

ATTACHMENT 3: COASTAL ZONING ORDINANCE
ORDINANCE AMENDMENT ADDITIONAL REVISIONS EXCERPTS

SECTION 26:

Section 35-74. DR – Design Residential.

Section 35-74.13 Open Space.

Open space, unoccupied by main or accessory structures not directly related to the open space amenities, storage, parking areas, public or private streets, driveways, and loading areas, shall be provided in accordance with the following standards.

1. Minimum amount of open space.
 - a. Maximum Zone Density of Less than 20 Dwelling Units per Gross Acre (i.e. DR-0.1-DR-16). A minimum of ~~200~~300 square feet of open space shall be provided per dwelling unit. The required open space shall be provided as common or private open space in conformance with the standards of this section.
 - b. Maximum Zone Density of 20 Dwelling Units per Gross Acre or More (i.e. DR-20-DR-30/40). A minimum of ~~60~~150 square feet of open space shall be provided per dwelling unit. A minimum of 25 percent of the required open space shall be provided as common open space in conformance with the standards of this section. The balance of the required open space shall be provided as private or common open space in conformance with the standards of this section.
2. Configuration.
 - a. Private Open Space. Private open space typically consists of balconies, decks, patios, yards, and other similar areas outside the residential unit that are exclusively used by occupants of the specific unit and their guests.
 - b. Common Open Space. Common open space typically consists of recreational areas, landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development and may be used by all occupants of the development. All or a portion of required common open space may be provided as public open space and developed as public parks, trails, or other public recreational facilities (e.g., sports fields or courts, playgrounds, picnic or BBQ areas, community center, pool/aquatic facility, gymnasium) to provide recreational opportunities for use by both the residents of the site and the public.
3. Minimum Dimensions.
 - a. Private Open Space.

- (1) Ground Level. Private open space located on the ground level (e.g., yards, decks, patios) shall be a minimum of eight feet in length and eight feet in width.
 - (2) Above Ground Level. Private open space located above ground level (e.g., balconies) shall be a minimum of six feet in length and six feet in width.
 - b. Common Open Space. Common open space areas shall be a minimum of 15 feet in length and 15 feet in width, and must include at least one area of a minimum of 50 feet in length and 50 feet in width. The minimum dimensions must be uninterrupted by walkways with the primary purpose of providing access to and between buildings, parking areas, or other site features.
4. Usability. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable surfacing. Slope shall not exceed 10 percent.
 5. Accessibility.
 - a. Private Open Space. The space shall be accessible to only the individual residential unit it serves and shall be accessible by a doorway to a habitable room or hallway.
 - b. Common Open Space. The space shall be accessible to all dwelling units within the development.

Section 35-74.14 Landscaping.

Any driveway or uncovered parking area shall be separated from property lines by a landscaped strip not less than five feet in width. All areas of the site not designated for a specific use shall be landscaped, including required setback areas. A minimum of 15 percent of the site shall be landscaped.

SECTION 43:

Section 35-77A. C-1 – Limited Commercial

Section 35-77A.3 Permitted Uses.

1. Retail stores, shops or establishments supplying commodities for travelers, as well as residents in the surrounding neighborhood, provided that such enterprises are conducted entirely within an enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, hardware and appliance stores, clothing and shoe stores, sporting goods stores, pet shops, prescription pharmacies, florist shops, automobile accessory stores, garden supply stores and other similar uses, but not including uses which are incompatible with their adjoining residential uses due to noise, glare, odor and hazardous material concerns, such as amusement enterprises, miniature golf courses, automobile and machinery sales or service establishments, music recording studios, pool supply stores or car washes.

