) Following the aforesaid hearing, the planning commission shall make its findings and take action to approve or disapprove the proposed amendment. Whenever an approval action is taken, the planning commission shall file with the board of supervisors an attested copy of a report of its findings and recommendations relative to the approval action taken within ninety days after the notice of the public hearings; provided, that such time limit may be extended upon mutual agreement of the initiator of the amendment and the planning commission. Failure of the planning commission to act within ninety days without the aforesaid agreement, shall be deemed to be approval of the proposed amendment by the planning commission. The board of supervisors shall be notified whenever the planning commission fails to act. In the absence of an appeal from the planning commission's action to disapprove the proposed amendment, the decision of the planning commission shall be final.

(4) Upon receipt of such report from the planning commission or upon the expiration of ninety days as aforesaid, the board of supervisors shall set the matter for public hearing and shall give notice thereof by first-class mail to the same persons and organizations who were given notice of the planning commission hearing, and by publication in a newspaper of general circulation within the county at least ten days prior to such hearing. After conclusion of the hearing, the board of supervisors may adopt the proposed amendment or any part thereof in such form as the board may deem advisable. The board may impose conditions to zoning reclassification or property where it finds that

such conditions must be imposed so as not to create problems inimical to the public health, safety, and general welfare of the county.

The decision of the board of supervisors shall be rendered within sixty days after the report becomes due. Upon the consent of the planning commission, any petition for an amendment may be withdrawn upon the written request of a majority of all persons who sign such petition. The board of supervisors or the planning commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own resolution, abandon any proceedings for an amendment initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided further, that any hearing of which public notice has been given shall be held.

(5) Whenever a petition for an amendment to this chapter has been denied, no new petition for the same amendment shall be accepted by the planning commission for a period of one year from the effective date of the final denial of the original petition; provided, that upon a showing of a substantial change of circumstances, the planning commission may permit the filing of such new petition prior to the expiration of such one-year period. Nothing contained herein shall prevent the board of supervisor or planning commission from at any time initiating any proceedings which either of such bodies may initiate pursuant to this chapter.

(c) Repealed

(Ord. No. 440, §34; Ord. No. 642, §§ 2, 3; Ord .No. 747, §6; Ord. No. 1044, §19; Ord. No. 1078, §10; Ord. No. 1189, §7; Ord. No. 1439, §2.)

**Sec. 28-65. Enforcement of chapter**

(a) All departments, officials and public employees of the county which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this chapter; and any such permits or licenses, if issued in conflict with the provisions of this chapter, shall be null and void.

(b) It shall be the duty of the Zoning Administrator, resource management director, or the planning commission to issue a notice of violation to any person who has erected, constructed, reconstructed, moved, converted, altered, or added to any building or structure in violation of these provisions, or who is using or allowing the use of that person's property in violation of these provisions. The notice of violation shall specify what corrective action is required and when the corrective action shall be completed.

(c) Any person who sets up, erects, constructs, alters, enlarges, converts, moves, or maintains any building contrary to the provisions of this chapter, or any person who continues an unauthorized use which has not been brought within the provisions of this chapter as required by the notice of violation, is guilty of a violation of this chapter.

(d) Notwithstanding Section 1-17 of this code, any violation of this chapter shall be an infraction punishable by a fine not exceeding \$250.00 for each separate offense; provided, that in any accusatory pleading charging a violation of this chapter, if the defendant has been once previously convicted of a violation of this chapter, such previous conviction shall be charged in the accusatory pleading, and, if such previous conviction is found to be true or is admitted by the defendant, any violation shall be an infraction punishable by a fine not exceeding \$500.00 for each separate offense; and provided further, that in any accusatory pleading charging a violation of this chapter, if the defendant has been previously convicted one or more times of a violation of this chapter, such previous convictions shall be charged in the accusatory pleading, and, if such previous convictions are found to be true, or are admitted by the defendant, any violation shall be a misdemeanor punishable by imprisonment in the county jail for a term not exceeding six (6) months, or by a fine not exceeding \$1,000.00, or by both. Every day any violation of this chapter shall continue shall constitute a separate offense.

(e) Any person who is using or allowing the use of that person's property without prior approval of any permit required by this chapter is subject to a violation fee as may be set by the board of supervisors pursuant to Section 1-111 of this Code. Any complete application filed for an after-the-fact permit that is received within 120 days of a correction notice sent by certified mail is exempt from the violation fee requirement.

