ORDINANCE NO. 183

AN ORDINANCE AMENDING ORDINANCE NO. 183 OF THE COUNTY OF SOLANO.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 183 entitled, "Solano County Zoning Procedure Ordinance--An Ordinance of the County of Solano, State of California, prescribing the Procedure which shall Govern in connection with any Zoning Plan or part thereof which may be Adopted for any Portion of the Unincorporated Territory of said County and in Connection with any Ordinance relating Thereeto", is hereby amended as follows:

Section 2 of said Ordinance is hereby repealed.

Section 8 of said Ordinance is hereby amended to read as follows:

In order to prevent or lessen unnecessary hardships or practical difficulties in specific, exceptional cases where it is difficult or impossible to comply with the strict letter of any zoning ordinance, it is necessary to so administer the ordinance that adjustments of the strict letter of the ordinance may be made in such a way that public welfare is secured and substantial justice done most nearly in accord with the intent and purpose of the ordinance.

In order to provide a means of determining whether certain prescribed uses would be properly located in certain districts of any zoning ordinance, under such conditions as shall exist, it is necessary to so administer the ordinance that any of said uses shall first have secured a Use Permit before location in said districts.

The administration of any zoning ordinance for the purpose of making adjustments and of approving the granting of use permits shall be performed by a Board of Adjustments.

A Board of Adjustments is hereby created. The membership of the Board of Adjustments, sometimes referred to in this section as the Board, shall consist of three (3) members of the Planning Commission appointed by the Board of Supervisors. Terms of office of Board members shall terminate coincidently with their terms of office as members of the Planning Commission. The Board shall elect a Chairman and a Secretary, and shall adopt its own rules regarding meetings and procedure of the Board. The Board officers shall be elected for a period of one (1) year. Upon the approval of the Planning Commission, the Board may obtain the services of any Planning Commission employee for the purpose of investigating and advising on matters that are before the Board, in which case any such employee shall be eligible to be elected Board Secretary.

The Board shall not have the power to change any Zoning District or Regulation. The Board shall have the power only to grant such adjustments and to approve such use permits as are specified hereinafter in this section.

ADJUSTMENTS

1. To interpret the provisions of this ordinance or of any zoning ordinance.
2. To vary the application of the lot area and open space regulations.
3. To permit the extension of a use into a more restricted district, where the district boundary line divides a lot in single ownership at the time of passage of any zoning ordinance.
4. To permit a private garage as an accessory building in a front yard, side yard or court.

USE PERMITS

1. For any of the uses or purposes for which such permits are required or permitted by the provisions of any zoning ordinance.
2. For any of the following in any district established by any zoning ordinance:
   a. A public utility or public service use or a public building; when found to be necessary for the public health, safety, convenience or welfare.
   b. Commercial excavating of natural materials used for building or construction purposes.
   c. To classify as a conforming use any institutional use existing as a non-conforming use in a district at the time of the establishment of such district.
   d. To permit the location of any of the following uses in a district from which it is excluded by the provisions of any zoning ordinance establishing such district: airport, library, museum, community center, church, hospital, institution of an educational, philanthropic or charitable nature, riding academy, auto camp, cemetery, crematory, mausoleum, and any other place for the disposal of the human dead.

Application for an adjustment or use permit shall be made to the Board, in the form of a written application for a building permit, and shall set forth all details of the proposed construction or use and shall include any other information required by the Board. Such application shall be filed with the Secretary of the Board.

The Board shall consider said application not later than at its next regular meeting. The Board may, in its discretion, hold one or more public hearings on any application. A public hearing shall be held, however, before the approval of a use permit for the establishment of any use listed in the paragraph numbered "d" of paragraph "2" of this section. The Secretary of the Board shall cause public notice of any public hearing to be given by causing one notice thereof to be published in a newspaper of general circulation in the county at least 10 days before the date of such hearing and by causing such other notice of such hearing as the Board may order. Before the giving of such notice, however, the applicant shall deposit with the Secretary of the Board a fee of Ten (10) Dollars, no part of which is returnable.