2. Service uses conducted entirely indoors such as laundry, laundromats, dry-cleaning substations, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and repair shops, physical fitness studios, and other similar uses.
3. Restaurants and cafes, including outdoor restaurant, cafe or tea room.
4. Financial institutions such as banks, excluding corporate offices, and savings and loan offices and general business offices which would serve the neighborhoods, such as real estate offices and general practitioners' offices, but not including trade or business schools.
5. Retail Plant nurseries.
6. Community non-profit recycling facility.
7. Day care center, principal use serving up to and including 50 children, subject to the provisions of Section 35-143 (Community Care Facilities).
8. One Single Family Residence, on a lot where there is no commercial use, subject to the regulations set out in Section 35-77A.6, Minimum Lot Size, and Section 35-71 (R-1/E-1).
9. Residential uses up to ~~20~~10 units per acre where nonresidential uses are located along the street frontage and residential uses are located on an upper story or behind a nonresidential use, and the nonresidential space has a minimum depth of 40 feet.
10. Accessory dwelling units and junior accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
11. Transitional and Supportive Housing, subject to the provisions of Section 35-143.5 (Transitional and Supportive Housing).
12. Low barrier navigation centers, subject to the provisions of Section 35-144I, and Government Code Section 65662.
13. Overnight visitor-serving accommodations such as bed-and-breakfasts, lodges and hostels.
14. Cannabis, Retail, subject to the provisions of Section 35-144U.
15. Cannabis, Testing, subject to the provisions of Section 35-144U.
16. Accessory uses, buildings and structures which are customarily incidental to any of the above uses, provided, that the accessory structures and uses are in compliance with all applicable requirements of this Ordinance, including standards for specific uses and structures in Division 7 (General Regulations).

SECTION 49:

Section 35-78. C-2 – Retail Commercial

Section 35-78.5 Uses Permitted With a Minor Conditional Use Permit.

1. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.
2. Automobile and machinery repair and service conducted partially or wholly outdoors.
3. Boat sales yard and boat repair and services, but not including painting or junk yards for boats.
4. Cabinet shop.
5. Cleaning and dyeing establishment.
6. Electrical shop.
7. Frozen food locker as part of a retail store.
8. Furniture repair and upholstery.
9. Handicraft-type industries subject to the provisions of Section 35-172.11 (Conditional Use Permits).
10. Lumber and building materials sales yard.
11. Mechanical car wash.
12. Plumbing, heating, and ventilating shop.
13. Pump sales and service.
14. Outdoor sale of pool supplies, patio furniture, and spas.
15. Sales of fresh fruit, vegetables, and flowers from a motor vehicle or stand not affixed to the ground.
16. Sales or storage lot for trailers, including trailers used for carrying property, and recreational vehicles.
17. Sign painting shop.
18. Trailer rentals, including trailers used for carrying property, and truck rentals.
19. Welding and small tool machine shop.
20. Residences at a maximum ~~30~~20 units per gross acre as part of a mixed use development where there is a minimum of one nonresidential use on the same site. The total gross floor area of residential uses shall not exceed 50 percent of the total gross floor area of all uses on the site. This standard may be increased up to 75 percent through Development Plan approval where the review authority finds that the proposed development and existing land

uses located in the vicinity of the project site provide an adequate amount of commercial uses to meet the overall purpose and intent of the area as a commercial district and the character of the surrounding area is such that additional residential square footage is appropriate.

21. Transitional and Supportive Housing, subject to the provisions of Section 35-144V (Transitional and Supportive Housing).
22. Certified Farmer's Market.
23. Emergency Shelter.
24. Single Room Occupancy Facility.
25. Day care center, principal use, serving children, subject to provisions of Section 35-143 (Community Care Facilities).

SECTION 160:

Section 35-173. Variances

Section 35-173.4 Contents of Application.

An application for a Variance ~~shall~~may be submitted in compliance with Section 35-57A (Application Preparation and Filing).

SECTION 181:

Section 35-182. Appeals.

Section 35-182.4 Appeals to the Planning Commission.

- A. **Decisions appealed to the Planning Commission.** The following decisions may be appealed to the Planning Commission provided the appeal complies with the requirements of Section 35-182.2.C. and D.
 1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval in compliance with Subsection 35-182.3.C.2.a (Appeals of preliminary decisions of the Board of Architectural Review).
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section 35-182.2.C.2.b.
 2. **Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article.