(f) Any violation of the terms or conditions of any permit or entitlement issued by the zoning administrator, planning commission, or board of supervisors pursuant to this Chapter shall constitute a violation of this Chapter and shall be deemed to be a public nuisance.

(g) Any violation of the provisions of this Chapter may be remedied by civil action for injunctive relief or other appropriate proceedings.

(h) All remedies listed in this Chapter, including permit revocation, shall be cumulative and not exclusive.

(Ord. No. 440, §35; Ord. No. 873, §2; Ord. No. 874, §4; Ord. No. 958, §1; Ord. 1437, §1; Ord 1543, §101; Ord. 1605; Ord. No. 1679, §18))

**Sec. 28.66. Signs**

(Ord. No. 1605)

**Sec. 28.66.010. Purpose of Section**

(a) The regulations established by this Section are intended to specify standards for the placement, type, size, and number of signs allowed within the unincorporated areas of the County, and to require the proper maintenance of signs. The purpose of these standards and requirements are to:

(1) Avoid traffic safety hazards to motorists and pedestrians caused by visual

distractions and obstructions;

- (2) Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the County as a place to live, work, and shop;
- (3) Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached; and
- (4) Safeguard and protect the public health, safety, and general welfare.

**Sec. 28.66.020. Applicability**

- (a) **Signs regulated.** The requirements of this Section shall apply to all signs in all zoning districts.
- (b) **Applicability to sign content.** The provisions of this Section do not regulate the message content of sign (sign copy), regardless of whether the message content is commercial or noncommercial.

(Ord. No. 1605)

**Sec. 28.66.030. Sign permit requirements**

No sign shall be installed, constructed, or altered unless it is first approved in compliance with this section, or allowed without Sign Permit approval by Subsection F, below.

- (a) **Fees and plans required.** An application for Sign Permit shall be filed and processed. The application shall also include architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials. The required architectural elevations shall show both the proposed signs, and any structures on which they will be placed.
- (b) **Review and approval.** The Zoning Administrator shall review all Sign Permit applications and approve only those that comply with the findings required in Subsection D. The Zoning Administrator may require conditions of approval as are reasonably necessary to achieve the purposes of this section.
- (c) **Master Sign Plan.**
  - (1) **When required.** The Zoning Administrator has the authority to approve or disapprove a Master Sign Plan. A Master Sign Plan is required prior to the issuance of any Sign Permit for:
    - (A) A new nonresidential project with four or more tenants; and

(B) Major rehabilitation work on an existing nonresidential project with four or more tenants, that involves exterior remodeling, and/or application requests to modify 50 percent or more of the existing signs on the site within a 12-month period. For the purposes of this Section, major rehabilitation means adding more than 50 percent to the gross floor area of the building/buildings, or exterior redesign of more than 50 percent of the length of any facade within the project.

All signs installed or replaced within the nonresidential project shall comply with the approved Master Sign Plan.

(2) **Content of plan.** A Master Sign Plan shall provide standards for the uniform style, construction size, and placement of signs within the proposed nonresidential project.

(d) **Findings for approval.** The approval of a Sign Permit or Master Sign Plan shall require that the Zoning Administrator first make all the following findings:

(1) The proposed signs do not exceed the standards of Sections 28.66.060 (Zoning District Sign Standards) and 28.66.070 (Standards for Specific Types of Signs), and are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;

(2) The size, location, and design of the signs are visually complementary and compatible with the size and architectural style of the primary structures on the site, and prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street in the immediate vicinity; and

(3) The proposed signs are in substantial conformance with the sign design criteria provided in Section 28.66.050 D and E.

(e) **Time limit for action.** A Sign Permit or a Master Sign Plan shall be approved or disapproved by the Zoning Administrator within 30 days of the application being accepted as complete.

(f) **Signs and sign changes allowed without a Sign Permit.** The following are allowed without a Sign Permit, provided that they comply with Section 28.66.050 (General Requirements for All Signs), and any required Building Permit is obtained.

(1) **Nonstructural modifications, and maintenance.**

(A) Modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs;

(B) The normal maintenance of conforming signs, except as set forth in 28.66.050 F.

