ORDINANCE NO. 2010-1713

AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO REVISE SECTION 28-50 RELATING TO HOME OCCUPATION REQUIREMENTS, SECTIONS 28-21 AND 28-23 AUTHORIZING THE COTTAGE INDUSTRY USE IN THE EXCLUSIVE AGRICULTURAL (A) AND RURAL RESIDENTIAL (R-R) ZONING DISTRICTS, SECTION 28-32 AUTHORIZING NEIGHBORHOOD COMMERCIAL USES WITH A USE PERMIT IN THE COMMERCIAL-SERVICE (C-S) ZONING DISTRICT, SECTION 28-53 REVISING USE PERMIT PROCEDURES, SECTION 28-30 AUTHORIZING OUTDOOR SALES WITH A USE PERMIT IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONING DISTRICT), SECTION 28-61 RELATING TO THE ZONING ADMINISTRATOR), AND ADDING SECTION 28-53.1 ESTABLISHING AN ADMINISTRATIVE USE PERMIT PROCEDURE.

The Board of Supervisors of the County of Solano, State of California does hereby ordain as follows:

SECTION I

The following definitions are added, in alphabetical order, to Section 28-10 of Chapter 28:

Cottage Industry. A home-based business involving the limited provision or sale of goods or services, or the limited manufacturing of goods, which is accessory to, and conducted primarily by the resident family.

Home occupation. A small home-based business involving the limited provision or sale of goods or services which is accessory to, and conducted primarily by, the resident family entirely within a dwelling unit or an accessory structure.
Section II

Section 28-21 of Chapter 28 is amended, as follows:

Table 28-21 A is amended by substituting the term “Cottage Industry” in place of “Rural Resident Enterprise.”

Section III

Section 28-33 of Chapter 28 is amended, as follows:

Table 28-33 A is amended by substituting the term “Cottage Industry” in place of “Rural Resident Enterprise.”

Section IV

Section 28-30 of Chapter 28 is amended, as follows:

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 Resource 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, or where any yard area is utilized for the provision of goods and services regardless of the size of the building(s).

(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.
Section V

Section 28-32 of Chapter 28 is amended, as follows:

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, upholstering shop, welding shop, woodmill, 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.


5. Newspaper and commercial printing shop, blueprinting shop.

6. Medical laboratory.

7. Nursery for landscaping or agricultural plants.

8. Automobile, mobilehome, recreational vehicle or boat storage garage.

9. Automobile, mobilehome, 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.
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, mobilehome, 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 subsection (b) located within the Uses established in the Fairfield Train Station Area, designated an Urban Project Area 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.

8. Any use listed in Section 28-30 as an allowed or conditionally permitted use within the Neighborhood Commercial (C-N) District and not otherwise described in subsection (b) of this section as an allowed use.

(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.
Section VI

Section 28-35 of Chapter 28 is amended, as follows:

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 indicted 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 Fairfield Train Station Area, designated an Urban Project Area 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.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Parcel Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>M-G-1/2</td>
<td>One-half (1/2) acre</td>
</tr>
<tr>
<td>M-G-3</td>
<td>Three (3) acres</td>
</tr>
</tbody>
</table>

(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 indicted 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.
Section VII

Subsections (b)(6) and (b)(7) Section 28-50 of Chapter 28 are amended, and Subsection (b)(6.1) is added, as follows:

Sec. 28-50. GENERAL PROVISIONS AND EXCEPTIONS.

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

(b) Special Regulations:

(6) Regulations for rural resident enterprises.

Rural resident enterprises may be allowed in limited agricultural (A-L) 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 non-illuminated 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.

(6.1) Regulations for Cottage Industries

a. Purpose of Regulations

These Cottage Industry regulations provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving limited amounts of manufacturing or sales of goods or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings.

b. Types of Cottage Industries

There are two classes of Cottage Industry:

Cottage Industry – Light, and

Cottage Industry - General

c. Use Permit Required
Cottage Industries may be permitted in zoning districts as specified in this Chapter, upon issuance of a Use Permit. A business license is first secured pursuant to Chapter 14 of this Code prior to operation of a Cottage Industry.