The concurring vote of two members of the Board shall be necessary to grant an adjustment or to approve a use permit. In granting any adjustment the Board shall find that said adjustment will relieve an unnecessary hardship or practical difficulty that would otherwise be caused by the application of the strict letter of the ordinance and that said adjustment will not be contrary to the public welfare. In approving any use permit the Board shall find that the establishment of said use will not, under the circumstances of the particular case, be contrary to the public welfare.

In acting upon any adjustment or use permit the Board may designate such regulations as a condition of the Board's action as may be deemed necessary for the protection of the public interest; any violation of which regulations shall automatically invalidate the adjustment or use permit, whichever the case may be.

In all cases where the Board has allowed an adjustment, except in cases of appeal, as hereinafter provided, the building permit for such building or work to be done in accordance with the decision of the Board, may be issued by the Zoning Inspector or such other officer
as may be charged with the duty of issuing such permits within forty-eight (48) hours after
the decision of the Board. In all cases where the Board has approved a use permit, no permit
shall be issued under the provisions of this section unless and until a recommendation of the
Board approving the same shall have been approved and confirmed by the Board of Supervisors.
In reporting its decision to the Board of Supervisors, the Board shall include its findings
with respect thereto, and pertinent facts in connection therewith, and shall specifically
and fully set forth any adjustment or variance recommended, together with conditions, if any,
to be imposed. Upon receipt of the Board's report approving the granting of the use permit,
the Board of Supervisors either shall, by resolution, approve said recommendation whereupon
the permit, as applied for, may issue, or shall disapprove said recommendation, with reasons
for such disapproval.

Whenever the Board renders a decision on an adjustment, the applicant or authorized
agent or any person claiming to be personally adversely affected by said decision or authorized
agent of such person may, within forty-eight (48) hours thereafter file with the Secretary
of the Board a written notice of appeal to the Board of Supervisors. No building permit,
including any adjustment from which appeal has been made, shall be issued until after said
appeal has been decided by the Board of Supervisors. In the event of an appeal, the Secre­
tary of the Board shall submit to the Board of Supervisors a report of the particular case,
including reasons for the decision rendered by the Board. The decision of the Board of
 Supervisors upon any appeal shall be final and conclusive. If notice of appeal has not been
filed in the time and manner hereinabove provided, the decision of the Board shall be final.

SECTION 2. This ordinance shall be published in VALLEJO MORNING TIMES-HERALD,
a newspaper of general circulation, printed and published and circulated in the County of
Solano, and the County Clerk is hereby directed to cause the same to be so published within
fifteen days after its passage.

SECTION 2. This ordinance is hereby declared to be an urgency ordinance by reason
of the fact that at the present time it is necessary for any person desiring to effect a
variance in the provisions of the zoning ordinance to submit their requests for such variance
to the Planning Commission, who in turn must act upon the petition and refer the matter to
the Board of Supervisors for their action before such a variance can be permitted. As a
consequence people desiring legitimate variances in the provisions of the zoning ordinance
are required to suffer unnecessary delay, with the result that unless this ordinance takes
effect immediately, people may refuse to abide by the provisions of the ordinance and neces­siti­
tate criminal proceedings and disturbances among neighbors and all to the detriment of the
public health, peace and safety.

George C.Damison
Chairman of the Board of
Supervisors of the County of
Solano, State of California.

ATTEST:
G. G. Halliday
County Clerk and ex officio Clerk
of said Board of Supervisors. (SEAL)

The foregoing ordinance was regularly introduced, passed and adopted at a regular
session of said Board of Supervisors held on the 2d day of October 1939, by the following vote:
AYES: Supervisors Brown, Donelson, Folsom, Schreiber, Dameron.
NOES: None.
ABSENT: None.

WITNESS my hand and official seal as such clerk this 8d day of October 1939.

G. G. Halliday
Clerk of said Board.