(2) **Temporary signs.** Temporary signs that are allowed without a Sign Permit by

## Section 28.66.070 D.

- (3) **Governmental signs.** Signs installed by the County, or a Federal or State governmental agency within a public right-of-way; and any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare.
- (4) **Official flags.** Flags of national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies, provided that the length of the flag shall not exceed one-fourth the height of the flag pole. The maximum allowed height of a flag pole in a residential zoning district shall be 12 feet; the maximum height of a flag pole in a non-residential zoning district shall be 30 feet.
- (5) **Public directional signs and notices.** Signs showing the location of public facilities such as public telephones, restrooms, and underground utilities, and no trespassing signs.
- (6) **Service station price signs.** Service station price signs required by State law.
- (7) **Street addresses.** Street address numbers not exceeding an aggregate area of two square feet.
- (8) **Time and Temperature displays.**
- (9) **Existing off-premise signs.**  
(Ord. No. 1605)

**Sec. 28.66.040. Prohibited signs**

In order to achieve the purposes of this section described in Section 28.66.010 (Purpose of Section), the following types of signs and devices are prohibited:

- (a) Abandoned signs;
- (b) Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, except time and temperature displays (which are not considered signs);
- (c) Signs attached to or on balloons and other inflatable devices;
- (d) Banners and pennants;
- (e) Flags, except as allowed by Section 28.66.030.D;
- (f) Moving signs, except barber poles;
- (g) Off-premise signs, except as provided in Section 28.66.070.F;



- (h) Pole signs and other freestanding signs over six feet in height;
- (i) Roof signs;
- (j) Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- (k) Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle; and
- (l) Temporary and portable signs, except as allowed by Section 28.66.070.D.

(Ord. No. 1605)

**Sec. 28.66.050. General requirements for all signs**

(a) **Sign area.** The measurement of sign area to determine compliance with the sign area limitations of this Section shall occur as follows.

(1) The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See Figure A.

(2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(3) The area of a double-faced (back-to-back) sign shall be calculated as a single sign face does not exceed 18 inches, and the two faces are parallel with each other.

(4) Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Figure B.

(5) For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.

(b) **Sign height (freestanding).** The height of a freestanding sign shall be measured as the vertical distance from the finished grade adjacent to the base of the sign structure to the highest point of the structure, where finished grade does not include fill, planters, or other material artificially placed to increase sign height.

(c) **Sign location requirements.**

(1) All signs shall be located on the same site as the subject of the sign, except as otherwise allowed by this Section. A sign may project over an adjacent public right-of-way only when authorized by an encroachment permit as well as a Sign Permit.

(2) No sign shall be located within, or so that it overhands a public right-of-way, except as otherwise allowed by this Section.

(3) The location of each sign shall be evaluated during the Sign Permit process to ensure that:

(A) The proposed setback is appropriate for the height and area of a freestanding or projecting sign;

(B) A wall-mounted flush or projecting sign is consistent with the architectural design of the building, and does not cover windows or architectural features other than undecorated wall surfaces;

(C) A sign does not unreasonably block sight lines to an existing sign on adjacent property; and

(D) The sign does not impair pedestrian or vehicular safety.

(d) **Design criteria for signs.** The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a Sign Permit or Building Permit can be approved.

(1) **Color.** Colors on signs and structural members should be harmonious with one another and reflective of the dominant colors of the building or buildings being identified. Contrasting colors may be utilized if the overall effect of the sign is still compatible with the building colors and prevailing colors in the surrounding neighborhood (where a theme can be identified).

(2) **Materials and structure.**

(A) Sign materials (including the materials used in framing and support structures) should be representative of the type and scale of materials used on the building or buildings which the sign identifies. Insofar as possible, sign materials should match the materials used on the building and on other signs.

(B) Materials selected for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

(C) The size of the structural members (e.g. columns, crossbeams, and braces) should be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.

(D) The use of individual letters incorporated into the building design is encouraged, rather than signs with background and framing other than the building wall.

(E) The use of reflective materials or surfaces should be minimized, and may be approved only where the Zoning Administrator determines that they will not distract motorists or create other hazards.

(e) **Illuminations of signs.** When allowed by Section 28.66.060 (Zoning District Sign Standards), the artificial illumination of signs, either from an internal or external source, shall be designed to minimize light and glare on surrounding rights-of-way and properties.