- b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
- c. Any decision of the Director to revoke an approved or issued permit.
- d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permits approved in compliance with Section 35-137 (Temporary Uses).
- e. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
- f. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated decision-maker.
- g. Any decision of the Director as to whether or not an unauthorized mobilehome park closure is underway.
- h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

~~3. **Zoning Administrator decisions.** The following decisions of the Zoning Administrator may be appealed to the Planning Commission, except that when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan, the decision of the Zoning Administrator may be appealed to the Board of Supervisors.~~

- ~~a. Any decision of the Zoning Administrator to approve, approve with conditions, or deny a discretionary application where the Zoning Administrator is the designated decision maker.~~
 - ~~b. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision maker except when specifically provided that such action, decision or determination is final and not subject to appeal.~~
- B. **Report to the Planning Commission.** The Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the decision maker before the hearing on an appeal.
 - C. **Scope of Appeal Hearings.** The hearings on the appeal shall be de novo.
 - D. **Action on Appeal.** The Planning Commission shall affirm, reverse, or modify the decision of the decision maker.

Section 35-182.5 Appeals to the Board of Supervisors.

- A. **Decisions appealed to the Board.** The following decisions of the Planning Commission may be appealed to the Board of Supervisors provided the appeal complies with the requirements of Section 35-182.2.C. and D.
1. Any final action on decisions that are appealed to the Planning Commission in compliance with Section 35-182.4. (Appeals to the Planning Commission).
 2. Any final action on decisions of the Planning Commission to approve, approve with conditions, or deny a discretionary application where the Planning Commission is the designated decision-maker.
 3. Any other action, decision or determination made by the Planning Commission as authorized by this Article where the Planning Commission is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.
 4. Any decision of the Zoning Administrator to approve, approve with conditions, or deny a discretionary application where the Zoning Administrator is the designated decision-maker ~~when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan.~~
 5. Any other action, decision or determination made by the Zoning Administrator as authorized by this Article where the Zoning Administrator is the decision-maker ~~when the lot that is the subject of the decision of the Zoning Administrator is located within the Montecito Planning Area as designated in the Montecito Community Plan except when specifically provided that such action, decision or determination is final and not subject to appeal.~~
- B. **Report to the Board of Supervisors.** The Department shall transmit to the Board of Supervisors copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Planning Commission before the hearing on an appeal.
- C. **Scope of Appeal Hearings.** The hearings on the appeal shall be de novo.
- D. **Action on Appeal.** The Board of Supervisors shall affirm, reverse, or modify the decision of the Planning Commission.

SECTION 191:

APPENDIX B: SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Zoning Ordinance allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Zoning Counter and pays applicable fees which may vary depending on the complexity of the request.
2. The project manager, if they are still available, reviews the project description that was considered at the time of project approval.
3. The project manager considers key issues:
 - a. Will the deviation result in a change to the project that would alter the scope and intent of the project the decision-makers acted on?
 - b. Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures? Or, if the project was not subject to CEQA, would the deviation potentially result in an environmental effect or need for mitigation measures?

If the answer to any of these basic questions is "yes", the project manager cannot make a determination of substantial conformity.

4. The project manager compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
 - a. Does not conflict with project conditions of approval and/or final map conditions.
 - b. Does not result in health or safety impacts.
 - c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the County.
 - d. That the proposed changes can be effectuated through existing permit conditions.
 - e. Generally, the proposed changes do not result in an increase in square footage greater than 10 percent of the total square footage of the original approval or ~~1,000~~500 square feet, whichever is ~~less~~more, up to a maximum increase of 5,000 square feet, measured cumulatively from the original approval.
 - f. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.
 - g. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive habitat or designated as areas prohibiting structures or other development.
 - h. Is consistent with Comprehensive and/or Coastal plan policies and applicable zoning ordinances.

- i. Does not result in more than 50 cubic yards, and avoid slopes of 30 percent or greater (unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts).
- j. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
- k. Does not result in an overall height which is greater than 10 percent above the approved height of the tallest structure. The project must remain consistent with height requirements of the zoning district.
- l. Receives BAR approvals for landscaping and structures, if necessary.
- m. Does not result in a significant intensification of use.
- n. Does not affect easements for trails, public access, or open space.