A Use Permit for a Cottage Industry may be granted for an unlimited period of years, unless the Zoning Administrator or Planning Commission determines that a shorter period is more appropriate to ensure conformance with the intent and standards of this Section or other applicable requirements.

The Zoning Administrator shall be the hearing authority for Cottage Industry-Limited permits and the Planning Commission shall be the hearing authority for Cottage Industry-General Use Permits.

d. General Requirements for all Cottage Industries

1. The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes. Only a resident-occupant of an existing on-site primary residence may operate a cottage industry; a cottage industry cannot exist in the absence of a dwelling unit.

2. Cottage industries shall not produce evidence of their existence in the external appearance of the dwelling, accessory structures or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.

3. The conduct of cottage industries shall not prevent the use of the required garage or parking spaces for vehicle parking on a daily basis.

4. The site of the cottage industry shall have direct access to a public road or access from an adequate private road. Where access to the site is by private road, the applicant for the cottage industry permit must demonstrate either (1) active financial participation in a road maintenance association, or (2) written consent to use the private road for business purposes from all co-owners of the private road easement.

5. A maximum of one cottage industry per parcel shall be allowed.

6. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials or products as specifically provided by the use permit, when completely screened from the street and adjoining properties. Any accessory building used for a cottage industry must comply with applicable building codes.

7. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood. The Zoning Administrator or Planning Commission may impose performance standards to address these requirements. Performance standards may include additional setbacks to property lines, screening, soundproofing, restricted hours of operation, or other measures that mitigate the impacts of the business.
8. No land or building 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.

9. The applicant shall submit plans and a complete statement of any 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.

e. Specific Standards for Cottage Industries – Limited.

Cottage Industries—Limited shall conform to the following additional requirements:

1. Not more than two (2) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.

2. The total area occupied by the cottage industry, including storage, shall not exceed one thousand five hundred (1,500) square feet.

3. There shall be no change in the outside appearance of the building used for the cottage industry or premises, except one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.

4. A maximum 500 square foot area may be devoted to retail sales. Retail sales are only allowed on site when the merchandise sold was produced by the operator of the cottage industry or is incidental to a service provided by the operator. Businesses that purchase goods wholesale may store those goods on the property, but may not conduct retail sales on the property; such transactions must occur by telephone, online, and by mail. Not more than three (3) delivery vehicles shall access the premises each day.

5. The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle and two personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for any retail area. This parking area does not count toward the 1,500 square foot limitation.

6. A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) in excess of 14,000 pounds. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry.

7. Customers or clients may come to premises during the hours 8:00 a.m. to 6:00 p.m.

f. Specific Standards for Cottage Industries—General.
Cottage Industries—General shall conform to the following requirements:

1. Not more than three (3) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.

2. The total area occupied by the cottage industry, including storage, shall not exceed three thousand (3,000) square feet.

3. The parcel on which the cottage industry is conducted must be at least four acres in size, excluding roads, canals, or railroad rights of way.

4. A maximum 1,000 square foot area may be devoted to retail sales. Retail sales are only allowed on site when the merchandise sold was produced by the operator of the cottage industry or is incidental to a service provided by the operator. Businesses that purchase goods wholesale may store those goods on the property, but may not conduct retail sales on the property; such transactions must occur by telephone, online, and by mail. Not more than three (3) delivery vehicles shall access the premises each day.

5. The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle belonging to the operator and three personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for every 500 square feet of retail area. This parking area shall not count toward the 3,000 square foot limitation.

6. A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) between 14,001 lbs. and 26,000 lbs. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry. Vehicles with a GVWR exceeding 26,000 lbs. may not be stored on the property in connection with a cottage industry.

7. No more than one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.

8. Two or more separate businesses, with separate business licenses, may be permitted as a single cottage industry. However, when added together, those businesses cannot exceed the limitations set forth above for a single cottage industry.

9. Customers or clients may come to premises during any the hours 8:00 a.m. to 6:00 p.m.

**g. PROHIBITED USES**

The following uses shall not be permitted as Cottage Industries:

1. Outside storage of materials and equipment other than permitted vehicles

2. Concrete crushing, batching or mixing,
3. Corporation yards,
4. Motor vehicle and other vehicle repair or maintenance conducted outside
5. Storage of motor vehicles, boats, trailers, mobile or manufactured homes for hire
6. Welding and machining conducted outside
7. Any other use that is not incidental to the residential use of the property or is not compatible with the residential character of the neighborhood.