(1) External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

(2) The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties. In areas with low ambient nighttime illumination levels (e.g., residential neighborhoods or business districts with little or no illuminated signing) applicants shall be encouraged to use light, illuminated copy against dark or opaque backgrounds.

(3) Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color.

(4) Sign lighting shall be designed and located so that it will not be confused with or construed as traffic control devices, and so that neither the direct nor reflected light from a sign will create a hazard to motorists.

(5) The direct lighting of signs shall be prohibited. For the purposes of this Section, "direct lighting" means the use of reflective-type bulbs or incandescent lamps on the exterior surface of a sign to form the text or images of sign copy.

(6) Light sources shall utilize energy efficient fixtures to the greatest extent possible.

(7) Illuminated panels, visible tubing, and strings of lights outlining all or a portion of a building, other than lighting that is primarily for indirectly illuminating architectural features, signs, or landscaping, shall be deemed "signs" subject to this Section and shall be counted as part of the allowed sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least six inches for the purpose of area calculation.

(f) **Maintenance of signs.** Signs and supporting hardware, including temporary signs, shall be maintained in good repair at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign. Signs that are not properly maintained and are dilapidated shall be deemed a public nuisance, and may be abated.

(g) **Removal of signs.** When existing signs are removed or replaced, all brackets,

poles, and other supports that are no longer required shall also be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

(Ord. No. 1605)

**Sec. 28.66.060. Zoning district sign standards**

All signs shall comply with the following sign standards for the applicable zoning district, except as otherwise provided by Section 28.66.030 (f) (Exempt signs) or Section 28.66.070 (Standards for Specific Types of Signs).

**Sec. 28.66.070. Standards for specific types of signs**

Proposed signs shall comply with the following standards where applicable, in addition to the sign area and height limitations, and other requirements of Section 28.66.060 (Zoning District Sign Standards), and all other applicable provisions of this section.

(a) **Awning signs.** The following standards apply to awning signs in all zoning districts where allowed by Section 28.66.060 (Zoning District Sign Standards).

- (1) Signs on awnings are limited to ground level and second story occupancies only.
- (2) Awnings shall not be internally illuminated. Translucent awning materials are prohibited.
- (3) A tenant space may use either an awning sign or storefront (wall or projecting) sign, but not both.
- (4) Sign letter height shall not exceed eight inches.
- (5) The use of logos or symbols depicting the unique nature of a business are encouraged on the sloped face of awnings, provided that their area shall not exceed 10 percent of the total sloped awning face. Logo or symbol area is defined by the smallest continuous line rectangle that can be drawn around the logo or symbol. Sign copy other than logos or symbols is prohibited on the sloped face of awnings.

(b) **Freestanding signs.** The following standards apply to freestanding signs in all zoning districts where allowed by Section 28.66.060 (Zoning District Sign Standards).

(1) **General requirements.**

- (A) Sign height shall not exceed six feet (See Section 28.66.050.B for measurement.)
- (B) A freestanding sign may be placed only on a site frontage adjoining a public street.
- (C) Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The Zoning Administrator may waive this requirement where the

locations of existing signs on adjacent properties would make the 75-foot separation impractical.

(D) The sign shall not project over public property, vehicular easements, or rights-of-way.

(E) To assist emergency response personnel in locating the site, a freestanding sign should contain an illuminated street address plate. Numbers should be a minimum of six inches in height. Address plates shall not be calculated as part of the allowed sign area.

(c) **Projecting signs.** Projecting signs are allowed as follows.

(1) The maximum projection of a sign from a building wall over a public right-of-way shall not exceed 36 inches.

(2) The maximum height of a projecting sign shall not exceed 14 feet, eave height, parapet height, or sill height of a second floor window, whichever is less. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.

(3) A projecting sign shall be installed to maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade below.

(4) Icon signs using shapes or symbols, creative shapes, and three-dimensional signs are encouraged.

(5) The sign shall be graphically designed for pedestrians, with a maximum area of nine square feet on each sign face, regardless of the length of the building frontage.

(6) Sign support shall be well-designed and compatible with the design of the sign.

(7) Interior illuminated boxed display signs ("can" signs) are prohibited.

(d) **Temporary signs.** Temporary signs are allowed subject to the following requirements.