(7) Regulations for home occupations

a. Purpose of Regulations

These Home Occupation regulations provide for the accessory use of a dwelling or accessory building(s) on the same parcel as the dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be clearly incidental and secondary to the use of the premises for residential purposes and must not change or adversely affect the residential or rural character of the property or its surroundings. A use permit is not required to conduct a home occupation; however, such use shall be subject to all conditions of this Chapter generally, such as off-street parking, and all other permits required under County Code, such as building permits and business licenses.

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. In approving a business license, the Business Licensing Officer must find that the proposed activity will conform to all requirements set forth in this Section. In making this finding, the Business Licensing Officer shall rely on the recommendation provided by the Department of Resource Management.

b. Types of Home Occupations

There are two types of Home Occupations, as follows:

(1) Type I Home Occupation, and
(2) Type II Home Occupation

c. Type I Home Occupations

Type I Home Occupations are service-type businesses which require a home office and may require storage of supplies utilized in the business. A Type I Home Occupation requires a business license prior to commencing operations. Type I Home Occupations must comply with the following standards:

General Standards — Type I Home Occupations
(1) The particular uses conducted as a Type I Home Occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.

(2) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The square footage allocations are as follows:

a. The total area used for the home occupation, exclusive or incidental storage, shall not exceed four hundred forty (400) square feet of the habitable floor area of the dwelling. The home occupation may be conducted within a detached building otherwise allowed by zoning and in compliance with applicable building codes, as long as its square footage does not exceed 400 square feet.

b. Incidental storage in an accessory structure not exceeding 120 square feet shall be allowed.

c. Incidental storage in the required enclosed two-car garage shall be permissible, provided that two cars can still be parked in the garage.

(3) There shall be no merchandise offered for sale, except that produced on the premises. Internet-based businesses that do not involve the storage of product on site are exempt from this requirement.

(4) No person other than members of the family residing on the premises shall be engaged in the home occupation.

(5) No clients or customers shall come onto the property in conjunction with the business.

(6) The use shall not generate traffic in excess of that normally associated with the residential use. Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.

(7) No more than one vehicle or truck with a maximum one ton capacity and one trailer shall be permitted on the site in conjunction with any home occupation.

(8) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of a dwelling unit.

(9) 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.
d. Type II Home Occupations

Type II Home Occupations may involve retail sales of merchandise and service type businesses which require a home office and may require storage of supplies utilized in the business as well as inventories of merchandise. A Type II Home Occupation requires both a business license and a Home Occupation permit prior to commencing operations. Type II Home Occupations must meet the following standards:

**General Standards – Type II Home Occupations**

(1) The particular uses conducted as a Type II Home Occupation, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.

(2) The home occupation shall not result in any change in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation, other than one (1) non-illuminated sign not exceeding two (2) square feet.

(3) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. All aspects of the home occupation, including storage, shall be conducted entirely within the dwelling unit or enclosed accessory building(s) on the premises. The square footage allocations are as follows:

   a) The total area used for the home occupation, exclusive of incidental storage, shall not exceed six hundred forty (640) square feet of the habitable floor area of the dwelling. The home occupation may be conducted within a detached building otherwise allowed by zoning and in compliance with applicable building codes, as long as its square footage does not exceed 640 square feet.

   b) Incidental storage in an accessory structure not exceeding 120 square feet shall be allowed.

   c) Incidental storage in the required enclosed two-car garage shall be permissible, provided that two cars can still be parked in the garage.

(4) The sale of merchandise not produced on the premises (except mail order and Internet-based businesses) shall be incidental and accessory to the merchandise or service produced by the home occupation.

(5) No person other than members of the family residing on the premises shall be engaged in the home occupation, provided, however, that one (1) employee shall be permitted when the property on which the home occupation is located is a minimum of two net acres in size.

(6) Not more than ten (10) customers or clients shall come to the premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. Not more than three (3) delivery
vehicles shall access the premises each day. Businesses shall operate Mondays through Saturdays. Businesses receiving clients on the property shall provide one additional on-site parking space beyond those required for any dwellings located on the property.

(7) The use shall not generate traffic in excess of that normally associated with the residential use. Heavy commercial vehicles shall not be used in the home occupation for delivery of materials to or from the premises.

(8) No more than one vehicle or truck and one trailer per truck with a maximum one ton capacity shall be permitted in conjunction with any home occupation.

(9) No mechanical or electrical equipment shall be employed other than machinery or equipment typical of the type or specifications used in a hobby or a vocation customarily conducted within the confines of the dwelling unit.

(10) 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.

Permit Required

An administrative permit from the Department of Resource Management is required prior to the establishment of a Type II Home Occupation. Applications for a Type II Home Occupation permit shall be made in a manner and form determined by the Director of the Department of Resource Management. The Department may charge a fee for the permit in an amount to be set by the Board of Supervisors pursuant to Section 11-111 of this Code.
Section VIII

Section 28-53 of Chapter 28 is amended, as follows:

Sec. 28-53. Use permits

(a) Purpose. The purpose of the use permit is to provide for public review of certain land uses that may be compatible with other allowed and permitted land uses within a zoning district, but due to their type or intensity, require consideration of location, site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts. A use permit may be approved either for a temporary, fixed period or for an indefinite period subject to periodic renewal. Action on a use permit is discretionary.

(b) Compliance with building codes or other ordinances. Approval of a use permit does not exempt the 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, site plans, and data necessary to show that conditions set forth in subsections (h) and (i) of this section are fulfilled. Such application shall not be accepted as complete unless 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. Once a complete application is submitted, additional information and processing fees may be required in order to conduct environmental review of the proposal. When additional information or processing fees are required and not provided by the applicant, the application shall be denied.

(d) Public hearing. A 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 for minor use permits, extensions of time to exercise a previously approved use permits, minor revisions to use permits, and projects that are categorically exempt from the California Environmental Quality Act (CEQA) shall be heard by the zoning administrator, who may administratively refer any such application to the planning commission for hearing. All other applications shall be heard by the planning commission.

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

(f) Minor use permits. In addition to any use permit explicitly designated as “minor” by other provisions of this chapter, minor use permits include use permits for temporary signs, mobile homes, commercial coaches.

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

(2) When approving a use permit, the zoning administrator or planning commission may impose conditions in addition to the general conditions enumerated in subsections (h) and (i) of this section, together with guarantees that such conditions will be complied with, when such additional conditions are in the public interest.

(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 the time limits specified in the Permit Streamlining Act; except that the applicant and zoning administrator or planning commission may mutually agree to extend such period.

(4) Any action taken by the zoning administrator or the planning commission on a use permit application shall not become effective until the time for filing an appeal has expired or, if an appeal has been filed, the appeal has been decided or withdrawn.

(h) Required Findings. A use permit shall not be approved unless the zoning administrator or planning commission first makes all of the following general findings.

(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 impose conditions to ensure that the following design and operational standards are met.

[no amendments to subsections (i)(1) – (i)(35)]
(36) Uses established in the Fairfield Train Station Area, designated an Urban Project Area 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, or where the use has been abandoned, the zoning administrator shall give to the permittee notice of intention to revoke such permit at least fifteen days prior to a planning commission review thereof.

(2) Formal rules of evidence shall not apply to revocation proceedings, and witnesses need not be sworn, but the permittee shall be given an opportunity to respond to any evidence or testimony presented by the zoning administrator or the public. After conclusion of the review, the planning commission may revoke such permit or may modify the permit by imposing new or modified conditions to address the previous noncompliance.

(k) Expiration.

(1) Use permits approved for a temporary, fixed period of time shall expire on the date specified in the permit and shall thereafter be null and void, but any such permit may be revised pursuant to subsection (n) to modify its expiration date if an application to do so is filed at least 30 days prior to the expiration date. Use permits approved for an indefinite period do not expire but shall be revoked by the planning commission if abandoned or not timely renewed.