(1) **Construction signs.** Construction identification signs may be allowed in all zoning districts with Sign Permit approval, in compliance with the following standards:

(A) Only one sign, located on-premise, shall be allowed;

(B) The area of the sign shall not exceed 32 square feet;

(C) Sign height shall not exceed six feet;

(D) The sign shall not be illuminated; and

(E) A construction sign shall not be allowed if an on-premise subdivision sign is approved.

(2) **Campaign signs.** Campaign signs are allowed without a Sign Permit provided that the signs:

(A) May be installed on private property with the property owner's consent for up to 60 days prior to an election;

(B) Shall not exceed 12 square feet in area within residential zoning districts and 32 square feet in area within nonresidential zoning districts; and

(C) Shall be removed within seven days following the election.

(3) **Real estate signs.** Real estate signs are allowed without a Sign Permit in compliance with California Civil Code Section 713, provided that the signs comply with the following requirements.

(A) **Commercial, industrial, agricultural and other non-residential zoning districts.** Properties within commercial, industrial, and other non-residential zoning districts shall be allowed one real estate sign of no more than thirty-two square feet, with a maximum height for freestanding signs of six feet, for each parcel frontage.

(B) **Residential zoning districts.**

(i) **On-premise signs.** One residential real estate sign not more than six square feet in area, advertising the sale or lease of a parcel or structure, may be located on the property it advertises.

(ii) **Off-premise directional signs.** Off-site real estate directional signs not more than six square feet in area may be located on private property, provided that they do not obstruct or impede pedestrian or vehicular and are not secured to prevent removal. No real estate sign shall be permitted within a public right-of-way.

(4) **Subdivision directional signs, off-premise.** Off-premise signs providing directions to a new subdivision may be allowed with Sign Permit approval, and shall comply with the following standards:

(A) A maximum of two off-site signs may be located on private property (not within any public right-of-way);

(B) The total area of each sign shall not exceed 24 square feet;

(C) The height of each sign shall not exceed six feet;

- (D) The signs shall not be illuminated;
  - (E) The signs may be displayed only during the two years following date of recordation of the final map, or until all of the units have been sold, whichever occurs first; and
  - (F) The signs shall not affect pedestrian or vehicular safety.
- (5) **Subdivision signs, on-premise.** On-premise subdivision identification signs may be allowed with Sign Permit approval, in compliance with the following standards;
- (A) A maximum of two on-site signs may be located within the project boundaries, provided that no more than one sign per street frontage is allowed, and multiple signs shall be separated by a minimum of 75 feet;
  - (B) The area of each sign shall not exceed 32 square feet;
  - (C) Sign height shall not exceed six feet;
  - (D) The signs shall not be illuminated; and
  - (E) The signs may be displayed only during the two years following the date of recordation of the final map, or until all the units have been sold, whichever occurs first.
- (6) **Temporary signs within commercial zoning districts.** Temporary on-premise signs are allowed within commercial zoning districts without a Sign Permit for a maximum of 30 days after the opening of a new business, provided that the area of the temporary signs shall not exceed 50 percent of the total sign area allowed on the site by Section 28.66.060 (Zoning District Sign Standards).
- (7) **Temporary signs within agricultural zoning districts.** Temporary on-premise signs are allowed within agricultural zoning districts with a Sign Permit, provided that the area of the temporary signs shall not exceed 50 percent of the total sign area allowed on the site by Section 28.66.060 (Zoning District Sign Standards).
- (e) **Wall signs.** The following standards apply to wall signs in all zoning districts where allowed by Section 29.66.060 (Zoning District Sign Standards).
- (1) Wall signs may be located on any primary or secondary building frontage.
  - (2) The area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
  - (3) The signs shall not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches.

- (4) The signs shall not project above the eave line or the edge of the roof of a building.
- (5) The signs shall not be placed so as to interfere with the operation of a door or window.
- (f) **Window signs.** The following standards apply to window signs in all zoning districts where allowed.
  - (1) **Maximum sign area.** Permanent and temporary window signs shall not occupy more than 20 percent of the total window area.
  - (2) **Permanent window signs.** Permanent window signs shall:
    - (A) Be allowed only on windows located on the ground level and second story of a building frontage; and
    - (B) Consist of individual letters, logos, or symbols applied to the glass surface; provided that neon signs with transparent backgrounds may be hung inside the window glass line.
  - (3) **Temporary window signs.** Temporary window signs may be allowed provided that the signs shall be:
    - (A) Displayed for a maximum of 10 consecutive days; and
    - (B) Located only within the ground-floor windows of the structure.
  - (g) **Directional Sign.** An on-premise sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project may be permitted by the Zoning Administrator upon submittal and approval of a sign plan.