(2) In any case where a use permit has not been exercised within one year after the date of granting approval thereof, or any other period for exercise as stated in a condition of the permit, then without further action by the zoning administrator or planning commission, the use permit shall expire and thereafter be null and void except that, upon written request by the permittee, the zoning administrator may authorize an extension of the permit, not to exceed one year. Only one such extension may be granted.

(l) 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 Department of Resource Management 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 zoning administrator may permit the filing of such new application prior to the expiration of such six-month period.

(m) Appeal. Appeal from the action of the zoning administrator or planning commission may be made according to the provisions of Section 28-63.
(n) **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. 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.

(o) **Renewal.** A use permit approved for an indefinite period shall be subject to periodic renewal every five years, or such other period of time as may be set by the zoning administrator or planning commission in approving a use permit. The zoning administrator shall administratively approve a use permit renewal if the following conditions are satisfied:

1. the permittee has requested renewal,

2. the permittee has paid a renewal fee as may be set by the board of supervisors pursuant to Section 11-111 of this Code, and

3. the use is being conducted in full compliance with all conditions of the use permit. If the zoning administrator is unable to approve a renewal, the use permit shall be set for revocation. Every use permit approved prior to October 29, 2010, and still in effect as of that date shall be subject to the renewal period and procedure described in this subsection unless a different period or procedure is specifically described in the conditions of the permit.

**Section IX**

Section 28-53.1 of Chapter 28 is added, as follows:

**Sec. 28-53.1. Administrative permits**

(a) **Purpose.** For some uses allowed by right within a zoning district, this Chapter requires issuance of an administrative permit prior to development or operation of the use. The purpose of an administrative permit is to ensure that all standards and requirements for the use, as described in this Chapter or elsewhere in the Code, are met prior to commencement of the use and will continue to be met during operation of the use.

(b) **Types of administrative permits.** Administrative permits provided for in this Chapter include the following:

1. Temporary dwelling permit.

2. Temporary commercial coach permit.

Oil and gas well permit, outside of the Suisun Marsh.

Type II Home Occupation permit.

Mobile home storage permit.

Meteorological tower permit, prior to development of a commercial wind turbine project.

(c) **Application.** Applications for administrative permits shall be made in writing on a form prescribed by the zoning administrator, and shall include all information necessary to support issuance of the permit. Such application shall not be accepted unless accompanied by a fee or fees as may be set by the board of supervisors pursuant to section 11-111 of this code.

(d) **Action.** The zoning administrator shall administratively approve an application for an administrative permit if all standards and requirements specified in this Chapter and elsewhere in the code are satisfied. Action on an administrative permit is ministerial and shall be taken by the zoning administrator without notice or public hearing.

(e) **Revocation.**

(1) In any case where the conditions of an administrative permit have not been or are not complied with, or where the use has been abandoned, the zoning administrator shall give to the permittee notice of intention to revoke such permit at least ten fifteen days prior to the zoning administrator's review thereof.

(2) Formal rules of evidence shall not apply to revocation proceedings, and witnesses need not be sworn, but the permittee shall be given an opportunity to respond to any evidence or testimony presented at the hearing. After conclusion of the review, the zoning administrator may revoke such permit based on a finding that the conditions of the permit have not been complied with or that the use has been abandoned.

(f) **Appeal.** Appeal from the action of the zoning administrator or planning commission may be made according to the provisions of Section 28-63.
Section X

Section 28-61 of Chapter 28 is amended, as follows:

Sec. 28-61. Zoning Administrator

The Director of Resource Management 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.

SECTION XI

If any section, subsection, sentence, clause, phrase, part, or portions of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors declares that it would have adopted this Ordinance and each valid and constitutional section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions might be declared invalid or unconstitutional.

SECTION XII

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its passage and adoption and shall take effect thirty (30) days from and after its passage.

Passed and adopted by the Solano County Board of Supervisors on September 28, 2010, by the following vote:

AYES: Kondylis, Reagan, Seifert, Spering, and Chair Vasquez

NOES: None

EXCUSED: None

John M. Vasquez, Chairman
Solano County Board of Supervisors
Ord. 2010-1713

ATTEST:
Michael D. Johnson, Clerk
Solano County Board of Supervisors

By: Patricia J. Crittenden, Chief Deputy Clerk