**Sec. 28.66.080. Exceptions to sign area standards**

The Zoning Administrator may grant an exception to increase the allowed area of a sign up to a maximum of 25 percent if it is first determined that the sign will need additional area to be readable from the major street approach to the site because of:

- (a) The position or setback of the existing building where the sign is proposed; or
- (b) The exceptional size of the structures, uses, or site.

(Ord. No. 1605)

**Sec. 28.66.090. Nonconforming signs**

A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the



time of original installation but that does not now comply with the provisions of this Zoning Ordinance.

- (a) **General requirements.** A nonconforming sign shall not be:
- (1) Replaced with another nonconforming sign;
  - (2) Structurally altered to extend its useful life;
  - (3) Enlarged in area or increased in height;
  - (4) Re-established after the subject of the sign has been discontinued on the site for 30 days or longer; or
  - (5) Re-established after damage or destruction to 75 percent or more of the value of the sign, or its components, as determined by the Building Official.

(Ord. No. 1605)

**Sec. 28.66.100. Violations and abatement**

(a) **Public nuisance declared.** The Board of Supervisors may declare a sign a public nuisance and require its correction or removal if:

- (1) The sign is significantly damaged either in support structure or sign face, as determined by the Building Official;
- (2) The sign is illegible either through fading, rusting, or erosion of the sign face or through faulty or missing illuminations;
- (3) The sign is unsafe for vehicles or pedestrians;
- (4) The sign is otherwise erected or maintained contrary to the provisions of this Section.

(b) **Removal of abandoned sign.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Zoning Administrator may have the sign removed at the owner's expense.

(Ord. No. 1605)

**Sec. 28.66.110. Appeal**

The denial of an application for a Sign Permit, may be appealed in compliance with Section 28.63 (Appeals). The Planning Commission shall act to grant or deny the appeal within 60 days of receipt of the request for review/appeal.

(Ord.. No. 1605)

**Sec. 28.66.120. Judicial review**

Any permit issued or denied in compliance with this section shall be subject to expedited judicial review in accordance with the time limits set forth in Code of Civil Procedure section 1094.6 et seq.

Ord. No. 1605)

**Sec. 28.66.130. Definitions**

For the purpose of this section, the following terms and phrases shall have the meanings ascribed to them.

**Abandoned Sign.** A sign that advertises a business, lessor, owner, product, service or activity which has not been located on the premises where the sign is displayed for 30 days or more.

**Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

**Awning Sign.** A sign copy or logo attached to or painted on an awning.

**Banner or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle.

**Bench Sign.** Copy painted on a portion of a bench.

**Cabinet Sign (Can Sign).** A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

**Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

**Contractor or Construction Sign.** A sign which states the name of the developer and contractor(s) working on the site and related engineering, architectural or financial firms involved with the project.

**Direct Lighting.** The use of reflective-type bulbs or incandescent lamps on the exterior surface of a sign to form the text or images of sign copy.

**Directional Sign.** An on-premise sign which is designed and erected solely for the

purpose of directing vehicular and/or pedestrian traffic within a project.

**Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.

**Grand Opening.** A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. “Grand Opening” does not mean an annual or occasional promotion of retail sales by a business.

**Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than one erected primarily to support the sign. Includes monument signs and pole signs.

**Illegal Sign.** An illegal sign is any sign erected without first complying with all regulations in effect at the time of its construction or use.

**Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

**Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

**Marquee (Canopy) Sign.** A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

**Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

**Multi-Tenant Sign.** An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

**Nonconforming Sign.** An advertising structure or sign that was lawfully erected and maintained prior to the adoption of this Zoning Ordinance, but does not now completely comply with current regulations.

**Off-premise Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.

**Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

**Campaign Sign.** A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

**Pole Sign.** An elevated freestanding sign, typically supported by one or two poles or columns.

**Portable Sign.** A sign that is not permanently affixed to a structure or the ground.

**Projecting Sign.** A sign other than a wall sign suspending from, or supported by, a structure or projecting outward.

**Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

**Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

**Sign.** A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illuminations or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or project.

**Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

**Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

**Wall Sign.** A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

**Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.

(Ord. No. 1605)